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O'Donnell Lecture 1985

Celtic Law and Scots Law: Survival and Integration

W. D. H. SELLAR

I should like first to thank the University of Edinburgh for the honour it has done me in inviting me to give the O'Donnell Lecture for 1985. I have attended many Edinburgh O'Donnells over the years but little imagined that one day I would find myself in the solo role.

As most present will know, the O'Donnell Lecture in Edinburgh and the corresponding lectures in Oxford, Dublin and Wales arise from the terms of the will, dated 1934, of the late Charles James O'Donnell who left bequests designed to demonstrate that the extent of Celtic survival in these islands in the face of Anglo-Saxon invasion and cultural influence was much greater than was commonly supposed. O'Donnell was born in the middle of last century. Like his better known brother Frank Hugh he was a prominent Irish Home Ruler. He joined the Indian civil service and in India, as in Ireland, he espoused the cause of home rule. Indeed his agitation and pamphleteering for land reform in India led in 1881 to his demotion and eventual departure from the service (Evans 1982; Brasted 1974). I have not attempted to discover what interest, if any, O'Donnell took in the contemporary land agitation in Scotland which was to lead in 1886 to the first Crofters Act, modelled partly on earlier Irish legislation; but I have a suspicion that he might have considered the mere fact that a man named Sellar was to deliver an O'Donnell Lecture to be as much a confirmation of his views on Celtic survival as anything I may actually say. However, I believe I may fairly claim that my theme today—Celtic Law and Scots Law: Survival and Integration—would have commended itself to O'Donnell.

It is a theme I speak on with considerable hesitation as I am only too well aware that the difficult and scattered nature of the surviving evidence, legal, historical and linguistic, calls for a greater combination of talents than I possess. I am also very conscious of how much I owe to other scholars, some of them my recent predecessors as O'Donnell Lecturer here, without whose work today's lecture would hardly have been possible. My debt to Professor Geoffrey Barrow in particular will be clear to all familiar with his writing. Many of my comments and conclusions will, inevitably, be tentative, even speculative.

At first blush the survival of Celtic law may seem a distinctly unpromising theme. We do not need to turn to the writings of mischievous English historians—I name no names[1]—for indications that Scots law has no history, or at least no history worth the

telling, and that little has survived from a remote past, least of all from the Celtic past. 'Before James V instituted the Court of Session in 1532,' wrote that fine lawyer and historian, Aeneas Mackay, in 1882, 'there was no system of jurisprudence to which the name of Scots law could properly be applied' (Mackay 1882:113). In 1896 Professor Dove Wilson of Aberdeen noted that 'The Celtic Scots were the ancestors in the male line of our kings', and that there had been in Scotland a great mixture of Celtic and Germanic blood, but then continued, 'These things make it almot inexplicable that distinct traces of Celtic law are not to be found. Yet so it is . . . Celtic law seems, indeed, to have disappeared as thoroughly as if it had never existed' (Wilson 1896:221). More recently the Regius Professor of Law at Glasgow, David Walker, has sung much the same tune: 'Very little is known of legal institutions in Scotland prior to the year AD 1000 and nothing from any earlier period can be shown to have exercised any material or permanent influence on the development of the modern law' (Walker 1981:86). More surprisingly, Lord Cooper lent his great authority to the notion that Scots law has no history. 'There is a sense,' he wrote, 'in which it is true to say that Scots law has no history; for the continuity of its growth has been repeatedly interrupted, and its story is a record of false starts and rejected experiments' (Cooper 1944:lxi). In *Celtic Law* John Cameron wrote, 'It is true to state that, in the history of the law of Scotland, we have little real continuity' (1937:154). Most depressing of all, the great Daniel Binchy once wrote, in the course of a mercilessly critical review of Cameron's book, that 'Henceforward the student of Celtic institutions will at least know that, apart from some unimportant technical terms, nothing is to be learned from Scottish legal sources . . . ' (Binchy 1938:684).

Now if I were not convinced that all these learned gentlemen were quite mistaken I would not be standing here. So far from the history of Scots law being, in Lord Cooper's words, 'a record of false starts and rejected experiments', I believe that the single most striking feature about the history of our legal system is its continuity, a continuity unbroken from a very remote past. The influence of Anglo-Norman law, the Canon law and the Civil law on the later development of Scots law is well known, but Celtic law too is part of the continuing inheritance. It is true, certainly, that the older the influence the more difficult it is to uncover its traces—sometimes one feels more of a legal archaeologist than a legal historian—but I am fortified in my views by an alternative line of authority which has sought to emphasise continuity with the past. This line includes, among lawyers, Sir John Skene in the sixteenth century, Lord Kames in the eighteenth, and George Neilson at the beginning of this century. In the unjustly neglected introduction to the second volume of *Acta Dominorum Concilii* Neilson wrote, 'Scotland was a land of Customary Law, its customs reflecting more or less faithfully the racial movements which had made its history . . . Anglican [*sic*] and Norman cords intertwined in thirteenth century law with the weakening threads of Celticism' (*ADC* II.lviii). This statement finds an exact counterpart in Professor Barrow's recent comment that in Scotland after 1214, 'thenceforward, although feudal tenure and custom were

irreversibly entrenched within the law of Scotland they would be interwoven with traditional rules and practice to form a distinctively Scottish common law' (Barrow 1981a:59). Historians have probably always been more conscious of continuity than lawyers, and recent historical scholarship, coupled with that of W. F. Skene and Croft Dickinson in the past, should make it hardly necessary to labour the point.[2] On the legal front, too, there have been recent reminders of the antiquity of our system, as in the case of *M'Kendrick v Sinclair* (1972SC(HL)25) in which a bemused House of Lords found itself having to pronounce on assythment, or in the faintly ludicrous attempt earlier this year to revive trial by combat (*The Scotsman* 19,23 Apr; *The Glasgow Herald* 27 Apr; *The Times* 19 Apr)[3].

One survival which has now been well charted (Dickinson 1928:lxvi; Barrow 1973: 69–82) is that of the judge or lawman of pre-feudal times—the *breitheamh* (early Gaelic *brithem*) or brieve, latinised *iudex*. In a sense the history of this office typifies the story of the survival and integration of Celtic law. We can distinguish between a mainstream dimension in which the traces of Celtic law become ever more faint until they are barely recognisable, and a Highlands and Islands dimension in which Celtic law survives longer in a more pristine form, and perhaps even undergoes a revival in the medieval MacDonald Lordship of the Isles. As regards the mainstream we find that the *breitheamh* still retains considerable importance after the introduction of feudalism: he is mentioned in royal ordinances, he appears in the witness list of charters, he assists in perambulations. Barrow has described his continuing presence as 'nothing less than the tenacious survival of an ancient judicial caste' (1973:70). Eventually he disappears from witness lists and declines further in status, becoming in the end not *iudex* but *iudicator*, the doomster or dempster of court, responsible for pronouncing sentence of doom; yet still one of the essential 'keys of the court' (*claves curiae*) without whose presence the court was not complete (Balfour 1962:273 c.viii; Skene 1597: *sv* Curia). In the High Court of Justiciary the doomster fell further still, for his office was conjoined with that of executioner, and the unfortunate prisoner at the bar had to suffer the spectacle of his executioner entering the court to pronounce sentence of doom. Gradually the doomster disappeared from Scottish courts, although in the case of the High Court not until 1773, late enough for Sir Walter Scott to immortalise the double office of doomster and executioner in *The Heart of Midlothian*. Even after the office of doomster was abolished, some trace of his function remained, for the final words spoken in the High Court after the death sentence was pronounced remained (until the abolition of capital punishment in 1965) 'which is pronounced for doom', the judge of the High Court thus being, although I am sure he was unaware of it, in some sense the descendant and representative of the *breitheamh* of Celtic law.

In the Lordship of the Isles, by contrast, the *breitheamh* continued to exercise his original function until the close of the Middle Ages (Thomson 1968:58–60; Bannerman 1977:227; Matheson 1979). 'There was a judge in every Isle for the discussion of all controversies,' writes 'Hugh Macdonald', 'who had lands from Macdonald for their

trouble, and likewise the eleventh part of every action decided' (Macphail 1914:24–5). These judges still bore the title *breitheamh*. Sometimes they witness Lordship charters and documents: '*Donaldus Judex*' in 1447, '*Donald Brehiff*' in 1456—presumably the same man—and, most significantly, '*Donaldus M'Gillemor iudex insularum*' in 1457 (Munro 1987)[4]; also '*Hullialmus archiudex*' in 1485. From these judges appeal lay to the council of the Isles with its base at *Eilean na Comhairle* (the Council Isle) on Loch Finlaggan in Islay. These *breitheamhan* ceased to function with the end of the lordship, but some are remembered to this day in Gaelic oral tradition. Even now the Gaelic title for those who adjudicate at the annual national Mod is *breitheamh*.

The long survival of the office of *breitheamh* is not exceptional, and I shall be referring to some comparable cases later. However, the most obvious example of continuity in office—so obvious that it is often passed over in silence—is the monarchy. The Queen's title to rule in Scotland, despite the occasional displacement of a senior line, stems ultimately from her descent from Malcolm Canmore, Kenneth mac Alpin and Fergus Mor mac Erc. The kings of Scots until the time of David II were inaugurated, rather than crowned and anointed, in a ceremony of pre-Christian antiquity which has exact parallels in Ireland and the Isle of Man.[5] In his account of the coronation of Alexander III in 1249 Fordun narrates that *quidam Scotus montanus* recited the royal genealogy (*Chron. Fordun* 1871–2:1.294). We need not doubt that this was the official historian or *seanchaidh*, without whose presence no inauguration was complete. The Lords of the Isles continued to be inaugurated in the old manner until the fifteenth century, their *seanchaidh* MacMhuirich reciting the catalogue of their ancestors. The late Sir Thomas Innes, Lord Lyon King of Arms, was wont to claim that the origins of his office antedated both heraldry and feudalism, and that he was the *seanchaidh* of the king of Scots as well as an heraldic King of Arms (Innes 1936:381–2). That he was correct in this claim is, I believe, conclusively shown by a recent study (Lyall 1977) of the Scottish coronation service, in which the Scottish, English and French coronation services are compared. In the English service a key role is played by the archbishop of Canterbury, in the French service by the archbishop of Rheims; the corresponding role in the Scottish service is played, not by a bishop or an archbishop, but by the Lyon King of Arms. One of Lyon's functions at the coronation was to recite the royal pedigree through several generations, as his predecessor had done in the time of Alexander III: 'The forme of the coronatioun of the Kings of Scotland' prepared for the Scots Privy Council in 1628 refers to Lyon commanding the king to be crowned, and 'repeating sax generatiouns of his descent' (*RPC* 2nd series II.393–5).

It used to be fashionable, following the researches of Professor Binchy and others into the early Irish law tracts, to emphasise the archaic features of Dark Age Celtic kingship and Gaelic society. The society portrayed in the law tracts was represented as a remarkable fossil survival, little changed since a remote Indo-European past, and the king as a sacral figure, expected to fight and die in battle certainly, but devoid of real authority, his actions circumscribed by the dead weight of tradition, and lacking in

legislative and judicial power. This approach emphasised the differences between Celtic society and society elsewhere in early Medieval Europe. At its most extreme, as Patrick Wormald noted in his Edinburgh O'Donnell lecture two years ago, it has led to the portrayal of Dark Age Ireland as a kind of 'Tolkienian "Westernesse"' (Wormald, P. 1986:172). More recently, however, this approach has been strongly challenged by scholars such as Professors Ó Corráin and Byrne, and by Wormald himself (Ó Corráin, 1978; Wormald, P. 1986).[6] They place a greater emphasis on similarities between Ireland and mainstream European tradition. They have demonstrated that the Dark Age Irish king was far from powerless or devoid of legislative and judicial authority. Ó Corráin (1978:33) has suggested that the transformation from wider kin-group to narrow lineage, noted on the Continent by Leyser, Duby and others, can be paralleled in Ireland also. He has shown how powerful overkings were able to mediatise lesser dynasties, or competing segments of their own dynasty, and convert their representatives into royal officers and leading churchmen. Such royal officers appear with increasing frequency in the Annals from the tenth century on: the royal governor or viceroy (*airrí*), the steward (*rechtaire*), the head of household (*toísech lochta tighe*), and the commander of cavalry (*toísech marcshlúaighe*) (Ó Corráin 1978:26–9). Of particular interest is the judge or chief judge, the *ollamh* or *ard-ollamh breitheamhnais* (Ó Corráin 1978:14–15). It is now recognised that by the end of the first millenium the leading Irish kings not only had judicial powers, but were also able to appoint judicial officers. The European parallels for all this are obvious, and it is clear too that Irish rulers aspired to the European model. The O'Brien kings of Munster, for instance, are complimented in the *Cogadh Gaedhel re Gallaibh* by the description 'Frainc na Fotla . . . Meic . . . Israeil na hErend' (the Franks of Ireland . . . the sons of Israel of Ireland) (Ó Corráin 1978:34). This admiration of the Franks as the chosen people recalls the oft-quoted comment on Malcolm IV and his brother William, kings of Scots, 'The modern kings of Scotland count themselves as Frenchmen in race, manners, language and culture' (Anderson 1908:330n): Malcolm and William, indeed, had good reason to be proud of their Frankish connections, being inheritors through their mother's mother, Isabelle of Vermandois, of the blood of Charlemagne. On one point both Ó Corráin and Binchy are agreed: by the twelfth century Irish society was already ripe for feudalism. 'The type of society that was emerging in Ireland in the eleventh and twelfth centuries,' writes Ó Corráin, 'was one which was moving rapidly in the direction of feudalism' (1978:32); and Binchy has described the institution of *cēlsine* (clientship) found in the Irish law tracts as 'a forerunner of feudal commendation' (Binchy 1973:92)[7]. Thus, although it is hardly possible to speak of 'Irish feudalism' as some have written of 'Anglo-Saxon feudalism', the seeds were there.

All this has considerable relevance for Scotland. It helps to explain how the institutions of Anglo-Norman feudalism spread so readily in a Scotland still governed by its native Celtic dynasty and its native Celtic earls. The Scottish inheritance was, of course, more varied than the Irish, and Professor Duncan has warned us that we must

not 'fill out the exiguous evidence for the dark ages . . . by a wholesale importation of Irish institutions' (1975:106). Pictish, British, Anglo-Saxon and Scandinavian influences are all in evidence, yet there can be little doubt that the prevailing ethos of the kingdom of Alba from the time of Kenneth mac Alpin to that of Malcolm Canmore was Gaelic. There is some evidence to suggest that the earliest borrowings from Anglo-Saxon law were consolidated in this predominantly Gaelic context. The result may have been a further predisposition, greater in Scotland than in Ireland, towards feudalism. Professor Barrow has argued that the Anglo-Saxon terms *scir* (shire, Gaelic *sgìre*) and *thegn* (thane)—sometimes equated with the native Gaelic term *tòiseach*—became deeply embedded in legal administration and the Gaelic language at an early date (Barrow 1973:7–68). Another Anglo-Saxon term which I would be inclined to regard as a significant early borrowing is (*ge*)*mót* or moot. 'Moot' or 'mute' is well known in Scots, of course, as are moot-hills, but *mót* was also borrowed early into Scots Gaelic as *mòd*, meaning a court or assembly.[8] In Gaelic poetry there is regular reference to the holding of a *mòd* by a chief, while today the Mod *par excellence* (at which, as we have seen, the adjudicators go by the title of *breitheamh*) is held every year. The word seems unknown in Irish Gaelic. I would argue, then, for the early borrowing of a number of key Anglo-Saxon terms. Their ready incorporation surely reflects a strengthening of royal authority. Be that as it may, Scottish society in the eleventh century, like contemporary Irish society, was moving in the direction of feudalism. We need not accept Fordun's account, as it stands, of Malcolm II (1005–34) apportioning the kingdom to his vassals from the moot-hill of Scone (*Chron. Fordun* 1871–2:I.186), but we may note that even so cautious a historian as Croft Dickinson was prepared to entertain the notion of pre-Norman feudalism in Scotland (1928:376), while Professor Barrow, in his concluding Rhind lecture this year, used the term 'proto-feudalism'[9].

So far as the history of Scots law is concerned we may accept that the introduction of Anglo-Norman feudalism gave rise to a legal Reception, a Reception in every way as significant as the later Reception of the Civil law, but a Reception which did not mark a complete break with the past. Without doubt there were new departures, but as is often the way with legal Receptions, existing institutions might be modified, re-named and adapted without doing too much violence to the native tradition. Sometimes the old institution would continue to exist under a new guise. Sometimes the old name would remain although the institution itself had changed. More often, perhaps, there would be harmonisation leading to further development on a dual foundation. We should expect to find parallel traditions and dual origins. Some sheriffdoms, as Dingwall, Auchterarder, Cromarty, Kinross and Clackmannan, may have taken the place of earlier thanedoms (Dickinson 1928:378; Duncan 1975:161–3, 596–7); and many thanes became feudal barons and knights (Skene 1886–90:III.246–83; Dickinson 1928:377; Barrow 1980:140,157). King David I had a *rannaire* or food-divider (*RRS* I.32–3) and (almost certainly) a *seanchaidh*, as well as a seneschal and a chancellor. There is the tantalising record (Lawrie 1905:66–7) of a provincial court of Fife and Fothrif held in

1128 to settle a dispute between the Culdees of Loch Leven and that 'furnace and fire of all iniquity' (*fornax et incendium totius iniquitatis*) Sir Robert the Burgundian. The account is written by a monastic chronicler whose intoxication with language resembles on one hand the *hisperica famina* of earlier Irish writing and on the other the prose of Anthony Burgess. We read of satraps and satellites and the army of Fife (*cum satrapys et satellitibus et exercitu de Fyf*) and of leaders, commanders and luminaries of the Bishop's host (*primicerios et duces et lumnarcas exercitus Episcopi*) and would dearly like to know what native words, if any, lie behind these terms.[10] But we read also of three *iudices*, clearly *breitheamhan*, one of whom, Constantine, earl of Fife, is described as *magnus iudex in Scotia*. Is this the *ard-ollamh breitheamhnais* of the king of Scots, the representative of a discarded segment of the ruling dynasty?[11] And given that Duncan, earl of Fife, later in the century, is the earliest recorded Justiciar of Scotia (Barrow 1973:105) and the institutional ancestor, therefore, of today's Lord Justice General, should we not trace that office back in part to Celtic roots?

Feudalism was very adaptable. The forms of feudalism could be used to clothe and camouflage and, on occasion, legitimate older practice. The earldom of Fife itself was feudalised under its Celtic earls as early as 1136, and held thereafter in chief of the crown (Barrow 1980:84–90). Ancient burdens on land such as cain and conveth, and obligations to common army service as *fecht* and *slúagad* could readily be incorporated into feudal charters (see below p. 17). Feudal forms too could regulate the position of the learned orders of Gaelic society—doctors, historians, musicians, poets and others—who held their land in return for professional services rendered (Thomson 1968; Bannerman 1977:232–9; and 1986). As late as 1609 Fergus MacBeth or Beaton was confirmed for life in his hereditary office of principal physician of the Isles, and granted the family lands of Ballinaby and others in Islay. The granter was no MacDonald, but James VI himself, acting for his son, Frederick Henry, Prince and Steward of Scotland and Lord of the Isles (*RMS* VII no. 109). Even the position of head of a kindred could be granted in standard form: *Formulary E* contains a style used by the royal chancery about the time of Robert Bruce 'Ad constituendum capitaneos super leges Galwidie', which begins, 'Sciatis quod constituimus concessimus tali ut sit capitaneus de tota parentela sua vel de parentela tali quatinus de iure et secundum leges et consuetudines Galwydie hactenus usitatas in capitaneis esse debet' (Duncan 1976:no.83).[12] As has been seen, the institution of *célsine* paved the way for feudalism. Might it not also, and with greater force, since it deals with commendation and not with tenure, be viewed as a precursor of that typically Scottish arrangement, the bond of manrent?[13]

