

INTERNATIONAL REVIEW OF SCOTTISH STUDIES

ISSN 1923-5755  
E-ISSN 1923-5763

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**CRIME AND PUNISHMENT IN EARLY-MODERN SCOTLAND:  
THE SECULAR COURTS OF RESTORATION ARGYLLSHIRE,  
1660-1688**

Allan Kennedy\*

The study of crime in the early-modern period has become increasingly sophisticated in recent decades. This is particularly true in England, where a growing body of research, often taking the form of local case-studies, has shed significant light on the dynamics of criminal activity and the workings of the criminal justice system.<sup>1</sup> By contrast, our knowledge of Scottish criminality remains very under-developed. No sustained effort to reconstruct Scotland's experience of crime before the eighteenth century has so far been published—one very useful case-study of late-sixteenth-century Aberdeen notwithstanding—with interest before this period focusing largely on discrete themes, such as female crime, witch-hunting, feuding, and sexual and moral deviance as revealed through Church court proceedings.<sup>2</sup> As a result, Scottish historians have been unable properly to engage with some of the big issues with which their English counterparts have been grappling for years. What crimes were prosecuted in early-modern society, by

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The author would like to thank Dr Siobhan Talbott and the anonymous referees for their useful comments on earlier drafts of this article.

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whom, and how were they dealt with? What does criminal activity reveal about broader social dynamics, particularly in terms of the relationship between social groups? What was the purpose of criminal prosecution? How, and by whom, was it directed? How far, if at all, can the trial and punishment of criminals be linked to the emergence of the early-modern “state”?<sup>3</sup> This article hopes to make an initial contribution towards addressing these key questions, and it will do so by way of a regional case-study of Argyllshire, a county whose unique judicial infrastructure, discussed below, and unusually rich corpus of surviving judicial records makes it an appropriate subject for such close attention. Discussion centres on the Restoration between 1660 and 1688, with this chronological focus being dictated largely by the vagaries of record-survival, it being the earliest period for which a sufficient volume of judicial material has survived from the county. Utilizing trial data, principally 1,489 extant indictments gathered from the region’s local public courts, supplemented by Argyllshire cases appearing in central jurisdictions, the article begins by exploring the jurisdictional set-up, before moving on to analyze patterns of both criminal activity and judicial punishment, placing each of these themes within their wider contexts.<sup>4</sup> The quantitative approaches used to achieve this analysis represent a methodology with long-recognized limitations which are discussed more fully below, but it has the advantage of allowing for the recovery of broad patterns in prosecuted criminality and the response to it. In uncovering these, the article seeks to understand the local experience of crime and punishment in early-modern Scotland, thereby also sketching out some parameters for further research.

### **Jurisdictions**

Early-modern systems of criminal justice were not distinguished by bureaucratic clarity. Having developed organically over time, most displayed a high degree of complexity and jurisdictional overlap, while still retaining a basic division between superior courts competent in more serious crimes, and inferior bodies interested in lesser offences.<sup>5</sup> The Scottish situation, in which Argyllshire partook, shared in this general structure, although naturally displaying local peculiarities.<sup>6</sup> Parliament and the Privy Council

exerted supreme authority, although generally neither got involved in day-to-day criminality, exercising their jurisdiction mainly in matters of national interest. In the case of Restoration Argyllshire, this meant that they limited themselves to two major interventions: the treason trial of Archibald Campbell, marquis of Argyll in 1661, and prosecutions related to the rebellion in 1685 of his son, Archibald Campbell, 9th Earl of Argyll (a Scottish echo of the better-known Monmouth Rising).<sup>7</sup>

In the normal course of events, the supreme criminal court in Scotland was the high court of justiciary based in Edinburgh (the court of the justice general before 1672), but in Argyllshire this jurisdiction was devolved wholesale to be held as a heritable regality by the Earls of Argyll, who thus ran their own justiciary court usually based at Inveraray.<sup>8</sup> The Argyllshire regality was the most extreme example of the Scottish phenomenon of the “heritable jurisdiction.” This referred to judicial privileges enjoyed by many Scottish landholders as part of their charters. Emerging during the Middle Ages, these franchise courts, covering the vast majority of the country, had complemented the relatively limited network of royal courts and done much of the everyday donkey-work of criminal prosecution. Most reflected grants *in liberam baroniam*, meaning that the holder was entitled to convene a “barony” court which could try a limited array of criminal matters, although, in practice, most barony courts had by the seventeenth century evolved into tools of estate management. A few franchise courts, however, derived from charters held *in liberam regalitatem*, implying a right to hold far more powerful “regality” courts that could hear crimes up to and including the “four pleas of the crown,” meaning those crimes—murder, arson, rape and robbery—usually reserved to the central royal courts.<sup>9</sup> The Earls of Argyll’s judicial rights in Argyllshire reflected this latter class of privilege, and they represented by far the most geographically extensive regality in Scotland.

The main inferior jurisdictions were the sheriff and justice of the peace (JP) courts. The former, again run by the Earls of Argyll as heritable sheriffs, theoretically held jurisdiction over all crimes save treason and the “four pleas.” JPs, meanwhile, were competent, according to the lawyer and lord advocate George

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Mackenzie of Rosehaugh, in “petty ryots, servants fies, and many such like, relating to good neighbour-hood;” in other words, theirs were the lowest of the public jurisdictions, often in fact concerned more with local administration and, when turning to crime, confined to petty transgressions.<sup>10</sup> There was also a patchwork of small courts with even more geographically or jurisdictionally limited competencies, among them the burgh courts, dealing with civil and criminal matters in urban areas, and the aforementioned barony courts. None of these, however, have left records from the Restoration, and so are not considered in this article.

The existence of multiple, overlapping jurisdictions could be a recipe for friction.<sup>11</sup> Thus, proposals in 1671 to reform the justiciary court by extending its use of circuit courts were resisted by the 9th Earl of Argyll, who sought to ensure that this would not undermine his own position as hereditary justice general in Argyllshire.<sup>12</sup> Perhaps more importantly, the demarcations between jurisdictions were very uncertain in practice. The “pleas of the crown,” which should in theory only have been tried by the justiciary court, turned up fairly often amongst the inferior courts’ business. One case of fire-raising, against Duncan Stewart in 1687, was heard before the sheriff court.<sup>13</sup> Similarly, while the majority of indictments for murder—nineteen—were heard before the superior jurisdiction of the justiciary court, seven appeared before the sheriff.<sup>14</sup> The same was true of animal theft, which was theoretically equivalent to robbery and thus reserved to the superior courts, none of which stopped the sheriff court from hearing more than 100 cases, approximately one-fifth of the total number.<sup>15</sup> Just one of the “four pleas,” rape, never appeared before the inferior courts, but since John Campbell of Lerags’ appearance before the justiciary court of Edinburgh in 1673 was the only extant prosecution for this crime during the Restoration, there is a limit to what this can tell us.<sup>16</sup> In fact, the only crimes unambiguously reserved to superior jurisdictions in practice were rebellion and treason, all 151 of the extant cases of which (nearly all related to Argyll’s rebellion) were tried either in the justiciary courts or before the Privy Council and parliament. In the rest of Scotland it was certainly possible for lower courts to try the “pleas of the crown” in this way, but only upon petition to either the high court

of judiciary or, more commonly, the privy council, which would then grant a special, one-off commission permitting inferior judges to hear the case.<sup>17</sup> There is no evidence of similar petitions operating in Argyllshire, and the mechanism by which it was decided to hear the “pleas of the crown” before inferior jurisdictions remains opaque – if, indeed, one existed at all.

If jurisdictional blurring meant that the sheriff court sometimes tried “pleas of the crown,” the JP court similarly found itself dealing with a rather broader range of cases than might be expected. Certainly, it dealt with many of Rosehaugh’s offences “relateing to good neighbour-hood.” For instance, John Culter was a native of Antrim who had come to Argyllshire “to visit and see Persones seek and deseased, and could under God Cure the Kings evel [scrofula] and severall other dangerous deceases.” He could however produce no proof to back up his claims of miraculous healing ability, and the justices, deciding he was nothing but a charlatan and a vagrant, had him incarcerated in 1686.<sup>18</sup> Yet some of the JP cases would more typically have been expected to appear before a sheriff. Into this category might be placed the theft of butter from John McIllehallum, ascribed to Donald McIntyler, John McIntyler and Soerlie McAllister, or the taking of a barrel of herring by Angus McEchrine and John McIlchenzie.<sup>19</sup> Even more strikingly, the justices raised a total of twenty-two indictments for animal theft, alongside eighteen for assault, two crimes which stood most definitely outside the typical remit of a JP. Too much interpretive weight should not be placed on such details, since only a small number of JP indictments survive, all of them dating to the period 1685-86 when the chaos of Argyll’s rising no doubt played havoc with governmental and judicial structures. Nevertheless, the fact that Argyllshire’s JPs devoted some of their time to hearing serious criminal cases underlines the sense of jurisdictional imprecision, while also, incidentally, reinforcing the historiographical trends towards a more positive reassessment of the role of the Scottish JP.<sup>20</sup>

The extent to which jurisdictions merged can be seen most clearly in the treatment of poaching. Such prosecutions were essentially about enforcing elite privileges by stopping tenants from damaging or unduly exploiting the natural resources on their lords’

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estates. As such, they were commonly pursued in barony courts.<sup>21</sup> But in Argyllshire, poaching was habitually tried in the higher courts; the sheriff and justiciary courts handled nearly 200 cases each during the Restoration. This perhaps hints at an explanation for the marked jurisdictional imprecision of Argyllshire. Judicial authority was strongly concentrated in the hands of the Earls of Argyll, reinforced by the Campbell kindred's dominance of JP appointments, of which they secured nearly two-thirds across the Restoration; with all the courts firmly under the influence of Argyll, there may have been little reason to worry about precise jurisdictional demarcations.<sup>22</sup> The extent of judicial concentration may well have been unique to Argyllshire, although further investigation of other localities, in particularly the smaller regalities, will be needed before this can be known for certain. In qualitative terms, however, such a pattern is not especially surprising, since it reflected the standard practice across early-modern Europe whereby magistrates were always drawn from the ranks of pre-existing social elites. This served to meld their innate authority at a local level—social, political and jurisdictional—with formal legal powers, thereby creating what Michael Braddick has termed a “magisterial” state of benefit to both government and elites.<sup>23</sup> The pattern was especially pronounced in Scotland, not only on account of heritable jurisdictions and the tendency of sheriffships likewise to become hereditary, but also because secular magistrates were often also elders involved in ecclesiastical discipline. This ensured that the secular courts formed part of a wider system of social control which, through the interconnectedness of its personnel, had the potential of working in pursuit of common values and following a consistent approach to wrongdoing.<sup>24</sup>

Nonetheless, there were palpable contemporary concerns that the jurisdictional matrix in Argyllshire had become unhealthily focused on a single person in the form of the Earl of Argyll. This issue was examined by Rosehaugh in a petition to parliament in 1681:

The office of shirreffship of the shire of argyll and  
the office of iustice Generall over the wholl Isles ar

established in the person of this Earle of Argyll [...] wherby not only is the dependence of a fourth part of the Kingdome of Scotland taken off the King but the 4th part of his Majesties subjects are subjected to tryalls for their lyves and fortunes in Remote places wher they can neither have advocats and wher the Earle is both judge and partie.<sup>25</sup><sup>00</sup>

Rosehaugh's attack reflected long-standing unease about heritable jurisdictions in general. The expansion of the Scottish state from the later sixteenth century meant that franchise courts came to be seen as a challenge to order and royal control, as well as to the impartial exercise of justice. At the same time, franchise holders, whose privileges derived solely from land-ownership, rarely boasted legal training, and as such their brand of justice was vulnerable to charges of irregularity. Franchises came under some (largely ineffective) pressure in the first half of the seventeenth century, and vanished altogether under the Commonwealth regime of the 1650s, but they were restored as part of a wider conservative reaction upon the recall of the Stuart monarchy in 1660, and would remain in existence until 1747.<sup>26</sup> The more immediate context for Rosehaugh's intervention, however, was widespread concern about Argyll's political influence in the Restoration polity. He was a key ally of John Maitland, duke of Lauderdale, Charles II's politically dominant secretary of state for Scotland, entrusted with almost vice-regal authority over the Highlands, and it was feared that his jurisdictional stranglehold over Argyllshire allowed him to use the courts in illegitimate or destabilizing ways.<sup>27</sup> The problem was graphically demonstrated during the 1670s, when a protracted quarrel between Argyll and the Macleans of Mull, rooted in the latter's indebtedness to the former, spiralled into an open feud and, ultimately, a miniature war on the western seaboard.<sup>28</sup> Argyll's judicial dominance, and his ruthless exploitation of this advantage, were widely recognized as key reasons for the escalation of the conflict; as John Lauder of Fountainhall, one of the senators of the college of justice, explained, Argyll had "gotten letters of fyre and sword against [the Macleans], and neir forced them to the fields in their oune defence, and all upon patched-up clames and decreets in

his oune Courts.”<sup>29</sup> The concentration of judicial power in Argyll’s hands thus spoke to wider concerns about the unhealthy extent of the earl’s political power, particularly within the Gaeldom.

Jurisdictional ambiguity in Argyllshire was not helped by the tendency of the Restoration regime to create extraordinary or temporary jurisdictions. Sometimes this was done through the well-worn expedient of one-off judicial commissions, a standard practice in early-modern Scotland whereby specified persons were granted licence to apprehend and/or try a named individual or group.<sup>30</sup> Although not considered in this survey because they were often geographically fluid, some of these, such as the fifteen-strong commission to arrest several members the Maclean family in July 1675, affected Argyllshire residents and necessarily formed a significant component of its overall ordering matrix.<sup>31</sup> Since these bodies rarely left paperwork, it is impossible to quantify their impact on standard court business, although since commissions usually involved serious crimes like homicide or robbery, it is possible that they had the effect of reducing the number of these transgressions appearing before ordinary judges.

Other extraordinary jurisdictions were more wide-ranging and displayed more significant overlap with existing courts. In 1669, James Campbell of Lawers was granted a broad-based commission to apprehend thieves within the Highlands, including Argyllshire. This commission remained in force until 1678, although the identity of the commissioner occasionally changed, and it included a judicial element, since Lawers was accorded the right to try those he apprehended in a special court that would of necessity compete with existing jurisdictions. Something similar happened in 1682, with the creation of the 67-strong commission for pacifying the Highlands, charged with tackling disorder within Gaeldom, again including Argyllshire by, among other approaches, trying thieves in special courts.<sup>32</sup>

Lack of records mean that no cases tried before these jurisdictions are considered in the quantitative discussions below, but the records of the final special jurisdiction of the Restoration period, the lieutenancy court, are included. A lieutenant for Argyllshire, initially John Murray, second marquis of Atholl, was appointed in 1684, and this office was periodically re-created

across the remainder of the decade. While lieutenancies of this kind had in the past been used fairly frequently to supplement weak royal control in outlying parts of Scotland, this particular lieutenancy was an emergency response to a local political crisis; the Earl of Argyll had been convicted of treason three years previously as part of a bungled attempt by Charles II to reduce his political power, and had fled overseas. By 1684 he was widely expected to launch a rebellion in the west Highlands (he would do so, to little effect, the following year).<sup>33</sup> Functioning essentially as a direct replacement for Argyll's now-defunct justiciary and shrieval jurisdictions, the lieutenancy was designed to fortify Argyllshire against the anticipated insurrection. As such, it competed not only with existing local courts, but also with the commissioners for pacifying the Highlands, since nobody seems to have been quite sure which of them was ultimately superior.<sup>34</sup> The formation of extraordinary jurisdictions was often justified through claiming that the existing judicial infrastructure was too slack or confused to suppress criminal activity effectively. It is however doubtful whether the creation of additional, often ill-defined, jurisdictions did very much to clarify the already tangled structure of secular courts.

### **Crimes and Criminals**

Scotland's judicial infrastructure may have been confused, but according to some conventional readings it must also have been effective, since Scottish society in the early-modern period used to be considered as relatively less prone to criminality than many other parts of Europe.<sup>35</sup> Such conclusions, however, always sat uneasily with the concurrent historiographical model (itself subject to challenge) of pre-modern Scotland being particularly violent, thanks in no small part to the persistence of inter-family conflict alongside localized disorder in the Highlands and Borders.<sup>36</sup> Moreover, they emerged in the absence of detailed empirical research into Scottish criminality, with more recent work beginning to call them into question and instead recognizing crime as not only relatively common, but by some interpretations—notably that of Falconer—a central, even necessary component of everyday social interactions.<sup>37</sup> More generally, the kind of quantitative analysis

required to underpin any assessment of historic crime rates is inherently problematic. Some of this uncertainty is rooted in the ubiquitous issue of non-survival of records, but a more profound difficulty surrounds the “dark figure,” meaning criminal activity that was never prosecuted or even recorded in the first place, which inevitably means that recorded crime, as revealed through judicial records, significantly under-states actual levels of deviance. The reasons for this phenomenon have been extensively discussed, with explanations generally revolving around the bureaucratic limitations of early-modern states, the prevalence of informal, extra-judicial punishment, and the fact that authorities tended to view prosecution as an exemplary tool. The upshot is that robust reconstructions of actual crime rates are generally regarded as unattainable.<sup>38</sup> Conclusions, in short, can only ever be considered indicative of a much wider, unrecoverable criminal experience.

Nonetheless, historians have attempted to use prosecution material to outline patterns of criminal behaviour, especially in England. English felony prosecutions related strongly to property offences, which probably accounted for more than three-quarters of assize business—and more in London, where property crime was overwhelmingly dominant.<sup>39</sup> Concentrated local studies have added nuance to this overarching pattern. In Essex, property crime fell in relative importance across the seventeenth century, with other misdemeanours—violent offences, drink-related crime and, especially, refusal to work—becoming proportionately more important.<sup>40</sup> By contrast, property crime, especially grand larceny, remained the most common type of offence tried in Surrey and Sussex, although petty assault was also quite common in the more urbanized parts of Surrey, while violent crime, including murder, was disproportionately frequent in eastern Sussex.<sup>41</sup> Meanwhile, crimes against the peace (breach of the peace, assault, riot and defamation) accounted for about 50% of misdemeanour-level indictments in Middlesex.<sup>42</sup>

Clear patterns such as these are not yet discernible from the historiography of Scottish crime in the early-modern period, even if some preliminary observations have been made. For Chris Whatley, murder and other homicides occurred relatively infrequently, but assaults on government officials were very common, as were

vagrancy and “everyday” and “comparatively minor crimes” like drunkenness, petty assault, and neighbourly disputes, a conclusion with which Anne-Marie Kilday broadly concurs, albeit she notes that individual crimes could still be extremely violent.<sup>43</sup> Bill Knox’s analysis of homicide suggests a fairly low and static rate overall which conceals spikes at times of acute social or political turmoil, albeit his work is restricted to the eighteenth century.<sup>44</sup> Brian Levack, meanwhile, points out that sexual offences appear much more frequently in Scotland than in many other countries, but suggests this was due less to an incorrigibly licentious population than to a uniquely intrusive and successful prosecuting framework maintained by the Church.<sup>45</sup> In the most detailed extant study, Falconer has shown that, taken together, verbal and physical assaults were the most common crimes prosecuted in post-Reformation Aberdeen, although regulatory transgressions such as statute-breaking were almost as ubiquitous, while offences involving disobedience to authority and unspecified “strubulance” (disturbance) grew in prominence across the later sixteenth century, albeit remaining relatively rare.<sup>46</sup>

But these surveys, few though they are, deal largely with the situation in Lowland Scotland; criminality in the Highlands, of which Argyllshire was of course part, is still less well-served, and has often been discussed in the most generalized terms. Clanship is usually blamed for Highland disorder, although most historians agree that the classic model of lawlessness rooted in incessant clan feuding is no longer tenable as regards the later seventeenth century. Historiographical attention is much more often caught by banditry and cattle theft, crimes which were supposedly endemic throughout the Highlands, facilitated as much by lax governmental control as on-going clan tensions.<sup>47</sup> Recent research has however cast doubt upon the extent of Highland banditry, suggesting instead that the problem was much more marginal and localized than historians and contemporary polemicists imply.<sup>48</sup> Highland criminality therefore remains difficult to pin down, and close analysis of Argyllshire’s extant court records could suggest the beginnings of a more nuanced assessment.

A total of 1,489 indictments have been located relating to Restoration Argyllshire.<sup>49</sup> These offences are broken down by cate-

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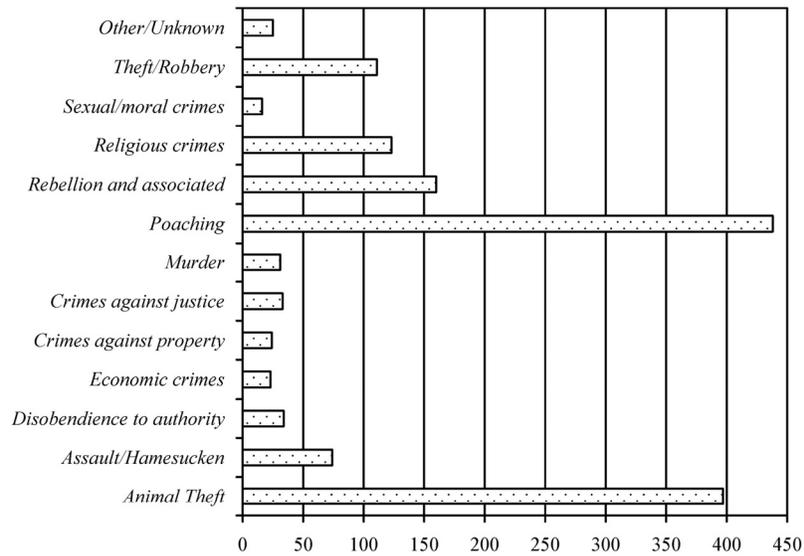


Figure 1: Types of crime tried in Argyllshire jurisdictions, 1660-1688

gory in Figure 1. This graph does not claim to offer a comprehensive typology of Scottish crime, and certainly it is not expected that the classifications offered here could straightforwardly be applied to other jurisdictions. Instead, they represent an attempt to render the disparate pattern of prosecutory activity in Argyllshire intelligible to modern readers, which inevitably means that the categories used are to some extent both arbitrary and anachronistic.<sup>50</sup> Moreover, since contemporary definitions of “crime” in Scotland were generally rooted in statute, there are many other potential crimes that do not appear in the Argyllshire records and so are not included in these figures, for example false coining or forestalling (hoarding goods to inflate their price).<sup>51</sup> The graph is nonetheless serviceable for illustrative purposes, and it suggests that the majority of offences involved poaching (438) or theft of animals (397), which together accounted for over 50 percent of all indictments. Rebellion and associated offences were the next most common crimes (160; 11%), followed

by religious misdemeanours (122; 8%) and theft or robbery of goods other than livestock (111; 7%). The remaining fifth of indictments involved a range of more unusual offences, including, in descending order, assault and hamesucken (74; 5%), disobedience of lawful authority (34; 2%), crimes against justice (33; 2%), murder (31; 2%), property crimes aside from theft and robbery (24; 2%), economic offences (23; 2%), and sexual and moral crime (16; 1%).

Of course, the exact nature of the crimes denoted by these headline categories varied enormously.<sup>52</sup> Assault, for example, often involved simple interpersonal violence, as in the case of Duncan Fisher, an Inveraray merchant who was fined £50 in 1678 for beating townswoman Margaret McDougall with a wooden cane.<sup>53</sup> But violence was a flexible tool that could be used for multiple purposes, and “assault” could therefore denote a range of very different behaviours. Thus, when James McNachtan and Dougall McIllechowenn were convicted of assaulting one another in 1687 after becoming involved in a brawl, the charge reflected not an act of domination imposed on one individual by another, but rather mutual transgression of accepted behavioural codes; here was violence used as a mark of insufficient civility.<sup>54</sup> In the rather more one-sided case of Alexander McIlvernock, who in 1684 suffered a gang assault from three Campbells who were later fined for the incident, violence was probably being used to uphold a sense of familial honour or solidarity.<sup>55</sup> Differently again, John Wylie, whose attack on Donald Mclea in 1687 was reputedly informed by Mclea’s position as collector of the excise at Campbeltown, was almost using violence as a form of personal rebellion, and thus “assault” in his case took on a distinctly more political edge.<sup>56</sup>

Hamesucken—an offence peculiar to Scots law and defined as assault in one’s home—similarly encompassed a spectrum of activity with a range of meanings. The assault suffered by Ann Stirling of Taynish, attacked in her house by John Campbell in 1684 and forced to sign a money bond, was probably rooted in a family dispute that seems to have stretched back upwards of twenty years, and looks rather different, both in form and in purpose, from the siege ordered by Robert Campbell of

Silvercraigs on the house of Marie Mckerras in 1685, an action presumably connected to Argyll's rebellion.<sup>57</sup>

A similar point can be made about those tried for stealing. Most indictments centred on fairly petty theft, often with an opportunistic aspect. This applied, for example, to the chapman Hugh McLean, who was cited in 1673 for breaking into the house of John McNicoll at Loch Striven and stealing a small amount of cloth and cash.<sup>58</sup> Foodstuffs were even more commonly subject to impulsive theft, and in some cases the motivation may not have been profit; the fact that John Tinkler, accused of stealing "corn" in 1685, was probably a vagrant might suggest he was simply desperate for food.<sup>59</sup> Some crimes were certainly more calculated. David Carriders's indictment in 1683 for stealing goods from the booth of a fellow Inveraray merchant probably had less to do with opportunism than indebtedness or mercantile rivalry, especially since Carriders, as a burgher, was a member of the urban elite.<sup>60</sup> Thefts by deception (such as Donald McMaith's indictment for cheating a Kintyre tailor in 1686) or committed by gangs (like the nine-strong group who in 1687 stole a selection of victuals from Angus MacDoanld of Islay) were equally testament to the wide range of behaviours involved in theft prosecutions.<sup>61</sup>

The variable nature of criminal activity is easily seen through an examination of the most high-profile crime of them all, animal theft. The majority of offences in this category were small-scale; it was the theft of a single horse that occasioned the appearance of Donald Glesse McEachaireid before the JP court in 1686, and his case could stand for numerous others in which apparently first-time perpetrators lifted only a very small number of animals.<sup>62</sup> Theft of this kind was often opportunistic and sometimes had a transparently subsistence motive. During the trial of Archibald and Mary McIndeor in 1674 for stealing a sheep, it was specifically recorded that the pair, described as long-term "tinkers," stole the animal in order to eat it.<sup>63</sup> Of course, in some cases animal theft was more about making money. John and Patrick McConachie, tried together in 1674, stole a number of animals in Argyllshire and subsequently drove them over the county border into Perthshire, where they sold them for a total of around £40.<sup>64</sup> Such activity could easily evolve into career criminality. We know

that hardened bandits operated in other parts of Restoration Scotland,<sup>65</sup> and Argyllshire had its own cohort of more persistent robbers. Among them were the trio of Hew Camerone, Donald Camerone and Duncan McAphie, tried and convicted together in 1676 for a litany of thefts stretching back to the late 1660s.<sup>66</sup>

However, the statistical prominence of animal-theft cases is attributable neither to hardened criminals nor to the plethora of small-time thieves. Rather, the county-wide spasm of disorder that accompanied Argyll's rebellion in 1685 occasioned a large proportion of the extant prosecutions. Although this rising was a minor affair, lasting less than two months and involving no major military actions, the damage inflicted on Argyllshire by both the rebel and royal forces, particularly in terms of livestock theft, was extensive and widely decried.<sup>67</sup> The court records reflect this; six animal-theft indictments survive from 1684, thirty-four from 1686 but 187 from 1685, representing nearly half of all extant prosecutions (although not all of the 1685 cases were linked to Argyll's rising). Unsurprisingly, crimes committed against this backdrop tended to represent the most audacious of all animal-lifting activity, either because of the sheer scale of the theft (Gilleis McGilleis of Glenmore lost fifty-five animals in one incident) or because of the preponderance of gang-based attacks (such as the forty-four-strong party indicted for raiding the lands of the Campbells of Inverliver). As such, the 1685 rebellion artificially inflates the animal-theft statistics, but the importance of this effect should not be exaggerated; even if all prosecutions in 1685 are omitted, the remaining 210 animal theft cases would still make the second most-common transgression after poaching.