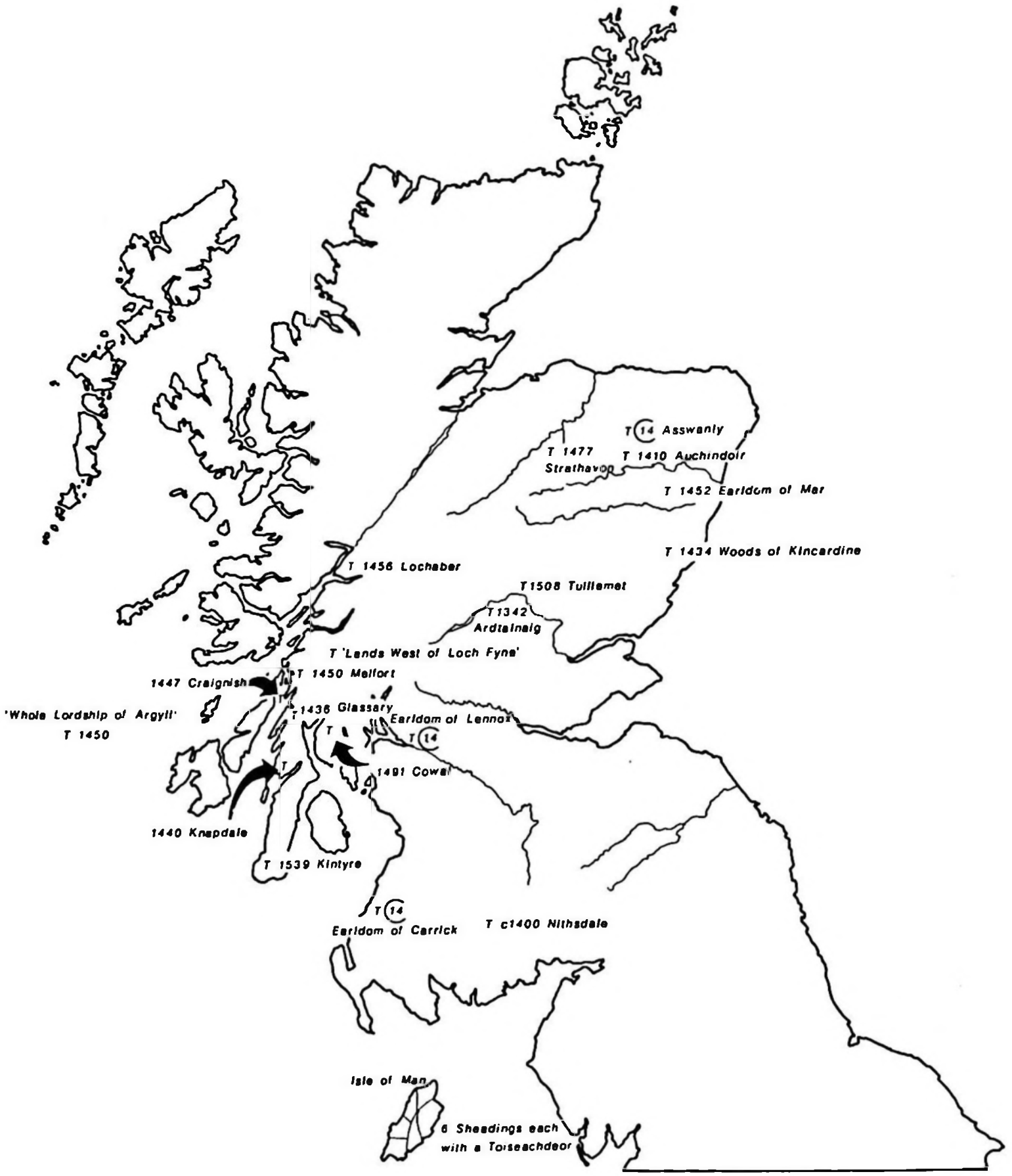
I should like to consider now, in rapid succession, various areas of law, public and private, substantive and procedural, seeking out further examples of survival and integration. As already noted, the long survival of the office of *breitheamh* was not exceptional. Parallels can readily be drawn in the case of other offices such as those of *mormaor*, *maor*, *tòiseach*, toiseachdeor and *deòradh* (dewar). Time prevents me from

lingering on these. The transition from mormaor to earl is well known. In one case at least, that of the earldom of Mar, the present holder of the dignity appears to be the representative and inheritor of a Celtic mormaor, for the countess of Mar descends, like all her predecessors in title, from Morgund, earl of Mar, immediate successor to Ruari, mormaor of Mar in king David I's reign (*Complete Peerage*:*sv* Mar).[14] The title 'mormaor', indeed, in the modern form of '*morair*' is still in use in Gaelic, signifying a lord: thus the countess of Sutherland is *bana-mhorair Chait*, Lord MacDonald is *morair Shléibhte* (of Sleat) and Lord Stockton is *morair Stockton*. Croft Dickinson traced the later history of the *maor* ('mair' in Scots)) as an officer of the sheriffdom, often hereditary—that is 'of fee' (Dickinson 1928:lxii–vi; and see Barrow 1973:67–8). This office was readily equated with that of serjeant. Again, the word is still in use in modern Gaelic, meaning a sheriff-officer or a ground officer. It also figures in one of the less comprehensible titles still borne by the hereditary keeper of Dunstaffnage, that of 'marnichty' to the duke of Argyll: this, it seems, stands for the hereditary *maor(s)neachd* or mairship. The term *tòiseach*, too, long survived, both in the original sense of head of a kindred, and also under the guise of 'thane' (Skene 1886–90:III.246–83; Jackson 1972:110–14; Barrow 1973:7–68). In the meaning of head of a kindred the *tòiseach clainne* has his counterpart in the *ceann cinéil* of Carrick (see Duncan 1975:108–10). The grant by Niall, earl of Carrick, 1250 × 56, of the office of *caput progeniei* or *kenkynolle* (that is *cenn cineóil, later ceann cinéil*) to his nephew, Roland of Carrick, is well known, and was the subject of royal confirmation to the Kennedies in later centuries (*RMS* I nos. 508 and 509; II nos. 379,414).[15] As already noted, the royal chancery had a set style for appointing the head of a kindred in Galloway, and a number of such confirmations are known. One northern thane yet remains, the thane of Cawdor, holding his lands *in unum et integrum thanagium*, rather than simply *in liberam baroniam*, as many of his fellows came to do (*RMS* II no. 1241).[16] The Cawdor lands in the Black Isle became known as *an Tòiseachd*, the thaneage, or as Ferintosh, 'land of the tòiseach' (Watson 1904:114), and gave their name to Ferintosh whisky.

The dewar (*deòradh*) likewise, in charge of his sacred relics, is a notable survivor throughout the medieval period and down to the present day. The two best known dewars are the keeper of the *bachull mór* (the *baculus* or pastoral staff) of Saint Moluag, and the keeper of the *coigreach* of Saint Fillan. The first has regained custody of his relic in the island of Lismore, although not without some intervening adventures. The second finally relinquished his relic and all rights and duties attaching to its possession to the Society of Antiquaries of Scotland in 1877, although the title of Dewar of the Coigreach remains, and the holder recently matriculated arms with the Lord Lyon.[17] It is instructive to note that these rights and duties were established by the characteristic Scoto-Norman procedure of the inquest. On 22 April 1428, at the Bridgend of Killin, before John Spens, bailie of the crown lands of Glendochart, an inquest of fifteen found Finlay Dewart to be the keeper of the *coigreach* ('lator ipsius reliquiae de Coygerach, qui

Jore vulgariter dicitur'). They noted *inter alia* that if any goods or cattle were stolen from an inhabitant of Glendochart who did not care to pursue the thief, he could send for the dewar of the *coigreach* along with four pennies or a pair of shoes and food for one night, and the dewar was bound to pursue the goods wherever they might be found in the kingdom of Scotland. The privileges of the dewar were confirmed by James III in 1487, this confirmation being recorded in the Books of Council and Session as late as 1734 by the then holder of the office.

Another officer whose exact function may still be in doubt but whose late survival is not is the toiseachdeor (Skene 1886-90:III.278-91, 300-2; Dickinson 1941). The etymology of the word remains obscure, but I take toiseachdeor to be the name of the officer and toiseachdeorachd the name of the office. In Croft Dickinson's interesting but ultimately rather despairing article (1941) about this office, he gives many instances of its occurrence both in charter and in statute. I have been able to add some further examples to Dickinson and have little doubt that others could be found. The results are shown on the map (p. 10).[18] In each case the earliest date at which a particular toiseachdeor is mentioned is noted. The geographical spread is impressively wide. One of the additions to Dickinson's list supplies the most northerly instance—at Asswanly in Strathbogie—of a toiseachdeor. The source for this is Sir Robert Gordon's *Genealogical History of the Earldom of Sutherland*: 'Sir Adam Gordon, slain at Homildoun, had tuo bastard sones, by Elizabeth Crushshanks (daughter of the laird of Assuanly, called Toshdiragh)' (1813:61). A more significant addition is that of a toiseachdeor for the earldom of Carrick. The source here is Sir John Skene, who noted in his Latin edition of *Regiam Majestatem* that David II 'dedit et concessit Ioanni Wallace suo Armigero, et fideli, officium Serjandiae Comitatus de Carrik, quod officium, Toschadorech dicitur, vulgo ane mair of fee' (Skene 1609:13).[19] Croft Dickinson noted a toiseachdeor in Nithsdale, but later seemed to cast doubt on this when he wrote that there were no examples of the office to be found in the Lothians and the south west (1941:86,103, 108). The Carrick example supports that in Nithsdale, and both are nicely *en route* for the Isle of Man. In view of the absence of the toiseachdeor in Ireland, his presence in the Isle of Man (Manx, *toshiagh jiorrey*), one for each of the six sheadings of the island (Megaw: 1976:24), raises some interesting questions, both for Man and for Scotland. The Carrick example brings to three—Carrick, Mar and Lennox—the ancient earldoms with which a toiseachdeor is known to have been associated. It is worth reflecting that, despite the obscurity of the office, there are many more examples on the record of the occurrence of the toiseachdeor under his Gaelic title than there are of the *breitheamh*. In Scotland and the Isle of Man the office of toiseachdeor was regularly equated with that of coroner (Dickinson 1941; Megaw 1976: 24). In most Scottish examples the native term changes to 'coroner' soon after it first appears, and we may take it as certain that behind the 'coroner' who appears on the record in some other instances there would have been originally a 'toiseachdeor': we may suspect this of the hereditary coroners of Bute and of Arran (*OPS* II.i.229,248); and perhaps also of the foresters and coroners of



Map showing the distribution of the Toiseachdeor ('T'), and giving the earliest date at which a particular toiseachdeor is mentioned.

Pattern of equivalent names for officers in late Medieval Argyll

Bailie: Seneschal: Steward Toiseachdeor: Coroner

Maor: Officer: Serjeant

the Garioch in Aberdeenshire (*RMS* II.2755), and of the earldom of Strathearn (*RMS* II.1160), for the offices of forester and toiseachdeor are also sometimes combined. Noted below the map is a pattern of equivalent names for officers, including the toiseachdeor and the mair, which seems to emerge in late Medieval Argyll. How old these equivalents are and how far they represent regular practice throughout Scotland I cannot say, but the subject is worth further investigation.

Turning now to the criminal law, the outstanding example of survival is, of course, the action of assythment, or compensation for wounding or slaughter, revived recently in the case of *M'Kendrick v Sinclair* (1972 SC(HL)25), and formally abolished by the Damages (Scotland) Act 1976 as a result. The legal background to the case has been discussed by Robert Black (1975) and Christopher Gane (1980), while the wider context of the blood-feud in early modern Scotland has been explored in a seminal article by Jenny Wormald (1980), so little more need be said here.[20] The payment of compensation to pacify the rancour of the kin was not peculiar to Celtic society, and in M'Kendrick's case there is mention of Anglo-Saxon *wer* and *wite* as well as Gaelic *crò*. However, one feature which clearly betrays the Gaelic origins of the later Scottish action of assythment is the letter of slains, so essential for remission, granted by the kin of the dead man; for it has recently been shown (Wormald, J. 1980:62) that, so far from 'slains' being a form derived from the English verb 'to slay', as one might imagine, it derives from *slāinte*, a technical term of Celtic law. 'The basic idea of this Irish word [*slāinte*],' writes Kenneth Nicholls, 'is that of "guarantee" or "indemnification".' (1973:187). Indemnification from the further rancour of the kin was the precise function of a letter of slains. The term *cró* for compensation is also of considerable interest. It occurs in the *Leges inter Brettos et Scotos* (*APS* I.663–5) and in *Regiam Majestatem* (*APS* I.637), and is repeated in the form 'croy' in Scots in the legislation of James I in 1432 (*APS* II.21). The late David Greene studied the various meanings of *cró* in Irish and Scots Gaelic and concluded, 'Strange to say, it was in Scotland that it was absorbed into the legal system, maintaining its meaning of "the compensation or satisfaction made for slaughter of any man according to his rank" . . . It is attested [in this meaning] only from Scots; there are no examples of Sc G *crò* in this meaning' (Greene 1983:8). 'Croy' then represents a fossil survival in Scots of Celtic law. Stranger still, the word 'croo' appears like a *leit-motif* in a recent historical novel, *The Camerons*, set in a West Fife mining community last century before the passing of the Workmen's Compensation Acts. The author, Robert Crichton, is American but claims to draw much of his inspiration from his grandmother who came from just such a mining community. In the novel the term 'croo' is used of the compensation paid at the discretion of the mine-owner for death or injury in the mines. On the face of it, this argues for the survival of the Gaelic legal term *cró* in the Scots speech of mining communities in Fife until last century, and, if authentic, is truly remarkable.[21]

More generally, one feature which sharply distinguishes the criminal law of Scotland from that of England is the late recognition in Scotland of the public right to prosecute

crimes such as theft and homicide regardless. Only at the end of the sixteenth century, and not always even then, can it be said that the Crown's interest in prosecuting for homicide (or 'slaughter') took precedence over the wishes of the kin of the victim (Black 1975; Wormald, J. 1980). Viewed from a wider European standpoint Scotland is by no means unique in this respect, yet the Celtic heritage must be seen as a major factor in the Scottish equation.

In the law of persons one notable survival which I have attempted to chart elsewhere (Sellar 1981) is Celtic secular marriage, which allowed for polygamy, concubinage and easy divorce, and is described in the early Irish law tracts. Nicholls has written, 'In no field of life was Ireland's apartness from the mainstream of Christian European society so marked as in that of marriage. Throughout the medieval period, and down to the end of the old order in 1603, what could be called Celtic secular marriage remained the norm in Ireland and Christian matrimony was no more than the rare exception grafted on to this system' (1972:73). Celtic secular marriage had a long history in Scotland as in Ireland, and did not finally disappear in the Highlands and Islands until the seventeenth century, although its traces are not so easily uncovered in mainstream development.[22] Two late practitioners of such marriage alliances, Ranald MacDonald of Benbecula and Ruari MacNeill of Barra, are still remembered in oral tradition (Sellar 1981:487). We have noted that feudal forms were very flexible and could incorporate and express older landholding arrangements without appearing to alter their essentials. The marriage law of the medieval church, too, could camouflage Celtic survival: although Canon law prohibited divorce in the modern sense, there were so many possibilities for the dissolution of marriage on the grounds of consanguinity and affinity that it must often have been easy for practitioners of Celtic secular marriage to present their divorces as dissolutions under the Canon law, the more so as the marriage of near relatives was a commonplace.

Fosterage is an institution given considerable space in the early law tracts, and there is abundant evidence for the continuing existence of fosterage of this type until a very late period in Scotland. Many contracts of fosterage in Scots, and one (dated 1614) in Gaelic, survive.[23] Robert Bruce, it would seem, was fostered (Nicholson 1974:73). The chiefs of the Campbells continued to be fostered until the seventeenth century (Innes 1861:368), and the chiefs of many other clans until the eighteenth. The obligations arising from the tie of fosterage are a frequent theme in Gaelic tradition, both prose and verse. The institution survived long enough to be remarked on by Boswell and Johnson on their famous tour; and I am informed by Mr William Matheson that there died only in the last few years a Mr Olaus Martin whose grandfather, a native of Skye, had been fostered in the ancient manner, and who still kept kindness with his grandfather's foster family. Given the strength of the institution, it is surprising that no trace of it was incorporated into the regular Scots law of persons, although no doubt a claim based on a contract of fosterage would have been legally recognised.

On the borders of marriage law and succession there is another example of dual

inheritance in the equation of the Gaelic *tochradh* (Scots 'tocher') with the *maritagium* of feudal law. Some notion of tocher, indeed, still survives: many Scots today would recognise the phrase 'a tocherless lass wi' a lang pedigree', although few, I think, could define *maritagium*. One of my favourite examples (Lamont 1914: no. 42) in this field is the contract of marriage entered into in 1462 between Ewen MacLachlan and Gilchrist Lamont in respect of Gilchrist's sister Marjory. In the event of Ewen refusing to marry Marjory he obliges himself and others as cautioners to pay the following in name of tocher: Celestin Lauchlan [Gillespic MacLachlan], forty cows; Donald the poet, twenty cows; Ewen M'Gillecattan, ten cows; Ewen the clerk, twenty cows; and Duncan Finlae, twenty cows.

In the law of succession proper the institution of tanistry provides examples of integration and survival. Loosely defined, tanistry is the name given to the system whereby succession to office, typically the office of king or chieftain, is open to various members, or to different segments, of a ruling kindred, rather than descending by primogeniture down the one line, as under feudal law.[24] More strictly, the term 'tanist' (*tánaiste*, *tànaistear*, tanister)—'he who comes second, the awaited or expected one'—describes a successor-designate formally recognised in advance. Such recognition became a common although not invariable practice, and there are accounts from both Ireland and the Isle of Man of the inauguration of a tanist at the same time as the king (Megaw 1976:24). Tanistry in Ireland left its mark on the English Common law, for *Le Case de Tanistry* of 1608 (Dav 28), concerning the O'Callaghan succession, is still a leading case on custom as a source of law. In Scotland the system of tanistry operated among the descendants of Kenneth mac Alpin until the death of Malcolm II in 1034, although there is no indisputable evidence for the formal appointment of a *tánaiste*. Later, after the death of his only son Henry in 1152, David I had his eldest grandson Malcolm solemnly paraded around Scotland by the earl of Fife, the hereditary inaugurator of the king of Scots, and recognised as his heir. To some no doubt, perhaps to David himself, Malcolm would be *rex designatus* with clear echoes of the contemporary Capetian monarchy—Malcolm's father Henry had been described as *rex designatus* in a number of charters (Lawrie 1905: 124, 126, 128)—but to others among his Celtic subjects, Malcolm would be the nominated *tánaiste*.[25] In the reigns of William I and Alexander II, the MacWilliam claimants, descending from Duncan II, the eldest son of Malcolm Canmore, surely favoured tanistry. The MacWilliams apart, there was a dearth of males in the royal house for over two centuries, until the accession of Robert II in 1371, which rather precluded the question of tanistry from arising. The only king between 1094 and 1390 who died survived by both a brother and a son was William I, and he took good care that his younger brother David should formally recognise his son Alexander as heir to the throne (Stringer 1985:42–3). There is an echo of tanistry in the arguments for the crown put forward by Bruce the Competitor in the Great Cause in 1291–2, when he pointed to the alternating succession after Kenneth mac Alpin, and when he claimed that he had been at one stage Alexander II's nominated successor (Stones and Simpson

1978:II. 175, 178, 201; II. 144–5, 170, 185; Barrow 1976:57). The mysterious 'Appeal of the Seven Earls' which backed Bruce's claim is as likely to refer to the Celtic past as to the imperial German electors, as Barrow (1976:60–2) points out, although whether it should be viewed as 'an example of that semi-antiquarian revival of things Celtic which was not uncommon in thirteenth century Scotland' (Barrow 1976:62) is another matter.

In Highland Scotland tanistry had a longer life. Dr John Bannerman has detected tanistry in operation among the MacNeill chieftains of Gigha in the fifteenth and sixteenth centuries, and among the Beaton physicians of Pennycross in Mull a century later (Bannerman 1977:148; 1986:25–40). The epithet 'tanist' or 'tanister' was in use in the Highlands from the fourteenth to the eighteenth centuries. The immediate younger brother of Donald of Isla, Lord of the Isles, John Mor, was remembered as 'the Tanist'—*Eoin Mór Tánaiste* (*Clanranald* 1894:158, 212). In his case I take the designation to signify, not that John was Donald's nominated successor, but that John, rather than his elder half brothers Ranald and Godfrey, the sons of Amie MacRuari, would have succeeded to the Lordship, failing Donald and his issue. Later examples seem to equate the *tánaiste* of Celtic law with the *tutor* of Feudal and Roman law, the tutor being the nearest male agnate—again a dual inheritance.

Far from the influence of the Lordship of the Isles, the term 'tanistry lands' is used to describe an *appanage*—to use a good feudal term—granted to a younger son. Buchanan of Auchmar, writing in 1723 about his own family, states that 'The Interest of *Auchmar* was for sometime Tanistrie or Appenage-Lands, being always given off to a Second Son of the Family of *Buchanan* for Patrimony, or rather Aliment during Life, and at his Death returning to the Family of *Buchanan*. These Lands were in some Time after disponed irreversibly to the Ancestor of the present Family of *Auchmar*, and his Heirs' (1723:42). The 'irreversible disposition' took place in 1548. Far to the east, in Aberdeenshire, the same arrangement obtained and the same term was apparently in use in the family of Skene. Six small farms in Midmar belonging to the laird of Skene 'formed what were called Tanistry lands', and were used in the sixteenth and seventeenth centuries 'to make a provision for the younger sons of the family, who occupied them during their lives as kindlie tenants' (Skene 1887:23, 24, 37, 49, 90). One of the possessors of these lands was James Skene, the second son of Alexander Skene of Skene, and the father of Sir John Skene of Curriehill (*c.* 1543–1617), Lord Clerk Register and legal historian. A similar custom is referred to by John MacPherson writing in 1768: 'In the Highlands and Western Isles the Tierna's [*Tighearna* or chief] next brother claimed a third (Trian Tiernis) part of the estate during life, by virtue of a right founded on an immemorial custom. It is not above two hundred years back since the Tanistry regulation, and the disputes consequent upon it, prevailed in the Highlands. There have been some instances of it much later' (1768:184).[26] Tanistry, then, was a long lasting legal concept, capable of being harmonised with others from a quite different background, such as *rex designatus*, tutor, *appanage* and even 'kindlie tenants'.

There are other aspects of succession which would repay investigation, such as des-

tinations-over in favour of members of a particular patrilineal kindred, as *heredibus suis et suis assignatis cognomen de Cambel* in 1358 (*RRS* VI no. 166), or to 'Donald MacGilliephadrick, his airs-mail and assignees, of the clan of Clan Chattan allenarly [only]' in 1632 (*MacGillivray v Souter* (1862)24D759); or the use of the regular forms of feudal conveyancing to legitimise the succession of an heir male rather than a female heir general, as in the case of Mary MacLeod of Dunvegan in the sixteenth century (Grant 1981:117–26,273); but I should like to move on now to consider courts and their procedure. An outstanding feature of the Scottish legal landscape until the middle of the eighteenth century were the all-pervasive franchise courts—courts of barony and courts of regality—whose jurisdiction covered as large an area of the kingdom as the regular royal courts themselves. One of the most jealously guarded privileges of these courts was the right to repledge to their own jurisdiction inhabitants of the barony or regality accused before other courts, including the sheriff court and the justice court (Dickinson 1928:344). When repledging took place a cautioner had to be found to ensure that justice would be done. The word used for such a cautioner—and this remained true until the end of repledging itself—was 'culrath' or 'culrach'. The term occurs in both *Regiam Majestatem* (*APS* I.636) and *Quoniam Attachiamenta* (*APS* I.648), and also ('culrehath') in the *Fragmenta Collecta* (*APS* I.735). Sir John Skene states in his *De Verborum Significatione* that 'Culrach sumtimes is called a furth comandborgh, bot mair properly it may be called an backborgh, or cationer . . .' (1597:*sv* Culrach). There are many examples of the term to be found in court records. Thus in 1518/9 Thomas Forrester 'baillie & commissar to the lard of balgony' appeared in the Fife sheriff court to repledge an action there to the laird's baron court: 'And the said Thomas Forestar pleige & culrach to the schiref to do Justice in the said actione . . .' (Dickinson 1928:131). In 1539, the abbot of Coupar Angus granted the office of bailliary to James, Lord Ogilvie, with power to repledge 'et Reducendo Cautionem et colerache pro Justicia' (Easson 1947:II.152). In 1564 the powers of the bishop of Caithness included 'cautionem lie colerath pro administratione iustitie diebus et locis oportunis prout moris est auferendi et reddendi' (*OPS* II.ii.614n). A late example occurs in 1700, when in a process against 'Egiptianis' at Banff there was an unsuccessful attempt to repledge some of the accused to the regality of Grant and to lodge caution of 'culriach' (Stuart 1846:175–191). One of the accused was James MacPherson (although repledging was not attempted in his case), and the end of that story is well known:

> The reprieve was coming frae the brig o' Banff
> Tae set MacPherson free
> But they pit the clock a quarter afore
> And they hanged him frae the tree.

Although different spellings of the word are legion, there can be no doubt that culrath represents a technical term of Celtic law (cúlráith) being composed of the elements *cúl* meaning 'back', and *ráth* a 'pledge' or 'surety', the etymology of the term providing a

good explanation of its function in law. *Rath* is a key term in early Irish law, and occurs in many situations (Binchy 1941:102–4; 1972). It is found in Scotland in at least one other compound word: *fulráith*, used as an equivalent for bloodwite, the element *fuil* meaning 'blood': 'bludwytys que Scotice dicitur fuilrath' (*Lenn. Cart.* 1833: 45). Here, as with 'slains' and 'croy' in assythment, we find a technical term of Celtic law deeply embedded in a cardinal process of later Scots law. In his short discussion of repledging Croft Dickinson noted that 'this extensive right has been traced by Lord Kames back to the time when each tribe or clan claimed to be under the jurisdiction only of its own judges . . . It is more likely, however,' he continues, 'that it was the outcome of pure feudalism under which justice was bound up with the holding of land' (Dickinson 1928:34). With all respect to Croft Dickinson, I would suggest that Lord Kames was at least half right, and that here again we have a dual inheritance. Another pointer towards the Celtic past is the fact that repledging could on occasion apply to an entire kindred, membership of which was the essential prerequisite. Thus, 'homines de progenie et consanguinitate makcaroun vulgariter nuncupatur Kynmaccaroun' could be repledged to the regality of the Dunfermline, this privilege being restored by James II in 1459 (Webster and Duncan 1953:11–12; *Dunf.Reg.* 1842:351–2). The 'Law of Clan MacDuff', itself an interesting survival, provides a better known example: this Law granted the privilege of repledging in cases of homicide to those within the ninth degree of kin to the earls of Fife (Skene 1597: *sv* Clan- Makduf). The privilege was claimed as late as 1548 in the case of *Kininmonth v Spens*, mentioned by both Balfour and Skene (Balfour 1962–3:511; Skene 1597).

If there was continuity in procedure, it seems likely that there must have been some continuity in the court structure as well, both franchise and royal. The case of Sir Robert the Burgundian in 1128, already mentioned, in the court of Fife and Fothrif, gives some clues as to the functioning of pre-feudal courts. On this topic Professor Barrow has recently suggested that behind place-names such as 'cuthill', 'cuthal' and the like there lies a *comhdháil* or pre-feudal Celtic assembly, a record of which survives in a Mearns charter of *c.* 1317 and an agreement of 1329 under the name of 'couthal' or 'conthal' (Barrow 1981b and 1983). Another tack which might be followed here is the investigation of the various Saints' Fairs which were such a feature of community life in all parts of Scotland until recently. No doubt some of these fairs have their origin in feudal grants of trading privileges, but others seems older. Most of the Saints' names are Celtic, some of them very obscure; and I am reminded that the day of the Tynwald court in the Isle of Man was known in Gaelic as 'Latha Féill Eoin' (the day of Saint John's Fair) and in English still as 'the Fair Day' (Megaw 1976:24).

Moving now to land law, we have already met the litany 'cain and conveth, *fecht* and *slúagad*' incorporated into many feudal charters. The long survival of the render of cain as 'cane fowl', 'reek hen' and the like, and of conveth is well known. A nice late example is recorded by Sir William Fraser. He was informed, near Luss, in August 1862, by a man of 88 that lady Helen, the wife of Sir James Colquhoun, had kept a ring to gauge eggs

rendered as 'kain fowl' by the tenants: any eggs small enough to pass through were rejected (Donaldson 1985:26). The survival of *fecht* and *slúagad*—the obligation to expedition and hosting—is less well known, despite the researches of Professors Barrow and Duncan. This pre-feudal obligation to army service was readily incorporated into feudal charters, usually under the name of *servitium Scoticanum* or common army service (Macphail 1916:227–45; Barrow 1973:161–6; 1980:161–2; Duncan 1975:378–83). Occasionally it appears with the Gaelic terms unaltered, as in the charter granted in 1240 by Ewen MacDougall, lord of Argyll, to the bishop of Argyll of land in Lismore, free of all dues, including 'cain, conveth, *feact*, *slagad* and *ich*' (Duncan and Brown 1956–7:219).[27] In the twelfth and early thirteenth centuries the formula *exercitus et expeditio* is found (for example *RRS* II no. 228; *Arbroath Liber* no. 50). *Circa* 1295 a grant of land in Cowal speaks of the provision of two men *in congregationibus Ergadie*—presumably the *slúagad* or hosting—for the two pennylands conveyed (Lamont 1914:no. 10). Professor Barrow has demonstrated how the older 'Scottish service' or 'common army service' continued to co-exist after the advent of feudalism beside new-style feudal military service. In a notable passage in his *Anglo-Norman Era* he has suggested how this undoubted survival in Scotland may throw light on one of the more vexed controversies of English medieval history, the question of the survival of the Anglo-Saxon *fyrd* after 1066 (1980:161–8). The obligation to render common army service long outlasted the Scoto-Norman era. It raised men for Flodden as it had raised them for Bannockburn, and was an important factor, so Sandy Grant has argued, in Scotland's successful struggle against English dominion (Grant 1984:33–4, 154–6).

Both the obligation to render common army service and the consequences of trying to escape it are recorded over very many centuries. In 1220 an ordinance of Alexander II dealt with the penalties to be imposed on those absent from the host, particularly in Fife (*APS* I.398). Nearly 500 years later *Fountainhall's Decisions* (1.87–90) carries the report of a prosecution, in 1680, of thirty five Fife gentlemen for absence from the king's host. There were Defence of the Realm Acts in 1318, 1456, and 1481 (*APS* I.467,473; *APS* II.45, 132). The Act of 1456 ordained that 'all maner of man' between the ages of sixteen and sixty 'that has landis and gudis be ready horsit and geryt efter the faculty of his landis and gudis for the defence of the Realm'. An Act of 1484 laid down that rolls be kept of all 'defensible personis' for the defence of the realm and the resisting of the king's enemies (*APS* II.164); this seems to be the origin of the term 'the fencible men'. In 1596 the army was called out to the Highlands and Islands, including all freeholders between sixteen and sixty (*APS* IV.98a, 172b). In 1685 James VII called the whole nation between sixteen and sixty to be in readiness for the king's service, according to their abilities (*APS* VIII.460a). In 1689 the Estates enacted that heritors and fencible men absent from the host should be prosecuted (*APS* IX.105). In 1704 the Act for the Security of the Kingdom again refers to the obligations of the heritors and fencible men (*APS* IX.137b). It is curious to reflect that the Acts of 1456, 1481, 1484 and 1689 were

only finally repealed *ob maiorem cautelam* in 1906 (Statute Law Revision (S) Act) just ten years before the re-introduction of conscription.

Just as we can follow the obligations of *fecht* and *slúagad* forward from Scoto-Norman times, so too can we trace them back to the limit of the historical horizon. John Bannerman has drawn attention to their presence in the *Senchus Fer nAlban* compiled in Dalriada about 700 AD (1974:146–8); and was it not precisely *fecht* and *slúagad* that was at issue at the Convention of Druim Cett in Ireland in 575 AD when Saint Columba mediated between Aidan, king of Dalriada, and the Ui Neill overking?

> The decision of the meeting is recorded in the Preface to the *Amra Choluim Chille* as follows: "And this is the judgement which he gave; their expedition and their hosting [*a fecht ocus a sloged*] to the men of Ireland always, for the hosting belongs to the territories always, their tax and their tribute [*a cain ocus a cobach*] belong to the men of Scotland. Or their fleet alone belongs to the men of Scotland; all else however belongs to the men of Ireland." (Bannerman 1974:155, 157–70).[28]

The obligation to hosting and expedition was not, of course, unique to Celtic society, nor was *fecht* and *slúagad* the only element behind later Scottish army service, but when the history of the army in Scotland comes to be written it will surely take note of this astounding example of continuity and survival from the sixth century to early modern times. It may also point a connection between the naval obligations recorded in the *Senchus* (Bannerman 1974:148–54) and the galley service of so many later West Highland charters.

Another field where there may be continuity, although this is more speculative, lies in the higher reaches of constitutional law. Two leading cases this century, *MacCormick v Lord Advocate* (1953SC396) and *Glasgow Corporation v Central Land Board* (1956SC(HL)1) have recognised that there may still be differences between Scots and English constitutional law. That there were once very considerable differences in the matter of the royal prerogative has been pointed out by a number of commentators.[29] There were, for example, different rules on the position of the crown as litigant and on crown exemption from statute and tax. The English rules consistently favour the crown. The Scottish rules are more in keeping with the maxim *rex utitur iure communi*.[30] In the interpretation of statute the crown was particularly favoured in England, and this from an early time: *ea interpretacio sequenda sit que pro rege fecit* (Ives 1983:193). The precise reason for these differences has never been convincingly explained, but it is tempting to associate the less favourable position of the crown in Scotland with the Scottish libertarian tradition discerned and described by Ronald Cant (1976 and 1983; and see Barrow 1979): that tendency towards libertarianism and against despotism which has surfaced at regular intervals in Scottish history—in the Declaration of Arbroath, in Barbour's *Bruce*, in John Major's *History*, in George Buchanan's *History* and *De Jure Regni*, in the Scottish constitution of 1640, and in the stark declaration in the *Claim of Right* of 1689 that James VII had forfeited his throne, contrasting with the more polite English fiction that he had merely abdicated:

> Therefor the Estates of the kingdom of Scotland Find and Declare That King James the Seventh . . . hath . . . Invaded the fundamentall Constitution of the Kingdome and altered it from a legall limited monarchy To ane arbitrary despotick power and hath Exercised the same to the subversione of the protestant religion and the violation of the lawes and liberties of the Kingdome inverting all the Ends of Government whereby he hath forfaulted the right to the Croune and the throne is become vacant (*APS* IX.38–9).

It is true that behind the Declaration of Arbroath lies the writing of John of Salisbury (see Simpson 1977), and behind Major and Buchanan the Council of Constance (see Oakley 1962), but is it not also legitimate to speculate, as Cant does, that there may also have been an indigenous native inheritance? The very conservatism of Scottish society, indeed, may have helped to preserve an older, less despotic order of things. In his *De Jure Regni*, as also in his *History of Scotland*, George Buchanan claimed that among the ancient Scots the monarchy had been elective within the ruling kindred, and that unsuitable rulers had been deposed or worse (see *inter alios* Trevor Roper 1966; Mason 1982). There is some evidence to support this view in the vestigial evidence surviving for early Scottish kingship; rather more in the arrangements of Gaelic society in Ireland. Buchanan also asserted that this position still obtained among the Highland clans in his own day (see Bannerman 1977:221,226) and this appears to have been true, the succession to the chiefship of the MacDonalds of Keppoch and of Clan Ranald being cases in point (Gregory 1837:108–9, 157–8). It is certainly interesting, and perhaps significant that Buchanan, himself a Gaelic speaker from the Lennox, drew upon the Celtic past and present. Buchanan, in turn, supplied a justification for the events of 1689.

I should like to conclude on a more personal note by mentioning some further survivals that have come my own way. When I was an apprentice some years ago in a large Edinburgh office I saw the annual account for an estate in Kinross-shire. Many of the incomings were feu duties, and beside the column in which these were entered, a few pounds at a time, there was another column in which sums of one penny, two pennies, three old pennies, were still being religiously entered up every year—they may be still. This column was headed 'cane' (I cannot now vouch for the exact spelling) but when I asked, no-one could tell me what cain was, or what it was doing there: a remarkable example of legal conservatism.[31] Moving from the written to the oral, I have heard traditions of *breitheamhan* in Lewis, Skye and Islay. The traditions of the Morrison brieves of Lewis are mostly now in print (see in particular Matheson 1979), but those about Tadhg MacQueen, the Skye brieve, are not, and I hope they may be collected.[32] In Barra I was given the *sloinneadh* or pedigree of a lady whose maiden name was MacNeil.[33] This included an eighteenth-century ancestor whom she named as *Eachann Óg an Tànaistear* (young Hector the tanister), although she was unable to explain this designation. On checking my books I found that this ancestor corresponded with Hector Og MacNeil of Ersary—the designation 'tanister' was not mentioned—who took charge of the estate of Barra in 1776 in the absence of his chief

(MacNeil 1923:93). I also checked the oral pedigree with a lady then in her nineties who confirmed that she had heard of this ancestor.[34] 'That is a strange nickname,' I said innocently, 'What does it mean?' 'That is not a nickname,' I was reproached, 'It is a title.' This seems, in fact, to be the latest known example in Scotland or in Ireland of the use of the title of tanist.

Nor is the scope of oral tradition confined to the West Highlands and Islands. Croft Dickinson (1941:96n) noted that a record of the offices of serjeant and mair is preserved in placenames such as 'mairsland', 'mairstoun', 'le Serjand aker' and 'le serjand croft'. In the fifteenth century a family named Comrie are recorded as mairs to the earls of Strathearn (*RMS* II nos 1248 and 2296; Porteous 1912: 46–8) and were granted a croft referred to as 'le Mariscroft', later as 'the Serjeant's croft', to the west of the castleton of Fowlis, as part of the perquisites of office. The mairship passed to another family, but the Comries remained, and, remarkably, remain to this day, as tenants in the neighbourhood of Fowlis Wester. I was informed recently by Miss Jean Comrie, who was brought up on the farm of Drummy, by Fowlis Wester, that a field on that farm still goes by the name of 'the sergeant'. Such continuity in central Perthshire was quite unlooked for.[35]

I fear I have tried your patience with this catalogue. Long though it has been, it could readily have been extended. I have said nothing, for example, about the church, or rights of sanctuary, or land measurement, about calp or colpindach. I have left unexplored the possibility that behind the very frequent resort to arbitration in Scottish legal history, or the device of the wadset, there may lie elements of procedures under Celtic law. I have not even mentioned the famous Gaelic charter of 1408 or the recently discovered Gaelic lease of *c.*1600 (Black 1984). I have concentrated almost entirely on the Gael north of Forth and Clyde, to the exclusion of Picts and Britons, and the Gael of the south west. I hope, however, that I have said enough to demonstrate that the story of Celtic law in Scotland did not come to an abrupt end with the advent of feudalism. On the contrary, many institutions of Celtic law survived for centuries, to an extent perhaps not previously realised, and traces are to be found to the present day. Such survivals are to be seen not as isolated curiosities, of antiquarian interest only, but as part of the very fabric of a legal system one of the outstanding features of which has been continuity with the past.

ACKNOWLEDGEMENTS

This paper is essentially The O'Donnell Lecture delivered in Edinburgh in May 1985. I am most grateful to all those who commented on the original lecture and, in particular, to Professor Gordon Donaldson. I am deeply indebted to Dr John Bannerman and Professor William Gillies for assistance and encouragement at all stages, and to Dr Hector MacQueen for reading this paper in typescript.

NOTES

1 Save those of Hugh Trevor-Roper, now Lord Dacre, and Sir Geoffrey Elton.

2 I have particularly in mind the work of Professors Barrow and Duncan, of Dr John Bannerman, of Jenny and Patrick Wormald, and of Professor Derick Thomson.

3 For a comment on this episode see MacQueen 1986.

4 The significance of the 1457 reference, recently discovered, will be discussed in Jean and R. W. Munro's forthcoming *Acts of the Lords of the Isles* (1987). I am most grateful to them for alerting me to this reference.

5 Among many references to the ceremony of inauguration the following may be noted: for Ireland, Binchy 1970: 11-12; Nicholls 1972: 28-30; Ó Corráin 1972a: 35-7; Byrne 1973: 15-22; for Scotland, Duncan 1975: 115-16, 552-6; Bannerman 1977: 224-5; for the Isle of Man, Megaw 1976: 24. I am most grateful to Mr Basil Megaw for lending me the typescript of a lecture, 'Three Royal Inauguration Rites: Scone, Tullaghoge and Tynwald Hill', delivered by him to the British Association for the Advancement of Science in 1968.

A constantly recurring feature in descriptions of inaugurations in Scotland and Ireland is the mention of the white rod of kingship handed to the new ruler in token of his authority. This makes the more interesting the reference to a white rod in Fordun's account of the deposition of John Balliol in 1296: 'regiis exutus ornamentis et virgam albam in manu tenens' (*Chron. Fordun* 1871-2: 1.327). Simpson (1968) overlooks the significance of this reference in a Celtic context.

6 I rely here partly on Patrick Wormald's 1983 Edinburgh O'Donnell Lecture 'Celtic and Anglo-Saxon Kingship: Some Further Thoughts' (Wormald, P. 1986), and on lectures given by Professor Byrne in Glasgow in February 1984 on 'The Nature of Irish Kingship from the Seventh to the Twelfth Century', and by Professor Ó Corráin in Glasgow at The Barbarians Conference in January 1985 on 'Early Historic Ireland'.

7 Although Professor Binchy has more than once declared his intention to write more fully on *cēlsine*, he does not yet appear to have done so.

8 Scandinavian *mót* may also have been an influence, but not, I believe, to the exclusion of Anglo-Saxon *(ge)mót*.

9 Professor Barrow's Rhind Lectures for 1985 were entitled *Patterns of Settlement in Medieval Scotland*.

10 Barrow (1973: 70, 105), Duncan (1975: 167-8) and Cowan (1981: 16-18) all refer to this case. There are examples of *satrapas* being used in a Scottish context for mormaor, of *satelles* in a Welsh for serjeant of the peace (*cais*), and of *dux* in an Irish for *toíseach*.

11 Although the exact origins of the earls of Fife are not certain, it seems clear from their arms, privileges and forenames that they represented a branch of the dynasty of Kenneth mac Alpin.

12 The rubric to text no. 83 is prefaced to no. 82.

13 Or, if not *cēlsine*, then its later medieval successor *slāinte* in the sense of buying the protection of a great man (Nicholls 1972: 41). On this tack Dr John Bannerman suggests to me that there may be a connection between the compact or treaty of *cairde*, literally 'friendship', (Binchy 1941: 80; Bannerman 1974: 165-7) and the later Scottish bonds of alliance. Dr Jenny Wormald (1985) does not really explore these possibilities, although she notes (p. 33) that 'manrent raises questions about the nature of lordship and vassalage, and therefore of Scottish "feudalism", too insistent to be ignored'. 'Manrent' is itself, of course, a word of Anglo-Saxon origin. See also Skene (1886-90: III. 319-21).

14 The exact relationship between Morgund and his predecessor is not known.

15 I am indebted to Professor William Gillies for the older form *cenn cineōil*.

16 The title is now merged in that of Earl Cawdor.

17 For these dewars see *inter alia* Stuart (1846: xxi-xxiv), *HMC* (4th Rep. 514a), Innes (1861: 390-3), Carmichael (1909), Campbell (1910), Gillies (1938: 64-73), Dickinson (1941: 91 and 100-9), Carmichael (1948: 63-6, 171-81) and Moncreiffe (1982: 117-19, 177).

18 The additions are (a) Asswanly in Strathbogie and (b) the earldom of Carrick, both discussed in the text; (c) MacLachlan's land of Glassary (Steer and Bannerman 1977: 143); (d) 'the *Tosheadorach* of the lands lying west of Lochfyne', apparently including Glenorchy, the two Lochawes, Glenaray, Glenshira, Ardscotnish, Melfort and Barbreck (Skene 1886-90: iii.301); and (e) Knapdale for which see 'A

MacNeill Inventory' in *The Genealogist* (NS) XXXVI (1920). I am indebted to Mr R. W. Munro for this last reference. Dickinson's 'Strathdoune' or 'Strathoune' is Strathavon in Banffshire, 'Davachindore' and 'Fidelmonth' correspond to Auchindoir and Wheedlemont near Rhynie, while 'Kerctollony' or 'Artholony' appears to be Ardtalnaig on the south side of Loch Tay.

19 This grant does not appear in the *Regesta*, although a charter by David II to John Wallace is known (*RRS* VI p. 499 and *RMS* I no. 363 and app 2, no. 1650); David II petitioned for a marriage dispensation for Wallace (*RRS* VI p. 47)

20 And see now Keith Brown, *The Blood Feud in Scotland, 1573–1625* (Edinburgh 1986).

21 I have to thank Dr Athol Murray, Keeper of the Records, for drawing my attention to *The Camerons*. Dr Murray suggests that 'Pitmungo' can be loosely equated with Fordel, 'Brumbie Hall' with Fordel Castle, 'St Andrews' with St David's Harbour, and 'Lord Leitch' with the earl of Buckinghamshire.

22 In his lecture 'The lost Gaidhealtachd of medieval Scotland' delivered on the centenary of the chair of Celtic in Edinburgh, and shortly to be published, Professor Barrow explores the survival of Celtic secular marriage in 'the lost Gaidhealtachd' of eastern Scotland. I am most grateful to Professor Barrow for lending me a typescript of this paper.

23 For the 1614 contract see Cameron (1938: 220–5, 247)—Mr William Matheson assures me that the surname of the foster family in this case was Campbell, rather than MacKenzie. See also Innes (1861: 366–72), Skene (1886–90: III. 321–3), Mac Niocaill (1972: 58–9), Nicholls (1972: 79), and Barrow (1973: 107 and 1980: 158).

24 There is a wide literature on tanistry, of which the following may be noted: Mac Niocaill 1968, Binchy 1970: 24–30, Nicholls 1972: 25–9, Ó Corráin 1972a: 37–42 and 1972b, and Duncan 1975: 112–14.

25 On this I reluctantly dissent from Professor Barrow (1985: 7–9) who is unwilling to see the notion of tanistry as part of the background in this instance. See also Duncan 1975: 172–3.

26 I am grateful to Dr John Bannerman for bringing this passage in MacPherson to my attention.

27 Professor William Gillies suggests to me that *ich* must represent *O.Ir.* ic(c) 'payment, requital, atonement'. Dr Alexis Easson has directed me to a Great Seal confirmation in 1581 of a charter granted the previous year by Neil Campbell, rector of Craignish, to James Campbell of lands in Craignish and Ardscotnish, which contains the following: 'cum clausula warrantizationis a solutione de *lie kane, conveiff, garraze, eicht* [the same as *ich*?], *sornyng* . . . et ab omni *lie oisting, watching, fecht, flwarize et downaze*' (*RMS* V no. 131).