If all this points towards the variability of criminal activity in Restoration Argyllshire, it should also be noted that the figures contain a number of prosecutions for crimes that were very similar to one another. The best example of this is the prevalence of poaching offences, almost all of which involved illegal killing of livestock, especially fish, or damaging natural resources like timber, moors, or pasture. In the context of Restoration-era religious controversies, characterized by repeated attempts to suppress Presbyterian nonconformity by an Episcopalian establishment, it should equally be no surprise that most religious

prosecutions were for Presbyterian nonconformity—although, since 100 of the 123 recorded religious transgressions actually related to the same event, namely attending a pair of “seditious” Presbyterian sermons preached at Lochhead in 1685, the extent of anti-dissenting activity in the courts was arguably quite limited (perhaps reflecting the earl’s own private Presbyterian proclivities).<sup>68</sup>

Given that no early-modern legal systems could possibly hope to catch and prosecute all law-breakers, it is worth asking what the purpose of all these trials was. Falconer’s work on sixteenth-century Aberdeen interprets crime and criminal prosecution from a social perspective. In his reading, both crime, particularly petty crime, and its prosecution were part of an ongoing power dialogue; people committing or prosecuting crimes did so in an attempt to demonstrate or secure dominance over their neighbours or wider communities, and as such were engaged in a “negotiation of [...] social power.”<sup>69</sup> Falconer’s work has not so far been followed up by additional detailed studies within a Scottish context, and it is not yet clear that his understanding of prosecution holds true outwith his particular setting of Reformation-era towns. Some trials certainly could be made to fit his paradigm; the aforementioned theft conviction of David Carriders in 1683—perhaps significantly taking place within another, albeit much smaller urban setting, Inveraray—is a good example.<sup>70</sup> In other cases, however, sociological explanations seem rather less convincing. Hugh McLean, executed in 1673 for robbery, was a “chapman” and his (apparently uncaught) accomplice, Gillicalum McNeilas, a “tinker.” This probably made them strangers, and while punishment of such people might be interpreted as a mechanism for maintaining social cohesion and reinforcing normative behavioural codes, it is difficult to view their crimes as part of an ongoing power dialogue between established members of the local community.<sup>71</sup> A more satisfying explanation might be constructed by noting that, the complexities of individual criminal activity notwithstanding, the Argyllshire data demonstrates a clear overall focus on crimes against property; taken together, poaching, theft, robbery and other property offences account for some two-thirds of extant indictments.<sup>72</sup> Such a focus on property crime was quite common in the early-modern period, and underpins the thesis

proffered by Douglas Hay in an English context that public courts represented a key bulwark of conventional social elites insofar as they allowed them to protect their control over economic resources.<sup>73</sup> The Argyllshire evidence suggests that the conceptual understanding of early-modern justice systems as tools of elite control has potential resonance in a Scottish context. This suggests that, if criminal prosecution can be seen as part of an ongoing dialogue about power and status between peers, it can just as easily be interpreted as a tool of socio-economic dominance by the elite specifically.

It is considerably easier to establish overarching patterns of prosecution than to build profiles of the criminals themselves, about whose personal details the sources are rarely explicit; most accused individuals are known only by their names. Nonetheless, some very broad points can be made. Most appear to have been from the lower strata of society, probably small tenants or cottars, and some, like John Tinkler, were certainly very poor—hardly surprising, since the limited existing research on Scottish prosecution patterns would tend to suggest that lower-status individuals predominated, and the same could be said about the much better understood English situation.<sup>74</sup> Identifiably more august individuals tended to receive citations only infrequently, usually for crimes reflecting their greater wealth. For instance, Duncan Campbell of Ardbeg (on the island of Islay) was tried in 1675 for orchestrating an attack on some soldiers sent to quarter on his lands for tax deficiencies.<sup>75</sup> The majority of criminals seem to have lived in rural communities, although a few town residents, such as the aforementioned Inveraray burghess Duncan Fisher, did receive citations. While partly explicable by the non-survival of any burgh court records, this also reflected the social make-up of a very lightly urbanized county, and the same can be said about the predominance of Gaelic names. Nearly 1,000 of the indictments—about two-thirds—were raised against individuals whose names began with “Mac” or “Nic,” and many more bore potentially Gaelic designations such as Campbell or Cameron. This, of course, is a crude means of measuring the Gaelic presence since there is no guarantee that people with Gaelic-sounding names were ethnically or linguistically Gaels, but in the absence of more detailed information

it does provide a useful indicator that the majority Highland component of Argyllshire society may also have made up the lion's share of the recorded criminal population.

Given the predominance of Gaelic names, as well as the frequency of animal theft, it is worth returning to the conventional historiographical model of clan-based banditry and asking how far it accords with Argyllshire's experience. Clannish thievery does raise its head occasionally, for example in 1677, when Alexander Campbell of Lochinell recorded that he had recently lost more than 2,000 cows, sheep, horses and goats through raids launched by his enemies, principally the Camerons and Macleans.<sup>76</sup> Such instances do not however appear in the judicial records, which usually treat criminals as individuals rather than potential or actual members of wider kin groupings. This dichotomy might be thought to vindicate the long-cherished historiographical assumption of a fundamental separation between clanship and the formal jurisdictions of the Scottish state; in this reading, clanship and the legal system represented two distinct structures for addressing grievances; the former utilizing ritualized violence to settle disputes, the latter using the courts.<sup>77</sup> Yet this interpretation should be treated with caution, and not just because historians are increasingly sceptical about notions of a stark divide between Highland and Lowland society.<sup>78</sup> Lochinell's case, as well as most other instances of apparent clan banditry in Restoration Argyllshire, took place against the backdrop of conflict, specifically the campaign waged by the Campbells of Argyll (backed by the government) against the allegedly rebellious Macleans. These were regarded as acts of war, not simple banditry, and can shed little if any light on the normal workings of criminal justice. In any case, notions of a division between clanship and officialdom wholly underestimate the degree of Highland integration by this period, which was sufficiently far advanced that regional elites were as comfortable as anybody else in Scotland with exploiting the law, to which most resorted much more frequently to than the sword.<sup>79</sup> Thus, the absence of a significant degree of clan-based banditry from the court records, while certainly not suggesting it did not occur, does support recent historiographical assertions that we must not endow it with greater significance than it merits; most crime in Restoration Argyllshire

probably really was the sort of individual or small-group law-breaking recorded by the courts.

One point that can be made with greater certainty is that the overwhelming majority of indictments were raised against men—a pattern common to most jurisdictions in this period, and which has been argued to reflect a gendered interpretation of criminality that tended to remove agency from female criminals, with contemporaries often assuming instead that women caught up in crime must have been hoodwinked or forced into it.<sup>80</sup> Only thirty-five of the accused were female, meaning that fully 1,458, nearly 98 percent, were male. It would traditionally have been expected that female crimes would be concentrated at the less violent end of the spectrum, and that women would most likely be prosecuted for sexual or moral offences (even if such transgressions were generally tried in ecclesiastical rather than secular courts), or for verbal assaults.<sup>81</sup> Yet empirical research has increasingly destabilized this crude typology of “female” crime, and previous exploration of Scottish sources from the sixteenth and eighteenth centuries, as well as earlier medieval evidence, has in fact suggested that women were as capable of committing as diverse a range of crimes as men, including violent crime. As Figure 2 shows, the admittedly scant data from Argyllshire suggests this thesis might also be valid for the Restoration.<sup>82</sup> Certainly typical “female” crimes were in evidence. Janet McNicoll was strangled after being convicted of practising witchcraft on Rothesay in 1673; the same year saw Mary NcThomas executed for incest; Catharein McLeod was accused of murdering one or more of her illegitimate babies in 1685; Janet Armour was acquitted in 1680 of helping her sister to commit infanticide; and three women, Mary NcLauchlan in 1673, Mary Macmillan in 1679, and Finvall NcCannill in 1680, faced charges of adultery.<sup>83</sup>

These, however, accounted for only one-fifth of female prosecutions appearing in the records. The remaining proportion was composed of many of the same crimes as committed by men (the big exception being poaching, for which no women were indicted), and indeed, some women were accused of surprisingly vicious acts. Marie NcLean, for example, was in 1670 fined 40s for

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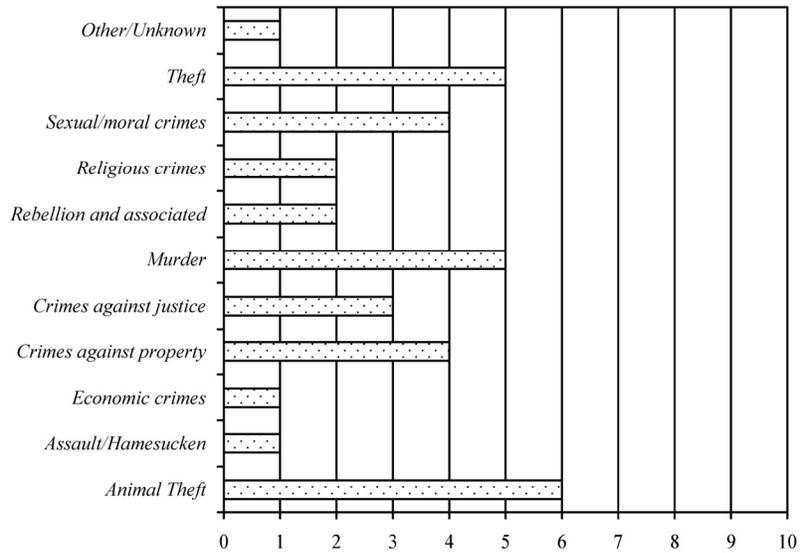


Figure 2: Female criminality in Argyllshire, 1660-1688<sup>84</sup>

entering the house of her daughter-in-law, Marie Camerone, and beating her, allegedly in collusion with her son (Camerone's husband), Jon Mcolchaynich.<sup>85</sup> Two women, designated only as "Memhonich" and "Ncinturnor," were convicted of assisting in the violent destruction of property belonging to one heritor, John McCorcaddall, in retaliation for his confiscating fifty head of livestock in 1684.<sup>86</sup> Finwall MacRank, meanwhile, was indicted for fire-raising in 1680, one of only three known cases of this crime, while Margaret Macilchallum was accused, alongside two male accomplices, of murdering Donald Maclucas of Achluachrach in 1679.<sup>87</sup> Substantial historiographical discussion exists about the nature of female criminality and its prosecution, and the above examples would tend to accord with the suggestion of both Ewan and Falconer that early-modern women were as capable as their male counterparts of using crime and violence as tools of social or interpersonal positioning.<sup>88</sup> In terms of the wider perception of female criminality, historians have repeatedly noted the contemporary expectation that women should conform to norms of

submissive femininity, which ensured that serious female law-breaking was seen not just as deviant, but also unnatural, resulting in it being proportionally more heavily prosecuted. By the same logic, deliberately dishonourable physical punishments, up to and including execution, tended to be imposed more readily on female criminals.<sup>89</sup> The strong presence of serious offending amongst indicted women might suggest that the particular horror felt for female violence did indeed extend into Argyllshire, while the marked presence of scourging as a punishment (imposed on 15 percent of indicted women, against a general proportion of 2 percent) similarly implies a desire to make an example of “unfeminine” women. In truth, however, the number of recorded female criminals is much too small to support meaningful conclusions. All that can be said, even tentatively, is that women seem to have been less likely to face prosecution than men—perhaps reflecting gender assumptions about the relationship between women and deviance—but when they did, they were not limited to any particular crime.

### **Punishments**

In his *Institutions of the Law of Scotland* (1684), Rosehaugh observed that “Crimes are in Scotland either punished capitally, by death; or pecunially, by a certain fine; or Arbitrarily, at the discretion of the Judge.” He went on to note the specific punishments typically imposed for different types of crime. Capital crimes incorporated a wide range of offences including treason, blasphemy, manslaughter, murder, robbery (including animal theft), notorious adultery, incest, duelling, assault, hamesucken, witchcraft and several others. Pecuniary crimes generally referred to transgressions such as slaying red fish or cutting green wood which might be grouped together as poaching. Most remaining crimes—common adultery, petty theft, slander, breaking the king’s protection and so on—were subject to Rosehaugh’s “arbitrary” or discretionary punishment, but there were others for which no statutory punishment was laid down and which were generally dealt with by means of confiscation. In this class were offences such as bigamy, perjury, usury and inhibiting messengers from performing their duties.<sup>90</sup> Rosehaugh thus presented a clear hierarchy of crimes

and statutory punishments, and one which is noteworthy for its harshness; the range of offences that could conceivably result in a sentence of death was strikingly broad.

Rosehaugh's schema is reflected in long-established historiographical assumptions about the comparatively harsh nature of Scotland's courts. According to this line, convicted criminals were not only likely to face serious sanctions, such as execution, but once cited, panels were relatively less likely than in many other jurisdictions to be acquitted.<sup>91</sup> Although sometimes tested by empirical research, this belief in systemic harshness is generally rooted in the wording of the legislative underpinning, echoed in works of codification such as those of Rosehaugh.<sup>92</sup> But there are grounds for doubting that such sources accurately reflected the situation on the ground; they certainly did not in several other European jurisdictions, for example in Germany, where the harsh terms of the *Carolina* law code, dating from 1523, were increasingly diluted in practice during the seventeenth century.<sup>93</sup> That something similar may have been happening in Scotland has previously been demonstrated in reference to sexual crimes, which rarely attracted the statutory sentences of execution, instead generally being punished with fines.<sup>94</sup> In light of this, the extent to which Scotland's fabled stringency held true remains unclear, and it is therefore worth asking whether judicial punishments in Argyllshire followed prescribed or logical patterns.

Of the 1,489 indictments recorded in relation to Argyllshire, 158 (11%) resulted in verdicts of not guilty or not proven. This does indeed appear to be a very low acquittal rate, certainly in comparison with English courts, where about one-third of cases typically ended in a verdict of not guilty.<sup>95</sup> Nonetheless, a note of caution should be sounded because there are 484 cases (33%) for which no verdict is recorded, usually because the case survives only in the form of an indictment or a collection of depositions; had verdicts been recorded for these, it is possible that the proportion of acquittals would be different.

This leaves 847 cases resulting in guilty verdicts and for which punishments are recorded. Figure 3 summarizes the sanctions imposed in these cases. Easily the most common form of punishment was fining, accounting for 508 cases, or nearly 60

percent of extant penalties. Orders for convicted parties to provide compensation to their victims were the next most common punishment (150; 18%). Execution (71; 8%), transportation (63; 7%), outlawry (28; 3%) and scourging or whipping (22; 2%) made up the bulk of the remaining punishments. The sentences grouped together in Figure 3 as “other” represent the most novel forms of penalty. They include two instances of what might be termed “community service,” although this was not as lenient a punishment as might be imagined. Both cases came before the sheriff court in 1684, one concerning petty theft and the other animal theft, and both of the accused (Robert Thomsone and Donald Mcneill respectively) were sentenced to serve as public executioner for Argyllshire—a punishment that reflected both the inherent unpleasantness of this duty and the deep dishonour conventionally associated with those performing it.<sup>96</sup> Two cases of mutilation, involving branding the letter “T” onto the faces of two thieves, John MacConchie in 1672 and John Maclean in 1673, are also recorded, while the dearth of sentences for imprisonment, imposed just once for the rather unusual case of the immigrant vagabond John Culter, reflects the broader unpopularity of this expensive form of punishment until the modern era.<sup>97</sup>

If the data are further distilled in terms of connecting particular crimes with their punishments, some clear patterns emerge. Several of the transgressions described as capital by Rosehaugh were invariably treated as such in practice. Murder and witchcraft were always punished by death, as were the two extant cases of treason and solitary recorded punishments for incest and bestiality. Rosehaugh’s description of poaching-type offences as pecuniary was similarly accurate, since those convicted of such crimes were always fined, the penalty usually fixed in the range of £5-£20, although in isolated cases as high as £50. Yet inconsistencies did arise, especially as regards capital offences. Finvall MacCallen’s conviction for notorious adultery in 1680 was punished by scourging, not death.<sup>98</sup> This reluctance to execute for adultery was well-established; in 1673, the case of John Crawford and Mary McLauchlan, both convicted of this crime, was remitted to the Privy Council specifically because the assize refused to impose the statutory punishment.<sup>99</sup>

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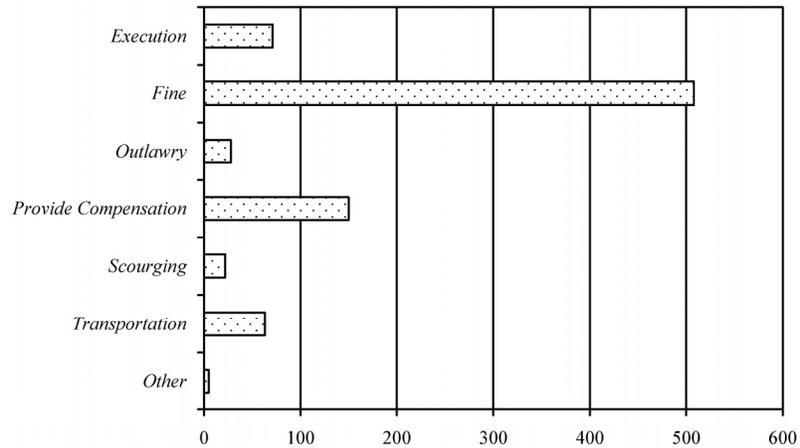


Figure 3: Punishments in Argyllshire cases, 1660-1688<sup>100</sup>

Animal thefts were only occasionally treated as a capital matter, and in many of the thirty cases where execution was ordered there were exacerbating factors. John McConachie VcKaig, executed in 1674 after stealing a single horse from Soroba, near Oban, was the same man who had been branded two years earlier, and thus he already had a criminal record. Similarly, Donald McIlmichell, executed in 1677, was not only a thief, but reputedly a vagabond and bandit.<sup>101</sup> Conversely, an unblemished record might facilitate the reduction of a death sentence, as happened to David McDavie when he was tried before the justiciary court in 1680 for stealing two cows—past innocence was specifically cited in the court’s decision to grant him a commutation to mere scourging.<sup>102</sup> Overall, though, the most common punishment for animal theft was a simple order to provide compensation, or in other cases the imposition of a hefty fine, sometimes up to £400. The distance between theory and practice was even starker in cases of assault or hamesucken. Also capital crimes, there are nonetheless no examples of them attracting a sentence of execution in Restoration Argyllshire—in almost all cases where a conviction is recorded, the accused was fined, even when the crime seems to have been particularly vicious; for example, John McLucas’ attack on Hugh

Macewan with an iron bar in Barbrek in 1684 earned only a financial penalty.<sup>103</sup>

If there was some variety in the punishment of capital crimes, there was obviously much more scope for it in dealing with “arbitrary” or “miscellaneous” offences. The treatment of petty theft illustrates this point most clearly. Seventy-three punishments are recorded, of which seven were sentences of outlawry imposed for non-attendance at court. Of the remaining sixty-six, most involved reimbursing the victim, sometimes alongside providing a compensatory payment. Thus, Donald McPherson, Lauchlan McEan and Hector McPherson, jointly convicted of stealing household goods from Lord Neil Campbell in 1685, were each ordered to make good the losses and pay an additional £100 between them.<sup>104</sup> The preference for settling theft cases through compensation reflects a well-established pattern of what Falconer has called “restorative” justice, by which transgressors were required to take action to re-establish the *status quo ante* and thereby restore harmony between individuals and, by extension, the community at large; in this sense, apparently “private” settlements were thoroughly “public” in their implications.<sup>105</sup> However, a minority of theft cases attracted punitive rather than compensatory sanctions, even if the criteria upon which this decision rested is obscure. One of those sentenced to judicial mutilation, John McConachie in 1673, was for instance a thief. Fining was slightly more common, occurring five times in total.<sup>106</sup> Finally, in three cases convicted thieves were sentenced to death, on each occasion because they were perceived as somehow hardened, either because they were repeat offenders (John dow Maclean in 1673 and Hugh Leitch in 1680), or because they were also vagrants (Hugh McLean in 1673).<sup>107</sup>

What emerged from all of this is a system in which theory and practice often diverged. Here it is useful to consider Cynthia Herrup’s work on the definition of crime. Addressing the long-acknowledged gap between those convicted of capital crimes in early-modern England and those actually executed, Herrup suggests that contemporaries made a conscious distinction between mere “law-breakers,” whose actions were seen as isolated slips reflective of the inherent weaknesses of human nature, and true criminals,

whose behavior was with deliberate malice, often compounded by additional factors like violence. This led, Herrup contends, to two parallel definitions of criminality—a rigid “technical” definition by which anyone committing a capital offence was liable for execution, and a more flexible “operative” definition which left significant room for mercy and which assumed that perpetrators might be able to return to being valued members of the community.<sup>108</sup> While Herrup’s schema does not hold true for Scotland’s central criminal jurisdictions, whose preoccupation with the most serious crimes led to consistently high rates of execution (in a sample of criminal cases heard before the court of the justice general between 1661 and 1668, 80 percent of extant sentences were for death), it has been applied to some evidence from local Scottish courts, for example by Falconer to sixteenth-century Aberdeen.<sup>109</sup> The Argyllshire data suggest a similar pattern. Rosehaugh’s “technical” hierarchy of capital, pecuniary and arbitrary offences failed to match “operative” reality. Execution remained an uncommon sentence, usually reserved for serious or serial offenders (Herrup’s “true” criminals), and courts were in most cases likely to show a degree of indulgence by imposing lesser, though still heavy punishments which did not result in permanent social exclusion. This meant, in practice, that Argyllshire’s courts tended to opt for material sanction, which they imposed on nearly four-fifths of recorded occasions. As a result, Scotland’s system of criminal justice, at least as it functioned in Argyllshire, was more “pecuniary” than “capital,” consequently providing much greater space for the rehabilitation and reintegration of offenders than the letter of the law implied.

### **Conclusion**

Historians of crime, particularly in England where the field is most fully developed, have demonstrated the value of this theme in achieving a fuller understanding of the dynamics of early-modern society, the nature of authority and processes of social and political change. Research into criminality in Scotland is as yet too underdeveloped to test fully the applicability of these conceptual and methodological advances to the Scottish evidence. Yet this case-study of Argyllshire has highlighted a number of points meriting

further exploration. The judicial infrastructure, characterized by overlapping jurisdictions whose activities often strayed beyond their formal remits, was imprecise, a feature enhanced by the government's tendency to create temporary jurisdictions, although it is not clear that this was inherently problematic. A fluid structure exploited the generally magisterial nature of authority in Scotland, and it might also, as Stephen Davies suggests, have offered both litigants and panels potentially useful loopholes or ambiguities to exploit.<sup>110</sup> The Argyllshire evidence is however largely silent on this latter claim and in any case the extraordinary concentration of judicial authority in the hands of the comital house may well have rendered it moot. This unwieldy court system spent a reasonable amount of its time dealing with a parade of near-identical poaching offences, although it also prosecuted a host of other crimes that reflected a varied range of criminal activities, especially concentrated around the theft of goods and livestock. The people committing these crimes were almost always male (although female criminals were not unknown), and seem to have been largely rural dwellers from the lower strata of society, probably including a substantial number of Gaels. Once indicted, they were very likely to be convicted, but much less likely than is often supposed to face the hangman's noose; material punishments were considerably more common, even for supposedly capital offences. All of this suggests a court system which was in essence moderate and malleable, focused heavily on the protection of private property and rather less concerned with violent or interpersonal crime. In all of these ways, the Argyllshire evidence is comparable with our admittedly incomplete picture of Scottish criminality derived from an as yet underdeveloped historiography, but only further empirical research will establish the extent to which this model holds true, in turn allowing Scottish historians to take fuller advantage of the insights offered by their counterparts working on other early-modern jurisdictions. In the meantime, the unremarkable nature of Argyllshire's criminal records is suggestive in another way, for it adds weight to the growing body of evidence calling into question the existence of a stark Highland/Lowland divide in the late seventeenth century.<sup>111</sup> Perhaps, in terms of criminality at least,

early-modern Scotland was a more coherent entity than is sometimes assumed.

## NOTES

<sup>1</sup> Amongst the most significant of these are J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study* (Cambridge: Cambridge University Press, 1983).; J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford: Oxford University Press, 1986).; C. B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987).; J. M. Beattie, *Policing and Punishment in London 1660-1750: Urban Crime and the Limits of Terror* (Oxford: Oxford University Press, 2001).; R. B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c.1660-1725* (Cambridge: Cambridge University Press, 2008). For a Welsh perspective, see S. Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, c.1660-1730* (Cardiff: University of Wales Press, 2008).

<sup>2</sup> The Aberdonian case-study is J. R. D. Falconer, *Crime and Community in Reformation Scotland* (London: Pickering & Chatto, 2013). The most important eighteenth-century work is A.-M. Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell, 2007). See also W. W. Knox, "Homicide in Eighteenth Century Scotland: Numbers and Theories," *Scottish Historical Review*, 94:1 (2015): 55-62. Other significant contributions include Y. G. Brown and R. Ferguson (eds.), *Twisted Sisters: Women, Crime and Deviance in Scotland since 1400* (East Linton: Tuckwell Press, 2002); J. R. D. Falconer, "'Mony utheris divars odious crymes': Women, Petty Crime and Power in Later Sixteenth Century Aberdeen", *Crime and Punishment*, 4, no. 1 (2010): 7-36.; E. Ewan, "Disorderly Damsels? Women and Interpersonal Violence in Pre-Reformation Scotland," *Scottish Historical Review*, 89, no. 2 (2010): 153-71.; E. Ewan, "Impatient Griseldas: Women and the Perpetration of Violence in Sixteenth-Century Glasgow", *Florilegium*, 28 (2011), 149-68.

<sup>3</sup> The best introduction to the significance and rationale of historical research into crime remains J. A. Sharpe, *Crime in Early Modern England 1550-1750* (London: Routledge, 1984), 1-28.

<sup>4</sup> These data, which are also the basis of the tables below, are drawn from the following sources: Inveraray Sheriff Court: Processes, 1671-1699,

SC54/10/1/10/1, National Records of Scotland [NRS]; Dornoch Sheriff Court: Processes, 1582-1735, SC9/7/1, NRS [wrongly catalogued; actually Inveraray]; Argyllshire Justice of the Peace Court: Processes, 1686, JP36/5/1, NRS; Justiciary Court of Argyll: Processes, 1685, SC54/17/2/6/2, NRS; Justiciary Court of Argyll: Books of Adjournal, 1664-1711, SC54/17/1/1-2, NRS; K. M. Brown *et al.* (eds.), *The Records of the Parliament of Scotland to 1707* (St Andrews, 2007-2014), www.rps.ac.uk [RPS]; P. H. Brown *et al.* (eds.), *The Register of the Privy Council of Scotland, Third Series, 1661–91*, 16 vols. (Edinburgh: H.M. Stationary Office, 1908–70.); W. G. Scott-Moncrieff (ed.), *The Records of the Proceedings of the Justiciary Court, Edinburgh, 1661–1678*, 2 vols. (Edinburgh: Scottish History Society, 1905).

<sup>5</sup> For discussion of jurisdictional patterns in particular territories, see M. Weisser, “Crime and Punishment in Early Modern Spain” in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. V. A. C. Gatrell, B. Lenman and G. Parker (London: Europa, 1980), 76-96.; J. R. Ruff, *Crime, Justice and Public Order in Old Regime France: The Sénéchaussées of Libourne and Bazas, 1696-1789* (London, 1984), 24-37.; Sharpe, *Crime in Early Modern England 1550-1750*, 21-25.; U. Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Oxford University Press, 1999), 46-54.

<sup>6</sup> F. Bigwood, “The Courts of Argyll, 1664-1825,” *Scottish Archives* 10 (2004): 27-38.; Kilday, *Women and Violent Crime*, 25-38. The most useful modern summary of Scottish courts and their jurisdictions is S. J. Davies, “The Courts and the Scottish Legal System, 1600-1747: The Case of Stirlingshire” in *Crime and the Law*, 120-54. Davies’ arguments can be traced in more detail in S. J. Davies, “Law and Order in Stirlingshire, 1637-1747” (PhD diss., University of St Andrews, 1983). For another very useful reconstruction of the jurisdictional matrix at the local level, albeit for a slightly earlier period, see H. J. Cornell, “Gender, Sex and Social Control: East Lothian, 1610-1640” (PhD diss., University of Edinburgh, 2012), 41-81. G. Mackenzie, *The Laws and Customes of Scotland, in Matters Criminal* (Edinburgh, 1677), recently edited in a scholarly edition as O. Robertson (ed.), *The Laws and Customs of Scotland in Matters Criminal by Sir George Mackenzie* (Edinburgh: Stair Society, 2012), offers the most important contemporary view.

<sup>7</sup> RPS, M1661/1/58; RPCS, xi, 129-130.

<sup>8</sup> J. M. Thomson (ed.), *The Register of the Great Seal of Scotland*, 11 vols. (Edinburgh: H.M. General Register House, 1882–1914), ix, 559.

<sup>9</sup> A. Grant, “Franchises North of the Border: Baronies and Regalities in Medieval Scotland” in *Liberties and Identities in Medieval Britain and Ireland* ed. M. Prestwich (Woodbridge: Boydell, 2008), 155-199.