28 Apart from Bannerman (1974) there are accounts of the Convention of Druim Cett in Byrne (1973: 110–11) and Anderson (1980: 146–8).

29 See Philip (1928), Fraser (1948: 146–76), Mitchell (1957) and Cameron (1962).

30 Thus Baron Sir John Clerk and Mr Baron Scrope, writing in 1726 on the powers of the post-Union Court of Exchequer, note that, as the law concerning private rights in Scotland had to be followed, the lands of Crown debtors in Scotland 'cannot be subjected to extents, inquisitions and seizures but must be effected in the same manner as the real estates of debitors are by the laws of Scotland, that is by adjudications, inhibitions, decreets of sale and other diligences; because by the laws of Scotland, *rex utitur jure communi*, and because by the articles of Union the laws of Scotland in relation to private rights are continued' (Clerk and Scrope 1820: 138). I owe this reference to Maclean (1983).

31 Sad to relate, payments in respect of cain, although still within office memory, have ceased to be entered up. I am grateful to Mr Ivor Guild of Shepherd and Wedderburn, WS, for this information.

32 I have heard traditions of Tadhg MacQueen and his descendants from Dr Sorley Maclean, Mr William Matheson and Dr John MacInnes.

33 The late Mrs Marion Somerville (née MacNeil).

34 The late Miss Rachael MacLeod, formerly schoolteacher in Barra, who lived to see her century.

35 I am indebted to Miss Comrie for her assistance.

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Gaelic Lullaby: a Charm to Protect the Baby?[1]

BREANDÁN Ó MADAGÁIN

The traditional lullaby is still in use in Gaelic-speaking Scotland and Ireland, although its use has been steadily declining. The obvious functions of the lullaby in all countries are, firstly, to lull the baby to sleep and, secondly, to express the mother's love for her baby. Let me mention in passing that, in Ireland at least, other songs had the specific function, not often noticed, of soothing a cross or a sick child, without any intention of putting it to sleep (Petrie 1855: 6 and 172). I am suggesting that the Gaelic lullaby formerly had a supernatural function as well, namely as a charm to protect the baby from being abducted by the *Sí/Sìthichean*. The word *sí/sìthichean* is frequently translated 'fairies', which as a general term can have misleading connotations. The *Sí* were in fact the gods of pre-Christian Celtic Ireland, anthropomorphically conceived as like surpassingly beautiful humans—but immortal—and believed, in the Christian era, to be dwelling in otherworld palaces under the hills and prehistoric mounds such as the so-called ring-forts with which the Irish countryside abounds. Belief in the reality of the *Sí* survived fifteen centuries of Christianity and to some extent is still alive in rural areas in Ireland. Down to the early years of this century it was believed that when someone died they had gone into the company of the gods or the *Sí* (*e.g.* Müller-Lisowski 1948: 148–9, 157), and furthermore, that the *Sí* had the power to abduct humans prematurely, either babies or adults, for their own purposes. The sudden death of an adult in apparently good health, or the death of a mother in childbirth, so tragically common at that time, was commonly interpreted as abduction of this kind. As recently as 1985 a friend of mine living in a remote part of the west of Ireland told me of a remark recently made by the widow of a man who had died suddenly in early middle age: 'There was nothing wrong with him: he was *swept*' (*swept* being the technical term for 'abducted by the *Sí*'). Anyone who has read the material presented in Lady Gregory's *Visions and Beliefs of the West of Ireland* will be aware of the extent to which countryfolk lived in dread of the *Sí* whom they defensively called by such euphemisms as 'the Good People', or 'the Gentry', and in particular how a mother would fear that her baby might be stolen by them, and a deformed changeling left in its place.

It is not at all surprising, then, to find that magic charms were commonly used as a protection against the *Sí*. In seventeenth-century Scotland Robert Kirk, referring to the belief that women could be 'taken away when in Child-bed to nurse ffayrie Children', noted the material charms used for their protection: 'The Tramontaines to this day, put bread, the Bible, or a piece of iron in womens bed (*sic*) when travelling (''i.e. travailling''—Ed.) to save them from being stolen. . . .' (Kirk [1692] 1976: 54). A

number of verbal charms against the *Sí* were recorded from the end of last century from Ireland and the Isle of Man (*e.g.* Mackenzie 1891–2: 148–9; O'Fotharta 1892: 29; Hyde 1906: 2, 56). And for the protection of the baby material charms continued in use well into this century. The Irish poet Máirtín Ó Direáin in his poem 'Cranna Foirtil' enumerates charms which he told me his mother had used about his own cradle in his native Aran: the iron tongs, a garment of his father's beside the baby, something pointed in the fire (Ó Direáin 1957). What I am suggesting, then, is that the lullaby was formerly a sung charm for the same purpose.

It is quite remarkable, both in Scottish Gaelic and in Irish, how frequently the lullabies make reference to abduction, some even having a direct order of banishment: *Gabh amach a bhóbobha*, 'Get out sprite.'[2] Indeed, writing of Scotland, Dr Alan Bruford has said that 'almost all "fairy-songs" are in the form of lullabies . . . It seems to be just that fairy songs and lullabies belong together' (1978: 5). And James Ross noted that 'many cradle songs are given fairy origins by folk aetiology' (1957: 141). I should like to illustrate the repertoire with one example each from Scotland and Ireland. In the Scottish Gaelic lullaby *An Cùbhrachan* (Tolmie 1910–13: 167; Moffat [no date]: 16; Shaw 1955: 165–7) the mother laments the loss of her baby whom she laid down 'here' (presumably on the heather) while she went collecting blaeberries. With consummate artistry and rapport with her environment she conveys the intensity of her search by enumerating all the unfindables that she found as she combed the glen *o cheann gu ceann* ('from end to end'): the track of the brown otter, the trace of the swan on the lake, the track of the speckled fawn, and even the trail of the mountain mist; *Ach, O! cha d'fhuair mi 'n Cùbhrachan* ('But oh, found not the Cubhrachan'). Lucy Broadwood pointed out, in a note to the Tolmie edition, that 'there is a strong likeness between this tune and that of an "Irish Lullaby" noted by P. W. Joyce in 1854', viz. *Do chuirfinn-si fēin mo leanabh a chodladh* (Petrie 1855: 144; O'Sullivan 1960: 21). In the Irish lullaby *A bhean úd thíos ar bhruach an tsruthāin*, 'O woman below on the brink of the stream' (Petrie 1855: 73–7; O'Sullivan 1960: 18) a human mother comes to the door of the *lios* or *sí*-dwelling apparently with her otherworld nurseling in her arms. Under pretext of singing the baby a lullaby she conveys a message to a woman washing clothes at a nearby stream, telling how one year ago on that day she had been snatched by the *Sí* from off her horse (probably indicating, as Eugene O'Curry surmised, the reality of her being killed in a fall from the horse) and giving her an instruction for her husband who would have his last chance next day to come and rescue her by means of the ritual and the charms which she indicates. Otherwise she will remain in the *lios* forever. A version of this theme recorded in Donegal has quite a different lullaby-text: *Suantraí na Mná a tugadh as*, 'The stolen woman's lullaby' (Ó hEochaidh & Mac Neill 1977: no. 17, pp. 66–9).

Given these beliefs, and given that charms were used as a protection, it would be entirely reasonable, *a priori*, to expect the use of song-charm; indeed that song would have been the original charm. Marius Schneider emphasised that in all ancient esoteric

rites there was never magic action without the intervention of an acoustic phenomenon. He related what he called the ubiquity of the musical phenomenon of the rites—*l'ubiquité du phénomène musical dans les rites* (1956; 56)—to the old commonplace that the entire life of the cosmos was unified by a common substratum, and that this substratum was essentially acoustic (*cf.* Schneider 1960, 1968; Sachs 1949: 26). The very act of creation itself was conceived of as an acoustic act. And so music was a supernatural instrument of power, as well as being universally the medium for communication with the supernatural (*cf.* Combarieu 1909: 22). The Irish and Scottish Gaelic tradition has clear echoes of such ideas. The gods, later the *Sí*, were closely associated with music and its origin, and the hallmark of their music was its transcendent beauty. They sometimes favoured mortals with the gift of music, usually instrumental, but sometimes vocal. This origin-theme was so common that it is scarcely necessary to cite examples, but I should like to remind this seminar of a few from the later Scottish tradition. The supernatural origin of harp music is the theme of a story recorded by James Ross from Hugh MacRae of Skye: *Mar thànaig ceòl an toiseach do na h-Eileanan an Iar* ('How music first came to the Western Isles') which I have had the pleasure of listening to here in the Sound Archive of the School of Scottish Studies (SA 1953/152). We read in MacDougall's *Folk-Tales and Fairy Lore* (1910: 174–9) how an Gille Dubh Macruimein got the gift of piping from the Bean-Shithe. And there is the lovely story recorded from Nan MacKinnon of Vatersay about Nic Iain Fhinn getting the gift of poetry from her fairy lover when she gave him her parting kiss, and how he offered her the gift of melody also if she would put her tongue into his mouth—which she was afraid to do: *Agus cha do rinn i so idir agus dh'fhàg e buaidh na bàrdachd aice ach bha e air a ghràdh nach cuireadh i fonn idir orra*—'And she would not do this at all and he left her the gift of poetry but they said that she could not put a tune on it at all' (Ross 1973: 135–7 from SA 1958/133/4 and SA 1961/53/A2).

In the old Gaelic mythology the gods used music as an instrument of power, to overcome mortals. There is the well-known story of the annual destruction of Tara by Aillén mac Midhna, who rendered its defenders helpless with his music (rationalised[3] in the literary tale as putting them to sleep):

> For it was *Aillén mac Midhna* of the *tuatha dé Danann* that out of *sídh Finnachaidh* to the northward used to come to Tara: the manner of his coming being with a musical *timpán* in his hand, the which whenever any heard he would at once fall asleep. Then, all being lulled thus, out of his mouth Aillén would emit a blast of fire. It was on the solemn *samhain*-day he came in every year, played his *timpán*, and to the fairy music (*ceol síde*) that he made all hands would fall asleep. With his breath he used to blow up the flame and so, during a three-and twenty years' spell, yearly burnt up Tara with all her gear.

Finn undertook to defend Tara, protecting himself against the music with the magic spear given him by Fiacha mac Congha. Fiacha prescribed:

> 'whenever thou shalt hear the fairy melody: sweet-stringed timpan and dulcet-breathing tube, from the javelin's head strip its casing and apply the weapon whether to the forehead or

> to some other of thy parts; so shall the noxious missile's horrific effect forbid that sleep fall on thee.'

The protection was effective and Finn dealt with Aillén's incendiary efforts. 'When Aillén mac Midhna was aware that his magical contrivance was all baffled, he returned to *sídh Finnachaidh*', but was killed by Finn at its entrance, with a thrust from Fiacha's spear (O'Grady 1892: I. 130–2; II. 142–4).

Supernatural beings were themselves susceptible to the powers of music, a belief which survived in the late folk tradition. Another of the stories recorded by James Ross from Hugh Mac Rae is by way of being a folk aetiology of the *puirt-a-beul*, purporting to tell how this kind of song first came to the Western Isles. He tells us that the King of *Tir-bho-Thonn* ('Land under Wave') had a daughter called *Binne-Bheul*, so called because of her virtuosity in singing *puirt-a-beul*. And in the joy of her wedding morning she commenced this kind of song. *Agus bha na puirt cho binn agus cho blasda*—'and the *puirt* were so sweet and so eloquent'. And there was a great giant (*famhaire mòr*), who was a sore affliction to the fishermen and crofters of the Western Isles, destroying their nets *etc*. And when he heard the music of Binne-Bheul he began to dance. And it is told that he began to dance early in the morning, and by mid-day he was dancing so powerfully and leaping so high that he leapt past the Coolins of Skye and past the Coolins of Rum, and by evening he was far out in the Atlantic Ocean on the other side of the Isle of Lewis, and he dancing so powerfully! And Binne-Bheul kept on, so happy was she on her wedding-night, and the more she sang the more the giant danced. And at last . . . he became so exhausted that he lay down, near St Kilda, and was drowned. And he was no more trouble to the fishermen nor the crofters of the Isles . . . (SA 1953/152: this writer's English summary). For Hugh MacRae the significant thing was that the singing of *puirt-a-beul* in the Isles was explained as a practice in grateful commemoration of Binne-Bheul's destroying the wicked Giant. But we are justified in seeing here an echo of a belief—again somewhat rationalised—in the power of music to overcome a supernatural being.

Even in real life the practice of using the esoteric power of music to influence and even control others is attested in the Celtic and Gaelic traditions. Diodorus Siculus, summarising Posidonius on the Gaulish druids and bards, says

> And it is not only in the needs of peace but in war also that they carefully obey these men and their song-loving poets, and this is true not only of their friends but also of their enemies. For oftentimes as armies approach each other in line of battle with their swords drawn and their spears raised for the charge these men come forth between them and stop the conflict, as though they had spell-bound some kind of wild animals. Thus even among the most savage barbarians anger yields to wisdom and Ares does homage to the Muses' (Tierney 1960: 251–2).

In Ireland down to the beginning of this century song was an instrument of such efficacy that if a person made a request of another in song—*achainí cheoil*, 'a sung request'—it would be very difficult to refuse. In fact the only honourable way to refuse would be if

the other person could sing the refusal, or in other words ward off song with song (Ó Madagáin 1985: 160–4). One suspects that such moral pressure was an echo of something stronger.

To come back to the lullaby. When we examine the texts of the lullabies that have survived, especially in Irish, we find that they usually have a refrain of repeated meaningless vocables, such as those in the refrain of the Irish lullaby which we considered earlier—*A bhean úd thíos. . . .*

Refrain: *Seó hín, seó hín, seó hín, seó hín,*
Seó hú leó, seó hú leó,
Seó hín, seó hín, seó hín, seó hín,
Seó hú leó, seó hú leó.

These are usually taken to be no more than soothing syllables for the baby, which indeed is very plausible. Francis Collinson so regarded them (Collinson 1966: 87). But certainly in Irish the vocables which occur almost invariably in the lullaby chorus find no place in recorded speech outside of lullaby. And on the other hand their formula corresponds remarkably to what Combarieu described as the characteristic magic chant, namely a repetitive, incantatory, unintelligible formula (Combarieu 1909: 13). He attached special significance to its being humanly unintelligible, for communication with the spirit world. That the Gaelic folk mind had some awareness of this communication function of nonsense vocables is strongly indicated by a story which Donald Archie MacDonald and Lisa Sinclair recorded from Nan MacKinnon concerning the person who went to the fairy mound to ask for the return of the family's pot. 'The fairy man asked him why he had come, and he said he had come for the pot. "*Cha do dh'iarr thu ceart i*," *os e fhéin*—"You haven't asked for it properly," said he—"You ought to ask for it properly." "I don't know," said he, "how to ask for it properly except to say I've come for the pot." "*Feumaidh tu ghràdh*" *os e fhéin*, " '*Orra mhùga 's orra mhanga 's orra ghangaili*' *mus fhaigh thu 'phoit*"—"You must say," said he, " 'By your mooga and by your manga and by your gangalee,' before you can have the pot'"—from which the narrator concluded that 'the fairies must have had a special language' (MacDonald and Sinclair 1978: 195).

Dr John MacInnes has written that in Gaelic choral work songs the vocable refrains 'may well represent the most primitive part of them' (MacInnes 1968: 36), something which would tie in with Maurice Bowra's theories on primitive song (Bowra 1962: 59). I have suggested elsewhere that in the keen (*caoineadh, tuireadh*) or lament for the dead, the refrain of vocables may well have been originally anterior to the dirge (Ó Madagáin 1985: 154, n. 78): in other words it may have been the original keen. So too with the lullaby: it would seem quite likely that what is now the refrain of vocables represents the original lullaby, and that the singing of verses was a later development. Some of the lullabies that have been preserved both in Scotland and Ireland had vocables only, to be repeated over and over: P. W. Joyce printed the tune of one such, with the note, 'I have been all my life familiar with this lullaby; but I have never heard it sung with any words

except "Shoheen-sho u-lo-lo, shoheen-sho as thu mo-leanav'" (Joyce 1873: 74). Instead of such being defective examples in which the verses had been forgotten (which of course is entirely possible), they might, on the other hand, be survivals of the original formula. An example from Connemara consisting entirely of repeated vocables—except for the words *mo leanbh* ('my child') and, perhaps significantly, the command *gabh 'mach tú a b(h)ogha* ('out with you sprite') was recorded with the note that 'the mothers of Connemara have a great reverence for the tune, believing that it was used by the Blessed Virgin in putting her child to sleep' (Costello 1923: 66–7). Similarly from the Western Isles we have *Tàladh Chrìosta*, 'The Christ-Child's Lullaby', with its associated story of Mary using it to soothe the orphan banished by his stepmother (Kennedy-Fraser 1910: I. 26–8). These could be examples of the common trick of folk aetiology, of justifying the continuation of a pre-Christian practice by ascribing a Christian origin to it, as, when the Church last century was vehemently condemning keening for the pagan practice that it was, folk aetiology had it that the first keen was sung by the Blessed Virgin on Good Friday (Partridge 1983: 99–100 *etc.*).

In an article on 'Hebridean Lullabies' published in 1949 Miss McNeill adverted to the possibility that the 'nonsense rhymes may have been used magically'. She then goes on to say that 'Traces of the belief in the lullaby as a charm to protect from enchantment linger in the Hebrides' (McNeill 1949: 16). Unfortunately one cannot take her statement at its face value as she does not document these 'traces' beyond a reference to the well-known 'Lullaby of the Fairy Woman', which undoubtedly could be significant in this context. Frances Tolmie published a version of this lullaby, *Oran Tàlaidh na Mnà-Sidhe*, with a version of its legend:

> One day in the island of Skye, many centuries ago, a woman of wonderful aspect—in point of fact a fairy or 'banshee'—appeared suddenly at the door of Dunvegan, the castle of Macleod of Macleod. She entered the castle without invitation, and went straight into the room where the infant heir lay asleep in his cradle. Taking him in her arms she sang a song, of which the foregoing verses are only a fragment. Then, laying him down, she passed out of the castle, and vanished over the moor as mysteriously as she had come. Her fairy lullaby was ever after regarded as a charm to protect the young heir of Macleod from every evil. No woman was allowed to be his nurse who could not sing it over him. But in course of time the meanings of certain words and expressions became obscure; it must be at least a hundred years since a nurse to Macleod's heir used the lullaby, literally as an 'incantation' . . . (Tolmie 1910–13: no. 20, 174–7; other versions of lullaby and legend in Carmichael 1954; v. 184f.).

The starting point of this legend was, presumably, the lullaby itself and the practice of singing it for this socially important baby. As the real origin of the lullaby must have been human, its ascription to a fairy visitor would seem to have been by way of providing an aetiology for an old-established usage with otherworld implications.

Finally, for some years now I have been making enquiry in the various Irish-speaking areas in Ireland, and this summer in the Western Isles of Scotland, from people old enough to remember the general belief in abduction, asking them whether the lullaby was regarded as a protection. With only one major exception my informants had no

recollection whatever of any such idea (and to their credit be it said that they did not try to please me or make a mark by inventing some!). The exception was Dr Seán Ó hEochaidh, the well-known professional collector with the Irish Folklore Commission. Seán was quite emphatic that in his youth in Donegal some of the old women—not all of them—regarded the lullaby as a charm against the *Sí*. He added an unexpected detail which strengthens the credibility of the testimony: *agus dá dheise is dá bhinne is dá uaignídis dá bhrónaí a chanfí í is ea ba mhó an buaí a bheadh inti mar chosaint*: 'and the more beautifully and the more sweetly and the more lonesomely and the more plaintively it were sung, the better would it be as a protection.' One is reminded of Binne Bheul's singing: *bha na puirt cho binn agus cho blasda*, 'the strains were so sweet and so eloquent'.

On the whole, then, I think it more than likely that this was formerly a prime function of the lullaby. I am not without some uneasiness, however, and hence the question mark in the title of the paper. One would have expected more external evidence, firstly in the living Gaeltacht, which has clear memory of belief in abduction and still sings the lullabies.(On the other hand no superstitious associations survived to our time in connection with the singing of milking or churning songs, which were almost certainly ritualistic in origin with esoteric function.) Secondly one wonders at the total absence of any such reference in the written accounts from the seventeenth to the nineteenth centuries, either from Scotland or from Ireland, especially as their writers took a lively interest in the beliefs and superstitions of the people, and noted many stories of abduction.(On the other hand again, perhaps the lullaby was of such a private unobtrusive nature that outsiders would not have been much aware of it). Nor has international comparison so far been particularly helpful. While not claiming to have exhausted the literature I have sifted through a great deal of it, and it has proved very difficult to find comprehensive accounts of lullaby. Alan Merriam's *Ethnomusicology of the Flathead Indians* may be taken as rather representative in saying that, 'In general, lullabies do not seem to be an important song form among the Flathead, though there are some indications that they may have been more prevalent in the past' (Merriam 1967:65). So too, to give a European example, in Bartók's monumental collection of Serbo-Croatian, and Yugoslav and Rumanian folk music, we are told that 'lullabies seem to be almost non-existent . . . The Slovaks and Turks have them, but in the Hungarian material they have already disappeared . . .' (Bartók 1967: 3. xlii). However, some isolated texts and practices have been recorded which may be at least significant straws in the wind. Avenary has written of the Old-Hebrew apotropeic usage of bells, which 'were fastened round the necks of animals, to the cradles of babies, and the clothes of royal princes' to ward off evil powers (Avenary 1957: 25). From the Zuñi Indians of the American South West Carlos Troyer published two lullabies in 1904, one entitled 'Incantation upon a Sleeping Infant' and the other 'Invocation to the Sun-God' for protection of the sleeping child (Troyer 1904: 9785–6).[4] Much nearer home, from the Shetlands, there is the so-called Bressay lullaby[5] consisting of vocable refrain,

Baloo balilli, an explicit order of banishment to the fairies, and an invitation to the angels:

Baloo balilli, baloo balilli,
Baloo balilli, baloo baa.

Gae awa, peerie fairies
Gae awa, peerie fairies

Gae awa, peerie fairies
Fae wir bairn noo.

Baloo balilli, etc.

Dan come, boannie angels,
Ta wir peerie bairn;
. . .

Baloo balilli, etc.
(Robertson 1973: 27).

Such examples, of course, do not establish a parallel with the hypothesis of this paper, but they would, nevertheless, be remarkably consistent with it as echoes of an earlier belief.

Finally, in 1985 at the International Council for Traditional Music colloquium in Japan, a Japanese scholar, Yoshiko Ikegami, presented a paper[6] on 'The lullaby as magic . . .' demonstrating, 'on the basis of traditional Japanese lullabies, that there is a close similarity between the way the lullaby is performed and the way magic is performed' (Ikegami 1986: 105).

I should greatly appreciate any further enlightenment on what has proved to be a rather elusive subject. At least from the point of view of Gaelic and Irish scholarship the lullaby has some importance—apart altogether from the great artistry that it frequently exhibits—as it very probably represents one of the oldest strata in our folk repertoire, both musically and culturally. And of even greater import, if my interpretative approach is generally correct then the lullaby may be just the tip of the iceberg, so that under an artistic surface a very great deal of our singing tradition may formerly have had esoteric or supernatural function.

NOTES

1 Paper presented at a seminar in the School of Scottish Studies, October 1987, on work in progress. It is published here on that basis and in the hope of eliciting further information.

2 'H-Ó Abha-ínn' [lullaby] on Folkways Record *Sorcha Ní Ghuairim sings traditional Irish songs*, album No. FW6861, where the above words are mistranscribed as *go moch is go mall*. Cf. *gabh 'mach tú a b(h)ogha* (Costello 1923: 65). The forms *bo*, *bó* and *bogha*, from *badhbh*, were commonly used in Ireland of the *bean sí* 'banshee' (Lysaght 1978: 54–5; 1986: 34f).

3 For other literary rationalisations in this and other tales *cf.* Murphy 1953: LIII–LIV and XXIX.
4 I am indebted to Phyllis Kenney for this reference.
5 Copy kindly supplied to me by Dr Alan Bruford.
6 My thanks to Dr Peter Cooke for copy.

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The Origins of the Three Maps of Fife Published by Blaeu in 1654

JEFFREY C STONE

A curious feature of Joan Blaeu's atlas of Scotland (1654), is that it includes several regional maps which duplicate the coverage of larger-scale maps. The reason for this might simply be that small-scale maps covering large areas in less detail were considered useful by the publisher since they show the relative location of places far apart. Alternatively, the duplication of coverage could have occurred if the atlas was compiled from drafts made by different cartographers. The latter possibility is relevant to the unresolved question of the authorship of some of the maps in the atlas.

The origins of the atlas were recently described in *Scottish Studies* (Stevenson 1982: 1). The critical feature was that because of the length of time involved in the production of the work, not all Timothy Pont's sixteenth-century manuscript drafts could be engraved by Blaeu. Through the good offices of Sir John Scot of Scotstarvit, some of Pont's manuscripts were returned to Scotland to be revised by Robert Gordon of Straloch, but the printed maps do not always indicate their individual origins.

The small-scale maps in the atlas which overlap larger-scale maps are *Extima Scotiae*, *Braid-Albin*, *Aebudae Insulae*, *Gallovidia* and *Fifae Vicecomitatus*. *Extima Scotiae* has been shown to be the work of Robert Gordon (Stone 1972: 25), drawing largely on the work of Timothy Pont: it was compiled at a relatively late date to make good a major deficiency in Blaeu's coverage of Scotland, by means of a single map of an extensive area, which is at a necessarily small scale. Hence, although overlap exists between *Extima Scotiae* and *Cathenesia*, *Strath-navernia*, *Southerlandia*, *Moravia* and also parts of *Aberdonia & Banfia* and *Skia*, there are extensive areas of northwest Scotland which are depicted only on *Extima Scotiae*. The inclusion of such a small-scale map is therefore understandable. The same is true of *Braid-Albin*, despite partial overlaps with *Moravia*, *Aberdonia & Banfia*, *Lorna*, *Mula*, *Aebudae Insulae . . . Minores*, *Skia* and *Extima Scotiae*. The fact that both *Aebudae Insulae* and *Gallovidia* together with the large-scale maps which they overlap are all credited to Pont by the engraver on the maps themselves, suggests that both large- and small-scale draft maps were all compiled by Pont. They were included because both Pont and Blaeu considered it useful to have large areas shown on single sheets. Thus it is possible to account for four out of the five small scale maps.[1]

However, the reason has still to be sought for including the small-scale map of *Fifae Vicecomitatus*. This map, depicting the whole of Fife, overlaps with two larger-scale

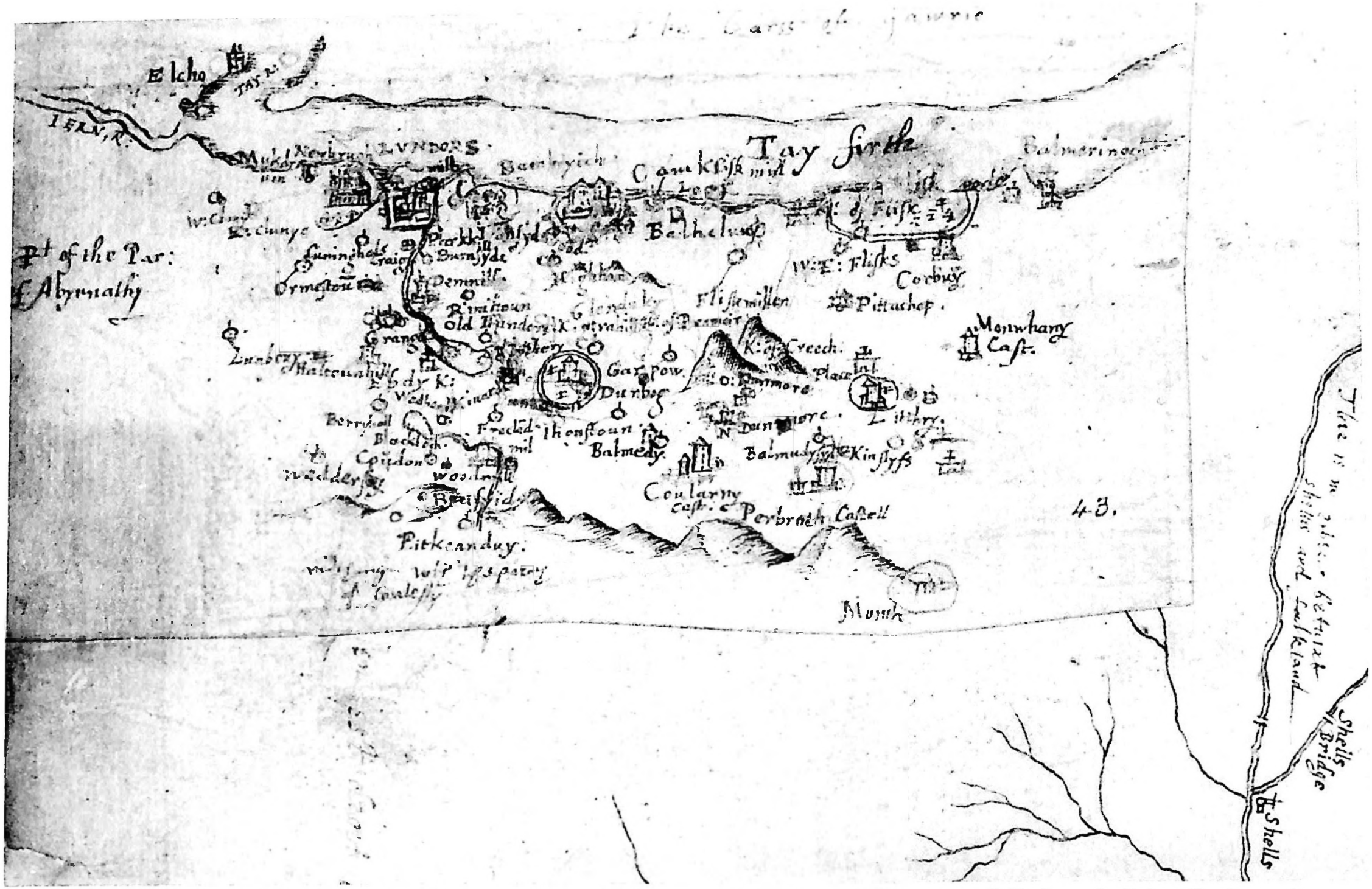

Plate 1. The only extant Pont manuscript of any part of Fife, glued to one corner of a map of a larger area of Fife drawn by Robert Gordon and showing the country south of the Firth of Tay between Elcho Castle and Balmerino Abbey. The map appears as no. 54B in Cash's (1907) list of manuscript maps by Robert and James Gordon. (Reproduced by courtesy of the Trustees of the National Library of Scotland.)

maps, each showing only a part of Fife. The single sheet of the whole of Fife adds nothing to the total landward area covered by the atlas. Moreover, there is a suggestion of unease in the publisher's mind in the index to the atlas: whereas the two large-scale maps are entitled *Fifae pars Occidentalis* and *Fifae pars Orientalis* on the maps themselves, in the index the titles are modified to their comparative forms, *Fifae pars Occidentalior* and *Fifae pars Orientalior*. It is as though the publisher is justifying what might otherwise appear to be duplication, by referring to the maps as expressly showing the more westerly and more easterly parts, not simply the whole broken into two parts. The implication is that we are to be presented with something different from the single-sheet map. In this respect, it is noteworthy that *Fifae Vicecomitatus* is the only map in the atlas credited to James Gordon (Robert Gordon's son); but the two large-scale maps which it overlaps bear no author's name.

Another interesting difference between the small-scale and two large-scale maps of Fife is the fact that comparison of the relative accuracy of all the maps in the atlas shows that *Fifae Vicecomitatus* is the most accurate map in the atlas, whereas there are respectively twenty-one and thirty-three maps in the atlas which are more accurate than *Fifae pars Orientalis* and *Fifae pars Occidentalis* (Stone & Gemmell 1977: 9). If the three maps of Fife were all by the same cartographer then one might expect that they would be of the same order of accuracy.

The question of authorship of the three maps of Fife has been commented on in the past. Skelton (1970: 107) believed that all three maps were probably by James Gordon, as did Cash (1901: 408), although Cash drew attention to the significantly different locations of Sir John Scot's seat of Scotstarvit in relation to the town of Cupar, on the maps of Fife (Cash 1901: 407). Skelton and Cash did not state their reasons for believing that all three maps were by James Gordon. Both presumably considered that since James Gordon was the author of *Fifae Vicecomitatus* it was probable that the other two maps of Fife were by the same author. Moir (1973: 52) made the same assumption, as did this author (Stone 1970: 20). However, I have more recently suggested that a small and unrecognised map of northwest Fife by Pont might provide clues in resolving the questions of the authorship of the three maps of Fife and of the seeming duplication of coverage in the atlas (Stone 1973: 150).

The small Pont manuscript (Plate 1), which was erroneously listed by Cash (1907: 590) as item 54B of maps by Robert and James Gordon, shows an area stretching from the Firth of Tay between Elcho Castle and Balmerino Abbey, southwards some five kilometres into Fife as far as a line joining Wedersbie Hill, Mount Hill and Mountquhaine House. The map has a relatively high density of names but is quite legible and carries a variety of castle sketches, some of them quite large. A locational note on the southern boundary reads 'm*ar*ching with the paresh/ of Coulesly' (Collessie), which, if it was intended as a guide in locating one small map in relation to another, perhaps implies that Pont's cartography extended beyond the extant map.

Map no. 54B was compared with all overlapping Gordon manuscripts and printed

maps to see if continuity could be established. Of the eight manuscripts by the Gordons which show all or a part of the surface area of no. 54B, nos. 2, 47 and 48 each have two place-names on the parts of the maps corresponding to the coverage of 54B, no. 41 has three names and no. 46 has only one. Since all these names appear on the three maps still to be examined, these five maps could be set aside. The remaining three Gordon manuscripts are nos. 6, 53 and 54A; two printed maps (Blaeu's *Fifae Vicecomitatus* and *Fifae pars Orientalis*) also show the area of Pont no. 54B.

There are sixty-seven names on the Pont manuscript map, which carries more detail than any of the comparable maps. For example, Robert Gordon no. 54A has twenty-five names in the relevant area, all of which also appear on the Pont map with the exception of one ('Aiton'). Robert Gordon no. 6 has twenty-two names, again all on the Pont map except for 'Aiton'. James Gordon no. 53 is a richer source and has fifty-four names in the comparable area, but thirteen of them are not to be found on Pont's map; and of these thirteen names, twelve appear on *Fifae Vicecomitatus* but only one ('Aiton') appears on *Fifae pars Orientalis*. Map no. 53 is a finely executed manuscript, in a finished state as though ready to be passed to the publisher for engraving. However, in the area of overlap with the small Pont map, another source must have been used. Moreover, since Blaeu's *Fifae Vicecomitatus* has identical names to map no. 53 in the area of the Pont map, it follows that part of the printed map derives from the same source. However, just as the names on Robert Gordon's two manuscripts maps (nos. 54A and 6) are closely comparable to the Pont manuscript, so too is the corresponding part of Blaeu's *Fifae pars Orientalis*. In fact, all the names on *Fifae pars Orientalis*, excepting 'Aiton', could have been derived from the Pont manuscript.

It is probable that Robert Gordon, if not James Gordon, was aware of the existence of the Pont manuscript, because it is attached to Robert Gordon's larger manuscript no. 54A and the two cannot have been joined together recently, since they were described, as they exist today, as items XII (2) and (3) in Gough's list of 1780 (Gough 1780: 593). Whereas there is no clear evidence of Pont's work being used in the compilation of *Fifae Vicecomitatus*, in the case of *Fifae pars Orientalis* the very close but not total similarity between Robert Gordon's manuscripts nos. 6, 54A, 54B and the printed map might suggest that Robert Gordon was the draughtsman of the pair of large-scale printed maps of Fife, using Pont sources with minor additions. The evidence is tenuous but is necessarily so because of the very small amount of extant mapping by Pont.

I am indebted to Dr David Stevenson for responding to my examination of the role of Robert Gordon in the preparation of the Blaeu atlas of Scotland (Stone 1981) by pointing out that the existing literature does not sufficiently explore the surviving records of church courts. Assembly records show that in August 1642 Scot desired the Assembly to request that James Gordon be given permission to do work on the ground for the map of Fife (Stevenson 1982: 4). This record challenges my suggestion that the three maps of Fife were compiled before 1642, a suggestion based on the evidence of Blaeu's letter to Scot of March 1642 listing the parts of Scotland for which he lacked

maps, but since he made no mention of Fife this seemed to point to his being already in possession of maps of Fife. The ecclesiastical record is consistent with the date of 1642 on James Gordon's extant manuscript map of Fife (no. 53). The fact that James Gordon did indeed visit Fife for the purpose of obtaining the data for his map is confirmed by the title of manuscript no. 52 which reads 'Keanrosse-shyre/ described/ Oct 25/ 1642/ Be Ja: Gordon at Keanrosse'.

The points which are raised by the firm new evidence of the late date of preparation of a map of Fife by James Gordon are several. Firstly, did James Gordon's work on the ground of 1642 indeed result in the engraving of *Fifae Vicecomitatus*, whose contents can consequently be precisely dated? Secondly, are there further differences in content between the small-scale and the two large-scale printed maps of Fife? If so, can comparison with extant manuscript maps beyond the very limited area of Pont no. 54B reveal anything more of the origins of *Fifae pars Occidentalis* and *Fifae pars Orientalis*? If the contents of the two larger-scale maps can be dated, then we may well have a more valuable source of information on the historical geography of Fife than was previously appreciated, in that the two large-scale printed maps and the small-scale map may show Fife at different dates. In an attempt to move towards an answer to these questions, careful comparison has been made between the contents of Robert Gordon's manuscript map of Fife, Blaeu's *Fife Vicecomitatus, also his Fifae pars Orientalis* and *Fifae pars Occidentalis*, as well as all other extant manuscripts maps by James and Robert Gordon covering Fife.

The first question as to the date of *Fifae Vicecomitatus* seems to be answered already on the face of it, without recourse to the manuscripts. After all, the engraved map is credited to James Gordon and the dedication refers to the illustrious 'IOANNI CRAVFORDIAE Comiti LYNSDALE, et PERBROTHIAE Baroni' being elected to high office in 1645; so the map could not have been engraved before 1645, although it may have been engraved later. This accords with the ecclesiastical record of James' visit to Fife in 1642, and with the confirmatory evidence of his extant manuscript of Kinross (no. 52). It also accords with the Latin address entitled 'Ioannes Blaeu Lectori Salutem' in the atlas itself, which talks of 'the most learned man James Gordon (who) had drawn while he was living with Tarvat a new map of Fife which he sent to me (Blaeu). . . . this fell into the hands of men of Dunkirk'.

Surprisingly, the content of the Kinross manuscript no. 52 does nothing to confirm the seemingly obvious origins of *Fifae Vicecomitatus*. It is an extremely legible map, in James' neat and characteristic hand, but it is a working draft bearing information for use elsewhere, as is shown by the four marginal inscriptions giving distances and directions to places adjacent but beyond the area of the map *e.g.* 'Neither Curch/ has its spring 6/ myles NW oft/ Keanrosse'. Admittedly there are no settlements named on the relevant part of *Fifae Vicecomitatus* which cannot be derived from manuscript no. 52. Indeed, the only place-name which is at all doubtful in that respect is the engraved 'Kean-ross-/Muire' which appears on the manuscript as 'THE MUIR'. The difference between

these two forms is not sufficient to disallow the possibility of the manuscript map as the source, except that the location of 'The Muir' is to the northwest of the Gelly Burn, whereas 'Keanross-Muir' is to the southeast. There are, however, other locations, *e.g.* of 'Cleish K.' and 'Pittendreich', which differ significantly between the two maps. Moreover, of the ninety-four places named on the manuscript, eight are not carried forward to the printed map.[2] Four of these names[3] form a little cluster of adjacent settlements north of Loch Leven, in a part of the engraved map where there is a low settlement density. There is clearly a deficiency by omission in this very small part of the engraved map to the northwest of 'Bishops-/ Muir' and south of present-day Glenfarg, where three of the four places named still exist on the ground today. Hence, while the contents of the Kinross manuscript no. 52 provides evidence of James Gordon at work on the ground, there is no clear evidence that the information on this particular map was the source of the corresponding area of *Fifae Vicecomitatus*. The contents of manuscript no. 52 offers no corroboration of the strong but circumstantial evidence for the origins of *Fifae Vicecomitatus*. A comparison of content results only in slight misgivings.

A much more comprehensive manuscript to compare with *Fifae Vicecomitatus* is no. 53, entitled 'FYFE.Shyre/ MDCXLII/ FIFA PRO-/ vincia Noviter delinea-/ ta/ Auctore Jacobo Gordono/ Fo. R.G. a Strathloch'. This is a very detailed map in an advanced state of preparation, complete with embellishments, scale, border, compass rose, title and inset plans of the towns of Saint Andrews and Cupar. According to Gough (1780: 594), this map was engraved and is to be found amongst De Witt and Visscher's collection of maps; but this does not seem to be the case. It is the striking appearance of what must surely have been intended as a final draft for the engraver which gives rise to the question of why it has survived: had it been passed to the engraver as a final draft and used as such, it would be of no further use and therefore would not have been retained. Cash (1901: 405) explains its survival by reference to the correspondence dated 2 September 1645 between Robert Gordon and Sir John Scot, who was then visiting the low countries. Scot tells how Dunkirk privateers had seized the ship carrying James Gordon's draft map of Fife to Blaeu; Scot was trying to secure the return of the map but had little hope of succeeding; however, he compliments Robert Gordon on his advice to his son to retain a duplicate of the map, and asks that James be approached to draw another copy for dispatch to Amsterdam. Cash assumes that Scot did secure the return of the map and that the extant manuscript map is the duplicate which was originally retained in 1645.

The printed map differs from the extant manuscript in one obvious respect: the two town plans are missing. There are other, lesser, differences: the embellishments bear no resemblance; the division of the vertical borders into a scale of minutes of latitude has been added to the printed map; Gordon's key to the place-names has been removed, and the words 'THE/ SCOTTISH/ SEA' have not been carried forward to the printed map.

The detailed content of the two maps were examined for clues as to their relationship. Blaeu's *Fifae Vicecomitatus* has 1140 place names in total, six less than James Gordon's

manuscript (excluding the town plans and key). However, the difference between the two maps is slightly more than six names. There are twenty-three names on the printed map which do not occur on the manuscript.[4] However, fourteen of these are not in Fife but on the adjacent shores of the Lothians and Angus, which are included on the printed map but not on the manuscript. Of the remaining nine, one is the name of a river which appears on both maps but is shown twice on the printed map. A further four names should occur at the edges or across the junctions of the several pieces of paper which were joined together to construct a single sheet large enough to take the manuscript map. The junctions are not exactly coincidental with the limits of the writing, suggesting that the map has come apart and been rejoined as some later date, with the possible loss of four names.[5] This leaves four Fife names[6] on *Fifae Vicecomitatus* which cannot have been derived from the manuscript, two of them immediately adjacent by Burntisland.

There are no less than twenty-nine names on the manuscript which are not on the printed map, but these tell us more about the process of engraving than about the sources of the engraver's information. The twenty-nine names include only three names beyond the bounds of Fife in this case, one in East Lothian and two in Perthshire,[7] although it is noteworthy that the two Perthshire names which appear in physical isolation also appear in similar isolation on James Gordon's Kinross manuscript no. 52, tenuous evidence of a connection between manuscripts 52 and 53. Of the remaining twenty-six, all but three are physical features or else generic terms, rather than the names of particular places: they include coal pits, kirks, hills, lochs, rivers, burns, moors and a castle. Only three are the names of settlements, and in the case of two of these the name itself is not engraved on the printed map—only a small locational circle, which is Blaeu's nondescript settlement symbol, appears. In both cases it looks as though a named settlement may well have appeared on the draft from which the engraver was working, but because of the very high density of names in those two areas, the engraver did not have space to engrave the two names.[8] The third settlement whose name is not repeated on the printed map is a settlement on the eastern shore of Kilconquhar Loch, named 'Lorheid' on the Gordon manuscript and 'Lonhead alias Kinocher' on the printed map. Clearly, Blaeu could not have derived his name directly from the Gordon manuscript, but they are one and the same place. Therefore all the settlements shown on the manuscript map are located, if not named, on the printed map. This implies an extremely close connection between the two. It further implies that settlement information has been very rigorously transferred from the original manuscript draft to the engraving, except that, because of the extremely high density of settlement names, and the premium on space in a map of a large area at a relatively small scale, some of what may have been conceived of as the less essential names of physical features and other categories of places have been omitted; the engraver also omitted two settlement names for lack of space.