<sup>10</sup> Mackenzie, *Institutes of the Law*, 18-33; J. Findlay, *All Manner of People: The History of the Justices of the Peace in Scotland* (Edinburgh: Saltire Society, 2000), 50–54; J. G. Harrison, “The justices of the peace for Stirlingshire 1660 to 1706,” *Scottish Archives* 12 (2006): 42-52, at 46. The designation of those crimes tried before JPs as “petty” and should not be taken to imply that such acts were insignificant. As the work of Falconer on sixteenth-century Aberdeen has demonstrated within a Scottish context, petty crime could have a powerful impact on both the material circumstances and social dynamics of local communities. Falconer, “Mony utheris divars odious crymes”; Falconer, *Crime and Community*, 7-8.

<sup>11</sup> This was true elsewhere as well. See Harrison, “Justices of the peace,” 46-7.

<sup>12</sup> Lauderdale Mss, Add. Mss. 23135, ff.3-4, British Library.

<sup>13</sup> SC54/10/1/10/1, NRS.

<sup>14</sup> SC9/7/1, NRS; SC54/10/1/7/23, SC54/10/1/8/8, NRS.

<sup>15</sup> Admittedly, the law did allow sheriffs to hear cases of murder and robbery where the perpetrator had been caught red-handed, which no doubt accounts for some, but certainly not all of the cases highlighted here.

<sup>16</sup> Scott-Moncrieff, *Proceedings of the Justiciary Court*, i, 168-9.

<sup>17</sup> See, for example, the Privy Council commission of 5 September 1661 empowering the sheriff-depute of Angus to preside over the trials of John Marshall, John Lyon and Patrick Laird for murdering Alexander Steven of Forfar. *RPCS*, i, 32-3.

<sup>18</sup> JP36/5/1/21, NRS.

<sup>19</sup> JP36/5/1/10, NRS; JP36/5/1/28, NRS.

<sup>20</sup> J. Goodare, *The Government of Scotland 1560–1625* (Oxford: Oxford University Press, 2004), 203-7; Bigwood, “Courts of Argyll,” 34-7; Harrison, “Justices of the Peace,” 47-50.

<sup>21</sup> C. A. Whatley, “Order and disorder” in *A History of Everyday Life in Scotland, 1600-1800* ed. E. Foyster and C. A. Whatley (Edinburgh: Edinburgh University Press, 2010), 199.

<sup>22</sup> Bigwood, “Courts of Argyll,” 28-29; A. D. Kennedy, “Reducing That Barbarous Country: Center, Periphery, and Highland Policy in Restoration Britain,” *Journal of British Studies* 52:3 (2013): 606.

- <sup>23</sup> M. J. Braddick, *State Formation in Early Modern England, c.1500–1700* (Cambridge: Cambridge University Press, 2000), 347-55; K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603–1715* (Basingstoke and London: Palgrave Macmillan, 1992), 33-40. A. Kennedy, *Governing Gaeldom: The Scottish Highlands and Restoration State, 1660-1688* (Leiden: Brill, 2014), 48-56.
- <sup>24</sup> Falconer, *Crime and Community*, 65-66; Kilday, *Women and Violent Crime*, 29; M. F. Graham, *The Uses of Reform: “Godly Discipline” and Popular Behaviour in Scotland and Beyond, 1560-1610* (Leiden: Brill, 1996), 73-129.
- <sup>25</sup> Supplementary Parliamentary Papers, 1681, PA7/11/21, NRS.
- <sup>26</sup> Goodare, *Government of Scotland*, 181-89; K. M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh: Edinburgh University Press, 2010), 107, 112-3; F. Dow, *Cromwellian Scotland* (Edinburgh: John Donald, 1979), 179; R. A. Lee, “Government and Politics in Scotland, 1661-1681” (PhD diss., University of Glasgow, 1995), 27.
- <sup>27</sup> Kennedy, *Governing Gaeldom*, 199-201.
- <sup>28</sup> P. Hopkins, *Glencoe and the End of the Highland War* (Edinburgh: John Donald, 1990), 56-70.
- <sup>29</sup> John Lauder, *Historical Notices of Scottish Affairs, Selected From the Manuscripts of Sir John Lauder of Fountainhall* ed. D. Laing, 2 vols. (Edinburgh: Bannatyne Club, 1848), i, 108.
- <sup>30</sup> D. M. Walker, *A Legal History of Scotland*, 7 vols., (Edinburgh: Tottel, 1988–2004), iv, 141.
- <sup>31</sup> *RPCS*, iv, 432–425.
- <sup>32</sup> Kennedy, *Governing Gaeldom*, 208-9, 243.
- <sup>33</sup> A. J. Mann, *James VII: Duke and King of Scots, 1633-1701* (Edinburgh: John Donald, 2014), 144-5.
- <sup>34</sup> Breadalbane Muniments, GD112/39/136/6, Anonymous to Breadalbane, 31 August 1684, NRS; GD112/39/136/7, Atholl to Breadalbane, 31 August 1684, NRS.
- <sup>35</sup> S. J. Connolly, “Unnatural Death in the Four Nations: Contrasts and Comparisons” in *Kingdoms United? Great Britain and Ireland since 1500: Integration and Diversity* ed. S. J. Connolly (Dublin, 1999), 203-5; Whatley, “Order and Disorder,” 191-2.
- <sup>36</sup> For a well-known expression of the ‘violent Scotland’ thesis, which implies that the lack of recorded criminality arose from the near-absence of meaningful central government before the late-seventeenth-century, see

T. C. Smout, *A History of the Scottish People 1560-1830* (London: Fontana, 1998), 94-110.

<sup>37</sup> A.-M. Kilday, "The Barbarous North? Criminality in Early Modern Scotland" in *The Oxford Handbook of Modern Scottish History* ed. T. M. Devine and J. Wormald (Oxford: Oxford University Press, 2014), 401; Falconer, *Crime and Community*.

<sup>38</sup> B. Lenman and G. Parker, "The State, the Community and the Criminal Law in Early Modern Europe," in *Crime and the Law*, 17-8.

<sup>39</sup> Sharp, *Crime in Early Modern England*, 53-6.; Beattie, *Policing and Punishment*, 12.

<sup>40</sup> Sharpe, *Crime in Seventeenth-Century England*, 182-210.

<sup>41</sup> J. M. Beattie, "The pattern of crime in England 1660-1800," *Past and Present*, 62 (1974), 47-95.; Herrup, *Common Peace*, 26-9.

<sup>42</sup> Shoemaker, *Prosecution and Punishment*, 127-31.

<sup>43</sup> Whatley, "Order and disorder," 191-93; Kilday, "Barbarous North?," 399-400.

<sup>44</sup> Knox, "Homicide in Eighteenth Century Scotland," 55-62.

<sup>45</sup> B. P. Levack, "The Prosecution of Sexual Crimes in Early Eighteenth-Century Scotland," *Scottish Historical Review* 89, no. (2010): 180.

<sup>46</sup> Falconer, *Crime and Community*, 94.

<sup>47</sup> D. Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh: John Donald, 2003), 277.; Hopkins, *Glencoe*, 28-9.; M. Fry, *Wild Scots: Four Hundred Years of Highland History* (London: John Murray, 2005), 34.; M. Lee, "Dearest Brother:," *Lauderdale, Tweeddale and Scottish Politics, 1660-1674* (Edinburgh: John Donald, 2010), 178.

<sup>48</sup> Kennedy, *Governing Gaeldom*, 66-111.; A. I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton: Tuckwell, 1996), 32-5, 124-5, 133.; D. McCormack, "Highland Lawlessness and the Cromwellian Regime" in *Scotland in the Age of Two Revolutions* ed. S. Adams and J. Goodare (Woodbridge: Boydell, 2014), 115-34.

<sup>49</sup> The statistics presented in this article relate to offending rates, rather than number of cases, meaning that, for example, an incident involving twelve accused individuals would be treated as twelve separate cases. This is an imperfect approach, chiefly because it inflates the crime rate, but it has been used because the limitations of the sources are such that it is often impossible to link accused individuals to shared transgressions.

<sup>50</sup> Sources: see note 3. General categories incorporate the following offences: Economic crimes: false trading, handling stolen goods and wrongful intromission; Crimes against property: fire-raising and

destruction of property; Crimes against justice: attempting to defeat the ends of justice, perjury, prison-break and wrongful imprisonment; Religious crimes: nonconformity, contumacy and breaching the sabbath; Sexual/moral crimes: adultery, bestiality, deserting a spouse, incest and rape; Other/Unknown: bodysnatching, breach of the peace, slander, vagabondage and witchcraft.

<sup>51</sup> For the primacy of statute in defining crime, see John Skene, *Regiam Majestatem: The auld lawes and constitutions of Scotland, faithfullie collected furth of the Register, and other auld authentick bukes, fra the dayes of King Malcolme the second, vntill the time of King James the first, of gude memorie: and trewlie corrected in sundrie faults, and errours, committed be ignorant writers. And translated out of Latine in Scottish language, to the vse and knowledge of all the subjects within this realme. with ane large table of the contents therof, be Sr. John Skene of Curriehill, clerk of our Sovereigne Lordis Register, Counsell, and Rollis. Quhereunto are adjoined twa treatises, the ane, anent the order of proces observed before the Lords of Counsell, and Session: the other of crimes, and judges in criminall causes* (Edinburgh, 1609), f.130r; Mackenzie, *The Laws and Customes*, 1-3

<sup>52</sup> Connolly, “Unnatural Death” 202.; Kilday “Barbarous North?,” 400.

<sup>53</sup> SC45/17/1/1, 135, NRS.

<sup>54</sup> SC54/10/1/10/8, NRS.

<sup>55</sup> SC54/10/1/7/4, NRS.

<sup>56</sup> SC54/10/1/13/3, NRS.

<sup>57</sup> SC54/10/1/7/17, NRS; SC54/10/1/7/5, NRS.

<sup>58</sup> SC54/17/1/1, 39-40, NRS.

<sup>59</sup> SC54/10/1/8/1, NRS.

<sup>60</sup> SC54/10/1/6/8, NRS.

<sup>61</sup> JP36/5/1/21, NRS; SC54/10/1/13/12, NRS.

<sup>62</sup> JP36/5/1/5, NRS.

<sup>63</sup> SC54/17/1/1, 43-4, NRS.

<sup>64</sup> SC54/17/1/1, 56-7, NRS.

<sup>65</sup> Kennedy, *Governing Gaeldom*, 84-6.

<sup>66</sup> SC54/17/2/6/2, NRS.

<sup>67</sup> See Anon., *An Account of the Depredations Committed on the Clan Campbell, and Their Followers, During the Years 1685 and 1686* ed. A. Kincaid (Edinburgh, 1816).

<sup>68</sup> SC54/17/4/2/3, NRS. On the religious tensions of the Restoration, see I.B. Cowan, *The Scottish Covenanters 1660-1688* (London: Victor

Collancz, 1976); J. Buckroyd, *Church and State in Scotland 1660-1681* (Edinburgh: John Donald, 1980); A. Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge: Boydell, 2012).

<sup>69</sup> Falconer, “Mony utheris divars odious crymes.”; Falconer, *Crime and Community*, 149-55. This perception of crime as part of a wider process of social jockeying echoes some work on early-modern England, for example Shoemaker, *Prosecution and Punishment*.

<sup>70</sup> SC54/10/1/6/8, NRS.

<sup>71</sup> SC54/17/1/1, 39-40, NRS.

<sup>72</sup> This is at odds with the pattern uncovered for Stirlingshire, the only other Scottish locality whose criminal records have been comprehensively surveyed for the post-Restoration period and where prosecutions for violent crime easily outnumbered those for theft. Davies, “Law and Order in Stirlingshire,” 277.

<sup>73</sup> This point has been made most extensively in D. Hay, “Property, Authority and the Criminal Law” in *Albion’s Fatal Tree: Crime and Society in Eighteenth Century England* ed. D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow, (Harmondsworth: Penguin, 1975), 17-65.

<sup>74</sup> Knox, “Homicide in Eighteenth Century Scotland,” 68. On England, see Beattie, *Policing and Punishment*, 32-40, 63-71; Herrup, *Common Peace*, 38-41; Sharpe, *Crime in Seventeenth-Century England*, 166-81; Shoemaker, *Prosecution and Punishment*, 201-16.

<sup>75</sup> SC54/17/1/1, 60-2, NRS.

<sup>76</sup> Papers of the Argyll family, dukes of Argyll, bundle 54, National Register of Archives for Scotland 1209.

<sup>77</sup> See, for example, Stevenson, *Highland Warrior*, 19.

<sup>78</sup> R. A. Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Island, c.1493-1820* (Edinburgh: Edinburgh University Press, 1998); Kennedy, *Governing Gaeldom*, especially 17-65.; Macinnes, *Clanship*.

<sup>79</sup> Kennedy, *Governing Gaeldom*, 37-9.

<sup>80</sup> J. R. Ruff, *Violence in Early Modern Europe 1500-1800* (Cambridge: Cambridge University Press, 2001), 125; G. Walker, “Women, Theft and the World of Stolen Goods” in J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994), 81-105, 82-3

<sup>81</sup> A. Knox, “‘Barbarous and Pestiferous Women:’ Female Criminality, Violence and Aggression in Sixteenth- and Seventeenth-Century Scotland and Ireland” in *Twisted Sisters*, 13, 21.

<sup>82</sup> Falconer, “Mony utheris divers and odious crymes”; Ewan, “Impatient Griseldas”; Ewan, “Disorderly Damsels?”; Kilday, *Women and Violent Crime*, 147-8; Kilday, “Barbarous North?,” 395.

<sup>83</sup> SC54/17/1/1, 22-3 and at 28-9, NRS; SC54/17/1/2, 3-5 and at 20-1, NRS; SC54/10/1/8/8, NRS; SC54/17/2/10/13, NRS.

<sup>84</sup> Sources: see note 3

<sup>85</sup> SC54/10/1/2/6, NRS.

<sup>86</sup> SC54/10/1/7/15, NRS.

<sup>87</sup> SC54/17/2/10/24, NRS; SC9/7/1, NRS.

<sup>88</sup> Ewan, “Disorderly Damsels?”; Falconer, *Crime and Community*.

<sup>89</sup> Y. G. Brown and R. Ferguson, “Introduction” in *Twisted Sisters*, 3; Kilday, *Women and Violent Crime*, 62-3, 133-4, 147-8.

<sup>90</sup> G. Mackenzie, *The Institutions of the Law of Scotland* (Edinburgh, 1684), 377-83.

<sup>91</sup> Whatley, “Order and Disorder,” 191-93.

<sup>92</sup> For instances of empirical testing, see the work of Anne-Marie Kilday, especially Kilday, *Women and Violent Crime*, which relies heavily upon the records of the high court of justiciary to reconstruct serious female criminality and its punishment. Knox, “Homicide in Eighteenth Century Scotland,” also adopts an empirical methodology towards justiciary court material, although his methodology is slightly different. For an entirely alternative approach, which emphasises public shaming as the central feature of judicial punishment, see Cornell, “Gender, Sex and Social Control,” 91-109.

<sup>93</sup> R. van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany* (London: Polity, 1990), 83-4.

<sup>94</sup> Levack, “Prosecution of Sexual Crimes,” 173-80.

<sup>95</sup> Sharp, *Crime in Early Modern England*, 65.

<sup>96</sup> J. F. Harrington, *The Faithful Executioner: Life and Death, Honour and Shame in the Turbulent Sixteenth Century* (London: Bodley Head, 2013), 15-6.

<sup>97</sup> SC54/17/1/1, 17-19, NRS; JP36/5/1/3, NRS.

<sup>98</sup> SC54/17/2/10/17, NRS; SC54/17/1/2, 20-21, NRS.

<sup>99</sup> SC54/17/2/3/1, NRS; SC54/17/1/1, 22-23, NRS.

<sup>100</sup> Sources: see note 3.

<sup>101</sup> SC54/17/1/1, 56-57 and at 111-112, NRS.

<sup>102</sup> SC54/17/1/2, 28, NRS.

<sup>103</sup> SC54/10/1/7/1, NRS.

<sup>104</sup> NRS, SC54/17/2/12/16, NRS.

<sup>105</sup> Falconer, *Crime and Community*, 58-61.

<sup>106</sup> SC54/17/1/2, 16, NRS; SC54/10/1/5/8, NRS; JP36/5/1/21, NRS.

<sup>107</sup> SC54/17/1/1, 25-7 and at 39-40, NRS; SC54/17/1/2, 11-3, NRS;

SC54/17/2/10/10, NRS.

<sup>108</sup> C. B. Herrup, "Law and Morality in Seventeenth-Century England," *Past and Present*, 106 (1985), 102-23; Herrup, *Common Peace*, 165-92

<sup>109</sup> Falconer, "Mony utheris divars odious crymes," 34; Falconer, *Crime and Community*. The figure of 80 per cent is derived from JC2/10, High court books of adjournal, 1661-1668, NRS.

<sup>110</sup> Davies, "Law and Order in Stirlingshire," 280.

<sup>111</sup> For further discussion of this issue with relation to the later seventeenth century, see Kennedy, *Governing Gaeldom*.

**GAELIC ORGANIZATIONS IN NINETEENTH-  
AND EARLY-TWENTIETH-CENTURY ONTARIO**

Michael Newton\*

Kin-groups from the Scottish Highlands who eventually came to reside in Glengarry, Ontario, began emigrating as early as 1773, although they came directly, and in greater numbers, after the conclusion of the American Revolutionary War (1783).<sup>1</sup> Less well known are the channels of migration from the Highlands that fed into other parts of Ontario, particularly between 1815 and the late 1840s.<sup>2</sup> A full account of Gaelic immigrant groups in Ontario would also have to take secondary migration from Gaelic Canadian communities, whether those of Glengarry or Nova Scotia, to urban areas such as Toronto and Hamilton into consideration.

To date, however, no one has attempted such a demographic study, and Scottish ethnicity was seldom broken down into Gaelic and non-Gaelic components. As a result, it can be difficult to produce accurate estimates of the absolute or relative size of Gaelic-speaking communities at particular places and times. There are fragmentary snapshots of many such communities around Ontario that testify to the strength of the language and culture, particularly during the lifetimes of the emigrant generation itself.<sup>3</sup> It is at least worth noting that the 1871 Census for Canada indicated that 20 percent of the population of Ontario had been born in Scotland and many of them, of course, would have had children or

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The author thanks Michael Kennedy for comments and suggestions on an early draft of this paper and the two anonymous reviewers who provided valuable suggestions and corrections. He further states that all remaining shortcomings are his own.

grandchildren born in Canada.<sup>4</sup> We know that a significant number of those born in Canada were Gaelic speakers, but again, exact numbers are elusive.

As Scottish Gaelic communities became settled into their new locales in Canada, some individuals came together to create organizations to represent, maintain and develop their sense of ethnicity. The activity of these ethnic organizations offers us an opportunity to examine how they thought about themselves as a distinct group, what particular people considered to be valuable or disposable aspects of their ethnicity, how they negotiated between their ancestral inheritance and the expectations of Anglo-conformity, and how contemporary values and events conditioned internal and external perceptions. This brief survey examines Scottish Gaelic organizations in nineteenth- and early-twentieth-century Ontario, the kinds of sources that exist about their formation and operation, and how those materials might be most fruitfully deployed for the interpretation of Gaelic ethnic consciousness.

Surprisingly little research has been done about Scottish Gaelic organizations in Canada, let alone in Ontario, especially because too little of the necessary groundwork has been established. Very few relevant primary sources have been edited and analyzed, and there is a dearth of scholars in Canada who can work with Gaelic materials effectively. This has left many fields fallow, and most of the little that has been written is deficient in scope and depth, particularly where Gaelic perspectives are concerned. Texts written in Gaelic were aimed at a different audience from those in English and tend to employ different rhetorical strategies for differing social and cultural ends.

There is a variety of sources for Gaelic texts that can be utilized gainfully in this enterprise: manuscripts and unpublished texts in archives, most notably the Archives of Ontario; a small number of Gaelic books that were published in Ontario that contain materials created by individual immigrants and immigrant communities in the province; columns that were printed in local newspapers; texts that were sent to Gaelic newspapers printed in Scotland and other parts of Canada, especially Nova Scotia. This article contains a modest selection of texts from sources of these

types in the hopes that this cursory account will offer a model of engagement that will encourage others to carry out a fuller analysis on a wider range of the many texts that survive.

An article by Janice Fairney has traced the establishment of branches of the Highland Society of London in Canada starting in 1818, particularly from its first franchise in Glengarry. She observes that all of the original members were Gaelic speakers and that its aims were to “preserve all aspects of Gaelic culture, and to rescue any remains of Gaelic literature transported to Canada.”<sup>5</sup> It was charged with founding and providing materials for Gaelic-medium schools in Ontario and elsewhere. More than one Gaelic school seems to have been established in the Glengarry area at this time, and they were furnished with Gaelic dictionaries, grammars and reading materials. The composition of Gaelic literature was encouraged with prizes and some oral Gaelic literature seems to have been collected by literate society members, although these seem to have since been lost. Although the original society was disbanded in 1828, it was re-established in 1842 and within a year formed branches elsewhere in Canada, including in Toronto, Niagara, Hamilton, Goderich and Kingston.<sup>6</sup> Fairney’s account does not, however, deal with Gaelic culture or literature per se.

Shannon O’Connor has written about Scots as an ethnic group in Toronto, looking at demographics, a selection of the organizations in the city, and the role of two Scottish-themed newspapers based there (the *Scottish Canadian* and the *Canada Scotsman*).<sup>7</sup> She neither recognizes the distinctiveness of Gaelic ethnicity nor discusses the implications of these distinctions.

Very few accounts of Scottish settlement in Ontario, or in Canada in general, have given a satisfactory account of Gaelic immigrant communities or their literary remains. Some writers appear to be unaware of the existence of primary sources in Gaelic. Lucille Campey’s book *The Scottish Pioneers of Upper Canada, 1784-1855* is a case in point. While she has amassed a prodigious amount of useful records in English that document migration and settlement in the province, she declares:

...when Gaelic began its decline in the late nineteenth century, Highland culture would soon

fade away with it. Because Gaelic was primarily a spoken language, little has been recorded. So, although symbols of Highland culture live on in the province, they are vestiges of a Highland past which has been largely lost.<sup>8</sup>

This is not only a misrepresentation of the nature of Gaelic literary activity, especially in the longer view of history, but it seems to legitimate the tendency to ignore the evidence in Gaelic itself to tell the story of the Gaels in the province from their own point of view. The resulting lacunae are often filled in with the expectations and clichés of the Anglophone imagination.

Michael Vance's 2005 article "A Brief History of Organized Scottishness in Canada" is probably the de facto authority on the topic of Scottish organizations in Canada to date. It offers a summary view of ethnic activity in the dominion and observes that "the earliest Scottish social organizations, while promoting interest in the study of the Scots in Canada were linked to class and ethnic relationships that were conditioned by Canada's British imperial connection."<sup>9</sup> As a general observation, this is hard to deny, but despite his protests of the exploitation of the discourse of ethnicity to exclude and disenfranchise, Vance's article itself lacks nuance about Gaelic subjects due to the exclusion of Gaelic sources and viewpoints.

First are the inter-related issues of ethnicity, race, and empire. Vance remarks that men like Alexander Fraser saw Scottish organizations as a "means of maintaining the Scottish influence" in Canada and that they asserted that this Scottish influence was racial in nature; in other words, that Scots belonged to a distinct (presumably singular) racial category with biologically-endowed virtues that needed to be safeguarded for the improvement of Canadian society.<sup>10</sup> While there were indeed Scottish-Canadians who made claims about racialized identity from the mid-nineteenth century onwards, we should not mistake the rhetoric of élite culture brokers for popular perceptions that actually existed about race at the time. Scottish Gaels were not only considered to be racially distinct but inferior to other Scots for generations. Lowland Scots themselves made strenuous efforts to be accepted by the English as

fellow members of the same Teutonic racial category during the eighteenth and early nineteenth centuries, and in doing so they often distanced themselves from their Highland neighbours.<sup>11</sup> When Scots in Canada like Fraser made grand pronouncements (in English) about racial character, they were attempting to ingratiate themselves with the Anglophone ascendancy by professing to share and glorify the same traits, values and standards. This was not necessarily an accurate portrayal of lived experience and had little if anything to do with Scottish Gaeldom as such.

Second, Vance asserts that Scottish organizations could serve to exclude and marginalize other peoples in Canada, particularly First Nations and racialized “Others,” and that such groups usually served conservative rather than liberal ends.<sup>12</sup> Again, I would not argue with the general observation but would condition it with the caveat that during this time period Gaels had little to no social or political latitude for action independent of the British establishment and were attempting to counter their own marginalization by conspicuously demonstrating their service as loyal servants of empire, just as did the Mohawk and other subalterns. Furthermore, some of the activity of Gaelic organizations was indeed critical of the establishment and the attempt to bolster the Gaelic language was in itself an act of defiance of the exclusion and contempt that Gaels themselves experienced at the hands of Anglophones.

Third, in this and other articles Vance can hardly use the ethnic marker “Highland” without qualifying it with the term “enclave.” The dictionary definition of “enclave” indicates a smaller group contained by a larger one and the consciousness of a subordinate status to the majority group. This is not an entirely accurate characterization of numerous Highland immigrant communities in Canada where Gaels were the majority and could lead long and full lives interacting with others in their native language.<sup>13</sup> Vance extends the notion of ethnic subordination to literature, disregarding the significance of Gaelic literary production in Canada and giving credit primarily to literature in Lowland Scots as an influence on “emerging Canadian literary culture,” presumably because he defines “Canadian” in narrowly Anglo-normative terms.<sup>14</sup> In fact, Gaelic communities all across

Canada not only shared a common literary heritage but were constantly cross-pollinating each other's repertoires and creative developments for generations. Their literary productions certainly merit being regarded as a branch of Canadian literary culture, inclusively defined.

Finally, Vance seems to essentialize Gaelic as an inherently rural and culturally conservative phenomenon and hence implies that the work of Gaels and Gaelic organizations in Toronto to maintain and develop their native language in urban settings was futile and misconceived. His comments are worth quoting in full:

... Alexander Fraser was one of several turn-of-the-century Highland immigrants who sought to promote the interests of the Gaelic community in Canada by encouraging the use of their native tongue. Fraser's promotion of the language was, however, conducted in Ontario's largest urban centre rather than the rural enclaves where the majority of Gaelic-speakers were located. While it is certainly true that the Highlanders' Gaelic legacy helped to foster an intense sense of community in places like Cape Breton, the language's survival was largely a consequence of these communities' relative isolation rather than its promotion by urban groups like Fraser's Gaelic Society of Canada. Despite the advocacy of groups like Fraser's, Gaelic-speaking was actively discouraged by educational authorities during the nineteenth century and came under increased threat in the twentieth century from intruding technologies such as radio and television. While Gaelic still survives in Nova Scotia and the language continues to have its advocates, the revival of Gaelic-speaking has recently been represented as a potential asset for the tourism industry of the province as a whole rather than solely as a benefit to the descendants of the Cape Breton enclave community (Kennedy 2002).

During the nineteenth century, Scots like Fraser, who organized in the urban centres, were more likely to be in a position to exert influence on Canadian society than the Gaelic-speakers in enclave communities who were isolated and largely removed from mainstream Canadian society.<sup>15</sup>

The desire to maintain language and culture through participation in ethnic organizations was shared by Scottish Gaels in Lowland Scotland and a host of ethnic groups in Canada. Some Toronto Gaels had spent time in the Scottish urban *Gàidhealtachds* and hoped to replicate the developments taking place there.<sup>16</sup> As in Scottish cities, Toronto drew Gaels from many different communities of origin who were aware that in order to survive, Gaelic needed the creative energy and prestige conferred by the kinds of cultural production forged by urban intelligentsia.

Although it has proved very difficult to transmit minority languages in urban settings across generations, we need not retroactively chide such advocates for the long-term difficulties they encountered. The factors affecting success or failure are much more complex than geographical location/isolation and technology. Both print media and oral tradition demonstrate the fact that Gaelic communities across Canada and beyond maintained widespread networks of communication and cultural exchange. That Gaelic has survived best to the present in more isolated rural settings is not evidence that the language and culture was not capable of adaptation. Radio and television are not inherently aligned with or against any particular language or culture: it is a question of which speech community is able to control and harness such technologies. In fact, some early-twentieth-century Gaels were optimistic that these new tools would empower their own communities in new ways.

Vance implies that the Kennedy report is concerned with promoting Nova Scotia as an artificially Gaelicized province for the tourist market. *Gaelic Nova Scotia* is an inventory—historical, linguistic, cultural and artistic—produced as part of a strategy for the revitalization of Gaelic communities in Nova Scotia on their own terms. Language was and remains a defining feature of these

communities. As the report demonstrates, Gaelic culture makes important economic contributions to the region, especially in the tourist industry, but it is only possible to sustain such activity if the communities are themselves resilient, self-confident and self-sustaining. The report is primarily concerned with the internal resources and perspectives of Gaelic Nova Scotia and how community well-being and integrity can be supported, with tourism being an obvious economic spin-off of long-term cultural vitality. As is clear from contemporary texts and debates, Gaels in nineteenth-century Ontario were facing many of the same issues and misunderstandings.