At some time, the printed map acquired four additional names, including the *alias* of 'Kinocher', which is a phonetic version of Kilconquhar.[9] One of these four, however,

may not necessitate an alternative source of information: Gordon's manuscript shows 'Pittedy', 'N. Pittedy' and 'S. Pittedy', whereas Blaeu shows an 'E. Pittedy' in addition, in very close proximity, north of Kinghorn. Although there are indeed four names known on the ground today, namely 'Piteadie', 'North Piteadie', 'Bankhead of Piteadie' and the ancient monument of 'Pitteadie castle', the additional 'E. Pittedy' on *Fifae Vicecomitatus* must come under suspicion as an error of the engraver when copying one 'Pittedy' after another. Alternatively, since Pittedie was in the estates of Sir John Scot, perhaps it was he who made the addition at a late stage, after James Gordon had taken a copy of his original manuscript. No firm conclusions, therefore, can be drawn on the evidence of 'E. Pittedy' alone, but there remain the other three additional names on the printed map.

It is improbable that the engraver would trouble to refer to any additional sources when confronted with more than eleven hundred names. The presence of the four extra printed names suggests that the engraver might have been using a further draft in which James Gordon had inserted a couple of extra names near Burntisland, also the alternative name for his 'Lorheid', and perhaps 'E. Pittedy'. This suggestion would also help to account for the fact that the name 'Weems' becomes 'Weemstoun' and 'Eliot' becomes 'Ely' on the printed map. Such a draft either could have been a second draft prepared from manuscript no. 53 with additions by James Gordon after the loss of the copy sent to Amsterdam, or that very copy which was lost when it was seized by the men of Dunkirk as Sir John Scot relates. The latter is conceivable—and, as already mentioned, was the view held by Cash (1901: 405)—despite Sir John Scot's forebodings about the improbability of the success of his efforts to secure the return of the document. The address by Blaeu in introducing his atlas ('Lectori Salutem') says that when James Gordon's new map of Fife fell into the hands of men of Dunkirk, 'Tarvat did not fail to employ various devices to get round this obstacle, or to move every stone in Morini until he had won back this learned pledge from the sons of Neptune, as from the hands of the Laestrygonians'. Now we have the additional evidence from the comparison of the contents of the maps, in particular the additional names on *Fifae Vicecomitatus* which cannot derive from the extant manuscript where they are fewer in number. We may therefore propose that the printed map was prepared from an earlier draft, and the extant manuscript with fewer names was the copy which James Gordon retained. The printed map cannot be derived from a later copy of the extant manuscript, even though Scot sought a further copy in his letter of 1645, since the printed map contains more names than the extant manuscript. It seems likely, therefore, that the printed map is derived from the original draft which was seized by the Dunkirk privateers, but must have been recovered by Sir John Scot's efforts as is indicated in the introduction to the atlas.

The remaining fly in the ointment is the extant working map of Kinross (no. 52), the study of which has already been shown (p. 44) to provide little positive evidence that James Gordon's work on the ground was incorporated into *Fifae Vicecomitatus*. Indeed,

it shows that not all his work was so incorporated, since it contains information which is not on the printed map. Further investigation is necessary to prove that *Fifae Vicecomitatus*, although drafted *c.* 1645, shows Fife as recorded by James Gordon in 1642, and not a landscape recorded, as is much of the atlas, by Pont in the late sixteenth century. Comparison of content with every available relevant manuscript or printed map is required in the search for further clues.

The whole question of the origins of *Fifae Vicecomitatus* arises in the first instance from the existence in the same atlas of the unaccredited larger-scale maps of Fife. They have been shown to be planimetrically less accurate than *Fifae Vicecomitatus* (Stone & Gemmell 1977: 9), but their content remains to be assessed by comparison with the small-scale single-sheet coverage of Fife.

Between them, *Fifae pars Orientalis* and *Fifae pars Occidentalis* locate a total of 708 different names, that is 432 fewer than *Fifae Vicecomitatus*. *Fifae pars Orientalis* has 538 names, while *Fifae pars Occidentalis* has 315. There are 141 names common to both maps within the areas that overlap. Comparison between the names on the large and small scale maps cannot be done with absolute precision, however. It is often uncertain whether names on two different maps are intended to refer to the same place on the ground. This is partly due to small locational discrepancies, but also to renderings of names which differ to a greater or lesser degree. Some of the smaller places were presumably recorded phonetically, with the result that the name of the same place could be written down in different ways. Some of the curious discrepancies in spelling were possibly due also to mistakes made by the engraver. For example 'Burne turk' and 'Thomastoun' on *Fifae pars Orientalis* should probably be equated with 'Bankirk' and 'Thoma' on *Fifae Vicecomitatus*. I may have overlooked names which are common but contain greater superficial differences, and categorised them as different places; the substantial difference in content between the large and small scale maps should therefore be discounted slightly, but it is certainly great enough to imply that the maps have different sources. On *Fifae pars Orientalis* there are 175 names which are seemingly peculiar to it: they are not to be found on *Fifae Vicecomitatus*. *Fifae pars Occidentalis*, with a smaller total number of places located, has eighty-three names that are peculiar to it. Of the names common to both the large scale maps,fifty-nine seemingly do not occur on *Fifae Vicecomitatus*. There can be no doubt therefore about the independent origin of the two larger scale maps.

In passing, it is noteworthy that the two large-scale maps include four of the physical features shown on James Gordon's manuscript (no. 53) but not carried forward to *Fifae pars Vicecomitatus*. This confirms the validity of these names as recorded by Gordon, and that their subsequent exclusion does not imply that they were errors.

Given that the large scale printed maps of Fife are not from the same source as *Fifae Vicecomitatus*, it is possible that the drafts for those maps were received by Blaeu much earlier than 1645, the year the draft of the single sheet map of Fife probably reached Amsterdam. This would explain the absence of Fife from the list of counties requested

by Blaeu in his letter to Scot in 1642 (Moir & Skelton 1968: 155), although it does not itself explain why the Gordons went to such pains to provide Blaeu with a map of Fife. However, there is evidence to suggest that proofs of some maps were in the hands of Scot by 1641 (Moir 1973: 45), and if these included the two maps of Fife, Scot would have recognised the inaccuracies and omissions on the large scale maps since they depicted his home county: in particular, he would have been aware of the errors in the vicinity of his seat of Scotstarvit, near Cupar.

The evidence that Scot had access to proof copies is contained firstly in the well known letter to Gordon among the Straloch papers, dated 8 October 1641, from Charles I who was then in Scotland, in which the King speaks of having 'laitly sein certane cairttis of divers schyres of this our ancient kingdome sent heir from Ansterdam To be correctit and helpeitt in the defectis thairof . . .' (Straloch Papers 1841: 11). The letter of 10 March 1642 from Blaeu to Scot confirms that these maps were proofs when it reads 'I have learnt from Master Wallace that, when the King was in Scotland, your Honour showed to his Majesty those proofs of maps which I had sent to you for correction. They were exceedingly imperfect . . .' (Moir & Skelton 1968: 155).

In 1641 Scot was pressing for the written descriptions which were to be prepared in every presbytery of the Church (Stevenson 1982: 3). Diligence was promised by the Kirkcaldy presbytery in January 1642, and in April 1642, the synod was urging the work on, at Scot's behest. In August 1642, however, the Assembly was addressed by Scot, not only on the subject of the written descriptions but also on the subject of sending James Gordon to map Fife. By the time the Assembly met in August 1642, Scot would have had time to appreciate the deficiencies of the proof maps of Fife, always assuming that these were among the proofs he received. It is unfortunate that none of these proofs seem to have survived.

If this were the true sequence of events it is, of course, curious that all three maps were eventually published. If the sight of the proofs of the two large scale maps so incensed Scot that James Gordon was put to the substantial trouble of replacing them, why didn't Scot ensure that only the improved map, and not the deficient maps, were published? After all, Scot was personally acquainted with Blaeu, who held him in high esteem (Cash 1901: 404–5). Presumably so much had been invested by Blaeu in the engraving of the two plates, that he was reluctant not to use them.

What were the sources of the two earlier maps of Fife and what date should be put on their contents? Are they based on the work of Pont or were they amended by Robert Gordon at a later date? As the very small map no. 54B is the only extant Pont manuscript of any part of Fife, a definitive answer seems improbable, but clues may emerge from examination of the several extant Gordon manuscripts.

There are eleven extant Gordon manuscripts which overlap all or some part of Fife as shown on the three printed maps. Of these, nos. 4 and 43 carry no place-names in the relevant area, while nos. 52 and 53 by James Gordon and no. 54B by Pont have been examined already. Map no. 2 is a small incomplete map of the whole of Scotland north

of Stirling, with only twenty-eight names in Fife, all of which can be found on other manuscripts, such as no. 53, so that it cannot be shown to have acted as a source for any of the printed maps of Fife. Map no. 48 is an unfinished map of part of the central Scotland with fifty-one names in Fife, mostly along the coast between Leven and Inverkeithing, but again there are no names which cannot be found on other manuscripts. Maps nos. 41, 46 and 47 are even less promising at first glance. They have only three, eight and thirty names respectively, in the relevant area. However, they all have one significant name, 'East Ferry', on the site of Tayport. East Ferry also appears on *Fifae pars Orientalis*, but not on any other printed or manuscript map. This points to the possibility that some of the extant manuscripts may be related to the same sources as the two large scale printed maps. Two manuscript maps remain.

Sheet no. 54 has the small Pont manuscript of northwest Fife (54B) affixed to one corner, but before the Pont map was glued to the sheet, a map of northeast Fife between Falkland and St Andrews (54A) was drawn on it by Robert Gordon. The Pont map is attached so that its names are at right angles to the alignment of Gordon's names. It was evidently not intended that the two maps should be read as one.

Robert Gordon locates seventy places on map 54A, twenty-two of which cannot be found on any other manuscript, which makes it a very unusual map. Moreover, these same twenty-two names are all to be found on *Fifae pars Orientalis* (three also appear on the area of overlap with *Fifae pars Occidentalis*), but not on *Fifae Vicecomitatus*. Indeed, all seventy names on map 54A are to be found, without exception, on the large scale printed maps. This strongly suggests that map 54A has the same source as at least a part of the large scale printed maps. This is confirmed by comparing the orientations of the rivers and streams which closely resembles *Fifae pars Orientalis* but are quite unlike *Fifae Vicecomitatus*. Similarly 'Swan Loch' and the great elongated 'myre' depicted in plausible locations in the extreme northeast of Fife are shown both on the printed large scale map and on map 54A, but not elsewhere.

As it is extremely unlikely that Robert Gordon did original work on the ground (Stone 1981: 21), the source he is most likely to have used is work by Timothy Pont. The attachment of a Pont manuscript (54B) to Gordon's map would seem a little more logical if Gordon's work was based on Pont. There is firmer evidence in the form of an endorsement on the reverse of the sheet, reading 'Fyffe imperfect M.T.P.' in Robert Gordon's hand, clearly indicating (Master) Timothy Pont's authorship. Admittedly this might be thought to refer to the small Pont original attached, but there is evidence to the contrary. A further entry on the front of the map, again in Robert Gordon's hand, reads 'ien est droit en cestui Table'. The Pont original seems to have been pasted over the first part of the entry, although it is so firmly stuck down that it is impossible to tell what, if anything, has been obscured: the obvious possibility is a letter 'R' at the start of the first word. The fact that the sheet was thus endorsed before the Pont original was affixed suggests that the subject of dissatisfaction is Gordon's draft map and not the Pont attachment. After all, Gordon's map is a somewhat rudimentary draft, perhaps

representing an early stage in copying or drafting, when its failings may have become apparent. There are other endorsements which confirm Gordon's doubts about his map. Along a river shown as flowing east from Falkland, there are the words 'There is no river betiuxt/ hellis and falkland', which is perfectly true. At the top left of the sheet there is a further entry reading, 'The part betiuxt Cluny and/ Balmerinoch is so contracted/ that it is altogether disproportionable/ to the rest of the mapp/ The toune of Abirnettie wants heer/ neither is ther place for the same.' Gordon had found fault with the map: hence the use of the word 'imperfect' on the reverse, which therefore refers to Gordon's map no. 54A and not to the Pont addition. Gordon's map is based on Pont, by his own admission.

We now have evidence that Robert Gordon had access to more work by Pont on Fife than has survived, but it was still only a fraction of the county and Gordon was far from happy with what he had. He scarcely seems likely to have prepared a draft for the engravers, since he was unfavourably disposed towards at least a part of Pont's work. Possibly, the engraving of the two large scale maps of Fife was carried out by Blaeu before any of Pont's manuscripts were returned to Scotland. The best of Pont's work on Fife would be selected by Blaeu for engraving, but thereafter lost, and the relatively indecipherable work returned to Scotland. Originally, the work returned would have included not only map 54B, but at least some work further to the east along the north coast of Fife, that is the area of map 54A. That original source is unfortunately lost. This proposed sequence of events is supported by Sir Robert Sibbald, in his history of Fife and Kinross, in which he acknowledges 'the unwearied diligence of Mr Timothy Pont, who after he had travelled over all the parts of North Britain, and the Isles belonging to it, made maps of them, and particularly these shires, some of which I have . . .' (Sibbald 1803:XII). Sibbald possessed some, but not all, of Pont's maps of Fife, which is understandable if not all Pont's maps of Fife had been returned to Scotland. Perhaps it was Sibbald who glued Pont's 54B to Gordon's 54A. Other Pont originals seen by Sibbald have been lost subsequently. The proposed sequence of events is further confirmed by the absence of a request for maps of Fife in Blaeu's letter of 1642 to Scot (Moir & Skelton 1968: 155): Blaeu had two maps already. If Scot received proofs of those maps by 1641, then they were not shown to Gordon, or he would not have set to work to produce a manuscript (no. 54A) so similar to the existing engravings. Exactly why he did draw the map is impossible to say. Many of the extant Gordon manuscripts have no obvious purpose but seem to be part of a larger collation exercise in which Gordon sometimes seems to have been in doubt as to what was required of him (Stone 1981: 21). As Dr Stevenson has shown (1882: 9), the work of the Gordons suffered from lack of clear priorities.

One relevant Gordon manuscript has still to be considered. Map no. 6 is a very large map of eastern Scotland with a great deal of detail in some areas including Fife, but with great gaps in other areas. It represents a massive task of compilation. Despite the relatively small scale, Gordon's use of very small lettering permits him to include 356

place-names in Fife. There is a tendency for a pair of names on the larger scale maps to appear as a single entry on map no. 6, *e.g.* 'N. Wrquhart' and 'O. Wrquhart' as 'Wrquhart', but if such differences are ignored, then 175 of the 356 names are also shown on *Fifae Vicecomitatus*. Some of these names also appear on one or other of the two large scale printed maps, but none appears in its printed form solely on the large scale maps. Hence, map no. 6 is derived from James Gordon's later observations of Fife. Robert Gordon was not inclined to use unverified Pont sources for Fife. It was therefore compiled after 1642, using the improved information by then available for Fife. This is further confirmation that Robert Gordon believed Pont's work to be imperfect, and it conforms with the proposed sequence of events.

It is tempting to wonder why Pont's work was of such a low standard in Fife, although not all the surface area on the two large scale printed maps is as unsatisfactory as the area of manuscript 54A—for example the area around Aberdour and Burntisland in the south of Fife has a higher density of place-names and they are better located. However, Pont's work in Fife is planimetrically much less accurate overall than the work of James Gordon. Also, there are some curious nomenclature errors, *e.g.* Camilla Loch, north of Burntisland is called 'L. Orr' on *Fifae pars Occidentalis*: in fact Loch Orr is the much larger loch to the northwest, as correctly shown on *Fifae Vicecomitatus*. That Pont did not achieve a consistent standard of accuracy is evident when comparing his maps (Stone & Gemmell 1977: 9), but, without the Pont manuscripts which were the sources for the printed maps, it is impossible to know how much error was introduced during engraving, particularly if the manuscripts were not very legible, or perhaps not in final draft. Nevertheless, the comparison which James Gordon's work permits is a salutory lesson when using other printed maps derived from Pont's fieldwork, not so much for planimetric accuracy which has already been established for each of his maps, but rather for comprehensiveness of content, which is much more difficult to test.

Answers to the initial questions about Blaeu's three maps of Fife can now be suggested. *Fifae Vicecomitatus* does indeed seem to be the result of a new and original survey of 1642 by James Gordon. There are certainly major differences in the content of that map and the corresponding content of *Fifae pars Occidentalis* and *Fifae pars Orientalis*: these latter two maps are probably the work of Pont, unamended by Robert Gordon. Settlement is less comprehensively depicted in the two earlier large-scale maps than in the later map; however, where an individual name appears in both sources, then this may be taken as evidence of the existence of that place both in the period 1584–96 (probably in the earliest part) and in 1642.

ACKNOWLEDGEMENT

I am very grateful to Dr David Stevenson for his criticism and advice.

NOTES

1 To these five, we may incidentally add the relatively large scale map of *Lorna*, whose authorship by Pont seems in contradiction to its position in the atlas between maps by Robert Gordon (Stone 1980: 28): it may have been printed at a different time from the other maps in the atlas but placed next to the map of *Braid-Albin* in the atlas because of its substantial overlap with the smaller scale map. The separate printing is suggested by the fact that it is printed on a different quality of paper from the other maps in some copies of the first edition of the atlas. The mystery of why *Lorna* is the one map in the atlas whose position does not primarily result from its date of receipt by the publisher, seems thus solved. I am indebted to Mr L. McLean for drawing my attention to the printing anomaly.
2 The eight names are Achmuir, B., Carslochy, Condon, Hilton of binnaga, Stunton, Blairhead, Blair of Forth and Collestone.
3 Stunton, Blairhead, Blair of forth and Collestone.
4 These are as follows: Lonhead alias Kinocher, Lumfinnans, E. Colwhally, Dundonnat, Castell of Brune ylland, Binhill, E. Pittedy, Wakmill, Levin fl., Arthurzeat, The Park, Pinkie, Dunde-law, Maynis, Dightie fl., Sclait-mills, Fort hill, Grange of mony futh, Ardestie, Kelly C., Ardbirlet, Brotock fl. and Arbroath.
5 These four names on the printed map but not on the manuscript are Lumfinnans, E. Colwhally, Dundonnat and Wakmill.
6 Kinocher, Castell of Brune ylland, Binhill and E. Pittedy.
7 Respectively: Loverock Law, Castell Campbell and Dobr.
8 The two settlement names are Ticshis and Blaiswith.
9 I am grateful for the advice of Daphne Hamilton.

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Sources for the Grotesque in William Dunbar's 'Dance of the Sevin Deidly Synnis'

JOANNE S. NORMAN

At a 1985 conference on the The Bible in the Middle Ages, Nigel Morgan of the Index of Christian Art in a plenary session on the iconography of thirteenth-century Old Testament illustrations once again emphasised the importance of literary sources in the creation of unusual pictorial detail in medieval art. His lecture is but one recent example among many that show how the primacy of the verbal text is accepted without question in studies of the sources for medieval iconography. Yet the possibility of reversing the process successfully to trace the influence of pictorial images on a particular literary text only tantalises students of medieval literature. That connection seems much more elusive, and we must often content ourselves with rather vague and frequently problematic analogies between a literary text and the visual arts. Only rarely do we find more specific details in a text that point directly to a particular image. Such an unusual example, I believe, is to be found in a poem by the fifteenth-century Scottish court poet, William Dunbar. In this instance, visual images may provide a key to some of the problems of interpreting this rather enigmatic poem.

Dunbar's 'Dance of the Sevin Deidly Synnis' is one of his most popular and familiar poems, yet if one were to choose the single adjective most often applied to the work, it would be 'grotesque' uttered in tones of disgust, approbation, or amusement. For example, three important and extensive studies of Dunbar's poetry, by C. S. Lewis, Ian Ross, and James Kinsley, all use the word repeatedly in referring to the 'Dance', although they differ in assessing the intention and effect of the poem (Lewis 1954: 95; Ross 1981: 126–7 and 168–73; Kinsley 1958: xix). Both the term and the mixed response are logical reactions to a highly original work in which once familiar ideas and images are suddenly transformed into something new and strange. The combined shock and recognition arouse varying degrees of laughter and horror, acceptance and rejection. Consider the response to one of the hybrid creatures commonly called 'grotesques' that inhabit margins of medieval manuscripts and obscure corners of gothic cathedrals: the parts are easily identifiable, but the combination produces a unique monster that may be comic, terrifying, or both. Similarly, Dunbar's poem is a 'hybrid' whose recognisable parts are changed by the unusual juxtaposition of diverse motifs and the ironic interaction between them. And the sources for both the ideas and the style are not to be found in literary conventions of the time but in contemporary visual images.

A short summary may be useful to remind readers of this particular work. Although the 'Dance of the Sevin Deidly Synnis' has usually been treated as a complete and independent text, more recent critics and editors, observing the evidence of the manuscripts, now consider it as part of a longer work consisting of the 'Dance' itself, 'The Turnament of the Tailliour and the Sowtar' and the 'Amendis' (Kinsley 1979: 335). All three poems form a trilogy that parodies court entertainment and chivalry. 'The Dance of the Sevin Deidly Synnis' is the first one of these burlesques and in it the poet recounts a dream vision that occurred to him on Shrove Tuesday night, 'Fasternis evin'. In the dream he watches the festivities in the 'court' of Hell presided over by Satan or Mahoun. The Devil commands his devotees, those who were never shriven, to dance. Each of the seven deadly sins, appearing as a demon, takes a turn in leading a group of sinners in a parody of court dances that are actually tortures. There is only one minstrel, a murderer, available to play for the dancers, so Satan next commands a highland dance to be accompanied by a piper. At this point a great crowd of Highlanders appears and their noise so annoys the Devil that he ends the entertainment by smothering them in smoke. The poem then goes on to present a mock tournament between a tailor and a shoemaker followed by a tongue-in-cheek apology to the bourgeois targets of Dunbar's satire in the tournament.

The commonly used title of the first part of the trilogy, 'Dance of the Sevin Deidly Synnis,' neatly comprehends the basic irony of that poem and poses the primary question of its intention.[1] The title refers to two great moral themes that became popular motifs in both art and literature of the Middle Ages: one was the dance of death and the other the personification of the seven deadly sins. Dunbar's poem has been called a variation on the dance of death, but a careful reading of the text quickly shows that its theme has nothing to do with the *danse macabre*. Indeed, as James Kinsley and Ian Ross, among others, have pointed out, Dunbar's 'Lament for the Makars' is a much closer parallel to the traditional mode of the dance of death, and there the theme is treated simply and seriously without a trace of black humour. What Dunbar's 'Dance' does share with the *danse macabre* is the use of the metaphor of a dance as the controlling structural device which becomes the basic source for grotesquerie in both texts.