### **Glengarry Gaels**

Gaelic communities could be found in many parts of nineteenth-century Ontario, but the largest and most cohesive settlement was in Glengarry County, from whence the largest number of Gaelic sources survive. As has been mentioned previously, formal Gaelic organizations got their start in Canada with the establishment of a franchise of the Gaelic Society of London in 1818 in Glengarry. Iain MacGilleMhaoil, a third-generation Gaelic-speaking Canadian, remarked in 1904 that the inaugural meeting had been held at his granduncle's home in St. Raphael's and that the organization held an annual ball. A Gaelic song about the event was composed by request and performed at one of its dinners in that first generation.<sup>17</sup> This at least confirms that the composition of new Gaelic odes was a prominent feature of this organization from the start.

The earliest surviving Gaelic text with a definite date that I have found explicitly celebrating Glengarry's Highland identity was composed in 1870.<sup>18</sup> It is stated to have been composed for a St. Andrew's dinner in Alexandria, which was an important population centre in Glengarry at the time.<sup>19</sup> The poet begins his ode by stating that he has been invited to a dinner in the "region's great city" and enumerates the many Gaelic personal names and clans present. There is no suggestion that it was in any way unnatural or unusual for the Gaelic language or elements of Gaelic tradition to exist or be highlighted in such a context: in fact, the concluding verses of the poem chastise those who do not teach Gaelic to their children. On the other hand, there seems to be some

hint of the growing dominance of English in the environment given that Gaelic is praised as the most natural language for songs and entertainment (rather than more utilitarian purposes), several English loanwords appear in the song, and the society's president is quoted as saying in English, "Come fill your glass."

In 1894 the Gaels of Lochiel in Glengarry County commemorated the foundation of their township. A letter sent to the *Mac-Talla* newspaper (printed in Nova Scotia) described the celebrations which were large and well structured:

Tha pàipearan a tha tighinn d'ar n-ionnaigh á Gleann  
Garaidh ag innse mu chruinneachadh mór a bh' aig  
Gàidheil Loch Iall air Di-Mairt an 4mh latha dhe'n  
mhios mar chuimhneachan air an athraichean a  
thàinig thar cuain is a shuidhich 's an sgìreachd a'  
cheud bhliadhna 'n t-samhradh seo.

Cha bu lugha na mìle de shliochd nan daoine còire  
sin a chruinnich air an latha ud gu Eaglais Chaluim  
Chille aig Kirk Hill (Cnoc na h-Eaglais); agus chuir  
iad seachad latha toilichte maille ri chèile a'  
comhradh mu bheatha is mu chliù nan daoine o'n  
tàinig iad agus ag éisteachd ri òraidean fileanta ...<sup>20</sup>

Papers have come to us from Glengarry discussing a  
great gathering that the Gaels of Lochiel have had  
this summer on Tuesday the 4th of the month [of  
September] in commemoration of their forefathers  
who came across the ocean and settled in the county  
a century ago.

No fewer than a thousand of the descendants of that  
goodly people gathered on that day at St. Columba's  
Church at Kirk Hill and they spent a pleasant day  
together discussing the lives and fine repute of those  
people from whom they descend, and listening to  
eloquent addresses ...

A Gaelic text delivered by the Rev. Dr. Niall Mac na h-Innse for this commemoration survives and was printed in 1896.<sup>21</sup> It is not clear whether this text written by Mac na h-Innse was for the commemoration in 1894 and left unprinted for two years, or if his address was for an annual event at which he spoke two years later in 1896. In any case, while Mac na h-Innse argued for the importance of the Gaelic language and literary tradition, a close reading of his text indicates that he was also eager to bolster Gaelic self-worth by reference to Macpherson's *Ossian* and the military tradition. From this and other texts, it is clear that Highlandism had a marked impact on the ways in which the Gaels of Ontario conceived of their collective identity, even if it did not entirely displace older elements.<sup>22</sup>

The integration of Anglophone influences into Gaelic ethnic consciousness is also indicated in another text printed in 1896, this time a song-poem composed by Maoileas MacGilleMhaoil of Finch, Ontario, to celebrate a St. Andrew's Society dinner.<sup>23</sup> This song-poem is modeled on a set of poems and literary conventions established in the mid-eighteenth century by Gaelic literati asserting the title of clan bard for themselves.<sup>24</sup> What is interesting in this case, by contrast, is that MacGilleMhaoil is laying claim to the title of bard to a territory, presumably that of Glengarry County, rather than the obsolete clan entity. This illustrates how Gaelic Canadian poets were accommodating new socio-economic realities in a "New World" context. The poet focuses on a specifically Gaelic, rather than a pan-Scottish, ethnic consciousness (although he sometimes appropriates symbols that are not Gaelic in origin): while St. Andrew is the saint of all of Scotland, he is here associated exclusively with Gaels (line 24); the ancestral territory of his subjects is that of the Highlands (line 34); although mention is made of the "men of Scotland," they are arrayed in Highland accoutrement and comprise military regiments (lines 49-52); the language of the people MacGilleMhaoil is addressing, and the language he sees fit to praise, is Gaelic (lines 57-60); the Lowlands and Lowlanders (as an ethnic group) are never explicitly mentioned or integrated into his discourse.

Ho li bho i a go li bho ì  
Ho li bho i a go li bho o  
Smeòrach le mo dhùthaich mi.

5 Oidhche Fhéill Anndrais, rinn iad coinneamh  
Buidheann gun ghiamh, gun ghnìomh foilleill;  
Nòs ar dùthcha 'ga thoirt am follais,  
'S ann leam bu sholasach r'a sealladh.

10 Nach bu sholasach ri fhaicinn  
Suaicheantas a' Ghàidheil ghasa:  
Boineid, féileadh is osain bhreaca  
Biodag chairgneach is lann 'chinn ainsich.

15 Buidheann fhialaigh fhiachail thaitneach,  
Treun an gnìomh is dian gu casgairt  
'N àm dol sìos am blàr nam baiteal,  
Nach do smuainich riamh air gealtachd.

20 Comann mórdhalach ro loinneil  
Suidhe sìos an seòmar soilleir;  
Cliath lùth-mheóir toirt ceòl gu sgoinneil  
Mach tro dhos nam beòil tholl cruinne.

'S i seo tòsta bhudhach àghmhor:  
Na bitheadh gruaim air fear 'ga tràghadh;  
Cuimhnichibh car-son a tha i  
Comunn Anndra naomh nan Gàidheal.

25 'S na bitheadh di-chuimhn' air ur càirdean  
Air taobh thall an rubha-sàile;  
'S ionnan iad am fuil 's an nàdur;  
'S ann bho Chluaidh a fhuair iad Pàdraig.

30 Tòsta do uaisle na tìre,  
Lìonaibh suas gu sguabaibh leibh i:  
Is ìocshlaint bhuan i 's truail 'gar n-innsgin  
Is adhbhar uail dhuinn buaidh ar sinnsreadh.

35 Tòsta nan àrmunn glana  
 Bho thìr nan Garbh-Chrioch is nan gleannaibh  
 An àm cruadail, fuatha[i]s na deanna[i]l  
 Choisneadh buaidh le bualadh lannan.

40 'S ioma curaidh neartmhor treubhach  
 Bha ri àireamh riamh 'nar treudaibh;  
 B' ann diubh Fionn bho fheachd na Féinne,  
 Diarmad, Osgar, Conn is Treunmhor.

Cha chòir di-chuimhn' bhith air Wallace,  
 B' àrd a chliù 's gach dùthaich aineol<sup>25</sup>  
 Cha do sheas ri linn air thalamh  
 Fear a bhuinneadh buaidh dheth dh'aindeoin.

45 Latha Bannockburn a chòmhdach  
 Euchd nan Gàidheal treubhach cròdhach  
 Triùir mu'n aon fhear, teachd 'nan comhdhail  
 'S dh'fhàg iad marbh ceud mìle air lòn diubh.

50 Cò dh'an géilleadh fir na h-Alba,  
 Luchd an éididh bhòidhich bhalla-bhric?  
 Waterloo bu mhath a dhearbhadh iad  
 Euchd a feachd 's iad ceart fo'n armachd.

55 Tòsta do Bhreatainn 's do Éirinn  
 Is do luchd àiteachaidh an réim seo  
 Iad bhith buan a' cur le chéile  
 Dìon a' Chrùin bho dhùrachd bhéistean.

60 Tòsta na Gàidhlig 'am bhilibh,  
 A' chainnt chairdeil làidir mhilis,  
 Math gu bàrdachd, dàn is filidh:  
 'S troich nì h-àicheadh 's tràill nach sir i.

'S bho nach miann leam dol nas fhaide  
 Seach mun cinn mo bhriathraian mabach

Gur e an t-iarrtas a th' agam  
Toil a' Chruitheir dùrachd m' aigne.

(1-4) ... I am the maven of my territory.

(5-8) They had a meeting on the evening of St. Andrew's Day, a group without fault or treacherous deed; the traditions of our country being displayed, I thought them wonderful to behold.

(9-12) Wasn't it wonderful to behold the emblems of the great Gael? Bonnet, kilt and tartan hose, an engraved dagger and a basket-hilted sword.

(13-16) A generous, worthy, pleasant group, brave in deed and eager to fight; when it was time to rush down to the battlefield, cowardice never occurred to them.

(17-20) A majestic, handsome group seating themselves in a lighted room; a light-fingered band providing excellent music through drones with round-mouthed holes.

(21-24) Here is a toast of victory and prosperity; let there be no grimace on the man who drinks it; remember why it is St. Andrew's Society of the Gaels.

(25-28) Let us not forget our relations on the far side of the salt-water; their blood and nature are the same; it was from Clydeside that they took [St.] Patrick.

(29-32) A toast to the nobles of the land, fill it up so that you may guzzle it down; it is a lasting medicine and loosening of our vigour; our ancestors' victories [or virtues] are a reason for pride.

(33-36) A toast to the pure warriors from the mountains and glens who would win victory with the smiting of swords in the time of hardship, terror and rush.

(37-40) Many strong, valorous warriors have been counted among our people: these include Fionn [mac Cumail] of the Fian band, Diarmad, Osgar, Conn and Treunmhor.

(41-44) Wallace should not be forgotten, he was famous in every remote country; no other man stood on dry land during his era who could defeat him in combat.

(45-48) The Battle of Bannockburn proved the deeds of the valorous Gaels; for every one [Gael], three enemies came to meet him, and they left a hundred thousand of them dead on the field.

(49-52) To whom would the men of Scotland yield, the people of the beautiful, tartan plaids? Well did they prove at Waterloo the deed of [Scotland's] troops, well equipped.

(53-56) A toast to Britain and to Ireland, and to the inhabitants of this dominion; may they live long, endeavouring together, defending the Crown from the whims of beasts.

(57-60) A toast to Gaelic on their lips, the kindly, strong, sweet language that is good for poetry, ballad and literati: only a troll would disavow it, only a slave would not seek it out.

(61-64) I do not wish to proceed any further, lest my words become faltering; the request that I have is that the will of the Creator be the wish of my mind.

Although he employs authentic Gaelic literary devices and traditional characters, such as the heroes of the Fian (lines 39-40), MacGilleMhaoil has also incorporated influences derived from nineteenth-century Anglophone literature, conjuring up the pan-Scottish hero William Wallace (line 41) and the Battle of Bannockburn (line 45) to underscore the conceit that Scots were indomitable warriors by nature. He makes a brief allusion to the importance of Gaels in the British triumph over French enemies at Waterloo (line 51). In short, this poem follows a common pattern apparent in many other contemporary texts in which Gaels parade their presumed military virtues, royalism and tartanistic symbols ostentatiously in order to legitimate their merit in an otherwise Anglocentric imperial order.<sup>26</sup>

A very similar set of tropes with the same import appears in another poem from Alexandria composed by Dr. Dòmhnall D. MacDhòmhnail on the occasion of the “Scotch Gathering” of September 2, 1905.<sup>27</sup> I have discussed this poem in detail elsewhere and will only add the observation that the poet and his friends plan a “heritage tour” described in terms very familiar today. The territory delineated by their itinerary neatly corresponds to concentric rings of origins and layers of identity for the people of Glengarry: they start with a focus on the Clan Donald “Rough Bounds” (*Garbh-Chrìochan*), expand their catchment area to the Highlands as a whole, and then make brief but inclusive visits to Edinburgh, England and Ireland, in that order.

### **Beyond Glengarry**

A letter that appeared in the newspaper *Mac-Talla* from correspondent Iain MacGilleEasbaig about a Gaelic social event in Priceville, Grey County, Ontario, in 1902 illustrates how Gaels across Canada and indeed Scotland were connected in social networks that were reinforced and renewed at public events. It suggests particularly strong links between Gaelic communities across Ontario:

Bha cruinneachadh mór aig Comunn nan Gàidheal o chionn beagan sheachdainean 's a' bhaile bheag seo agus mar a bhios na Gàidheil daonnan, chaith iad an oidhche gu cridheil sunndach. Bha mòran de luchd-seinn á baile Toronto ann. Bha Iain Dùghlach á Hamilton ann mar an ceudna, aon de na h-*organizers* aig a' chomunn. 'S e fìor Ghàidheal a th' ann, aig am bheil a' Ghàidhlig gu math agus chan eil e mór às fhéin air son a bhith 'ga bruidhinn nas mó. Fhuair e gu leòr dhi ann am Priceville. Tha sinn an dòchas nach bi an ùine fada gus an tig e a-rithist. ... Tha sinn a' cumail suas na Gàidhlig anns a' bhaile bheag seo cho math ri àite sam bith.<sup>28</sup>

The Gaelic Society had a large gathering a few weeks ago in this little settlement and they spent the evening happily and merrily, as Gaels always do. Many of the singers from Toronto were there. John MacDougall [?] from Hamilton, one of the organizers of the organization, was there likewise. He is a true Gael who speaks Gaelic fluently and he is not uppity about speaking it either. He got plenty of it [Gaelic] in Priceville. We hope it won't be long before he comes again. ... We are keeping Gaelic alive in this little town as well as anywhere.

There is no indication here that the presence of Gaelic in Toronto or Priceville or anywhere else in Ontario was unnatural or less viable than in Nova Scotia or Scotland. What we do see instead is that the visitation of Gaelic singers from Toronto and a Gaelic organizer from Hamilton invigorated the Gaelic activity of Priceville and that there was mutual enjoyment of a shared culture.

Toronto deserves a special place in the history of Ontario Gaeldom, although Gaelic and the capital city are seldom mentioned in tandem. Shannon O'Connor has recently concluded that Scots, broadly defined, were one of the three largest ethnic groups in Toronto in the late nineteenth and early twentieth

centuries.<sup>29</sup> Eòin MacFhionghain (a well-respected authority on Canadian Gaeldom, known as “Jonathan G. MacKinnon” in English) estimated that there were about 20,000 Gaelic speakers in Toronto in 1935.<sup>30</sup> This population would have been drawn in from many different parts of Scotland and Canada.

Eóghann MacColla composed a Gaelic ode to a Scottish society in Toronto in 1858.<sup>31</sup> Although the Gaelic title obscures the identity of the group, I suspect that, given this early date, it was the St. Andrew’s Society (formed in 1836), given that Comunn Gàidhlig Thoronto (the Gaelic Society of Toronto) would not be formed until twenty-two years after the poem’s publication. While the second half of the song revels in the symbols of tartanism and the activities paraded at Highland Games,<sup>32</sup> it begins with praise of the society leaders who demonstrate a commitment to sustain their ancestral culture and language, Gaelic in particular. MacColla was one of the most popular Gaelic poets of his era, and his poem emphasizes the importance of literary production in maintaining prestige for the language and the historical continuity of the Gaelic literary tradition. Again, there is no sense that his role, his language or Gaelic literature were in any sense abnormal or anomalous in Toronto, but rather that these were central features of the celebration of Gaelic identity and even “Scottishness” in an inclusive sense.

A number of Gaels living in Toronto decided in December of 1879 that they desired to form a Gaelic society, and a new organization, Comunn Gàidhlig Thoronto (the Gaelic Society of Toronto), had its first meeting in 1880 in the home of Dòmhnall MacEóghainn (Donald McEwan). The constitution as printed later states the three objects of the society to be:

- the cultivation of a closer and more intimate intercourse of social relations between the sons of the Gael in Toronto, and thus [to] promote and perpetuate a deeper reverence and love for the land of the “mountain and the flood,” its language and its literature;

- to enable the members, by means of readings, conversation and discussions in the Gaelic language, to speak the mother tongue with ease, correctness and fluency;
- to give information and assistance, when required, to any one of our fellow-countrymen seeking a home in this western world<sup>33</sup>

It is noteworthy that this ethnic association was specifically Gaelic in orientation and had a strong linguistic and literary focus, even if it also allowed for assisting the financial needs of fellow immigrants. A decade later one of the original members reflected on the objectives of the group which demonstrate a remarkable degree of linguistic sophistication and consciousness:

It will be in the recollection of the older members that the society in Toronto was inaugurated with the very humble intention of reviving among themselves their early knowledge and use of the language; and by conversing together in the various Gaelic dialects which from the Highlands and Islands of Scotland had centered in Toronto, to endeavour to construct a standard colloquial Gaelic dialect which would be understood in the same manner that a classical Gaelic preacher is understood and appreciated in whatever quarter of the country the language is spoken.<sup>34</sup>

The minutes of the organization were written in Gaelic by hand and have yet to be subjected to sustained scholarly attention. A preliminary perusal of them indicates, however, that monthly meetings consisted largely of discussing or debating contemporary issues relating to culture, politics, history, and so on, all through the medium of Gaelic. Participants were practicing what they had learned in Scottish university organizations, such the University of Edinburgh's Celtic Society, which had been holding debates in Gaelic by the mid-1800s.<sup>35</sup>

The very first discussion of the group dealt with the difficulties in teaching or enhancing Gaelic literacy due to the lack of Gaelic reading material, including the Bible. Sustained support for and encouragement of literacy in Gaelic was made all the more difficult by the fact that Gaelic had no official status in national or provincial governments or educational institutions. Secular Gaelic materials were procured and read at the second meeting, however,<sup>36</sup> and members offered talks about various subjects and translated reading material from English to Gaelic. Some discussions could be quite diverse and contentious. During the January 1881 meeting, the group formulated a strong condemnation of the Clearances which was sent to the *Highlander* newspaper in Scotland and printed on March 30, 1881. It includes the following assertions:

Gum bheil sinne, Comunn Gàidhealach Thoronto, fo dhoilgheas agus a' togail fianuis an aghaidh na h-eucoir 's an ainneart leis am bheil àireamh mhór d'ar luchd-dùthcha (air nach tugadh barr riamh air son treunadais agus gaisge) air am fòirneadh às am fearann, agus air am fuadachadh às a' Ghàidhealtachd, do bhailtibh móra Bhreatann is do thiribh céin ...

... mar as motha a tha sinn a' sealbhachadh saorsa is deagh chor fò laghaibh cothromach 's an tìr seo, 's ann as motha a tha sinn a' toirt faineam mu h-eucoir is na geur-leanmhainn fo'm bheil móran de na Gàidheil a tha fhathast 'nan tìr fhéin a' fulang, agus na cunnartan a leanas an lorg nan laghanna eucorach ud mur téid an atharrachadh an ùine ghearr.

Gum bheil luchd-fòineirt is geur-leanmhainn nan Gàidheal a ghnàth a' cur casaidean tàireil breugach ri ainneart, le bhith cur an céill gum bheil bochdainn a' chuid mhór dhiubh 's a' Ghàidhealtachd ag éirigh bho'n coire fhéin, de thaobh is nach eil iad dìcheallach na aghartach chum an leas fhéin. ...

Gum bheil sinn duilich fhaicinn cho neo-shùimeil agus cho suarach is a tha mòran de luchd-riaghlaidh Bhreatainn mu chor nan Gàidheal, de'm bheil mìltean air an cuir sìos gu staid bochdainn nach eil idir nas fhearr (mur eil nas miosa) na cor sluagh na h-Éireann, a tha tarraing aire cho mór da'n ionnsaigh, le'n àrd-ghearain is an co-ghluasad, am feadh is a tha na Gàidheil bho chd a' fulang ainneart le foighdinn agus an sàmhchair ...

We, the Gaelic Society of Toronto, are troubled and bear witness against the injustice and the oppression with which a large number of our compatriots (who have never been excelled for their bravery or heroism) are forced out of their lands and cleared out of the Highlands to the large cities of Britain and to foreign lands ...

... the more that we enjoy freedom and well-being under equal laws in this country, the more that we are aware of the injustice and the persecution that still oppresses many Gaels in their own land, and the menaces that result from those unjust laws if they are not changed before too long.

The oppressors and persecutors of the Gaels are always condemning them with shameful, lying accusations that add to their subjection, claiming that the poverty of many of them in the Highlands is their own fault, due to their lack of industry or lack of progress to improve themselves. ...

We are sorry to see that many of the politicians of Britain consider the condition of the Gaels to be of so little interest, and to be beneath their contempt, that thousands are reduced to a state of poverty that is no better at all (if it is no worse) than the condition of the population of Ireland, that does

draw their attention so strongly, with their great protest and campaigning, while the poor [Scottish] Gael suffers injustice with patience and silence ...

Their statement ends by expressing solidarity with Gaelic societies in Scotland in a larger struggle against these injustices. Evidence such as this attests to the political role that Gaelic societies in Canada could play in international networks and the verbal sophistication that well-educated Gaels, often in urban settings, could give to such statements. But it also suggests that Gaels were conscious of their racialized inferiorization by Anglophones (as frequently depicted in the Anglophone popular press<sup>37</sup>) and that they continued to flee the Highlands because conditions were still so onerous. Members of Comunn Gàidhlig Toronto continued to grapple with these issues, as was noted, for example, during the annual meeting in 1888: “as is the case with kindred societies the Gaelic Society of Toronto has naturally taken an interest in the crofter question which is now agitating British politics...”<sup>38</sup>

In 1887, the Gaelic Society of Toronto changed its official constitution to reflect a different set of priorities and activities. An organization with a broader set of activities, open to Anglophones, could appeal to a bigger potential audience. The society’s commitment to developing the Gaelic language in Toronto was watered down in the larger group setting, even though subdivisions of the Society continued to do important work. The society’s official record states:

On January 12th, 1887, a meeting of Highlanders was held under the auspices of the Gaelic Society of Toronto, to celebrate New Year, old style. A committee was appointed at that meeting, with Mr. Alexander Fraser as Provisional Secretary, to revise the Constitution, with the view of re-organizing the Society. On January 24 the committee submitted their report amending the Constitution, which report was adopted. The chief amendment was one to the effect that while the Gaelic language should have preference in the conducting of the work of the

Society, the use of English would not be excluded, thus widening the basis of membership, which, under the original Constitution practically debarred the admission of non-Gaelic speaking nominees.

Despite this compromise, Gaelic continued to play an important role in aspects of the Society for at least the next couple of decades. A Gaelic Bible class was conducted every Sunday afternoon at three o'clock in the hall of Knox Church by David Spence, who also held a more general class in Gaelic literacy. In the Society's official summary of their first year since its reformation, it is remarked that the organization had "in no small measure [...] awakened an interest in Gaelic matters generally throughout the Province." If this claim is accurate, it at least supports the notion that an organization of articulate and accomplished citizens in an urban city such as Toronto could provide crucial leadership and prestige to smaller, rural Gaelic immigrant communities scattered throughout Ontario and their efforts at cultural maintenance.

Members of the reformed Comunn Gàidhlig Thoronto sometimes indicated ambivalent attitudes, however, regarding the capacities and roles of Gaelic in relation to English. In his address as Society president in 1891, Spence implies that English is the language of modernity and Gaelic is the language of the sentimental past:

If antiquity be an advantage, it can be readily shown that Gaelic possesses that advantage; therefore it becomes a matter of considerable moment that it should continue to be preserved, not only as a written, but more especially as a pure, living spoken language. Its construction is peculiar, and its pronunciation is unique. It cannot be successfully harmonized with any other language of the present day. ...

We claim our right and heritage in the English tongue as the grand main channel for the industry, the commerce and the literature of the modern

world, while at the same time we invite Highlanders and their descendants in Canada, who can cherish fond memories of the virtues and refinements of Gaelic-speaking families at home, to lend their sympathy and co-operation in promoting the objects of this society.<sup>39</sup>

This concession leaves the differential advantage to English over Gaelic, and thus reflects an undermined self-confidence in the viability of the language for the future. Regardless of such equivocation, Spence and some other Society members continued to state their allegiance to their mother tongue on other occasions, as when the Gaelic Societies of Toronto and Hamilton came together to celebrate in 1891:

A very pleasant event occurred on Saturday last at Oakville when the Gaelic societies of Hamilton and Toronto met for the first time to picnic and enjoy themselves together... Mr. Spence ... urged that more attention be given to the Gaelic language and denounced those who sometimes were ashamed to speak their mother tongue, as unworthy of the name of Highlanders. (Cheers) and he closed with a short Gaelic speech.<sup>40</sup>

The image projected to the outside world about the Gaelic Society and its activities leaned heavily on tartanism and the stereotype of the brawny Highland warrior, as illustrated by a full-page article in Gaelic replete with illustrations in the January 15, 1891 issue of the *Scottish Canadian* newspaper. Although the Gaelic Society of Hamilton was in existence by 1891, probably by following the example of the Toronto group, it seems to have formulated its constitution only in 1894. What is notable, however, is that the constitution is written entirely in Gaelic, most likely modelled on a parallel institution in Scotland. This document evinces a strong commitment to Gaelic language and literature, perhaps in contrast to the more recreational turn that the Toronto group had taken.

A letter from the Gaelic Society of Bruce County in 1890, sent to Senator Tòmas MacAonghuis when he proposed in the Senate that Gaelic be an official language of Canada, demonstrates the existence of this society at that time.<sup>41</sup> While in favour of his scheme, the text has a tangibly tentative and submissive tone, indicating the timidity of Gaels and their ethnic associations when confronting the dominance of the Anglocentric establishment. I do not know anything more about the Gaelic Society of Bruce County, but it is possible that local archival research could uncover important materials here and elsewhere in Ontario.

Such events as the Highland Land Agitation (of the 1880s) and the establishment of the Chair of Celtic Studies at the University of Edinburgh (1882) ushered in an era of renewed self-confidence for Gaels in Scotland and this further inspired Canadian Gaels to form associations to transfer such cultural benefits to their immigrant settings, including urban ones.<sup>42</sup> Take, for example, this letter from a Gaelic correspondent in Toronto writing to a Scottish periodical in 1893:

The Gaelic societies of Canada are in the full swing of their winter's work. The season for *camanachd*, a Highland sport not altogether lost to us over here, is about over, and the attention is turned to the evening *céilidh* indoors. The bent for organisation which characterises the Gael as a clansman, or as a member of the *Comunn* in the old land, has followed him to the new home beyond the sea, and clubs and societies abound. Among the more important are those of Toronto, Montreal, Kingston, Alexandria and Hamilton. ... Down by the sea, in Prince Edward Island, Cape Breton, and Nova Scotia, where there are so many Gaelic-speaking people, descendants of Highlanders, the desire for organisation as a people is taking hold. There are many splendid Highlanders on the maritime territory, and there is every reason why the old language, and the old customs, and the old character, should live and flourish there. The newly formed

society at Guelph is forging ahead, and is likely to accomplish much good in the district of which it will form the centre for Highlanders.<sup>43</sup>

Attitudes among Ontario Gaels about the role of ethnic associations in sustaining and developing Gaelic identity, and what elements were worthy of such support, is also evident in discussions about the formation of *An Comunn Gàidhealach* in Scotland and its ambitions, especially on the pages of the Toronto-based *Scottish Canadian* newspaper. Wind of the establishment of the group spread to Toronto quickly, as evidenced in a Gaelic article printed in May of 1891:

Faodaidh e bhith gum bheil cuid de luchd leughaidh *Albannach Chanada* nach cuala fhathast iomradh air a' chuspair fhiachail seo no an t-adhbhar mu'm bheil iadsan a tha air a cheann a' cur an cinn ri chéile. Bu mhiann leam, ma ta, ann am beagan bhriathran oidheirp a thoirt gu cuid de rùintibh is riaghailtibh a' chomainn a chaidh a chur air bhonn a dheanadh aithnichte do Ghàidheil na dùthcha seo. 'S a' cheud àite: tha miann aca ceòl is litreachas na Gàidhlig a bhrosnachadh ... Tha mi a' smaoinichadh gum bheil beachdan a' chomainn seo ionmholta.<sup>44</sup>

It may be that some of the readers of the *Scottish Canadian* have not yet heard mention of this worthy matter, or about the reason why those who are behind it have put their heads together. I would like, then, to attempt to summarize a few of the objectives and directives of the organization that have been established to make them known to the Gaels of this country. In the first place: they wish to encourage Gaelic music and literature. ... I think that the ideas of this organization are praiseworthy.