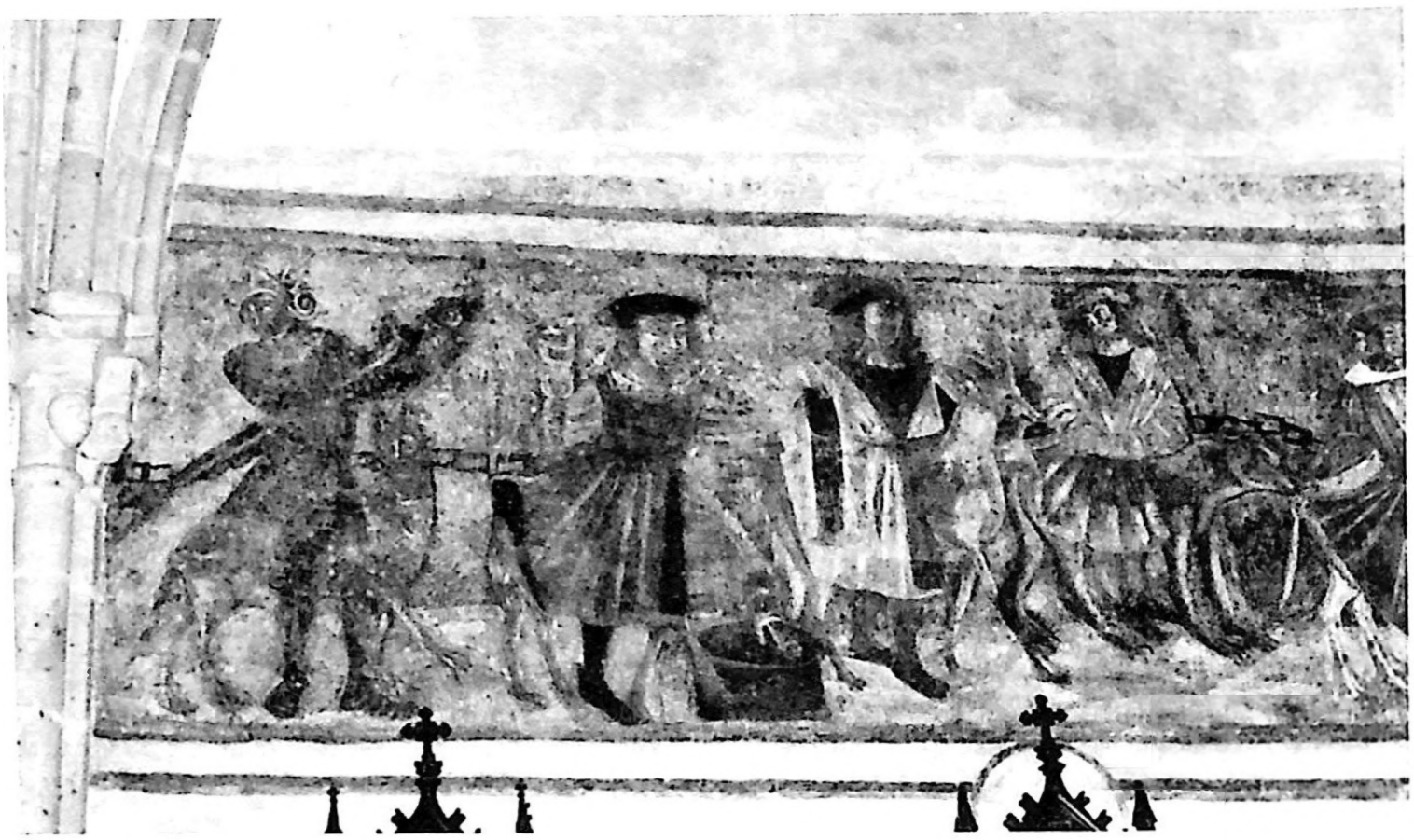
Dunbar, however, introduces a totally different subject, the seven deadly sins, into this framework. Now the seven deadly sins, through their primary use in the preachers' handbooks, penitential manuals, and moral treatises that proliferated after the fourth Lateran Council (1215), had become a familiar concept in medieval literature as well as theology.[2] The Sins often appeared in a fixed, logical order, such as that set out by Gregory the Great, that may have originated as a mnemonic device. Later schemas also developed the idea, prominent in later treatises, that each Sin leads inevitably to the next (Wenzel 1968: 4). Such sequential arrangements in a literary work not only express this moral concept but also provide a ready-made structure or form (Wenzel 1968: 15).

One of the clearest metaphors used to convey such a concept was a more or less orderly

procession of personified individual sins dressed in symbolic costumes and mounted upon appropriate animals. As an example, the modern reader may recall the procession of the seven deadly sins in Book I of Spenser's *Faerie Queene*. The 'Dance' follows this concept in a general sense because the Sins of the poem are the traditional group of seven arranged in a linear sequence suggesting a formal procession. However, the fame of both Spenser's and Dunbar's works has tended to obscure the fact that there are relatively few allegorical processions of sins in literature. The use of *exempla* and dramatised confessions of typical sinners, such as those in Langland's *Piers Plowman* and Chaucer's *Parson's Tale*, derived from the homiletic tradition, are more typical portrayals of the seven deadly sins. They were more popular presumably because they provided more scope for narrative development and psychological analysis than the rigid scheme of a procession of personifications. Spenser's poem, of course, is too late to be considered as a source of Dunbar, and the commonly cited sources for his allegory are somewhat problematic. Of all the sources suggested by Ian Ross, for example, and his list is the most exhaustive, only the *Miroir de l'omme* has a procession of sins (1981: 128; 168–71). John Gower's *Miroir de l'omme* (*c.* 1374–8) has been cited as a source for both Spenser and Dunbar (Kinsley 1979: 336, n. 14), but the very limited dissemination of this poem (Fisher 1965: 91–2) and Gower's declining influence in the fifteenth century in which he was 'more respected than read' (Pearsall 1977: 208) suggests that the *Miroir* is an unlikely source for either poet.

In any event, neither Spenser nor Gower nor any of their known sources contain a *dance* of sinners led by a Sin without an animal symbol. The English plays suggested by Ian Ross (1981: 69–70) as possible parallels to Dunbar's poem are either titles of plays whose contents are completely unknown, or plays whose plot involved the common personifications of the Sins without any action or physical representation that corresponds to Dunbar's dance/procession. Instead, the closest parallels to Dunbar's poem are to be found in the religious drama and actual penitential processions or dances of Spain (Whyte 1931: 75–7). The Corpus Christi play, *Danza de los Siete Pecados* by Diego Sanchez de Badajoz, is perhaps the most famous of these, but records indicate there were a number of such representations, some of which were apparently still performed in modern times.[3] The play by Diego Sanchez has Adam lead a procession of personified seven deadly sins who then form a circle to dance. Adam dances with each Sin in turn until each manages to make him fall down. Finally, he repents and is able to drive off the Sins. According to Whyte (1931: 76–7), the source for the Spanish versions, which are all much later than Dunbar's poem, is ultimately France. She dismisses the suggestion that Sanchez was responsible for amalgamating the dance of death with the seven deadly sins by stating that the 'dance of sins has its own tradition' and cites Dunbar as evidence for this 'tradition'. In view of the lack of any other examples of this 'tradition', it seems more likely that two major writers familiar with the same sources would hit independently upon the idea of combining the two themes.

Although the cavalcade of sins was not a common theme in the literature of Dunbar's



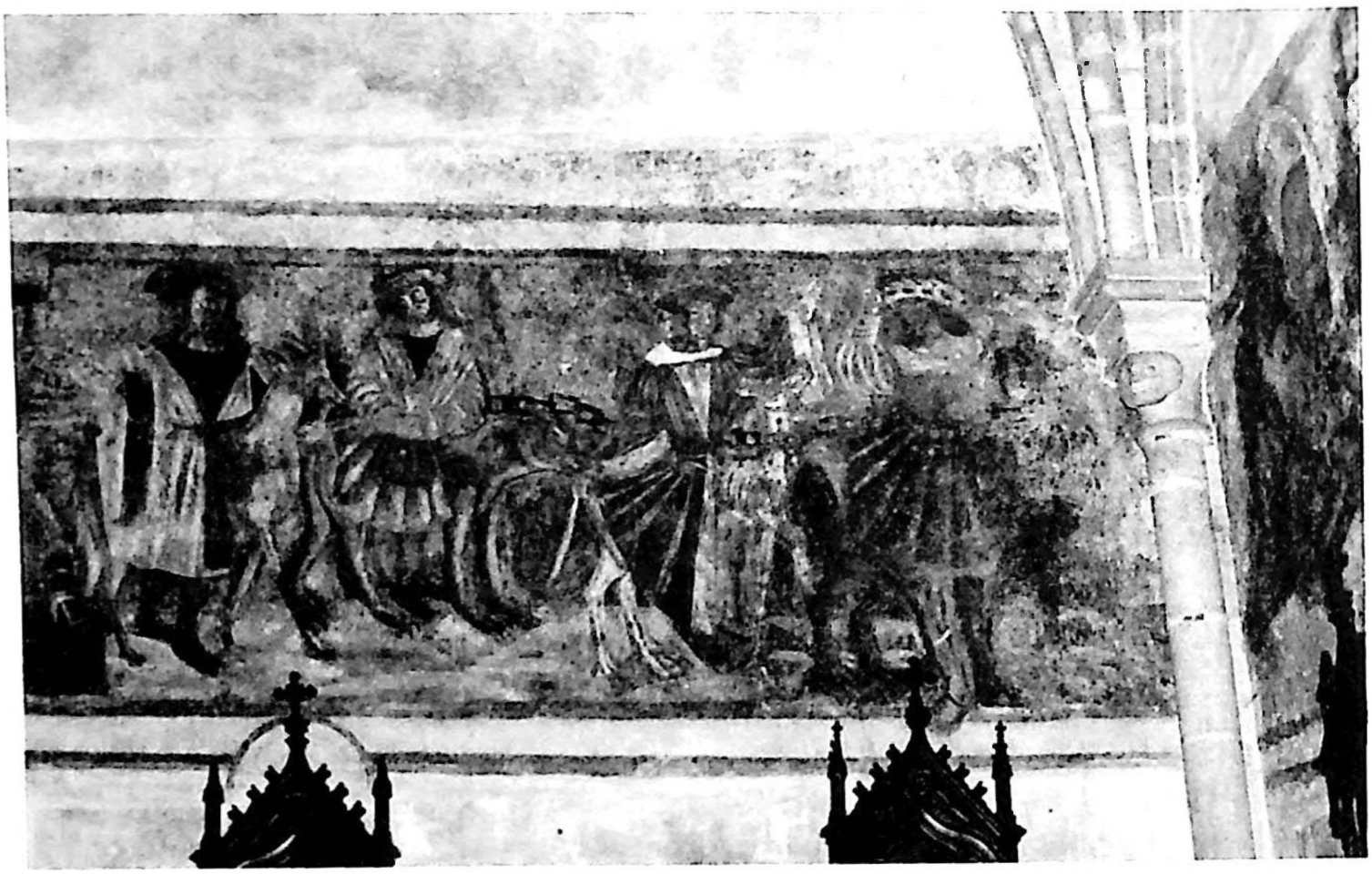


Fig. 1a & 1b Pommeraie-sur-Sèvre. Procession of the seven deadly sins (left to right): (a) Anger, Gluttony, Lust, Avarice. (b) Lust, Avarice, Envy, Pride. [Photographs: author]

Fig. 2 Plampinet (Hautes-Alpes). Procession of the seven deadly sins (left to right): Lust, Gluttony, Avarice. [Photograph: author]

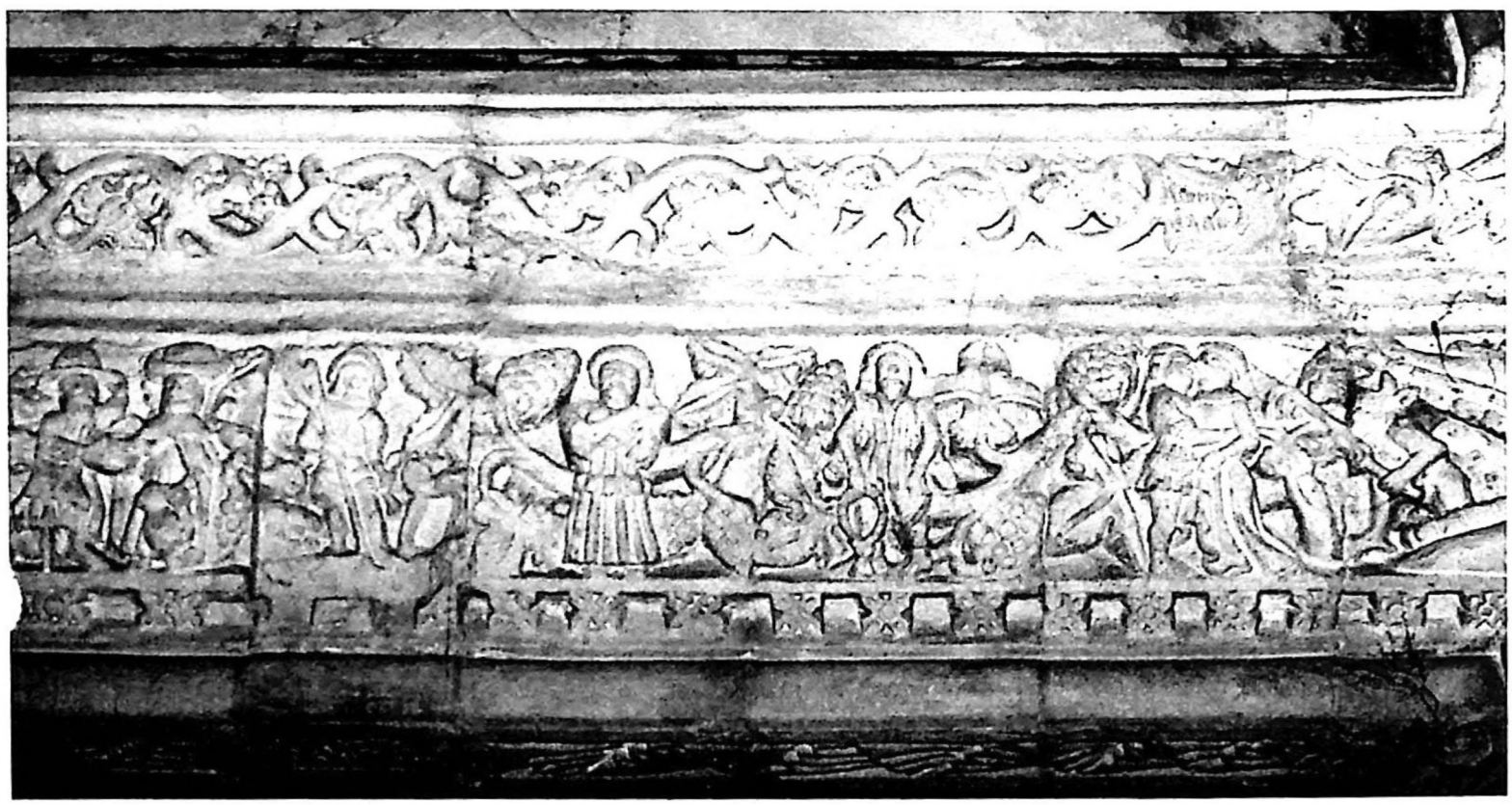


Fig. 3a & 3b Roslin Chapel. Procession of the seven deadly sins (left to right): (a) Pride, Gluttony, Charity (misplaced for Avarice), Anger. (b) Envy, Sloth, Lust. [Photographs: author]

time, it was certainly a very popular motif in French art between 1480 and 1530. The dance of death poems, too, were always associated with illustrations in some form and may even have been derived from pictures. Therefore, it seems more likely that the primary inspiration for the 'Dance of the Sevin Deidly Synnis' can be found in contemporary visual arts rather than in literary models. James Kinsley in his notes on the background of the poem refers generally to the pictorial tradition of representing the seven deadly sins and suggests visual analogues for some of the details. Ian Ross makes much more extensive use of the visual arts in interpreting Dunbar's poetry as a whole and draws a number of interesting parallels between later Flemish paintings and Dunbar's work. But however illuminating such background studies may be, they are limited to pointing out general similarities of tone and style between poetry and pictures representing common themes. It is usually impossible to find specific works that the poet might have seen that also deal with the appropriate ideas. Kinsley, for example, refers to pictures that are too obscure (Felsted Church) or too late (Flemish) to have had any direct impact on Dunbar. Ross confines himself by and large to major Flemish painters who were at least contemporary and well-known to Dunbar, but his basis of selection is also impressionistic. However, in the case of 'Dance of the Sevin Deidly Synnis' at least, much closer parallels in both theme and style can be found in works of art, particularly wall paintings and sculpture, that were contemporary, popular, and accessible to Dunbar. Most of these, with one significant exception, are French.

Paintings at Pommeraie-sur-Sèvre (Indre-et-Sèvre) and at Plampinet (Hautes-Alpes) may be considered as representative examples of an iconography introduced in the last quarter of the fifteenth century that remained remarkably consistent throughout France. The paintings represent seven sins, each mounted on a symbolic animal and performing an appropriate action (fig. 1a and 1b). At Plampinet, the series includes Pride on a lion, Avarice on a boar, Gluttony on a wolf, Lust on a goat, Anger on a leopard, Envy on a greyhound, and Sloth on an ass (fig. 2). Each Sin reveals his nature by an appropriate action. Pride holds a flower (usually a sceptre or sword in other paintings), Avarice clutches a purse, Gluttony holds a chicken and drinks from a cup. Lust holds a mirror and lifts her dress, Anger stabs himself, Envy crosses his arms, and Sloth droops over her mount and holds a begging bowl. These Sins are chained together around the neck and a devil pulls on the chain as he leads the procession towards a gaping monstrous Hell-mouth. Although at least twenty examples of the motif are still extant in France, the motif of the procession of the seven deadly sins was almost never adopted in Britain. Conventional English visual representation of the sins was usually that of a tree or wheel.[4]

Only the Chapel of Roslin, a few miles outside Edinburgh, built between 1446 and 1484 by William, first Lord Sinclair and third Prince of Orkney, contains an apparently unique example in Britain of a procession of the seven deadly sins carved on a stone lintel[5] (fig. 3a and 3b). The personified Sins are easily recognised from their French counterparts: Pride, a young court gallant in extravagant dress; Gluttony, a guzzler

Fig. 4 Roslin Chapel. Dance of death. [Photograph: author]

draining an outsized flagon; Avarice, a respectable burgher hung about with moneybags; Anger, an armed soldier; Envy, a courtier with arms crossed to indicate his double-dealing; Sloth, a beggar in rags; and Lust, two lovers embracing. At the far right a devil with a fork issues from a monster Hell-mouth to escort the Sins home. The presence of French iconography at Roslin is consistent with the style of the Chapel as a whole. Richardson considers it possible that a French master mason who worked on Melrose Abbey was also employed at Roslin (1964: 37) and according to George Hay, 'Its exotic plan and architecture suggest Iberian or southern French origins' (1974: 57). The Sinclair family were notable literary patrons and the first Lord Sinclair seems to have had cultivated and cosmopolitan taste. He not only commissioned translations from the French but also directly supervised the plans and drawings for his chapel, causing 'artificers to be brought from other regions and forraigne Kingdomes'.[6] Therefore, he may very well have decided to import iconography as well as style from the Continent.

The Roslin figures represent only three significant deviations from the French model. Although the figure of Anger is somewhat damaged and its details obscure, the soldier is not stabbing himself, as Anger usually is represented. His armour and weapon are clearly shown while he brandishes something else in his left hand. Descriptions of the sculpture suggest that he is stabbing an infant (Rosslyn [N.D.]: 34 and notes handed out on the site) and it seems probable that some act of pillage is intended, although the soldier-figure at Pommeraie-sur-Sèvre is also a possible parallel. Lust is represented by a man and a woman embracing rather than by a single woman in a fashionably *décolleté* gown who coquettishly exposes her leg. Both these changes bring the conception of those sins closer to Dunbar's characterisation of them in the 'Dance' where Anger appears brandishing a knife and followed by armed sinners and where Lust is shown by obscene couplings (ll. 31–42; 79–90). The most noticeable change is the absence of symbolic animals so that the Sins proceed on foot rather than ride. The posture of the figures has become potentially closer to that of a dance.

Another prominent motif in the sculptural programme of Roslin Chapel, however, is directly connected with dancing, and that is the fairly extensive *danse macabre* series on the vault ribs of the eastern chapels (fig. 4). Unlike the procession of the seven deadly sins, the dance of death was well known in Britain in both painting and literature, the most famous example being that of the murals in Old St Paul's cathedral accompanied by Lydgate's translation of the verses from the inscriptions of the *danse macabre* of the Cimetière des Innocents in Paris of 1424. France is usually considered to be the source of this theme, and certainly the Paris version was the most influential as it was used by Guyot Marchant in his famous 1485 printed edition (Kurtz 1934: 42). The simple and effective idea of the *danse macabre* remained consistent in all its versions.[7] Human figures representing particular social classes or positions are suddenly confronted by a figure representing death who compels them to accompany him in a dance to the grave. At Roslin there are fourteen typical pairs arranged in order of social importance: king, prince, cardinal, bishop, abbot, deacon, minor canon, nun, monk, scholar, hunter,

gardener, woodman and ploughman (Richardson 1964: 50). The figures of death are shown as corpses rather than skeletons and have no musical instruments, although these frequently appear in other versions.

Roslin Chapel thus displays two allegorical motifs drawn from French sources that became increasingly popular towards the end of the fifteenth century. The choice of themes may perhaps reflect the founder's intentions which seem to have been both penitential and educational (the original plan called for a collegiate church), but the juxtaposition of a dance of death and a procession of the seven deadly sins is rare in the visual arts. So far I have located only one monument other than Roslin that contained a variation of both motifs. A chapel in Kermaria-en-Isquit (Côtes-du-Nord) had paintings of both virtues and animal vices and a dance of death. However, the virtues and vices were a version of the psychomachia iconography, not a procession, while the dance of death was a copy of the Paris painting. The two themes were painted at different times using different sources and were not part of a unified programme as at Roslin (Kurtz 1934: 77–8 and Thibout 1949: 71–81). Only one other art form also includes both allegories in close association. Printed illustrations in some of the popular books of hours published in Paris by Simon Vostre and Pigouchet included both a procession of the seven deadly sins and the dance of death, following iconography already established in earlier French wall paintings (Whyte 1931: 79; Claudin 1900: II. 512 and Pollard 1897: 430–73).