An editorial in the newspaper entitled "A Gaelic Renaissance" a couple of months later expressed even more optimism about

cultural developments in Scotland and their potential to support Gaelic revitalization at a time when key political breakthroughs seemed to herald a more equitable place for Gaelic in Scottish life and society. Diasporic Gaels were explicitly invited to share in these efforts:

Some time ago we brought before our Gaelic readers the movement which culminated at Oban, shortly before we then wrote, in the formation of a Gaelic Association designed to establish in the Highlands of Scotland an institution similar in its general features to the popular Eisteddfod of Wales which has done so much to preserve the national spirit in the little principality... They have now issued their first appeal to the Highland people at home and abroad... The native Highlanders, as fine a people as we have knowledge of in the annals of history, have been cruelly treated by landlords and Government. Little or nothing was done to infuse knowledge among them by the authorities... But they were neglected by the Government, persecuted and driven from the country by their natural protectors to make room for sheep and deer. Now, for the first time, the people having secured the first right of citizenship, an effort is being made to reach all of the people... Recognizing the value of the mother-tongue in this development, the Association wisely pays much attention to the schools... We need hardly say that we recommend this movement to our interested readers. Canada ought to give its strong support, materially and morally, to the undertaking, and we are authorized to state that communications for membership, or contributions to the funds will be attended to, forwarded and acknowledged by the secretary of the Gaelic Society of Toronto at the office at this newspaper.<sup>45</sup>

Gaelic continued to have a central place in specific activities or subgroups of Comunn Gàidhlig Toronto, such as Gaelic literacy classes. In 1903, after meeting for some three or four years in home of Iain MacGilleMhaoil and his widowed sister Catriona Chaimbeul, third-generation Gaelic Canadians, students presented them with a small gift for their sustained support. The response of Mrs. Caimbeul is indicative of the attachment to and affection for her native language and culture felt by many Canadian Gaels who had few other outlets for these loyalties.

Cha robh an dùil a bu lugha aig mnaoi Chaimbeul gun robh nì de leithid seo air chois agus thaisbein i mór-iongantas d’a thaobh. Fhreagair i gu modhail suilbhir nach b’ ann air sgàth leas sam bith daibh féin a bha ise agus a bràthair cho déidheil air gum biodh na coinneamhan air an cumail ’nan taigh ach a chionn ’s gun robh dian dhùrachd aca gum biodh a’ Ghàidhlig ’s gach nì ceangailte rithe a’ dol am feabhas is a’ meudachadh.<sup>46</sup>

Mrs. Campbell had no idea at all that anything like this was afoot and she showed great surprise about it. She responded politely and joyfully that it was not in order to procure any benefit to themselves that she and her brother were so keen on holding the gatherings in their house but rather because they so passionately desired for Gaelic and everything associated with it should flourish and proliferate.

There were other aspects to, or spin-offs from, Comunn Gàidhlig Toronto that had little to do with Gaelic or even competed with it for members’ attention, but these did not necessarily displace or contradict efforts to maintain and develop Gaelic language and culture, at least initially. One such example is a group formed to play the Highland game of *camanachd* (usually called “shinty” in English). Comunn Gàidhlig Toronto members seem to have first expressed interest in organizing a group in August of 1891, when five people were assigned the task of formalizing game rules.<sup>47</sup>

Players first met together in early September and matches seem to have been held by the end of the year.<sup>48</sup>

Dé bhur barail air a' chomunn ùr a th'againn a-nis—  
Cuideachd Camanachd Thorontò? An saoil sibh féin  
nach math an smaointinn a thàinig an ceann luchd na  
Gàidhlig nuair a chuir iad rompa gum biodh an t-  
seann chleachdainn seo againn, cho math ri  
cluidheachdan eile?<sup>49</sup>

What do you all think about the new organization  
that we have now—the Toronto Camanachd  
Association? Don't you all think that the idea that  
came into the heads of Gaelic speakers was a good  
one when they decided that we would keep this old  
custom, as well as other games?

While it was certainly the case that this aggressive sport, that bears more than a coincidental resemblance to modern hockey, dovetailed neatly into the image of the Highland warrior, it was also a genuine Highland tradition that was closely tied to old Gaelic calendar customs and still excites great passion among players and followers. It is far too simplistic to claim that the promotion of *camanachd* was consciously and exclusively a means “to tie Scottish games with the patriotic defence of empire.”<sup>50</sup>

The foundation of the Toronto Highland Regiment (The 48th Highlanders of Canada) in 1891—an initiative in which several members of Comunn Gàidhlig Thorontò were involved—is a much clearer case of an effort to connect Scottish ethnicity (in its broader manifestation) with militarism in a bid to win mainstream approval and “curry favour with establishment figures.”<sup>51</sup> The relish of this public attention is clear in an editorial entitled “The Kilted Regiment” in the July 30, 1891 issue of the *Scottish Canadian*:

From our report in another column it will be seen  
that a strong deputation headed by the Mayor of  
Toronto interviewed the Dominion Government last

week in connection with the formation of a kilted regiment for Toronto. We have already expressed ourselves as favourable to this movement which has taken a deep hold on the community. A kilted regiment, the Royal Scots, has, for many years, existed in Montreal, and it is not too much to say has been the pride of Scotchmen, not only in the Lower Province but in Upper Canada also... What has been done in Montreal can be reproduced, if not indeed improved on, in Toronto, where there is a large Scotch element numbering thousands of young men of fine physique who would show to great advantage in Highland garb, and where there are many successful men of means whose enthusiasm in the proposed regiment has been fairly aroused... As no form of defense is better than the militia, so no uniform is more attractive or more suitable for soldiering than the ancient Highland garb. It gives distinctiveness to the regiment, and to do credit to the country and race from which they sprang. The national sentiment should be always encouraged, and nothing stirs it more than a sight of the dress which is associated with so much of the glory of Scotland at home and abroad. It is, then, a most fitting thing that a regiment representing Scotland should be formed in Toronto, the centre and capital of a province which owes so much to Scotchmen and their descendants.

While the notion of Scottishness is certainly evoked in this text, it is explicitly tartanistic in acknowledging the purely symbolic role of the uniform and its connection to the imaginary aspects of Scottishness which differed greatly from the lived experience of Gaels. This is not to deny the attention that such symbols drew in public circles and their role in bolstering the self-confidence of the Highland immigrant community and their claim to privilege within it, but we must distinguish carefully between varying audiences and agendas. The flexibility of tartanism even provided the possibility

for people of other ethnic origins to “assume Scottish identities through their participation in Scottish associational culture and, by extension, the formation of the regiments.”<sup>52</sup>

A Gaelic article in the *Scottish Canadian* in 1892 also applauds the formation of the 48th Highlanders,<sup>53</sup> explicitly naming the three main leaders of the troops and identifying them as Gaelic speakers. The article quotes approvingly from an eighteenth-century song-poem by Donnchadh Bàn Mac an t-Saoir (Duncan Ban Macintyre) praising “the Highland habit” and weaponry of the Captain of the Edinburgh City Guard (Duncan Campbell).<sup>54</sup> The song-poem is thus exploited to legitimate the military enterprise via the precedent of Gaelic tradition, with clear echoes across space and time of the conspicuous display of tartan by military men in urban settings.

Senator Dòmhnall MacGilleMhaoil (Donald MacMillan) of Alexandria appeared at the annual meeting of Comunn Gàidhlig Thorontó in 1895, singing a Gaelic song and delivering a Gaelic speech to attendees.<sup>55</sup> He apologized for not being present at previous events of the organization, even though he was personally involved in the formation of the Toronto Regiment. This, as much as the substance of his speech, reveals his priorities and cultural allegiances. While he commends the efforts of the organization in reinvigorating the Gaelic language in the region, he also held a dim view of Gaelic cultural achievement in the past, tacitly endorsing the theory of stadial progress and Anglo-Saxon-driven “civilization.”<sup>56</sup>

### **Conclusions**

This brief summary illustrates the valuable information contained in the texts produced by and about immigrant communities in Ontario. It shows that previous scholarship on this topic is incomplete and in many cases very misleading. By ignoring the fact that Scots were not a homogenous ethnic group and that Gaels were portrayed as a distinct and inferior race in the nineteenth century, the particular issues facing them and the means by which they negotiated their linguistic and cultural position in the Canadian hierarchy has been obscured. Gaelic and Scottish organizations chose to celebrate, or, conversely neglect, elements of their

ancestral tradition(s) according to varying criteria that depended on geographical, historical and political contexts. They deserve greater attention through recourse to the Gaelic texts produced by and for Canadian Gaels. There were numerous Gaelic organizations and activities scattered throughout Ontario in the nineteenth and twentieth centuries rooted in both rural and urban immigrant communities of various sizes and concentrations. These ethnic associations were connected through social networks and print media to one another in Canada as well as to others in Scotland oriented around the issues specific to the Gaelic language and culture. Urban groups in places like Toronto and Hamilton were conduits for the developments emanating from Scotland that could be translated into a Canadian context.

The surviving Gaelic texts produced by individuals and groups in Ontario from the mid-1800s onwards provide a great deal of information about the ethnic consciousness of Gaelic speakers and the means by which they expressed and negotiated their identity in the province for several generations. Gaels were conscious of their inferiorization by Anglophones and the exclusion of their language and culture from the formal organs of the British Empire and the Dominion of Canada. Many wished to act on their loyalty to Gaelic and sustain it in an immigrant context for future generations, but lacked substantial and sustainable means to do so. The recurring desire for validation evident in many texts indicates that Gaels in Canada and Scotland suffered from an underlying insecurity and inferiority complex, however, particularly in their relations with the dominant Anglophone hegemony. Gaels sought to overcompensate for perceived inferiorities by playing up the stereotypes of tartanism so romanticized in the Anglophone literary imagination and by reinforcing their role as military champions of British imperialism. Such a position left their language and culture in a vulnerable and marginalized position. The salient display of the cliché of the fierce, indomitable Highland warrior can also be read in light of what John MacInnes calls the “siege mentality” of Scottish Gaeldom.<sup>57</sup> After centuries of marginalization and attack from the Anglophone forces of Lowland Scotland and England, Gaels sought to build group solidarity, defend themselves from offenses, and counter-balance accusations of inferiority by

hyperbolized machismo. This magnified masculinity, of course, was easily manipulated by the machinery of empire.

I am not claiming that leaders such as Alexander Fraser were necessarily Gaelic champions who need to be lionized, but their agendas were more complex and multivariate than previous scholars have detected by relying solely on Anglophone texts. While people like Fraser were well versed in their ancestral language, literature and traditions and often wished to celebrate and enshrine them, they were also aware that the dominant Anglophone establishment placed no inherent value in these aspects of their Gaelic inheritance. They sought validation from the Anglophone mainstream and forms of political and social capital via the mystique and exoticism of tartanism and the role of the brave and loyal Highland warrior fighting the cause of the empire. Even Fraser's attitudes about Gaelic are frequently ambivalent in the face of hegemony and he himself expressed frustration and disillusionment about the tepid response of Canadian Gaels to his efforts given the overwhelming supremacy of English.<sup>58</sup> But this too needs to be read in the context of imperialism and Anglocentric triumphalism.

## NOTES

<sup>1</sup> M. McLean, *The People of Glengarry: Highlanders In Transition, 1745-1820* (Montreal and Kingston: McGill-Queen's University Press, 1991), 89, 98.

<sup>2</sup> S. Hornsby, "Patterns of Scottish emigration to Canada, 1750-1870," *Journal of Historical Geography* 18 no. 4 (1992): 397-416 (at 411-12).

<sup>3</sup> See, for example, M. Newton, *Seanchaidh na Coille / Memory-Keeper of the Forest: Anthology of Scottish-Gaelic Literature of Canada* (Sydney, Cape Breton: Cape Breton University Press, 2015), 373-74.

<sup>4</sup> S. O'Connor, "The Scottish-Canadian Community in Toronto," archived at <http://www.cambridge.ca/>, 4.

<sup>5</sup> J. Fairney, "The Branch Societies of the Highland Society of London," in *Rannsaichadh na Gàidhlig 5 / Fifth Scottish Gaelic Research Conference*, ed. Kenneth Nilsen (Sydney, Cape Breton: Cape Breton University Press, 2010), 67-77 (at 72).

<sup>6</sup> Fairney, "The Branch Societies," 73.

<sup>7</sup> O'Connor, "The Scottish-Canadian Community."

<sup>8</sup> L. Campey, *The Scottish Pioneers of Upper Canada, 1784-1815: Glengarry and Beyond* (Toronto: Natural Heritage, 2005), xvi.

<sup>9</sup> M. Vance, "A Brief History of Organized Scottishness in Canada," in *Transatlantic Scots*, ed. C. Ray (Tuscaloosa: University of Alabama Press, 2005), 96-119 (at 96).

<sup>10</sup> Vance, "A Brief History," 105.

<sup>11</sup> C. Kidd, "Teutonist Ethnology and Scottish Nationalist Inhibition, 1780-1880," *Scottish Historical Review* 74 (1995): 45-68.

<sup>12</sup> Vance, "A Brief History," 100, 105.

<sup>13</sup> In Nova Scotia, for example, even as far west as Colchester County Anglophone enclaves felt that they needed to take special steps to protect themselves from the dominance of neighbouring Gaelic-speaking communities. See M. Kennedy, *Gaelic Nova Scotia: An Economic, Cultural, and Social Impact Study* (Halifax: Nova Scotia Museum, 2002), 26. Thanks to Michael Kennedy for this reference.

<sup>14</sup> Vance, "A Brief History," 103-104: "Gaelic songs continued to be produced in Highland enclave communities and began to be published in the later nineteenth century (MacDonell 1982), but it is with the Scots dialect poetry that the impact of the Scots on emerging Canadian literary culture was most marked."

<sup>15</sup> Vance, "A Brief History," 98.

<sup>16</sup> Alexander Fraser, for example, was a graduate of the University of Glasgow.

<sup>17</sup> J. C. McMillan, "The First Settlers in Glengarry," *Scottish Canadian* June 1904, 167-76 (at 170). I am not aware that the text of the song has survived.

<sup>18</sup> Newton, *Seanchaidh na Coille*, 434-39.

<sup>19</sup> It had a population of 800 in the 1871 census, while all of Glengarry County had a population of 20,524. See D. Rayside, *Small Town in Modern Times: Alexandria, Ontario* (Montreal and Kingston: McGill-Queen's Press, 1991), 33.

<sup>20</sup> "Gàidheil Ghlinn Garaidh," *Mac-Talla* 3.11 (15 September 1894): 7.

<sup>21</sup> Newton, *Seanchaidh na Coille*, 108-16.

<sup>22</sup> "Highlandism" can be defined as the projection of stereotyped ethnic symbols of the Highlands – particular tartan patterns, kilts, and bagpipes – upon a subject regardless of whether it is historically accurate.

<sup>23</sup> *Glengarrion* 3 January 1896. As this text has not been previously edited or translated, I give it in full here. I have emended the Gaelic orthography and corrected a number of mistakes in the text. The song was not printed with information about when it was composed and I am not entirely sure

yet as to the lifetime of its composer. A number of MacGilleMhaoil's songs were printed in *Mac-Talla* and the *Glengarrian* newspapers, but they may or may not have been freshly composed. A song said to be made on his deathbed was printed in *Mac-Talla* 6.15 (8 October 1897): 120. It is worth noting that the poet's surname was also that of the poet who composed an early ode to the Gaelic Society in St. Raphael's and so it is possible that this may have been the song-poem mentioned previously.

<sup>24</sup> "Smeòrach Chlann Raghnaill" is the older poem on which it is modelled. See R. Black, "Alasdair mac Mhaighstir Alasdair and the New Gaelic Poetry," in *The Edinburgh History of Scottish Literature vol. 2: Enlightenment, Britain and Empire (1707-1918)*, ed. S. Manning (Edinburgh: Edinburgh University Press, 2007), 110-24 (at 115).

<sup>25</sup> The original text reads "ainneal." I have emended this to "aineol" (rather than "ainneil," as it provides a better rhyme and is no less logical).

<sup>26</sup> Newton, *Seanchaidh na Coille*, 70-78.

<sup>27</sup> Newton, *Seanchaidh na Coille*, 450-56. By this time the settlement had swelled to a population of about 2,000.

<sup>28</sup> *Mac-Talla* 10.26 (14 March 1902): 198.

<sup>29</sup> O'Connor, "The Scottish-Canadian Community in Toronto," 4.

<sup>30</sup> J. MacKinnon, "Gaelic Speech in Canada," *Sydney Post-Record* 7 May 1935, 7.

<sup>31</sup> Newton, *Seanchaidh*, 431-34.

<sup>32</sup> "Tartanism" can be defined as the salient display of tartan as a visual marker indicating Scottish ethnicity.

<sup>33</sup> From the Alexander Fraser papers in the Archives of Ontario, F1015 – MU1091.

<sup>34</sup> *Scottish Canadian* 9 April 1891. Written by David Spense.

<sup>35</sup> L. A. Crouse, "The Establishment of Celtic Societies," *History Scotland* September / October 2013: 24-31 (at 25-27); T. Bueltmann, *Clubbing Together: Ethnicity, Civility and Formal Sociability in the Scottish Diaspora to 1930* (Liverpool: Liverpool University Press, 2014), 208-09.

<sup>36</sup> A text entitled "Thogainn Fonn air Lorg an Fhéidh," which is also the title of a popular Gaelic song about deer hunting. This may have been a letter written by Rev. Tormod MacLeòid (aka Norman MacLeod, "Caraid nan Gàidheal") and originally printed by him with that title in one of his Gaelic periodicals.

<sup>37</sup> K. Fenyo, *Contempt, Sympathy and Romance: Lowland Perceptions of the Highlands and the Clearances During the Famine Years, 1845-1855* (Edinburgh: Tuckwell Press, 2000).

<sup>38</sup> *The Scottish Highlander* 22 March 1888.

<sup>39</sup> *Scottish Canadian* 9 April 1891.

<sup>40</sup> *Scottish Canadian* 2 July 1891.

<sup>41</sup> Newton, *Seanchaidh na Coille*, 484-7.

<sup>42</sup> There is a similar flurry of activity of establishing Scottish Gaelic organizations in the United States, as discussed in Michael Newton, “‘Becoming Cold-hearted like the Gentiles Around Them’: Scottish Gaelic in the United States 1872-1912,” *eKeltoi* 2 (2003): 63-131 (at 91-96, 98-107).

<sup>43</sup> *The Celtic Monthly* 5.1 (February 1893): 78.

<sup>44</sup> *Scottish Canadian* 7 May 1891, 4. This same issue noted much interest in the Gaelic class offered by the Gaelic Society of Toronto.

<sup>45</sup> *Scottish Canadian* 30 July 1891.

<sup>46</sup> *Canadian Scotsman* May 1903.

<sup>47</sup> *Scottish Canadian* 20 August 1891.

<sup>48</sup> *Scottish Canadian* 3 September 1891.

<sup>49</sup> *Scottish Canadian* 17 December 1891.

<sup>50</sup> Vance, “A Brief History,” 103.

<sup>51</sup> P. Watt, “Militia Chieftains: Profiling the Founders of Canada’s Militia Regiments,” *International Review of Scottish Studies* 39 (2014): 27-54 (at 49).

<sup>52</sup> Watt, “Militia Chieftains,” 48.

<sup>53</sup> *Scottish Canadian* 28 April 1892.

<sup>54</sup> The song is “Òran do Chaiptean Donnchadh Caimbeul an Geàrd Dhùn Éideann.”

<sup>55</sup> *Glengarran* 11 October 1895.

<sup>56</sup> For some further discussion with a Glengarry connection, see M. Newton, “Celtic Cousins or White Settlers? Scottish Highlanders and First Nations,” in *Rannsachadh na Gàidhlig 5 / Fifth Scottish Gaelic Research Conference*, ed. K. Nilsen (Sydney, Cape Breton: Cape Breton University Press, 2010), 221-37 (at 225-26).

<sup>57</sup> J. MacInnes, *Dùthchas nan Gàidheal: Selected Essays of John MacInnes* (Edinburgh: Birlinn, 2006), 266-69, 317.

<sup>58</sup> Newton, “‘Becoming Cold-hearted,’” 125.

**AN EXPLORATION OF PLACE AND ITS REPRESENTATIONS:  
AN INTERTEXTUAL/DIALOGICAL READING OF THE  
PHOTOGRAPHS OF A. B. OVENSTONE AND THE NOVEL  
*GILLESPIE* BY JOHN MACDOUGALL HAY**

Lindsay Blair and Donald Blair\*

The present article is an exploration of place and its representations based on the intertextual reading of a series of photographs of Tarbert, Loch Fyne, in Argyll, taken between 1880 and 1882 by Andrew Begbie Ovenstone (1851-1935), the Atlantic Freight Manager of Glasgow-based shipping company Anchor Line, and the dialogical reading of a novel, *Gillespie* (1914), by John MacDougall Hay (1881-1919). This exercise raises questions about the (unexamined) coded readings of place, especially in relation to the photograph, and the lack of an adequately theorized tradition for the novel. The literary text is well known—if not well understood—but the images here examined are from a rare, unpublished, private collection of photographs by Ovenstone from Scotland, India and the furthest reaches of Empire. Methodologically, a semiotic approach to the subject will reveal far more than has been discovered within the tradition of hermeneutics and patrimony and that much will be gained by a study of the contrast between written and visual signifiers. The conventional reading of photography and fiction in relation to place would be one of contrast between objective and subjective representations of

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reality. The photograph, with its indexical signification, would reflect more accurately the “what is” than could ever be achieved in fiction with its purely symbolic relation to the real. Our contention is that the acceptance of such an un-problematized reading is reductive of both our understanding of place and the codes underlying representation itself.

According to Neal Ascherson, the most common reading of Scottish history is as an assortment of bits and pieces: “the past remains a pile of dramatic, often gory tableaux.”<sup>1</sup> The same might be said about the common reading of the history of Tarbert: Magnus Barelegs dragging his longships to claim ownership of Kintyre in 1098; Robert Bruce’s occupation of the castle in 1306; the ill-fated insurrection led by Archibald Campbell, 9th Earl of Argyll, against the Stuarts in 1685; the civil unrest during the development of the ring net in the 1850s and 1860s; and the decimation of the population at Mealdarroch by cholera in the 1860s. Other readings include the socio-cultural analysis where the village is characterized according to the binaries of strict religious observance and excessive consumption of alcohol.<sup>2</sup> In terms of visual representation, we encounter Anne Macleod’s groundbreaking *From An Antique Land: Visual Representations of the Highlands 1700-1880*, whereby the Highlands represent an ancestral home, a more natural, organic society than the one which developed in most of Britain after the industrial revolution.<sup>3</sup> Besides these readings of the village, we find readings for the specialist in ancient monuments, archaeological finds, linguistic curiosities or the history of specific industries or agricultural methods.

Both visual embodiment and fictional account are made readable by the use of semiotic codes; it is the primary task of the critic here to decipher the codes which enable a reading to take place. In order to open up the field to questions of cultural theory, we have to interrogate the acceptance of photographic document as truth. Photographer Owen Logan has questioned the central tenet of the documentary photographer: “the problem with the traditional documentary agenda...is the notion that reality can somehow speak for itself instead of being ‘spoken for’ by the photographer or ‘spoken over’ by the viewer.”<sup>4</sup> Logan’s view is the exact antithesis

of that expressed in Sara Stevenson's essay "Discoveries and Explorations: The Scottishness of Scottish Photograph," where she assesses the relationship established by Hill, Adamson and their subjects: "the photographer, invisible to us, was physically there and the photographs necessarily involve both a reaction to that presence and co-operation between the photographer and subjects."<sup>5</sup> It is the tacit agreement between photographer and subject/sitter that is the mistaken assumption with the conventional reading of the documentary photograph. In an analysis of Ovenstone's photographs, we aim to consider the photographer's role in constructing the scenes in Tarbert and to interrogate the position taken up by Logan that the subject has a right to "negotiate and re-interpret" the situation.

We might imagine that the novelist would tend to present a subjectivist, phenomenological version of reality.<sup>6</sup> However, as against this assumption, we have to consider the number of voices, the play of genres, the kinds of knowledge or truth functions encompassed by MacDougall Hay's *Gillespie*. One of the most remarkable features of the novel is the way in which incidents or episodes are prefigured in the text and then narrated or voiced in a parable/fable or folk-tale style and the notion of "truth" or "reality" is always problematized by the discontinuities within the text. So

*Figure 1: From the West end of the fish quay, Tarbert*



we are never, whatever the reactions of the time might suggest, presented simply with an individual's version of Tarbert.<sup>7</sup> The horizon of expectation of the reading community, however, will determine how far these disparate voices are heard.<sup>8</sup> While both texts might be consumed without the use of codes, they can neither of them be "read" without engagement with the codes underlying their production.

**The photographs of A. B. Ovenstone: the landscape aesthetic**

Ovenstone's photographs reflect the compositional, tonal and perspectival attributes that the viewer would expect to find in an oil painting of the period. There are two carefully balanced compositions, *From the West end of the fish quay, Tarbert* and *From the East end of the fish quay, Tarbert* (Figures 1 and 2), which foreground the symmetry of the mise en scène using the raked masts of the skiffs with the distinctive angle to offset the dominant horizontals of sea front and horizon. Tarbert was the subject of paintings by William McTaggart, David Murray, Colin Hunter, R. M. G. Coventry, Hamilton Macallum and other Scottish

*Figure 2: From the East end of the fish quay, Tarbert*



Realist painters of the mid-late nineteenth century. The nineteenth-century photographs of Tarbert include examples from the commercial studios of George Washington Wilson and James Valentine. Ovenstone's archive was built over a decade, between 1880 and 1890; it included a collection of sixteen albums each containing approximately twenty-four albumen prints of Langbank, Greencastle, Carradale, Clyde, Tarbert, Cleghorn, Dunblane, Elie, Bute, Busby, Loch Fyne, Largo, Portencross and Ardbeg. He also had five albums of larger format prints, which included images from Switzerland. Ovenstone contributed significantly to the founding of the Glasgow and West Coast Photographic Association. He won several medals for his work: a silver medal awarded by *Amateur Photographer* (1885), and one silver and two bronze medals from the Photographic Association for his figure studies. He was a member of the Glasgow Art Club and of the Art Union committee; he also had a close connection with the exhibitions of the Royal Glasgow Fine Art Institute. Ovenstone had a significant personal collection of Scottish paintings from the late-nineteenth- and early-twentieth-century landscape tradition.<sup>9</sup> We need to acknowledge, however, the essential difference between the painting and the photograph at this stage. The relatively new medium of photography was prized above all for its promise of veracity: it was anticipated that the photograph would dispense with the need for illusionism within two-dimensional representations of the visible world. Where the landscape painter had been free to alter the features of the subject before him—to distort, exaggerate or omit structures at will—the photographer was bound to the subject, which was then framed and captured through the lens.<sup>10</sup> We will see the significance of this distinction between photographed and painted landscape later where we interrogate individual photographs but this point of difference does not alter the significance of the art historical landscape aesthetic as one of the most important codes determining the selection of location, subject and composition.<sup>11</sup> The identification of place as art text through its intertextual relations with other visual references is essential to a reading of Ovenstone's images of Tarbert.

Gestalt theory provides us with insights into the mechanics of the perception process which questions what we have come to

regard as natural rather than learned in the way that we see things. This, in turn, has led to the emphasis upon the code that underlies perception. While there are a number of features that characterize the way that we read the visual world, the dominant one is the separation of figure and ground. In other words, confronted by a visual image we seem to want to distinguish a dominant shape (a figure with a definite contour) from the rest, which we relegate as background or “ground.” The fishing village setting offers numerous opportunities for the isolation of a small central image (such as the rowing boat at anchor in the middle of a tranquil harbour, a group of fishermen on a quay, rows of boats tied up) and, as such, perfectly conforms to the figure and ground requirement.

As well as conforming to the way we have come to perceive the world, photography reinforces an ideology in which the individual subject (the viewer or reader) becomes the focus or origin of meaning. In other words, it is the viewer’s capacity to recognize the preferred reading that makes him both originator of meaning and also subject to the text. Writers on Scottish photography concentrate on the sociological aspects of the images—the way images of rural subjects would act as consolation for a rapidly industrializing society—suggesting ideas of continuity and organic wholeness to counteract the trauma of change.<sup>12</sup> In her essay, “Discoveries and Explorations”, Sara Stevenson emphasizes the relationship between photographer and subject: “the capacity to see the reality of other people’s lives, to move into a social group and become a sympathetic part of it, and to rearrange it to make it natural to the camera, were and are crucial to the documentary art.”<sup>13</sup> Ovenstone’s photographs belong to a different period when historical conditions had changed; yet there is something of the organic community set up there against which his photographs can be read in an intertextual way. Both Normand and Blaikie in different ways support Stevenson’s sociological readings. Normand sums up the appeal of fishing scenes for the photographers of the nineteenth century:

Fisherfolk were a common focus for photographers and painters alike throughout the nineteenth century.

This was occasioned by the fashion for genre subjects and by the related demand for comforting images that countered the mechanical march of modernity. Fishing and rural communities represented stability at a period of rapid social change, they spoke of a notion of 'organic' life during a time of the increased mechanization of society, and they signalled a sense of community in an epoch where the alienated life of the city was becoming a norm.<sup>14</sup>

This idea of the consolation of the image of the rural community with its connotations of tradition and an ancientness which yet endures is certainly an important preferred reading.

The attraction of fishing ports like Tarbert, Carradale, Campbeltown, Port Bannatyne, Dunure, Lochranza (Arran) on the west coast, and Largo, Anstruther, Pittenween and St. Monance on the east coast, to the major commercial photographers—Valentine of Dundee or Washington Wilson from Aberdeen—is ample proof that these images represented a desirable vision for the Victorian traveler. These commercial photographers were able to capitalize on the growing demands for the material cultural artefact: objects like the photograph were regarded as superior forms of material evidence for observed reality when compared with the traveler's written account.<sup>15</sup> This was due in large part to the shift towards empiricism: the belief that our understanding of reality should be based on observable phenomena. It is against this background that we see Ovenstone's photographs.<sup>16</sup> The viewer confirms his or her status as reader of the image by understanding the preferred reading: the organic community, the homogeneous society, the ancient world, the artistically picturesque, the vision of permanence.

The images of photographers tend to confirm the rightness of the way things are. The images produced, especially those produced by the large successful postcard manufacturers suggest above all the suspension of time passing, they impart to the viewer a sense that the world can be held onto, they suppress anything which might make the viewer uncomfortable, they suggest that the

world with all its quaintness and curiosity can be possessed in the form of the photograph. Sometimes the photographers would merely use a vocabulary of signifiers which the constructed viewer would readily understand, but that could quickly turn into cliché. Do Ovenstone's photographs conform to the clichés of conventionalized photography? Does he open up the subject of the village to a greater range of readings? Does he get closer to rendering a more composite image of "reality"?

The photograph of the rowing boat at anchor (*Tarbert Harbour*, Figure 3) is one that has been copied and reworked in photographs and in paintings. This is one of the stock images, stock components as the fishing/sea equivalent of the rural/pastoral idyll. The rowing boat in the tranquility of the harbour represents the moment of peace when the day's labours are done. The harbour is a meaningful place of shelter and refuge in a maritime community where open boats are used in the industry and the lives of the fishermen are still vulnerable to the elements. The two components—haven and open sea—provide an irresistible symbolic binary that functions, often unconsciously, as a code.

**Ovenstone: photograph as tableau**

Ovenstone came from a wealthy middle class background and as

*Figure 3: Tarbert Harbour*



such has concentrated on the images of *difference* that we might expect. The photographs of the back street in Tarbert (Figure 4) draw attention to the disheveled state of the clothing and dwelling conditions of the villagers. There is an uncomfortable element of voyeurism here. Other people's misery or squalor becomes a point of interest for the photographer, a supposed concern for the poor can easily elide the moral with the aesthetic—social concern can be turned to spectacle with shocking and powerful impact.



*Figure 4: The Back Street, Tarbert*

Roland Barthes writes in *Camera Lucida* of moments of “punctum” that penetrate the studied set-up of the photographer’s practice. These were moments in which something of the accidental, the unexpected or the dissonant can occur.<sup>17</sup> In the photograph *Mending Nets at The Battery, Tarbert* (Figure 5) a moment of this nature occurs in the hostile sneer of the main figure on the left of the composition.<sup>18</sup> The stare of the fisherman in Ovenstone’s photograph resonates with one of James Cox’s (1849-1901) photographs in Auchmithie of the same date where a young girl stares directly at the camera refusing to pose or be flattered by the lens.<sup>19</sup> Many of Ovenstone’s photographs use a set-up scenario



*Figure 5: Mending Nets at The Battery, Tarbert*

with models—family members, as often as not—acting out the part of agricultural labourers, or other roles as required.<sup>20</sup> Similarly, the Glasgow Boys dressed up sons and daughters of wealthy patrons in working class costume, and represented them engaged in simple childhood pastimes to evoke feelings of nostalgia.

*Figure 6: The Smack on the Shore, Tarbert*



Ovenstone's photograph *Smack on the Shore, Tarbert* (Figure 6) includes a group of men in the middle distance, watching an artist at work. What at first glance appears as another innocuous tableau confronts us with a picture of representation itself - the painter is constructing a view of the harbour. We become aware of the photographer's gaze: the construction of the composition and of the people who are looking/ gazing/ constructing and the subjects of the gaze.

According to Normand, Blaikie and Padget, we find in Scottish photography a dialectic between a tendency to mythologize on the one hand and a need to remember on a more personal basis on the other. These two forces collide and interact and are held in tension within the photographic tradition. The historicizing, iconic tendency represents a collective consciousness and forges a series of icons or symbols or myths which binds people together giving a common sense of history and nationhood. The need for individual identity will be represented in family photographs, snapshots and so on. History, or mythology, has to allow for the individual instance and not construct a narrative in which only one representation of a particular place or industry or activity or time is regarded as authentic. Some of the revelations in Padget's study about the way that Strand constructed his famous photographs of the Western Isles epitomize the tendency to mythologize, to force the individual into a version of the authentic.<sup>21</sup>

**Ovenstone: photograph as “long quotation from appearances”**

Normand's, Blaikie's and Padget's sociological readings of photographs are distanced from the more philosophical/ epistemological readings of Susan Sontag or John Berger. Sontag writes that

whatever the moral claims made on behalf of photography, its main effect is to convert the world into a department store or museum-without-walls in which every subject is depreciated into an article of consumption, promoted into an item for aesthetic

appreciation. Through the camera people become customers or tourists of reality.<sup>22</sup>

Later she clarifies the point in relation to value:

The force of a photograph is that it keeps open to scrutiny instants which the normal flow of time immediately replaces. This freezing of time—the insolent, poignant stasis of each photograph—has produced new and more inclusive canons of beauty. But the truths that can be rendered in a dissociated moment, however significant or decisive, have a very narrow relation to the needs of understanding. Contrary to what is suggested by the humanist claims made for photography, the camera’s ability to transform reality into something beautiful derives from its relative weakness as a means of conveying truth.<sup>23</sup>

The words of Kafka in interview with Gustav Janouch echo Sontag’s deep reservations:

Photography concentrates one’s eye on the superficial. For that reason, it obscures the hidden life which glimmers through the outlines of things like a play of light and shade. One can’t catch that even with the sharpest lens. One has to grope for it by feeling.<sup>24</sup>

Yet we do find in Ovenstone’s photographs a sense of “the long quotation from appearances” which Berger endorses.<sup>25</sup> He writes of “the expressive photograph” as one which functions as “a long quotation from appearances: the length here to be measured not by time but by a greater extension of meaning.”<sup>26</sup> While he always sees the photograph as discontinuity rather than narrative, Berger finds a positive aspect to this discontinuity in certain photographs:

the very same discontinuity, by preserving an instantaneous set of appearances, allows us to read across them and to find a synchronic coherence. A coherence which instead of narrating, instigates ideas. Appearances have this coherent capacity because they constitute something approaching a language.<sup>27</sup>

Despite his own scepticism about the potential of the medium to convey meaning, Berger does see photography as a medium that can operate like a language. This “synchronic coherence” is found in a few of Owenstone’s photographs of Tarbert. The photograph *The Battery* (Figure 7) contains within it elements that provoke meaning. There is a reading that can be made beyond the instantaneous recognition of the various elements of the mise en scène. The photograph is made up of three heterogeneous elements: two girls at the water’s edge, the cannon in the foreground, and the fishermen at work on the boats in the background. It is interesting to note that MacDougall Hay’s novel *Gillespie* opens with a description of this exact spot:

Somewhat by East of the bay two of the Crimea cannon, each on a wooden platform, lifted to seaward dumb mouths which once had thundered at

*Figure 7: The Battery, Tarbert*



Sevastopol. A little west of the derelict guns, and almost at the end of the shore-road, stood a gaunt two storeyed house.<sup>28</sup>

By 1880, when Ovenstone took his photograph, one of the cannon had been removed. Reading through the elements we find the apparent tranquillity of the holiday village scene confronting us uncomfortably with antinomies. The canon and its associations as part of the Empire's armoury during the Crimean conflict in the 1850s is juxtaposed with young girls bathing, and this combination of an instrument of war alongside the seaside idyll creates a sense of unease. But there are other uncomfortable antinomies: the men on the boats working in the same space as the girls bathing, the sense of femaleness and the male gaze, the sense of the leisured and the working classes. The photograph contains oppositions, makes us want to fill in the gaps, question the relationship between the elements—not the type of consolation that we might expect to find in the rural/seaside idyll.

Another photograph that reads as “extended quotation from appearances” is the one taken from the Pier Road: *Fishing boats opposite The White Shore* (Figure 8). Seven herring boats are manoeuvring in a confined space of water. Instead of emphasizing

*Figure 8: Fishing boats opposite the White Shore, Tarbert*



the foreshortening of perspective we have come to expect—the deep theatrical space of the low-horizon stage of the harbour—we are faced with a shallow space; it is as though the scenario had been tilted towards us to allow us to see the boats at the top of the composition. This allows us to visualize, in an anachronological way, the movement towards the radical reorientation of the picture plane that was to occur in early-twentieth-century art. Industrialization's emphasis on mechanical process injected a whole new dynamic into the way that pictures could be made and read. Where most of the photographs of the 1880s emphasize stillness, partly because of the limitations of the photographic process of the time, this particular photograph emphasizes movement. This prefigures the turn towards abstraction in the early twentieth century: the emphasis falls upon the use of diagonal lines to signal movement and the creation of patterns of lines which in themselves will convey meaning even when stripped of conventional signifiers. The boats are still the signifiers in Ovenstone's photograph but it is the movement, the dynamic of the divergent lines, which affects us.<sup>29</sup>

**Ovenstone: photograph as poetic extension of truth**

*Laundresses in the Back Street, Tarbert* (Figure 9) leads us to another kind of representation. While the image is a common one amongst photographers of this era, Ovenstone does invest his subject with something of a poetic aura.<sup>30</sup> The twenty-first-century

*Figure 9: Laundresses in the Back Street, Tarbert*



photographer and critic, Jeff Wall, has defended the particular kind of truth value that photography of this nature can convey. Of his own poetic images, Wall says:

The experience of a photograph is associative and simultaneous, and in this respect it resembles our experience of poetry. In poetic writing, meaning is not achieved by means of a consistent structure of controlled movements along lines made up of sentences. Rather the poem is made of lines that may resemble sentences typographically but which abrogate the requirement to be read the way sentences are read. So there is a break with any necessary relation to the chronicle... The poetic quality of an image transgresses the indexical truthfulness of a representation.<sup>31</sup>

Wall's argument introduces a new element to the discussion.<sup>32</sup> Truth value is disconnected from a one-to-one correspondence between the object and its depiction; Wall's contention is that there is more in the image than in the original source, that the image embodies a poetic truth, and that this poetic truth is of greater veracity than could be realized by any simple resemblance.

***Gillespie: "mutations from below"***

Cultural theorist Fredric Jameson uses the term "shepherds of Being" to describe the role of the nineteenth-century Realists, as MacDougall Hay has been often categorized, but he does not belong amongst their number.<sup>33</sup> In *Gillespie*, we hear the unmistakable murmurings of the voices from below.<sup>34</sup> While it might seem that a Church of Scotland minister would use the opportunity as novelist to thunder from the pages at his congregation, this is not the case here. Hay certainly intrudes into his narrative and moralizes at will both through and alongside his characters without chastising the community he is writing about. Hay rails against the controllers of being: the banker, hotel owner, school teacher, lawyer, fish buyer, privileged student, and of course shop owner/businessman, and Gillespie himself. The predominant

voices in the novel are the voices of the people and the refracted voice of the author; they are largely communicated to us in the coded form of the folk tale.

The novel consistently operates at more than one level. The limits of a Zola-esque Naturalism are often breached: we find ourselves in a kind of Scots Gothic, especially in the opening pages, but we might equally find ourselves in a world of nightmarish fantasy, a distorted, symbol-laden Expressionism, a Hardy-esque pastoral and at other times—as in the incident with Jock o’ the Patch or with Queebec, Andy Rogers and the eel—in a kind of Stevensonian balladic picaresque. Hay has no regard for generic continuities and consistently infringes upon these kinds of consideration. His narrative method has received some critical attention, but it is remarkable for the way that it foregrounds the self-conscious artistry of the novelist. Published in the same year as *A Portrait of the Artist as a Young Man*, it shares with Joyce’s Modernist classic a reflexive, gestural physicality.

We find ourselves in a realm that has some relationship with the phenomenological existentialism that goes back to Dostoevsky but is strangely allied with the folk voice. There is a subjectivism that bears the features of the expressionist manner; yet the distinctive sounds of “heteroglossia” or the dialogical are found in the voices of fishermen, crofters and womenfolk of the village.<sup>35</sup> Hay’s ear for language is remarkable; the texture is so densely wrought at times that the text becomes unreadable.<sup>36</sup> We become too aware of language as thickening gauze to be comfortable with the gestalt of the sign. The ambiguity of the word as thing allied to word as transparency becomes impossible at times to hold in the same perceptual field and as readers we are left grasping after wraiths.

***Gillespie: “hybridity” and “heteroglossia”***

Oddly, it is in the hybridity of the form that the sense of reality is captured. The author’s voice with all its Dostoevskyan subjectivity allied with the disparate Scots and Gaelic voices of Brieston (the fictional name for Tarbert), the haunting of the folk tale and the collective unconscious that suggest to us something of the richness of the culture and, hence, the reality of the world. When one of the

Brieston women, Mary Bunch, is instructed by Gillespie to teach his servant, Topsail Janet, how to bake, we find a typical example of the hybridity in the narrative: “Mary Bunch retired, an emeritus-tutor, with a wallet of news for Mrs. Galbraith, the chief item of its contents being the fact that Morag had a penchant for ‘a glass’, and was starved of her ‘crave’ by Gillespie.”<sup>37</sup> In the inverted commas, “a glass” and “crave,” the voice of the community is inserted into the sentence of the omniscient narrator so that the two voices speak as one. The difference between that voice, the folk voice, and the voice of the author is made particularly clear when we have expressions like “emeritus tutor” and “penchant” within the same sentence. This alerts us to the fact that there are two disparate voices at play. The phrase “wallet of news” is also an expression that would have come from the voice of the community but is here embedded without syntactic signaling. Hay parodies the appetite for gossip within the community while apparently offering merely an objective account of events. This is an example of what Mikhail Bakhtin would refer to as “pseudo-objective underpinning.”<sup>38</sup>

Another example, but this time from within the repertoire of the comic novelist, is where Hay is introducing the character, Jeck the Traiveller, and describing the effect that his stories had upon the more gullible of the young fishermen in Brieston (Tarbert):

These Ulysses tales gave an itch to the young fishermen to seek adventure, crisp bank-notes, and wooden legs in Mediterranean yachts. Ah! he knew about ladies, this Jeck. When wheeling his traveller’s kit through the Square to Gillespie’s shop his tarry eye had fallen athwart the buxom Topsail, and we behold him about to coquette with the lady at the close-mouth on ‘wee Setterday’.<sup>39</sup>

Hay speaks in the collective community voice in the expression “wee Setterday,” meaning the last night of the year, and yet when he reports the reactions of the young fishermen, he is clearly parodying their reactions to Jeck’s “Ulysses tales.” When he refers to the way that Jeck’s “tarry eye” had fallen “athwart the buxom

Topsail,” he adopts a comic, burlesque idiom that is no longer remotely close to the kind of language he is supposedly reporting. According to Bakhtin, we recognize this as hybrid construction because “it appears by its syntactic structures to belong to one speaker but it actually contains mixed within it two (or more) utterances, two speech manners, two styles, two languages, two semantic and axiological belief systems.”<sup>40</sup>

A third example is when the community is discussing the state of the herring fishing, in which Hay signals he is moving to the opinions of another section of the community:

In more important quarters the matter was discussed. Willie Allan, Campion the schoolmaster, Dr. Maclean, the Banker, and Lonend’s father, were seated in Brodie’s back parlour.<sup>41</sup>

The word “important” is the particular element of hybridity here. Grammatically, it seems like a part of the narrative account, but it is clearly in keeping essentially with the view of the people who consider themselves important: those seated in Brodie’s bar. This is another example of “pseudo-objectivity” as the adjective would seem to belong to the author but is, in fact, the barely concealed opinion of a subjective elect.

There are two main points to be made about the use of language within the novel. First, Bakhtin’s point about unitary consciousness: “the novel is the expression of a Galilean perception of language, one that denies the absolutism of a single and unitary language—that is, that refuses to acknowledge its own language as the sole verbal and semantic centre of the ideological world.”<sup>42</sup> Bakhtin debars almost all literature of the twentieth century that derives from the notion that the only mind that the author can know is his or her own. It also conflicts with the perfected Realistic text, which is designed to mask the voice of the narrator in the interest of the seamless narrative. Hay’s text bulges with heterogeneous voices. Bakhtin’s second point relates specifically to the use of Scots: “the internal speech diversity of a literary dialect and of its extraliterary environment, that is, the entire dialectological makeup of a given national language, must have the sense that it is

surrounded by an ocean of heteroglossia.”<sup>43</sup> In Hay’s *Gillespie*, we are always aware of an unaligned and unfettered linguistic diversity, which is an astonishing exemplification of Bakhtin’s “dialogized heteroglossia.”<sup>44</sup> Hay’s voice is only one amongst so many others; this, we argue, is one of the genuine achievements of *Gillespie*. The lack of a unifying consciousness, rather than being a weakness, is seen now as a strength.

***Gillespie: beyond the novel (1)—folk-tale and ballad***

Hay prefigures in *Gillespie* a decisive inclusion of the folk idiom within the novel, something that is developed in Gibbon, Shepherd and Kesson and later in Jenkins, McIlvanney and Kelman. Whilst the great novels within the English tradition as in Hardy, Conrad or Lawrence concern themselves with their baleful heroes, Hay largely sidelines his central character in order to more densely realize his bit players. His narrative and his characters are blissfully not “of a piece.” As fiction, of course, it is essentially a parallel world as so clearly represented in Alasdair Gray’s *Lanark* or James Joyce’s *Ulysses*: it is a world of words that can only point us to what is possible. Hay’s novel, though, without its Blooms or its Thaws, belongs more to the folk, representing far more a collective voice than is to be found in Joyce or Gray. For this reason, we suggest that the novel is most fruitfully read as a series of folk-tales, ballads or stories.

As indicated above, the process of reading the novel is peculiarly disorientating. This disorientation comes partly from the “ocean of heteroglossia” that swells throughout the book, partly from the frequency of genre discontinuity within the text but partly also from the way that individual incidents constantly threaten the supposed central thread or plot of the novel. It is impossible to retain a sense of plot, theme or eponymous hero because the parts have a more “rhizomatic” relationship with each other than with any central spine or tree-like structure. The parts interrelate mainly to some notional idea of community than to the grand central theme of freedom and determinism. The episodes can stand alone as separate stories or narratives: the curse upon the “Ghost” inn, Gillespie’s education, Galbraith and the Laigh Park, Lonend and the wooing of Morag, the death of Calum Galbraith, Marget

Galbraith's departure from Muirhead Farm, Topsail Janet's life on the shore and her acquisition of the sweetie shop, the arrival at Muirhead of M. C. R. Champion, the new schoolmaster, the rescue of Jock o' the Patch, Red Duncan stealing from the shop, the penury of Briston, Quebec and the drowned man, the burning of the fleet, the coming of the plague ship, Eoghan's childhood, the Spey wife and the tragedy of the *Sudden Jerk*, Topsail Janet's day out in Dunoon, Morag's Strang's excursions or Eoghan's hallucinations. The next question is whether or not they may be more precisely categorized as certain kinds of stories.

What we find when we read *Gillespie* are the remains of pre-existing inherited traditional or sacred narrative paradigms like the verse, the tale, the ballad, the parable, the sermon or the play. They have not disappeared beneath the fully centred bourgeois subject or monadic ego. There is an aspect of that earlier story telling style in the omniscient narrator who sees into the minds of his characters:

Omniscience...may be said to be the after effect of the closure of classical *récit*, in which the events are over and done with before their narrative begins. This closure itself projects something like an ideological mirage in the form of notions of fortune, destiny, and providence or predestination which these *récits* seem to 'illustrate', their reception amounting, in Walter Benjamin's words, to 'warming our lives upon the death about which we read.' Such *récits*—closed adventures, *unerhorte Begebenheiten*, the very idea of strokes of fortune and destinies touched off by chance—are among the raw materials upon which the Balzacian narrative process works, and with whose inherited forms it sometimes uneasily coexists. At the same time the gestures and signals of the storyteller...symbolically attempt to restore the coordinates of a face-to-face storytelling institution which has been effectively disintegrated by the printed book and even more definitively by the commodification of literature and culture.<sup>45</sup>

Jameson's words formalize what may be just an instinctual response to the novel: a sense that it is pulling itself apart into individual stories that reflect a collective consciousness not yet subsumed within the private psychological realm of *bovarism*.<sup>46</sup>

Literary historians tend to see the twentieth-century short story as tracing its origins to Chekov: the story is concerned with one particular event, a limited number of characters and a finite time span. An analysis of the Scottish short story, however, has to take into account the influence of the folk-tale and the ballad.<sup>47</sup> The ballads, especially, could hardly be further removed from the distinctive format of the Chekovian short story: they will typically refer to a number of events, move rapidly from one incident to another and concern themselves with matters of life and death. While each may deal with one main event, the event in itself is a microcosm. Hay's stories with their philosophy and their didacticism, their ferment and melodrama have that world in a box quality—not a slice of life so much as a miniaturized parallel world—spiritual, expressionist and visionary.

The description of the death of Jock o' the Patch is symptomatic of Hay's method. Like the short stories by Liam O'Flaherty or George Mackay Brown, the tale itself condenses the life of the central character, Jock o' the Patch, into the one incident which leads to his death. But it also graphically conveys the life that he has led in solitary toil, the devotion of his ailing mother, his place within the village of Brieston and the roles of fishermen, policeman and doctor in the community. The story carries within it an oral as opposed to a written dynamic—much of the tale's action is conveyed in the direct speech of Neilsac, one of the fishermen:

it was blowin' good O! frae the suthard—fair glens  
o' seas runnin' oot on the Loch. We'd four reefs in,  
an', being close-hauled, I got into the fo'c'sle beside  
the bobby for the jib. Just wi' that we opened  
Rudh'a' Mhail an' she got the weight o' the sea,  
bow under. Ye ken in the deid o' winter we werena  
oot at the fushin'; an' beds an' nets were lyin' about;

an' the hale laggery fetched away tae leeward, an'  
the bobby wi' them.<sup>48</sup>

Hay reinforces the melodrama of the tale by the contrast between the actual telling of the tale and the way that the tale is contained within the narrative: "Inasmuch as the picked men of the port were tall, reticent fellows, it was left to the alert tongue of Neilsac to inform the 'Shipping Box' of how they got their beards bleached in the gale, when news came that Jock o' the Patch lay dying on the Barlaggan Hill, having by a mischance stumbled in the heather, and shot himself with the gun he carried."<sup>49</sup> By using a formal English indirect speech in the narrative, Hay creates a powerful dynamic that contrasts with Neilsac's use of the vernacular. The tale, also, has a distinct sense of structure. We are aware of it as a tale within a tale: the story told by Hay of the tale told by Neilsac of how the news from the Barlaggan shepherd reached the town, the heroic journey to rescue Jock from Barlaggan Hill, the sea voyage back to Brieston and then Jock's final demise in the arms of his mother at MacCalman's Lane. Melodrama and pathos are equally present as is often the case within the Scots ballad tradition; dialogue is essential to the immediacy of the narrative and parts of it, such as the exchange between the dying Jock and his mother, read like a ballad's refrain:

'Where are ye hurt, Jock?  
He muttered doggedly, 'I'm no' hurt.'  
'Ay! ye're like your faither, dour as daith.'  
The hands were rapidly moving over him.  
'Dinna tell me ye're no' hurt.'  
'It's only — a bit — scratch.'  
'A geyan scratch: ye're no' the wan tae be cairrit  
hame for a scratch, ye dour deevil.'  
The dying man groaned.<sup>50</sup>

Many of the ballad elements are here: for example, the emphasis upon the moment of death, the use of dialogue, the focus upon physical detail, the use of repetition as narrative tool and not just mnemonic effect, and the sense of the outside world echoing in a

terrible physical way as in a pre-Copernican universe the emotional maelstrom of the human drama. Thus the “*récits*” referred to earlier by Jameson are seen to survive within the text.

***Gillespie: beyond the novel (2)—folk-tale, encounter and other “lines of flight”***

The folk-tale element becomes particularly precipitous when linked to the idea of encounter. Within the largely social, agent-centred tradition of the Scottish philosophers, the moment of encounter is the moment of crucial moral import.<sup>51</sup> In a philosophy of action, the decisive moment occurs when the individual is forced to interact with the world—in the struggle to make the world fit to theory or theory to fit with world then growth occurs. This growth resembles more “assemblage” or “rhizome” because of the unpredictable, improvisational nature of agency and the dynamics of “becoming” overwhelm any philosophy of being. It is this sense of the Deleuzian that is revelatory. Hay’s stories billow out from the text and trace a variety of “lines of flight” to create much more the sense of “assemblage” or “multiplicity”: they undermine the sense of the homogeneity of the form, the identification with the middle class hero of the *bildungsroman* and the hegemony of an authorial narrative voice. The novel epitomizes the attributes that Deleuze would outline in his seminal text on *Kafka and Minoritarian Literature* and the qualities he celebrates in his essay on English and American literature.

Hay’s adherence to a philosophy of encounter is exemplified in many parts of the novel: in the dealings of the literary Marget Galbraith with the ruthless, predatory Gillespie, in the way that Stevenson the undertaker deals with the victims of the cholera brought by the diseased ship to Brieston, in Eoghan Strang’s incapacity to square the demands of the university with the ignominies of his life in Brieston. The episode relating the death of Iain Strang on the *Sudden Jerk*, though, is an example of the way that Hay undermines the normally irresistible forward thrust of the narrative in a novel by sidelining the traditional institutional wisdom in favour of the tragic immediacy of the real. The episode begins, as we would expect in the folk tale, with a prophecy. Iain and Eoghan Strang meet the Spey wife who tells them, “while

there's water to dron, or fire to burn, or poison to mak' an' end, a Strang 'ill no' die easy in bed."<sup>52</sup> Instead of proceeding determinedly to the action, Hay leads us to those other interpreters of life on earth—dream, literary exegesis, evangelical sermon and parable. The first is Eoghan's fevered dream, in which the drowned of the village are resurrected from the sea. There is no message of hope here, however, to free Eoghan from the destiny predicted by the Spey wife; nor is there hope to be found in the literary outpourings of his old schoolmaster, Mr. Colin Kennedy. Nor indeed is there illumination to be gained from the day's sermon, even with all its evangelical fervour and Eoghan's state of heightened susceptibility. There is no illumination either from his attempts to force his mother to listen to a reading of the Mary Magdelene verses from the bible. These descriptions of Eoghan's futile efforts to defy the hand of fate are dramatically contrasted with the graphic description of his brother's demise when the *Sudden Jerk* founders and is lost.

The drowning itself is delineated in a kind of heightened realism so that it does not become part of a rhetoric of fiction. He conveys the hectic, desperate melodrama of the situation in his description of Iain's heroic efforts to clear the decks of water:

“Gauging her plunge, he staggered forward. Crash! crash! came the hammer-head; the gangway door swung open; the torrent of salt water hissed out. Iain, caught in the suction, saved himself by dropping the hammer and clutching a stanchion. The *Sudden Jerk* heaved up, relieved from the weight of water, and righted herself. The gangway door swung to and caught Iain on the leg. It snapped like matchwood. He fell, pinned as in a vice.”<sup>53</sup>

Hay's control of the pace of the action, his understanding of the dynamics of the course of events, his authoritative command of a specialized vocabulary bring the scene to three-dimensional life. Then as the scene reaches its climax, Hay uses a different kind of language:

‘She was right - the spey-wife,’—he muttered; ‘it’s comin’; it’s no the wee fellow after all—Thank God—one of you will find the other.’ His face became inexpressibly sad. His mouth was open, miserable, hanging loosely, dejected. For a moment he heard a triumphing scream in the rush of the wind, felt the drunken swaying of the ship as if she were being butted by an enormous ram; then a great vacancy stretched away before his eyes.<sup>54</sup>

He uses a different register and a different set of rhythms in this passage as he moves from Eoghan’s meditations upon the prophecy of the Spey-wife to the external narrator’s perspective (“his face became inexpressibly sad”) before returning to Eoghan’s internal deliberations, which have now assumed an incantatory quality. He will not conclude the episode here, however, as he returns to the folk and the communal experience:

In a sea-town which harbours a fishing-fleet these are the footsteps of the men in the night which the women know—the trudge which tells of bleak shores and empty boats; the joyous ring of the steel-shod heels with which the younger men dent the pavements, crying aloud of herring; and another step—ominous, slow, shuffling as men creep silently home.<sup>55</sup>

Hay uses an extended metaphor here to real poetic effect as he turns from the individual incident to the experience of the folk. The meaning of the individual instance takes its place within the communal or collective refrain.

Hay has striven consistently to represent the different voices within the community and has resisted the claims of an authoritative narrative voice. We hear the individual voices, the voice of the local people (as in Grassie Gibbon’s “speak” of the Mearns) and the voice of the narrator (free indirect discourse). The central issue here is whether Hay’s novel works towards the radical

position advocated by Deleuze and Guattari in their *Kafka: Towards a Minor Literature*. They make it clear that minor literature does not come from a minority language: the writer has to use the dominant language and introduce into it elements of his own minoritarian culture. They speak about the first characteristic of the minor literature being “a high coefficient of deterritorialization.” Writers like Samuel Beckett, Scott Fitzgerald, Virginia Woolf or Nathalie Sarraute, as well as Kafka himself, look for “lines of flight” that will free them from the cultural establishment that would otherwise bind them. So these writers effectively “deterritorialize” themselves from any official culture before “reterritorializing” themselves somewhere else. The presence of “heteroglossia” in Hay’s novel is partly what prevents it from conveying a sense of homogeneity, the use of so many different registers is another, the use of Scots, English and Gaelic is another but it is the sense that the novel is “deterritorialized” within the tradition of the English novel that surpasses all of these outward linguistic discontinuities.

### **Conclusion**

Throughout the article, we have emphasized the need for the use of codes to decipher texts. When we “read” photographs we need to be aware of the intertextual relationship between the photograph and the landscape-painting tradition as well as the common practice of the created tableau—there is then overlaid upon the image the sense of a set of conventions, a system which operates much like a language. We are able to discover through the notion of the “long quotation from appearances” the potential for more complex “synchronic” readings and through the poetic truth a photograph can take us beyond a correspondence with appearances. Likewise, in the case of *Gillespie*, the novel operates within a genre that should determine a “reading.” When we are aware of a code we become aware of the way that Hay manoeuvres adroitly to thwart the reader’s best efforts to settle upon a preferred reading—especially one shaped by an authoritative narrator—which thereby allows for the genuine experience of “heteroglossia” to emerge. Hay bodies out a space that requires a complex set of codes to interpret it, including those that function within the folk-tale, the

ballad, the philosophical encounter, and a minoritarian literature. By engaging a range of codes, the self-consciousness of the novel's construction is revealed: we become aware of the multi-dimensional aspect of representation itself so that we, as readers, may move closer to the sense of a reality of "place."

## NOTES

<sup>1</sup> N. Ascherson, *Stone Voices: The Search for Scotland* (London: Granta, 2002), viii.

<sup>2</sup> Examples of socio-cultural readings include William Anderson Smith's reminiscences and Dugald Mitchell's *History of Tarbert*, where they allude to the characteristic behaviour of the villagers. Hay, himself, in his correspondence has commented on the excessive drinking to be encountered in Tarbert on a regular basis.

<sup>3</sup> A. Macleod, *From An Antique Land: Visual Representations of the Highlands and Islands 1700-1880* (Edinburgh: John Donald, 2012).

<sup>4</sup> T. Normand, *Scottish Photography: A History* (Edinburgh: Luath Press Limited, 2007), 125.

<sup>5</sup> S. Stevenson, "Discoveries and Explorations: the Scottishness of Scottish Photography," *New Scottish Photography: A Critical Review of the Work of Seventeen Photographers*, (Edinburgh: Scottish National Portrait Gallery, 1990), 15.

<sup>6</sup> The view of the novel as escape from reality or "the hell of history" is the central argument of Cairns Craig's thesis. He argues persuasively that J. G. Frazer's *The Golden Bough* (1885) is key to an understanding of the contemporary Scottish novel: "it dissolved history into a series of imaginative conjectures and conjunctions which was no history at all. History, as verifiable narrative, either retreated back into myth or disappeared into the inner consciousness of the narrator." Craig, *The Modern Scottish Novel: Narrative and the National Imagination* (Edinburgh: Edinburgh University Press, 1999), 162. However, Craig's thesis must be read against the dominant strain of literary criticism in Scotland, where fiction functions as a central supporting pillar for a canonical tradition whose "other" is very much the scaffolding of history.

<sup>7</sup> There is one book written from a PhD thesis by Silke Böger entitled *Traditions In Conflict: John McDougall Hay's Gillespie* (Frankfurt and New York: Peter Lang, 1989), which aims to establish exact

correspondences between fictional Brieston and its characters and their equivalents in the real Tarbert of Hay's time. An isolated essay by I. Spring, "Determinism in John MacDougall Hay's *Gillespie*", *Scottish Literary Journal*, 6, no. 2 (1979): 55-68, is a thematic reading of the novel comparing it very favourably with *The House With The Green Shutters*. Spring notes at the end of his piece that, "Hay's novel is clearly more ambitious than Brown's, and its almost total neglect until recently is inexplicable." Other articles on the novel are: a review by I. Crichton Smith typically comparing the book unfavourably with *The House With The Green Shutters*, entitled "Thoughts On J. MacDougall Hay's *Gillespie*," *Studies in Scottish Literature*, 31, no.1 (1999): 1-13, a more positive essay on the treatment of the minor characters in the novel by P. Ower entitled "The Minor Characters in Hay's *Gillespie*," *Studies in Scottish Literature* 16, no.1 (1981): 50-60, and an article entitled "Myth and Realism in *Gillespie*," *Studies in Scottish Literature* 20, no.1 (1985): 34-48 by C. Whyte. A statement by Whyte towards the end of his article is pertinent to our purpose here: "Our approach to a novel is conditioned by the way it has sedimented into our culture. Vital texts fertilize the tradition, and may be present more or less explicitly in much of the literature that follows. We approach *Gillespie* in different circumstances. So far it has had little opportunity to shape subsequent writing, and the tradition it might find a place in has yet to be clearly formulated."

<sup>8</sup> P. T. Trexler notes the extremely positive reception of the book in the USA, which contrasts sharply with muted and often negative reception of the book in Scotland. P. T. Trexler, "J. MacDougall Hay's *Gillespie* (1914) and its American Critical Reception," in the *Scottish Literary Journal*, 18, no.1 (1991): 59-67. The most insightful piece on the book remains the article by F. R. Hart. He summarizes the problem of the book as lying somewhere between the novel itself and its reception: "we, as critical readers, are theoretically unequipped to treat of the book, in its greatness or in its confusion." F. R. Hart, "Reviewing Hay's *Gillespie*: Modern Scottish Fiction and the Critic's Plight," in *Studies in Scottish Literature* 2, no.1 (1964): 19.

<sup>9</sup> Normand focuses on the career of the early amateur photographer John Forbes White (1831-1904), who combined his role as successful businessman and manager of the family flour mill with his role as cultural broker and collector in Aberdeen. He was, besides, an associate of professional photographer George Washington Wilson and painter George Reid. His photographs, as Normand suggests, reflect "all the attributes of

those Hague School landscapes he would later import into the galleries and private collections of Scottish connoisseurs" and, as such, reveal more about his particular lens than about the Aberdeen of his time. Normand, *Scottish Photography*, 129.

<sup>10</sup> Leen De Bolle states: "As opposed to painting which is characterized by a certain opacity, photographs are transparent representations of reality. The two characteristics (immobility and transparency) assure photography's bond with representations of reality." L. De Bolle, "Jeff Wall and the Poetic Picture: With Bergson and Deleuze towards a Photo-theory beyond Representation," *Rhizomes: Cultural Studies in Emerging Knowledge*, Issue 23 (2012). Accessed July 6, 2015.

<http://www.rhizomes.net/issue23/debolle/index.html>.

<sup>11</sup> Macleod discusses the artist Paul Sandby (1731-1809) who worked on a survey of the Scottish mainland. On the north side of the River Tummel Sandby ignored the most prominent landscape feature visible: the mountain Schiehallion. MacLeod, *From An Antique Land*, 1.

<sup>12</sup> See Normand, *Scottish Photography*; Stevenson, *New Scottish Photography*; M. Padget, *Photographers of the Western Isles* (Edinburgh: John Donald, 2010); and A. Blaikie, *The Scots Imagination and Modern Memory* (Edinburgh: Edinburgh University Press, 2010).

<sup>13</sup> Stevenson, "Discoveries and Exploration," 15.

<sup>14</sup> Normand, *Scottish Photography*, 114.

<sup>15</sup> Macleod, *From An Antique Land*, 14.

<sup>16</sup> Ovenstone owned a morocco album of views by James Valentine, Francis Frith and George Washington Wilson, mainly of Scotland.

<sup>17</sup> R. Barthes, *Camera Lucida: Reflections on Photography* (London: Vintage, 2000), 42-60.

<sup>18</sup> The Battery refers to the meeting place of the Volunteer movement, which originated in 1859. D. Mitchell, *Tarbert Past and Present: Gleanings in Local History* (Dumbarton: Bennett and Thomson, 1886), 98.

<sup>19</sup> James Cox, like Ovenstone, was from the wealthy middle-classes, son of a jute manufacturer in Dundee. He, like Ovenstone, was the founder of a photographic society: the Dundee and East of Scotland Photographic Association. S. Stevenson, "James Cox 1849-1901," *Scottish Masters, National Galleries of Scotland*, 8 (1988): 4-32.

<sup>20</sup> The set-up is apparent in the composition, which seems static and forced, but then these were the constraints of the time. These constraints

were partially technical as the subject had to remain in fixed position for twenty seconds.

<sup>21</sup> Padget, *Photographer's of the Western Isles*, 191-216. See also P. Strand, *Tir A'Mhurain: The Outer Hebrides of Scotland* (New York: Aperture, 2002).

<sup>22</sup> S. Sontag, *On Photography* (London: Penguin, 1979), 110.

<sup>23</sup> *Ibid.*, 111-12. While Sontag's criticism indicates a kind of absolutism inherent in her Modernist ideals, she suggests exactly the opposite kind of relationship between photography and reality than that suggested in Normand's history of Scottish photography with its brisk assertion that "it was the documentary form that spoke of the lived, the real or democratic, history of Scotland. Here the populace was recognized in all its vitality and enterprise." Normand, *Scottish Photography*, 165.

<sup>24</sup> Sontag, *On Photography*, 206.

<sup>25</sup> J. Berger, *Understanding a Photograph*, ed. Geoff Dyer (London: Penguin Classics, 2013), 97.

<sup>26</sup> *Ibid.*, 97.

<sup>27</sup> *Ibid.*, 97-8.

<sup>28</sup> J. MacDougall Hay, *Gillespie* (Edinburgh: Canongate Classics, 1993), 1.

<sup>29</sup> There have been refinements in recent times to the theories of Barthes, Berger and Sontag where the paradox of the photograph is regarded by W. J. T. Mitchell as an essential element of the medium that unfortunately Barthes's influential *Camera Lucida* is unable to overcome. Mitchell quotes Barthes: "the co-existence of two messages, the one without a code (the photographic analogue), the other with a code (the 'art' or the treatment, or the 'writing', or the rhetoric of the photograph)," from Barthes, "The Photographic Message," in *Image/Music/Text*, 19, quoted in W. J. T. Mitchell, *Picture Theory: Essays on Verbal and Visual Representation* (Chicago and London: The University of Chicago Press, 1995), 284. Mitchell explores Barthes' attempts to resolve the issue in his insistence on the denotative and connotative aspects of the image, but ultimately finds Barthes' attempt at a resolution of the paradox unconvincing because it is impossible to find a photograph which does not contain at each level elements of denotation and connotation. While Mitchell does not wish to return to the idea of the photograph as "innocent," he is unwilling to concede to the notion that photography operates in the same way as a language with all of the ideological implications of language and insists that photography "both is and is not language." Mitchell, *Picture Theory*, 284.

<sup>30</sup> Washday scenes and washerwomen were popular subjects with photographers, often for use as postcards. See Valentine's image from the turn of the century in I. Donnachie and I. MacLeod, *Victorian and Edwardian Scottish Lowlands from Historic Photographs* (London: BT Batsford Ltd., 1979), fig. 28.

<sup>31</sup> J. Wall, "Monochrome and Photojournalism," *Jeff Wall: Works and Collected Writings* (Ediciones Poligrafa: Barcelona, 2007), 337.

<sup>32</sup> Wall's references to Freudian concepts of displacement and condensation in the *Interpretation of Dreams*, as well as references to déjà-vu, all propose that there is a deeper inner self which can bring us directly into contact with the real. De Bolle, "Jeff Wall and the Poetic Picture."

<sup>33</sup> "The great realistic novelists, "shepherds of Being" of a very special ideological type, are forced, by their own narrative and aesthetic vested interests, into a repudiation of revolutionary change and an ultimate stake in the status quo. Their evocation of the solidity of their object of representation – the social world grasped as an organic, natural, Burkean permanence – is necessarily threatened by any suggestion that the world is not natural, but historical, and subject to radical change." F. Jameson, *The Political Unconscious* (London and New York: Routledge, 2002), 180-181. While several critics have commented on the way that the novel diverges at times from the conventions of the genre the fact remains that the novel is still generally regarded as belonging within the genre of Realism as Böger indicates: "Gillespie has been praised for its realism, for showing reality." Böger, *Traditions In Conflict*, 125.

<sup>34</sup> M. Foucault, *The Order of Things: An Archaeology of the Human Sciences* (London and New York: Tavistock Publications), 290.

<sup>35</sup> While we admire the authenticity of the voice, and in that sense the "heteroglossia," of the *Odyssey* Radio Programmes produced by Billy Kay in the 1980s, they do not compare to the voice as adumbrated in MacDougall Hay's novel.

<sup>36</sup> If we attend to the thickness of the style at the opening of *Gillespie*, we notice the movement away from the transparency which is the hallmark of Realism. The description of the "Ghost" and the sign above the house as well as the curse upon it and the way that Gillespie is brought up so as to be kept ignorant of the curse upon his family makes us conscious of the opacity of the language. Just as the Expressionist painters Klimt, Schiele, Kokoschka and Soutine distort, disfigure, elongate, and exaggerate so also does Hay. Where the painters load their brushes with a thick impasto

laying bare the marks of knife or brush upon the canvas, so does Hay load his pages with repetition, hyperbole, metaphor and wild, unpredictable shifts in lexicon and register. The artist or writer is determined that emotional effect be not diluted through convention. The artist's emotion is visible in the gesture imprinted on the canvas. The writer's emotion is revealed in the way that the words seem to have been wrestled into his desired meaning. When we look at the different semiotic codes, the obvious one to describe this kind of effect is the indexical—the mark of the artist is deliberately left in evidence upon the finished piece.

<sup>37</sup> MacDougall Hay, *Gillespie*, 132.

<sup>38</sup> M. Bakhtin, "Heteroglossia in the Novel," *The Continental Aesthetic Reader*, ed. C. Cazeaux (London and New York: Routledge, 2011), 284.

<sup>39</sup> MacDougall Hay, *Gillespie*, 136-7.

<sup>40</sup> M. Bakhtin, *The Dialogic Imagination: Four Essays by M. M. Bakhtin*, ed. M. Holquist, translated by C. Emerson and M. Holquist (Austin: University of Texas Press, 1981), 2.

<sup>41</sup> MacDougall Hay, *Gillespie*, 220.

<sup>42</sup> Bakhtin, *The Dialogic Imagination*, 366.

<sup>43</sup> *Ibid.*, 368. By applying the term "ocean of heteroglossia" to *Gillespie*, we would argue that there is indeed an ocean of voices but that these voices are often unspecified: they occur in the range of registers encountered within the free indirect discourse of the narrative.

<sup>44</sup> A revealing contrast with Hay's dialogical text is to be found in the publication, *Off The Chain*, by William Anderson Smith (1868). The book comprises a series of reminiscences of a trip to Tarbert and its environs by the author in the 1860s. His attitude towards the inhabitants of the village is from the perspective of an alien observer. Describing the fishermen he notes that their lives are: "by no means hard...caring for nothing but fishing—having time for nothing else during long periods, they know about nothing else, and talk of nothing else...the sharing is made every Saturday night, when a scene of great dissipation takes place; and I'm afraid very little cash reaches the hands of their better halves if such a term can be applied when many are as addicted to the bottle as their mates." While the account offers fascinating observations on the villagers from an outsider's perspective, it is lacking in understanding or nuance and rarely rises above the level of anecdote, caricature, or journalistic reportage. His attitude towards the language spoken by the native people in Tarbert and the surrounding area—so reminiscent here of the metropolitan's shorthand, "Poor Hodge," for the Dorsetshire labourer - is

characteristically patronizing: “John has a good education, writes a good hand, and, like most Highlanders who have learned their English at the schools, he talks comparatively well; indeed, when he likes, he talks very well. When a Scotch boy of the humbler classes goes to school he may acquire English, but never will lose his plebeian vocabulary and form of speech. Like as in the spare cultivation of the neighbourhood, the rude original substratum insists upon cropping out.”

<sup>45</sup> Jameson, *The Political Unconscious*, 140.

<sup>46</sup> A. Huxley, *Stories, Essays and Poems* (London: J.M. Dent & Sons Ltd, 1937), 370.

<sup>47</sup> C. MacDougall, “Introduction,” *The Devil and the Giro: The Scottish Short Story: Two Centuries of Scottish Stories* (Edinburgh: Canongate, 1991), 2.

<sup>48</sup> MacDougall Hay, *Gillespie*, 65

<sup>49</sup> *Ibid.*, 65

<sup>50</sup> *Ibid.*, 67-8

<sup>51</sup> Amongst the most important overviews of the distinctly Scottish philosophical tradition are G. Elder Davie’s *The Democratic Intellect: Scotland and Her Universities in the Nineteenth Century* (Edinburgh: Edinburgh University Press, 1961), J. McCosh’s *The Scottish Philosophy* (Carlisle, USA: Applewood Books, 2009), A. Broadie’s *The Tradition of Scottish Philosophy* (Edinburgh: Polygon, 1990), and R. Turnbull and C. Beveridge’s *The Eclipse of Scottish Culture* (Edinburgh: Polygon, 1989). Hay’s philosophical speculations are not based on subjective introspective analysis but on observation of his fellows as suggested in McCosh. This point connects to the absence that is the narrative viewpoint of Gillespie himself—we are not seeing through the consciousness of a character/narrator but rather seeing the actions and thoughts of an ensemble cast of characters from the point of view of the moral philosopher/novelist from Jock o’ the Patch, to Sandy Galbraith, to the Spey wife, to Topsail Janet, or to Stevenson the Undertaker. Hay pays particular attention to each of his characters affording them a space in which their lives are given specific shape; this is the mark of the philosopher from the Scottish School according to McCosh. There are so many aspects to the novel which emphasize the inductive method favoured by Scottish philosophers (Reid especially), the emphasis upon the empirical in respect of the observation of human behaviour rather than the insistence upon first principles or *a priori* truths (especially as in Hume), and finally in the link with action in terms of social engagement (as in Chalmers). McCosh

emphasizes those aspects of the tradition which interest him but it is a quality of engagement which he admires within the tradition—typified maybe in his descriptions of the social and moral improvement schemes and practice of Chalmers and James Mill. Some of the most thorough investigation of the links between Scottish philosophy and literature in recent times are to be found in Craig's *The Modern Scottish Novel* and in M. Gardiner's *From Trocchi to Trainspotting: Scottish Critical Theory since 1960* (Edinburgh: Edinburgh University Press, 2006).

<sup>52</sup> MacDougall Hay, *Gillespie*, 305.

<sup>53</sup> *Ibid.*, 330.

<sup>54</sup> *Ibid.*, 331.

<sup>55</sup> *Ibid.*, 337- 8.

## REVIEW

Kyle Hughes. *The Scots in Victorian and Edwardian Belfast: A Study in Elite Migration*. Scottish Historical Review Monograph Series. Edinburgh: Edinburgh University Press, 2013. Pp. 236. ISBN 9780748679928. GBP£55.00.

Kyle Hughes' study of elite Scottish migration to Belfast explores areas that have been largely ignored by previous migration historians of Ireland and Scotland; namely inward migration to nineteenth-century Ireland and short-range Scottish migration. Hughes frames this migration as occurring within a north Irish Sea industrial zone characterised by a mobile, skilled workforce responsive to fluctuating economic opportunities on both sides of the Irish Sea. He contends that, as the century progressed, this process meant that the region, including the industrialised towns of western Scotland, Cumbria, Lancashire, and Belfast, experienced social, cultural and economic convergence.

Shipbuilding featured heavily in this process, as it does in the book, providing many of the characters who feature throughout. The first substantive chapter is based on a meticulous reconstruction of the city's Scottish-born population at the 1901 census. The data suggest evidence of some limited geographic clustering in the wards surrounding the major shipyards of Harland and Wolff and Workman Clark. Also noticeable are the preponderance of skilled and semi-skilled workers among the Scottish-born population and an over-representation of Scots Presbyterians in a variety of skilled industrial trades related to the shipyards and heavy industry. If the latter conjunction of religion and place of birth seems overly particular, it is necessary given the problems of category and definition that Hughes has to negotiate: the census included not only those who would have described themselves as ethnic Scots, but also many who were the Scottish-born children of returned Irish migrants. This, and much else, are

illustrated best in a series of micro-analyses of individual streets based on the census data.

The restrictions of available material mean that subsequent chapters focus largely on economically successful, middle-class, male migrants. Despite this, Hughes shows the issues of ethnic categories and definitions to be even more complex as the book progresses. This is particularly the case in the chapters where he considers Scottish associational culture and the interaction of Belfast's Scots with the Home Rule question. As those attuned to Belfast's history will guess, this complexity derived from the fact that these Scots migrants were arriving to a city and host population, a significant part of which portrayed itself already as belonging to a wider Scots diaspora. Thus the associational and political culture that Hughes considers were shaped by the expectations and exigencies of the host population, as well as by those of the migrants themselves. There was a suite of political and religious opinions, as well as cultural pursuits, to which the host Ulster Scots population expected Belfast's Scots migrants to adhere, and these circumscribed and shaped the latter's diasporic activities. Thus, while easily reconciled undertakings such as Burns Clubs remained popular for Scot and Ulster Scot alike, the local press queried overly Gaelic representations of Scottishness. Perhaps unsurprisingly, migrants who pursued Liberal or pro-Home Rule politics also met with opposition, as Hughes demonstrates when he examines how Belfast's various Scottish associations interacted with the controversial Lord Lieutenant, Lord Aberdeen. In the book's final chapter, Hughes suggests that these limits extended to the spiritual sphere, when he considers the relationship between three Scottish Presbyterian ministers and the ultra-conservative Presbyterianism of Belfast, dominated by Henry Cooke.

Hughes' study puts one elite section of a small, migrant group under the historian's microscope. In doing so, he demonstrates the importance of considering the local and specific within migration and diaspora studies. Although he connects the experience of his subject group to the wider Scottish diaspora, Hughes' Belfast Scots were not the same as those of Canada, New Zealand or Australia. The factors around their migration, their interaction with Belfast's existing population and the nature of their

continued relationship with Scotland all differed from those of Scots in other destinations; the more so as so much of their experience was shaped by the presence of a pre-existing population claiming historic connections to Scotland. In this regard, Hughes' study not only adds to our understanding of the nineteenth-century Scots diaspora, but speaks to a wider phenomenon of new migrants who arrived to a destination with an already established, even hyphenated, population which claimed the same cultural background. In the case of nineteenth-century Belfast this is complicated further by the emergence of a parallel British identity and the very different relationships of Scotland and Ireland to the British state. That Hughes does this, while at the same time producing a very readable portrait of a migrant community, is of great credit to him.

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**REVIEW**

Robert Anderson, Mark Freeman, and Lindsay Paterson, (eds). *The Edinburgh History of Education in Scotland*. Edinburgh: Edinburgh University Press, 2015. Pp. 384. ISBN: 9780748679157. \$200.00 CAD.

This collection assembles nineteen essays to elucidate the history of Scottish education in light of recent Scottish historiography. One of the editors' central goals is to address the educational myth which purports that Scottish education has always been distinctive, accessible, and high quality. To varying degrees, the essays address these assumptions and their connection to Scottish identity. Temporally, the essays cover a period of a thousand years, beginning with medieval education from 1000-1300 and concluding with an assessment of twenty-first century education, which examines educational decisions as recently as 2012.

The editors have organized the volume chronologically, which allows the reader to observe the transformation of Scottish education over time. Matthew Hammond outlines the centrality of ecclesiastical influence in the development of medieval education. Kimm Curran addresses education in the medieval monasteries with a particular emphasis on libraries and literacy. Elizabeth Ewan examines urban education in the fifteenth and sixteenth centuries and the attitudes that townspeople had towards it. Stephen Mark Holmes argues that the Reformation of the long sixteenth century was a church reform movement that transcended confessional divides, as evident in educational settings. While these essays elucidate the adoption and adaptation of continental ideas in Scotland during their respective periods, they would be well served by cross-reference to educational trends and developments on the continent, which would address some of the gaps that comparison to English education creates.

The collection then addresses developments in Scottish education in the seventeenth, eighteenth, and early nineteenth centuries. Lindy Moore examines sign-literacy rates as an entrée into the role of cultural values and the highly classed nature of

education. David Allan challenges the traditional narrative that examines universities during the Scottish Enlightenment through the lens of “purges and persecutions” (p. 100), and argues that to understand later intellectual developments one must examine the undergirding academic infrastructure. John Finlay explores the transformation of legal education from 1650 when legal education depended on foreign institutions until 1850 by which time Scotland had developed its own institutions and curriculum. John Stevenson examines the impact denominational concerns had on the development of a national system. Ewen A. Cameron investigates the diverse schools available in rural Scotland and the challenges they presented in the development of a centralized system. David Northcroft uses a local case study to challenge the national myth of education.

These essays study the shifting political climate of the period, consider how urbanization and Enlightenment ideas shaped education, and provide a critical link in the transition from pre-modern to modern Scottish education.

The last nine essays examine the transformation of Scottish education from an assorted group of schools into a centrally administered system. Jane McDermid concludes that school boards were integral in the formation of a national system. Christopher R. Bischof traces the development of professional teacher education from the end of the seventeenth century to the beginning of the twentieth. Lindsay Paterson negotiates the historiographical debate between democratic knowledge and intellectual rigour in the early twentieth century. Douglas Sutherland argues that, while adult education in Scotland from 1750-1950 paralleled developments in Britain, it offered a distinctive approach in autodidactic learning. Robert Anderson and Stuart Wallace argue that Scottish universities developed a national identity because they provided accessible and affordable education in the historic European tradition. Catriona M. M. Macdonald investigates “the protean nature of student lives” (p. 299) through the diverse, rather than unified, student voice. Fiona O’Hanlon and Lindsay Paterson explore changing attitudes towards Gaelic education in light of the 1872 Education act, which failed to acknowledge this important aspect of Highland culture. Martin Lawn and Ian J. Dreary argue

that the extensive research into Scottish education emerged from individual inquiry, and not from a unified research agenda. In the final essay of the collection, Walter Humes discusses the impact of the global educational reform ideas on rhetoric and decision making in Scotland. This article sheds light on current concerns of economic competitiveness, intellectual innovation, and more specifically, the role education should play in these developments. These essays reveal the impact of the centralization process on education and the source of Scottish myth of quality education, which is useful for understanding Scottish identity.

The editors express a desire to see these historical essays used in the process of answering contemporary educational concerns in Scotland and beyond. The volume sheds light on Scotland's educational history and the various reforming movements that shaped it over time, but needed more critical analysis of the connections between educational developments in Scotland and elsewhere. The collection, however, provides an avenue by which to start integrating the Scottish narrative into broader conversations about the history of education.

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**REVIEW**

Christopher Meir, *Scottish Cinema: Texts and Contexts*. Manchester: Manchester University Press, 2015. Pp. 216. ISBN: 9780719086359. \$105.00 CAD.

In this detailed, stimulating, and accessible book, Christopher Meir traverses the last thirty years in Scottish cinema. Over six case studies, Meir covers Scottish cinema from its emergence in the early 1980s to its decline in the latter half of the decade, and its upswing in the mid-1990s alongside developments in Scottish Cinema Studies. Though Meir examines a small number of films, his thorough and diverse investigation — which draws on “industrial, critical and cultural contexts” — supports his textual and methodological choices and allows “distinct patterns to emerge...that can then be reasonably sounded out for their applicability to the period as a whole” (p. 3).

Meir’s study is partly organized into critical and financial concerns, and encompasses a range of material related to the films’ conception, funding, in-production communication, publicity, and reception, including reviews and critical analysis. Meir’s approach captures the macro and micro factors at play in the complex environment of Scottish cinema, particularly in light of developments in public funding mechanisms during the 1980s. Funding for home-grown filmmakers is generally regarded as a crucial counterweight to the production of “ideologically pernicious representations of Scotland in the cinema” by private and international concerns (p. 4). The emergence of indigenous funding bodies is widely understood to have encouraged and enhanced Scottish film and broadened Scottish cultural representations globally. Meir’s evidence challenges the veracity of such expectations and the simplistic notion that international market concerns inevitably diminish the authenticity of “Scottish” films, whereas indigenous funding policies inevitably establish a creative environment and product that is marketable, profitable, critically acclaimed and wholly Scottish.

Meir’s opening essay on *Local Hero* (1993) goes a long way toward resolving the debate on whether Forsyth’s film

“succumbed to the worst kinds of regressive discourses of Scottish cultural representation” (p.14). Said to play on the conventions of tartanry and kailyardism prevalent in films like *The Maggie* and *Brigadoon* (both 1954), Meir convincingly casts *Local Hero* as a pastiche and Forsyth as a shrewd auteur who borrowed conventions in order to enjoy and subvert them. Production documents and funding applications reveal wrangling between the producer and director over artistic and market concerns: this delicate balancing act within Scottish cinema is a consistent theme throughout the book. A welcome re-evaluation of *Local Hero*, Meir draws on textual, documentary and funding material, and reveals the depth to which Forsyth reflected on Scottish cinematic conventions and the range of visual and figurative techniques he employed to undermine them. Meir’s essay puts *Local Hero* back at the centre of Scottish film.

In his essay on *Mrs Brown* (1997), Meir introduces the role of broadcasters in Scottish cinema from the mid-1990s, for example Channel Four and BBC Scotland. He also positions *Mrs Brown* against a devolutionary background to explore its representation of Scottishness in relation to its Anglo/Britishness. Meir evaluates the political and constitutional crisis of the film’s historical context against British devolutionary politics in 1997 (p.49). At this time in Scotland, several funding mechanisms were unequivocal in their commitment to supporting Scottish directors and expediting Scottish film. In his essay on the director Lynne Ramsay and her 2002 film *Morvern Callar*, Meir examines whether this was genuinely the case. *Morvern Callar*, together with Ramsay’s previous film *Ratcatcher* (1999) and Peter Mullen’s *Orphans* (1998) are typically regarded as markedly Scottish films, which are “emblematic” of Scotland’s devolutionary character and an effect of Scotland’s artistic subsidies (p.74). Both Ramsay and Mullen benefitted from directorial opportunities offered by BBC Scotland’s *Tartan Shorts* (1993-2003). Meir, however, questions the “optimistic narrative” advanced by Scottish cinema historians to depict creative conditions at this time since Ramsay’s artistic development and success was also nurtured by backing from London-based bodies such as the UK Film Council and BBC Film (p.75). Ramsay’s success therefore is not an exclusively Scottish

achievement, nor can *Morvern Callar* be considered an exclusively “Scottish” film.

The final two chapters examine multicultural Scottish cinema. Through his analysis of *Ae Fond Kiss* (2004) and its English director Ken Loach, Meir assesses how Loach’s cycle of Scottish films (1996-2012) have led to the somewhat “paradoxical” situation of Loach being deemed the “most accomplished “Scottish” film-maker of the period” (p.126). The final chapter highlights the “curious and problematic” lack of critical engagement with *The Last King of Scotland* (2006), which due to its external locale, international funding and cast, challenges “normative definitions of national cinema” (p.152). Meir uncovers an intrinsic Scottishness within the film’s multinational characteristics that reflects Scotland’s imperial past and present engagement in “post-imperial neo-colonialism” (p.152).

Meir’s study captures the multifaceted and multinational character of Scottish cinema, as well as offering an insightful look into Scotland’s contemporary cultural policies and politics. *Scottish Cinema: Texts and Contexts* a timely and welcome addition to Scottish cultural criticism at a time when “Scottishness” requires more than a little clarification.

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**REVIEW**

Tanja Bueltmann, Andrew Hinson and Graeme Morton. *The Scottish Diaspora*. Edinburgh: Edinburgh University Press, 2013. Pp. 272. ISBN: 9780748648924. \$40.00CAD/£24.99.

Marjory Harper. *Scotland No More? The Scots who left Scotland in the Twentieth Century*. Edinburgh: Luath Press Limited, 2012. Pp. 279. ISBN: 9781908373359. \$24.99CAD/£14.99.

Murray Stewart Leith and Duncan Sim, eds. *The Modern Scottish Diaspora: Contemporary Debates and Perspectives*. Edinburgh: Edinburgh University Press, 2014. Pp. 288. ISBN: 9780748681419. \$40.00CAD/£24.99.

Research on the Scottish diaspora has grown significantly in the past several decades, and the scholars featured in this review lead the way. The experiences of migrants, their most popular destinations, and what their lives may have looked like once they arrived have all been fairly well established by scholars, particularly by many of the authors included in this review, and also T.M. Devine, Stephen Constantine, John M. Mackenzie, and James Hunter, amongst others. Each of the three books under review approach the wider topic of Scottish diaspora from innovative angles and with new perspectives, in order to fill some gaps in the current literature. This, however, is where their similarities end. Each concentrates on a different time period, focuses on slightly different aspects of the diaspora, and is written in a diverse style: a single author monograph, a multiple author textbook, and an edited volume. This review examines these books individually, before considering the effect of each volume on the field of Scottish diaspora as a whole.

Tanja Bueltmann, Andrew Hinson and Graeme Morton's *The Scottish Diaspora* covers the largest chronology of any of the three books. Since it explores the diaspora from the seventeenth century to 1945, it also has the earliest focus. The contributors consider not only the locations to which Scots emigrated, "but also

the Scots as agents in diaspora, their diasporic experiences and interactions with different host societies, and the impact of diaspora upon Scotland” (p. 1). Ultimately, the book illustrates how “the Scots’ diasporic actions, although clearly informed by an orientation to the homeland and the wish to maintain ethnic boundaries, often transcended both” (p. 253).

The authors take a comparative approach to demonstrate the adaptability of Scottish migrants. Given the temporal and geographical scale of the work, it is also quite expansive. It is divided into fourteen chapters with an epilogue. The first two chapters are introductory and the second chapter, “Diaspora: Defining a Concept,” is particularly informative regarding the definition and application of “diaspora” as a concept. “Diaspora” is often used as a buzzword, and therefore is liable to lose some of its power and meaning. Here, the authors highlight the two main uses of diaspora, “as a noun, a description of people; then as a verb, a description of actions” (p. 16). This distinction is a useful reminder to anyone interested in diaspora studies, but particularly to students who are new to working with the term. The remainder of the chapters are separated into two sections: themes and geographies. Chapters that explore ‘themes’ consider why migrants originally left Scotland, patterns of emigrations, encounters with indigenous peoples, ethnic associations and ‘imagined communities’, and return migration. This partly represents the highs and lows of emigration, and how various factors influenced the experiences of emigrants over time. This thematic approach is effective as the volume has a large temporal scale; therefore it is more significant and useful to follow these changing themes. The chapters that look at geography are split into physical regions that include Britain and Ireland, the United States, Canada, Africa, Asia, and the Antipodes. The chapter on Canada challenges previously held historiographical positions that the Scots held an unproportioned amount of political power. Examples cited in the chapter include Pierre Berton’s *The National Dream: The Great Railway 1871-1881*, and the recent trend in popular histories to claim that the Scots “invented” Canada (p. 188). The chapter on how slavery affected southern Africa and Scotland is also noteworthy as it complements a growing collection of literature on the Scottish diaspora and slavery.

The main strength of this book lies in its broad approach to geography and time. This allows the reader to see wider trends and patterns within the Scottish diaspora. The book's use as a textbook makes this approach particularly useful because it provides an excellent overview of various factors relating to the diaspora, such as reasons for emigration, patterns, return migration, and differing geographical experiences. However, its breadth is also occasionally its weakness. Given the vast period discussed, the detail and individual emigrant stories is occasionally lost in an attempt to construct the bigger picture. Overall, this book is a must-read for anyone with even a passing interest in the Scottish diaspora. It illustrates broader patterns, provides a good introduction to some of the major themes and issues at play in the study of diaspora, and establishes the key locations where the presence of Scots is still felt today.

Marjory Harper's *Scotland No More? The Scots who left Scotland in the Twentieth Century* has a smaller remit than *The Scottish Diaspora*, and is concerned with a later time period. Harper argues that less attention has been given to twentieth-century emigration history, thus it is the focus for her latest monograph. Her central argument revolves around the importance of looking at individual stories and voices in migration history. Harper states studies on Scottish diaspora should be about the "timeless human drama of mobility" (p. 230), rather than the "quantifiable but dry demographic narrative" (p. 230).

Harper offers the reader both a chronological and thematic view of twentieth-century Scottish diaspora, and chapters alternate between these two themes. Throughout, she focuses on a variety of voices and, in particular, compares the "profile of participants, sponsors, opponents and administrators" (p. 15). The book includes an introduction and six chapters. The three chapters that address chronology examine how the changes, or lack thereof, in new technologies and job markets affected emigration in the 1920s and 1930s, as well as how emigration became less collective and more personal in the thirty years following the Second World War. The more thematic chapters include one focused on England and the areas where Scots made a noticeable impression. Here, the author highlights both government and institutional sponsoring of

immigrants, adverse perceptions of migration, the negative realities many faced, and finally anecdotal accounts from the ongoing oral history project “Voices from the Scottish Diaspora.” The book also features an appendix entitled “Scottish Diaspora: Some Useful Sources.” This short literature review introduces some of the key texts in Scottish diaspora studies, separated into various topics including geography, time period, influences by other subjects such as anthropology, and survey books versus those with a specific focus. This is a comprehensive and valuable resource for anyone new to diaspora studies, or looking to expand their reading list.

The focus on individual and familial experiences is the main strength of this monograph. The personal connections illustrated by the specific stories bring the wider issues to life, and help to demonstrate the changing nature of experiences across the century, but also around the diaspora, which is one of the central goals of the book. The oral histories near the end of the work add a particularly authentic and valuable perspective because the reader learns about migration experiences first-hand. The most apparent weakness is a general lack of focus on the last few decades of the twentieth century compared with the period before 1980. Since the experiences from this time are not as evident in the volume, it is harder to draw conclusions about the entirety of the twentieth century. It may be the case that not enough time has passed for these experiences to be viewed within their historical context, therefore they are not the focus. That being said, the readability and personal stories do set this book apart. It will be beneficial to anyone with an interest in twentieth-century migration, and the list of useful sources will be especially pertinent to students of the diaspora.

Murray Stewart Leith and Duncan Sim’s edited volume *The Modern Scottish Diaspora: Contemporary Debates and Perspectives* is the most modern of the three works in terms of the period covered. It also speculates what roles the Scottish diaspora may play in the future. The work aims to fill some of the gaps in current scholarship, in order to “explore a fuller range of perspectives on the Scottish diaspora and make it available for a wider audience” (p. 12). Notably, many of the contributors are

trained in disciplines outside of history, which presents unique perspectives within the existing scholarship.

The volume consists of an introduction and conclusion by the authors, along with twelve chapters by a variety of contributors. In the introduction, the authors identify four main sub-sections to the volume. The first four chapters are primarily historical, and deal with the stages of Scottish emigration, relations with indigenous peoples, the role of the Empire, and the place of clubs and societies. The second section explores more recent business and government influences, including the business rationale for embracing diaspora, and how it has and may further affect Scottish politics. The third section looks at more specific locations as case studies: Scots in England, diasporic identity in Europe, and the Gaelic diaspora in North America. The final section considers how Scotland is represented within the diaspora, through family history and roots tourism, the popularity of historical romances set in Scotland, influences from the media, and identity in sport. As was the intention of the editors, the volume covers a wide range of topics and many of them are unique within the current scholarship. For example, many of the chapters approach the Scottish diaspora through new topics, such as sport, the media, and romance fiction. The editors also state clearly in the introduction their intent to illustrate how the study of the Scottish diaspora can benefit a wider audience: “The aim of this edited work is to explore a fuller range of perspectives on the Scottish diaspora and make it available for a wider audience” (p. 12).

The strength of the volume lies in its explicit links with issues facing Scotland and the diaspora today. The relevance of many chapters is evident, such as Jenny Blain’s “Ancestral ‘Scottishness’ and Heritage Tourism” and Andrew Mycock’s “Invisible and Inaudible? England’s Scottish Diaspora and the Politics of the Union.” The volume also benefits from not being strictly historical, and therefore some of the central issues to the study of diaspora are viewed in a different light. A weakness is that sometimes these varying perspectives are not clearly connected to one another, which makes identifying an overall goal for the volume difficult. The diverse subject matter makes this collection appealing to a wide audience. Anyone who wishes to better

understand how the diaspora continues to affect Scotland today, and how Scotland continues to affect the diaspora, will find use in this volume.

On the surface, these three books differ from each other in some significant ways: they all focus on slightly different periods of time and they all use diverse sources. For example Harper concentrates on personal stories and newer oral histories, while several of the chapters of Leith and Sim's volume are based on evidence from government records. As discussed above, each book also takes a different form, with a monograph, a multi-author textbook, and an edited volume all being represented. Yet, the three books have several things in common: they all look at the effects of the diaspora on individuals and families, communities, host countries, and Scotland, they all seek to fill some gaps in the current available scholarship, and they all readily accomplish this goal by providing important insights and research to those with little knowledge of diaspora studies and to established academics already immersed within the field. All three books are a benefit to the study of Scottish diaspora, and they illustrate the exciting and innovative places toward which current research is moving.

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**REVIEW**

Heather Sparling. *Reeling Roosters and Dancing Ducks: Celtic Mouth Music*. Sydney, Nova Scotia: Cape Breton University Press, 2014. Pp. 356. ISBN 9781927492987. \$19.95 CAD.

As an ethnomusicologist who reaches regularly between Scottish and Canadian musical traditions, I was very pleased to have the opportunity to review this book. It was encouraging to see such a coherently presented and thoroughly researched account of a specific musical tradition, which continues to hold great, and increasing, resonance in both Scotland and Nova Scotia. The fact that Sparling has been researching *puirt-a-beul*, “tunes from the mouth,” or Gaelic mouth music, since the late 1990s demonstrates a depth of understanding on the subject, both from a Canadian and a Scottish perspective. Sparling has researched *puirt-a-beul* in both countries, has a good working knowledge of the Gaelic language, and has interviewed numerous practitioners and scholars on related subjects, as well as Gaelic instrumental music, song and dance traditions, and Gaelic language and culture. Throughout the work Sparling includes a wealth of interesting anecdotes from historical resources and more recent interviews, and provides relevant references to other scholarly work into related traditions from around the world. This contextualization of the tradition is an effective way of placing *puirt-a-beul* within a global framework, and Sparling draws comparisons with mouth music traditions in countries including Japan and India as well as vocal genres closer to home, including jigging and *canntaireachd*.

As an ethnography of a musical tradition, *Reeling Roosters and Dancing Ducks* has all the key ingredients—historical and global contextualization, function, musical analysis, performance contexts, related dances and lyrics. To start Sparling discusses a previous lack of scholarly interest in *puirt-a-beul*, the omission of the lyrics from song collections, and the reasons for the dismissal of this vocal genre. In doing so, she goes some way towards explaining why *puirt-a-beul* has been previously overlooked by song scholars. The use of *puirt-a-beul* as a mnemonic device “that

help[s] a person to remember otherwise difficult-to-recall information” (p. 31), is something which she discusses very early in the book. Sparling returns to this subject at a later stage to help explain its dismissal within wider Gaelic song scholarship, especially due to its connections, not with vocal music, but with the instrumental tradition as a learning tool. This is interesting as it is not what enthusiasts of *puirt-a-beul* would necessarily expect. Sparling shows the shift in association from instrumentalists to singers, and also explains clearly how the functions of *puirt-a-beul* have formulated and changed over time to appeal to different practitioners and audiences, and particularly its movement from participatory (after Turino) to presentational music as well as its increased usage in the language classroom. The origins of *puirt-a-beul* have been an area of confusion amongst scholars and musicians, and it was useful to read an in-depth discussion of the two most popular origin theories related to the genre: first, that it emerged in the wake of the Jacobite defeat at Culloden to maintain bagpipe tunes during the proscription of the bagpipes; and second, that *puirt-a-beul* emerged in the nineteenth century to protect fiddle tunes “at a time when zealous religious leaders discouraged secular music and actually burned instruments” (pp. 55-6). Sparling successfully debunks both myths and, instead, offers some less romantic but more likely reasons for the emergence of *puirt-a-beul* among Gaelic-speaking highlanders, such as their mnemonic use for memorizing particular instrumental tunes, their development as silly and nonsensical rhymes created by laypeople for small audiences, and their role in asserting cultural difference from the English-speaking world.

Sparling writes about her own background as a Gaelic learner and teacher and discusses the Gaelic language, its background, and history. Chapters run into each other effortlessly but readers with specific interests will find that individual chapters stand up successfully on their own. The chapters on musical features, lyrics (and how to identify them), and dance detail the changes in roles and composition over time and identify areas, particularly in terms of dance, which would benefit from further research. Sparling’s book will appeal to a wide readership. A few weeks ago, I was visiting the Inverness public library, and noticed

*Reeling Roosters and Dancing Ducks* on display amongst other regional non-fiction titles. The book is highly comprehensive and offers a substantial body of useful information and good reading material for academics and non-academics alike. I expect that *Reeling Roosters and Dancing Ducks* will have wide appeal to musicians, dancers, singers, Gaelic scholars and students, ethnomusicologists and folklorists, Scottish historians, and others with an interest in Gaelic culture and traditions.

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**REVIEW**

Laurence A. B. Whitley. *A Great Grievance: Ecclesiastical Lay Patronage in Scotland until 1750*. Eugene, Oregon: Wipf & Stock, 2013. Pp. xxiv-334. ISBN: 9781610979900. CAD\$41.28.

*A Great Grievance* is a must-read for historians and students of early modern Scotland. As noted in the introduction, lay patronage was one of the most contentious issues of debate in the Scottish Church during the seventeenth and eighteenth centuries. It is curious, therefore, that *A Great Grievance* is the first book length study to address the topic. The analysis follows a chronological narrative, starting with the origins of lay patronage in the early Middle Ages and finishing with the rise of the Moderate Party in the 1750s.

The first four chapters cover the period up to the abolition of patronage in 1690, with the remaining eleven chapters devoted to the period 1690-1750. Whitley describes the failings of the 1690 church settlement in detail, and argues that the patronage act was ambiguous and left unresolved tensions between clergy and heritors.

Both were involved in the selection of a minister but neither were willing to compromise when faced with a difference of opinion. Mainstream kirk opposition to the restoration of patronage in 1712 was fairly muted due to the unworkable settlement of 1690 and Presbyterians' fears of being perceived as rebellious. Whitley's analysis provides a welcome alternative to nineteenth-century hagiographic histories whose authors romanticised the 1690 settlement.

The remainder of the book examines the political and ecclesiastical wranglings of the early eighteenth century that led to schisms in the church, most notably the Secession of 1733. Whitley argues that the General Assembly and lower ecclesiastical courts were vulnerable to management techniques and thus became victims of competing noble interests. Patronage is presented as the catalyst for schisms in the church. Whitley perceives the greatest challenge for contemporaries as the difficulty in drawing a line between church and state.

*A Great Grievance* provides fascinating insight into an overlooked topic, but it suffers from an excess of narration. This makes for uncomfortable reading at times. The focus on high politics and management is also quite an old fashioned approach. Since the cultural turn in early modern Scottish history, scholarly work tends to focus more heavily on the ordinary members of society and how controversy and political and religious change was perceived at grassroots level.

It may be justifiably argued that the book serves as a welcome alternative to cultural histories, but inclusion of some works which embrace the cultural turn would have led to a more critical analysis and rectified the narrative nature of this book. Whitley frequently refers to the work of P. W.J. Riley, whose Namierite approach to history has been the subject of significant scrutiny since the 1980s. Indeed, only a handful of the material in the bibliography was written in the twenty first century. Had Whitley included, for example, Karin Bowie and Jeffrey Stephen's contrasting interpretations of the activities of the Commission of the General Assembly in 1706 and the Act Securing the Church of Scotland instead of relying on Robert Wodrow, his analysis of this volatile time would have been far more nuanced.

Nevertheless, Whitley should be commended for his rigorous approach to the research. Primary material forms the bedrock of his analysis, and he uses a vast array of manuscript and printed sources including (but not restricted to) church records, collections of correspondences, diaries, poetry, and polemical tracts to ensure that no stone is left unturned. Perhaps the greatest success of this book is the information contained in the preface and appendices.

The preface provides a glossary of political and ecclesiastical terms commonly used in histories of this period but rarely explained or defined, making this list invaluable to a student of early modern Scotland. Equally valuable are the appendices which contain a summary of the congregational call, transcripts of some key acts (such as the 1690 and 1712 patronage acts), an outline of the path ministers take to ordination, and biographical notes on the prominent political and religious figures of seventeenth and eighteenth century Scotland. As the book is

published in paperback it is affordable and should be on the reading list for any undergraduate or postgraduate course on the Scottish Church and on the bookshelf of any historian of early modern Scotland.

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**REVIEW**

Rosalind Marshall, *Mary Queen of Scots: 'In my end is my beginning.'* Edinburgh: National Museums of Scotland, 2013. Pp. 112. ISBN: 1905267789. £12.99.

Rosalind Marshall's *Mary Queen of Scots, 'In my end is my beginning'* accompanies an exhibition in the National Museum of Scotland, (28th June – 17th November 2013) of roughly two hundred objects associated with the famous Queen. It was the most comprehensive exhibition on Mary Queen of Scots to date, and brought together all forms of visual and written culture, including jewelry, textiles, furniture, paintings, drawings, maps, and documents. Marshall's book describes and forms a companion to the exhibition by providing pictures of the objects and contextualizing them within the life of Mary Queen of Scots, from her childhood and early life through to her death.

The first chapter deals with Mary's youth, the least well-known and understood part of her life. Marshall begins with Mary's parents - James V and Mary of Guise - and devotes much attention to the close relationship between Mary of Guise and her daughter. Evidence of this relationship is an image of the first letter Mary sent to her mother from France (c. 1550), where she lived from the age of five (p. 10). The political events of Mary's early years are illustrated with a few evocative objects, which give a wonderful glimpse into her youth – such as a portrait of Dauphin Francis in which he looks improbably hearty (p. 9), and some of the few surviving jewels that she possessed, which suggests she was a woman of great wealth (p. 20).

The second chapter discusses Mary's marriage to Lord Darnley, and begins with the machinations of both Elizabeth I and Margaret Douglas – Darnley's mother – that brought it about. Marshall links the on-going struggle for power between Mary and Darnley to an image of a coin that depicts Darnley as king (p. 29). Marshall also covers the events leading up to Darnley's murder, and incorporates various images of the murder scene, including the drawing sent to Elizabeth I by William Cecil directly after the events as evidence of how Darnley's death led, in part, to her

eventual execution (pp. 40-41). Marshall points out that, although the question of Mary's knowledge has always hung over this murder, "not one piece of uncontaminated evidence has ever been found to suggest that Mary knew of the plot" (p. 42).

The final chapter describes Mary's life from her marriage to Bothwell to her execution. Marshall deals briefly with the issue of Bothwell's alleged rape of Mary, by suggesting that "Scotland's Machiavelli" (p. 21) – William Maitland—persuaded Mary that the Bothwell marriage would be deemed acceptable, "if it seemed that it had been forced upon her" (p. 47). Through a series of objects, including one of the large vengeance paintings commissioned by Darnley's mother (p. 50), and the documents in the Lennox casket (p. 54), Marshall shows how this "disastrous marriage" resulted in Mary's eventual demise. The final object in the exhibition is, of course, the death warrant signed by Elizabeth I (p. 58), and the book ends with a full catalogue, including pictures and thorough descriptions of each of the items discussed.

This book is an invaluable and fascinating resource to anyone studying Mary Queen of Scots, or Scottish queens more generally. It is wonderful to see so many of the objects associated with Mary, and Marshall's book ties them firmly into Mary's life in a way that is edifying and valuable to the casual museum visitor and scholar alike.

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**REVIEW**

Jessica Martin and Alec Ryrie, eds., *Private and Domestic Devotion in Early Modern Britain*. Surrey: Ashgate Publishing Limited, 2012. Pp. 285. ISBN: 9781409431312. \$149.95 CAD.

Prayer in early modern England and Scotland was an integral part of domestic piety. The first of a two-volume collection, *Private and Domestic Devotion in Early Modern Britain* explores more private devotional contexts by asking, “how people...prayed when they weren’t in church” (p. 1). This interdisciplinary collection of essays finds a place in the historiography that all too often focuses on religious expression in the public sphere. This historiographical tendency is the result of “more accessible” sources for public devotion (p. 3). By broadening perspectives to include how early modern people adapted and integrated prayer into their daily lives, the authors of this volume investigate more private forms of religious expression in early modern Britain.

A companion to Ian Green’s survey of English domestic piety, Jane E. A. Dawson’s overview of Protestant devotion from the Reformation to the Covenanting Revolution is the standout essay for the Scottish historian. Dawson does an excellent job of illustrating how the lines between public and domestic piety were often blurred by the structure of the Reformed Kirk. For example, her discussion regarding communion and its intensifying effect on private devotion accentuates how the public religious space influenced privately conducted prayer. Moreover, domestic prayers sometimes occurred within the physical building of the church, which attests to the nuanced ways early modern Scots understood their private devotional exercises. The kirk sessions simultaneously contributed to these trends by enforcing “an essential minimum of domestic devotion” (p. 43). Because the underlying goal of the Kirk was to make the home “a domestic seminary” (p. 43) the Kirk maintained a prominent position in the lives of Scottish parishioners. Dawson touches on the social and the political implications of reformed theology in the aftermath of the Scottish Reformation and provides a strong survey of the consequences

these changes had in religious practice. Erica Longfellow deals with similar trends in an English context in her discussion of, what she terms, the “paradigm shift” in perceptions of public and private lives (p. 55). These essays demonstrate the complex understanding of how spaces were conceptualized, and they illustrate that domestic piety in the early modern period frequently included a social component.

Alec Ryrie’s research on the connotations associated with sleep and dreams is an equally compelling chapter. He argues that there was an ambivalence surrounding sleep because of the inability to regulate the unconscious, which made dreams relevant for assessing moral character. Ryrie makes an effort to incorporate Scottish sources into his analysis. Although his evidence comes primarily from English sources, Ryrie’s approach is a particularly innovative and he presents an interesting method for evaluating domestic religious practice.

Another particularly fascinating discussion is Tara Hamling’s assessment of material objects and their importance in prayer. Not only did physical objects in domestic spaces serve to identify the owner as godly, but they also functioned as mnemonic devices to help people remember prayers and as visual prompts to encourage spiritual reflection. Hamling’s essay reminds historians of the importance of material evidence as “a point of access to aspects of domestic and devotional life that would otherwise remain neglected” (p. 162).

The volume also contains papers which take literary and theological approaches, like those written by Micheline White, Jessica Martin, Hannibal Hamlin, and Alison Shell. Kate Narveson and Jeremy Schildt look at the ways people were expected to interact with the Bible. Beth Quitslund’s essay evaluates the evolution of Psalm singing in the English church. These chapters are insightful for English historians, however they largely neglect the Scottish perspective. This is a persistent issue throughout the book (and “British” historiography more broadly). While not the fault of the individual authors in this collection, there is a wider historiographical tendency to concentrate on exploring English examples in volumes of British history at the expense of Scottish and Welsh experiences, which is underscored by the fact that only

one essay in this collection of twelve is dedicated to discussing the Scottish religious experience. It is also somewhat surprising that a significant portion of the sources for this collection are not necessarily domestic in nature, but rather published materials like instructional manuals for how domestic prayer should be practiced.

However these critiques are relatively minor in comparison to the value of addressing these more domestic examples of piety. *Private and Domestic Devotion* offers readers a comprehensive picture of the practical applications of religion in the post-Reformation period. Moreover, the interdisciplinary approach represented here is a beneficial means of accessing the difficult to assess area of lived experience, often in innovative ways.

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