Although William Dunbar could have known either the procession of the sins or the dance of death in their original French forms through his visits to France (MacDiarmid 1980: 126–39), it seems more likely that his novel idea of converting the procession of the seven deadly sins to a dance may have originated in a visual perception suggested by the carvings of Roslin Chapel. The building was easily accessible to Edinburgh and its founder had been both a literary patron and an important member of the royal court.[8] The Chapel was only completed in 1484 when Sir William's son abandoned his father's more ambitious project, so it would still have been relatively modern and a justly famous landmark at the time Dunbar came to write his poem[9]. While the books of hours would also be a possible source for Dunbar, they are not so directly linked to the Scottish court and may be later than the poem. Furthermore, the format of the books does not provide a coherent iconographical design, nor does it allow for the direct physical juxtaposition of the motifs, both of which occur at Roslin.

However, while the iconography of the sins has been changed in some details at Roslin, the two allegories remain clearly distinct and basically follow the conventional forms established in France. Dunbar's 'Dance of the Sevin Deidly Synnis' goes much further in that it transfers the form of one allegory to another to produce a substantially different theme. Such a wholesale conversion argues that Dunbar recognised in each allegory common elements that are more easily seen in their simplified visual representations. Although each motif had developed independently, art historians have discerned in the painted procession of sins 'une grande analogue d'intention avec

les danses des morts . . .' (Roman 1880–81: 22) This is borne out in the inscriptions that accompany the procession of the sins at Notre-Dame-du-Bourg in Digne (Haute-Provence) where each sin figure is given a line of verse to introduce itself and its animal. Paresse (Sloth) refers to the procession of which she is a part as a dance:

> Peresa soy que poc avansa
> La sauma e yeu en la dansa.
> (Inscription quoted by Roman 1880: 32)

Another example is a panel painting that portrays Death as an archer shooting his unsuspecting victims as they dance with gay abandon, each led by a little demon ready to catch the unshriven soul (Debidour 1961: 124; pl. 39; Saugnieux 1972: 309–12).

The fundamental characteristic in these visual allegories that Dunbar recognised and exploited in his own poem is the grotesque. Various modern definitions of the term demonstrate the difficulty in giving verbal expression to a quality that is essentially pictorial.[10] Yet despite widely divergent points of departure, there seems to be a consensus that the grotesque style is based upon a dramatic contrast between what is accepted as a norm, an ideal, or rational order; and its irrational and distorted opposite. A mixed response of fear and laughter is evoked by this spectacle that may be cathartic in purpose, an 'attempt to invoke and subdue the demonic aspects of the world' (Kayser 1943: 188).

Dunbar fits easily into this definition when he explicitly calls forth the beatific world and the demonic in a vision:

> I lay in till a trance;
> And than I saw baith hevin and hell [3–4]

Traditional visionaries like Tundal and St Peter were usually granted a mystical tour of both. In a similar way, the painted processions of sins form part of a complete scheme that incorporates both the beatific vision of heaven as well as an extended view of hell. The demonic scene includes not only the mandatory Hell-mouth as the ultimate goal of the procession, but a systematic representation of physical torments that are linked to the individual sins. A typical example of such a programme exists in Notre-Dame-de-Bourg in Digne (Haute-Provence) on the south wall of the nave (fig. 5). Here the personified Virtues stand against their opposed Vices who are linked by a chain that pulls them unresisting towards Hell. In the bottom register are represented the various tortures of the damned, each formally joined to the appropriate Sin of the middle register and surrounded by flames: a man hangs with a stone around his neck (Pride), a man has coins forced down his throat (Avarice), a woman is suspended by ropes piercing her breasts (Lust), a man is bound and roasted on a spit (Anger), a man is whipped (Envy), and a man hangs by his feet while a demon forces him to swallow something

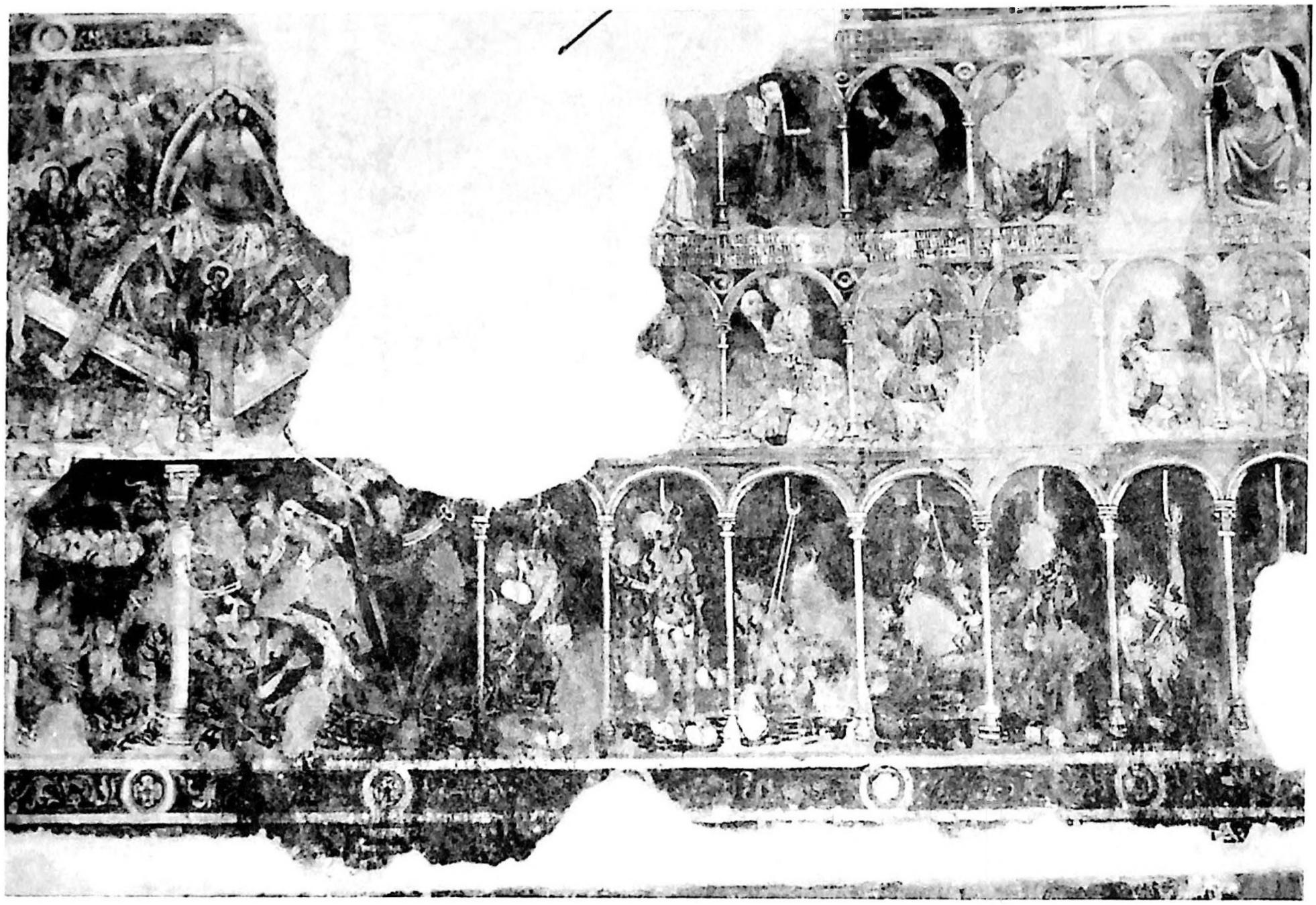


Fig. 5 Notre-Dame-du-Bourg, Digne. Procession of the seven deadly sins. [Photograph: author]

(Gluttony). (The punishment for Sloth has been defaced.) The entire painting is arranged in such a way as to be read both horizontally: series of Virtues, Sins, and punishments; and vertically: remedial virtue, deadly sin, appropriate punishment. However, unlike both the literary visions and the paintings, and despite his introduction, Dunbar's poem is confined strictly to the netherworld and its demonic inhabitants.

It is easy to recognise that the sinners in Dunbar's poem suffer remarkably similar tortures to those of the painting in Digne: 'skaldand fyre,' 'knyvis that scherp cowd scheir,' 'hett moltin gold . . . fild . . . up to the throtт,' 'hait leid to laip,' and 'Bellial . . . evir lascht thame on the lun ie'. This is not surprising in view of the fact that both Dunbar and the anonymous French painter are drawing upon the same ancient sources such as the *Visio Pauli*, the *Vision of Tundal*, the *Vision of the Boy William*, and *St Patrick's Purgatory*. All these visions, both in Latin and in later vernacular translations and their imitators, insisted upon graphic descriptions of physical torments that included variations on most of the punishments described by Dunbar. There is a broad attempt to 'make the punishment fit the crime' in these visions and very early on the popular scheme of the seven deadly sins was used as an organising principle. Apparently the *Vision of Lazarus* (Owen 1970: 244) in a pseudo-Augustinian homily of the twelfth century was the first to link specific torments to the sins, but Dante, of course, was also a major influence in this area. All the visions were copiously and frequently illustrated, so that the pictorial tradition was also firmly established. One of the most popular works contemporary with Dunbar's poem that deals with this theme is the *Traité des peines de l'Enfer*, a treatise published in 1492 in Paris and widely disseminated as part of the *Calendrier des Bergers*. This work contains yet another survey of hell (Owen 1970: 245–46) and features a series of woodcuts depicting traditional hell punishments directly related to the seven deadly sins. Among the most famous scenes of Hell that classify and punish the damned according to the deadly sin they have committed are the fresco in San Gimignano collegiate church (1320), the tabletop by Hieronymus Bosch (1450–1526), and the frescoes in Albi Cathedral (Tarn, *c.* 1480–1500).[11] In the light of all these notable paintings that were created either before or at about the same time as Dunbar's poem, let alone the long tradition of illustrated hell visions that preceded them, it seems strange that Kinsley (1979: 338, nn. 61–6) is unable to find a 'clear iconographical illustration' of such a common theme.

One characteristic of these infernal visions that is much more apparent visually than in the rather prosaic style of the treatises is an underlying movement towards parody and black comedy. As was mentioned before, most visions included both heaven and hell so that the Hell became a negative image of Heaven, an inverted version of divine order. The compartmentalised scenes of San Gimignano and Albi that suggest a hierarchy of demons with Satan as ruler in infernal majesty clearly recall the formal symmetry of the beatific vision. Yet these frames barely contain the frantic activity that replaces the serene immobility of the heavenly host.

Similarly in Dunbar's poem, there is a deliberate formal ordering of the demons and their followers presided over by Satan in his role of false god, as the name 'Mahoun' suggests. Yet that order barely controls the chaos that erupts as large groups pass before our eyes, each caught up in frenzied movement. In fact, Dunbar does not employ much visual imagery in this poem, nor does he actually build up pictures of each sin such as one finds in DeGuileville's *Pèlerinage de vie humaine* or in Spenser. It is action that reveals both the nature of the vice and its appropriate rôle in the demonic world. Dunbar's emphasis on movement rather than on static pictorial qualities evokes more exactly the essential nightmare quality of those writhing bodies and grimacing faces of the damned that populate the crowded hells of the painters.

Another aspect of the infernal visions that is equally disturbing to the viewer is the transformation of commonplace objects and basic human activities such as eating, drinking or excreting, into instruments of torture. The rationale of making the vehicle of the sin the source of punishment remains, but its expression has become monstrous. This form of parody reached its apotheosis with Hieronymus Bosch and his sinners who are competently roasted and basted on spits like domestic fowls or strung on gigantic harps for a hellish concert. The dance steps performed by the followers of Dunbar's 'sevin deidly synnis' are similarly grotesque. Throughout the poem, each group of dancers is described in terms of a normal courtly recreation. Satan, like any ordinary Christian prince, commands:

> . . . gallandis ga graith a gyis
> And kast up gamountis in the skyis
> That last came out of France. [10-12]

The various 'courtiers' are sinners whose capers are a caricature of actual court entertainment:

> Mony prowd trumpour with him trippit—
> Throw skaldand fyre ay as thay skippit . . . [22-3]

Irony lies in the recognition that these dances are, in fact, tortures; while the carefully controlled tone of the narrator with his sardonic comments precludes any sympathy for the sufferers:

> Quhen thay wer entrit in the dance
> Thay were full strenge of countenance
> Lyk turkas birnand reid;
> All led thay uthir by the tersis,
> Suppois thay fycket with thair ersis
> It mycht be na remaid. [85-90]

Fig. 6 Pervillac. Sin (Lust) with attendant devil. [Photograph: author]

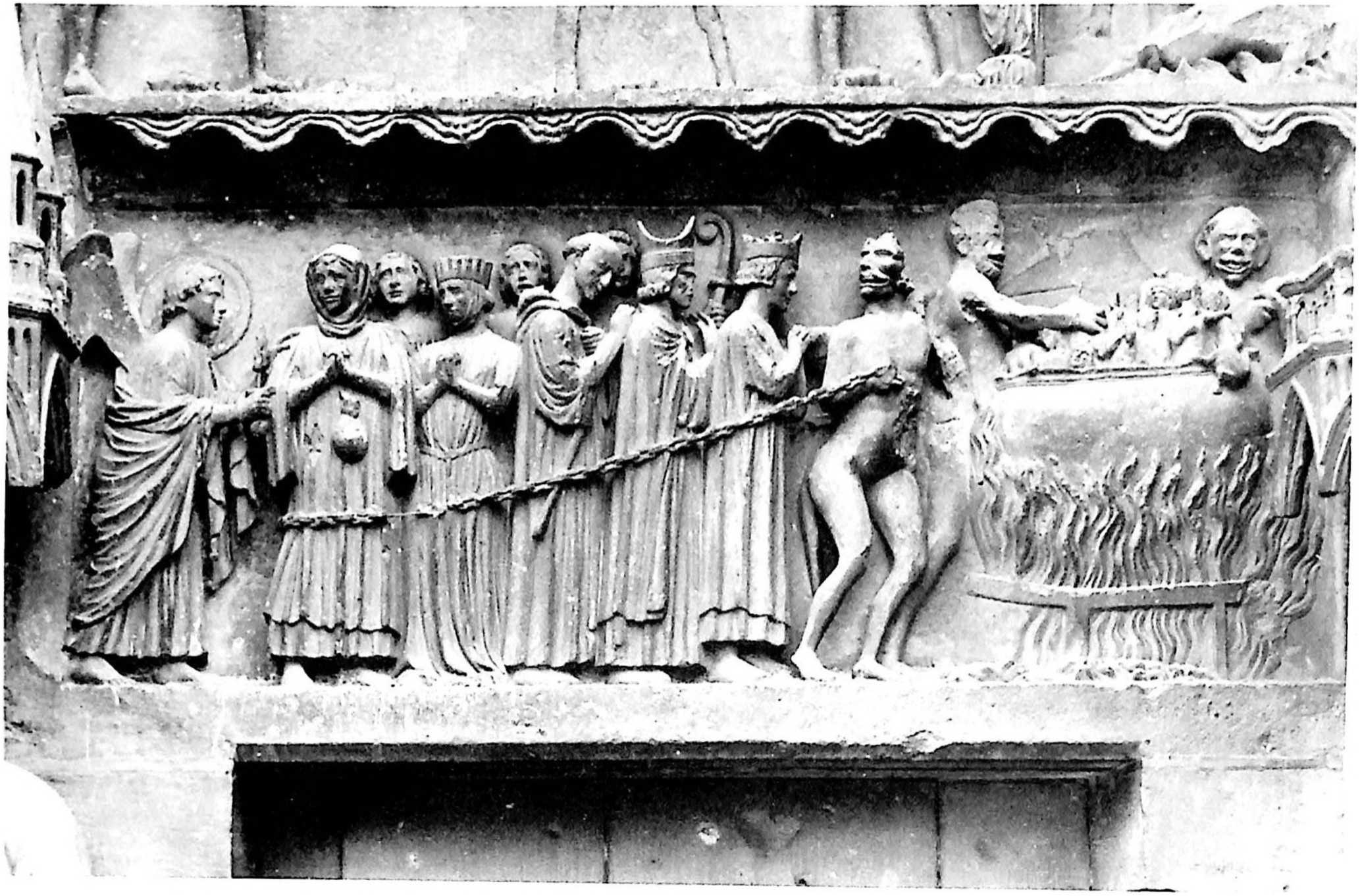


Fig. 7 Reims Cathedral, west facade. Hell scene. [Photograph: Lauros-Giraudon]

Yet the laughter aroused by the antics of these unfortunate 'schrewis that wer nevir schrevin' is essentially demonic and becomes a travesty of the joy of heaven.

Thus the dance motif is the primary vehicle for the grotesquerie of Dunbar's poem, a function which it also performs in the dance of death. In the 'Dance of the Sevin Deidly Synnis' each Sin is a demon who actively draws his hapless followers into the infernal dance: 'He (Sweirnes) drew thame furth in till a chen ie . . .' [73], but does not suffer torture himself. The reference to a chain, of course, recalls the linked Sins of the wall paintings of south-east France. Other examples, however, make a more explicit parallel in that each personified Sin is accompanied by an individual demon who lures his prey down the primrose path, as in the frescoes of the valley of the Lot (fig. 6, Pervillac).

In the conventional dance of death a similar grotesque contrast conveys the essential irony of the theme. Various living persons are arrested in the midst of their routine human occupations and confronted by a supernatural power that mocks them. With one or two exceptions, the response of each victim is one of pain, fear, and horror which contrasts with the unfeeling laughter of the corpse-skeletons. The antics of these agents of death as they cavort before their unwilling partners is a perversion of the earthly delights that they have come to interrupt just as their corpse-like forms are a parody of the human body. Again the primary effect is created by the movement of the figures and is more clearly seen in the illustrations of the *danse macabre* than in the text.

Both the dance of death and the procession of the sins had seized upon formal patterns of order and hierarchy to present disorder and anarchy. There is something basically subversive about such a technique that may have appealed to Dunbar with his penchant for stylistic experimentation and elaboration that often expressed itself in parody and satire. In the dance of death, the representation of the fixed estates of society is essential to its theme of the vanity of worldly power and success (Mohl 1962: 261–62). Death appears as the great leveller before whom popes and beggars must bow down. Each estate has an essential weakness or sin which is pointed out by Death so that death is seen more as a punishment than as a disinterested natural process. Whyte (1931: 51) brings this out in her study, and a broad survey of the best-known versions confirms her conclusion. In fact, only those who are without worldly pretensions, such as a sincere religious or an honest peasant, are able to join the dance of death with a sense of peace or resignation. A similar rôle of social equaliser is played by the Devil, who, until the fourteenth century, had commonly been associated with death in Christian imagery following Augustine's identification, '*diabolus auctor mortis*' (Meyer-Baer 1970:222, 271). Under his direction in the procession of sinners the rich and powerful finally achieve their proper place in the supernatural economy. For example, in the vision of Hell carved on the west facade of Reims Cathedral, a devil loops his chains around all classes of men to drag them towards their final destination (fig. 7). In the processions of sins, each class is singled out by its dominating vice: the proud nobleman, avaricious merchant, envious courtier, choleric soldier, and lazy beggar. But they are all headed in the same direction. Dunbar's vision, too, neatly classifies its sinners according to their

social vices and suggests the various estates from which they come. In fact, this cataloguing of actual sins is the only serious and unambiguous note in the entire poem.

For after all consideration of the two themes in the visual arts, the dance of death and the procession of the sins, and the parallels to them that exist in Dunbar's 'Dance of the Sevin Deidly Synnis,' it must be admitted that the combination of the two effected by the poet creates a new and different perception of reality. His poem apparently reflects some aspects of pre-Lenten court entertainment in which burlesque and parodies of chivalry played a leading part (MacDiarmid 1908: 137 and Kinsley 1979: 335–9). European courts had continued a long tradition of comic plays and dances centred on major festivals, such as Shrove-tide; and the Scottish court, following the lead of these courts, especially that of Burgundy, used such entertainments as a way of developing the image of the court as a centre of power (Wormald 1981: 18). Paradoxically, such festivities served both to perpetuate the values of the community, in this case the personal authority and rule of the king, and to criticise the political order (Davis 1975: 97). Contemporary Shrove-tide plays in Nuremburg, for example, incorporated various social estates, representing a variety of fools, in the morris dance; and Dunbar's own 'Dance in the Quenis Chalmer' is an imaginary morris dance performed by courtiers in a grotesque parody of court life (Jung 1987). Thus the licence of carnival allowed a vision of Hell that was not only the antithesis of Heaven but also a comic inversion of James IV's court, the external world of both poet and audience.

It was precisely this sense of 'le monde à l'envers' that Dunbar recognised in the popular visual themes. At the same time, the sense of alienation and absurdity is extended by the conspicuous absence of any real order or purpose. Although the narrator says he saw 'baith hevin and hell,' there is no reference to divine order or mercy, no tranquil virtues to balance the obscene activity of the sins. Instead, we have the ridiculous entrance of Macfadyne and the joke about the Erschemen that defuses whatever fear and horror may have been aroused by the earlier part of the poem. On 'Fasternis evin' not even Hell is to be taken seriously. In earlier traditions the purpose of the infernal vision was doubtless to encourage repentance on the part of sinners and to demonstrate the ultimate triumph of good over evil. The grotesque was subordinated to a broader frame of Christian teaching. However, in Dunbar's poem, as in the paintings of Bosch, that frame was gradually distorted and lost, releasing the grotesque images to form a world of their own. The 'Dance of the Sevin Deidly Synnis' comes close to a triumph of evil.

Both the dance of death and the procession of the sins with their essentially pessimistic and anti-establishment messages contain the seeds of this revolt. Perhaps the fear of political and economic chaos that haunted Europe in the fifteenth century encouraged a perception of an ambiguity and disillusionment rooted in human experience. Although Scotland in fact enjoyed a period of political and economic stability during the fifteenth century, she was not immune to common social changes that included both increased pressures on the nobility and a disequilibrium produced

by the emergence of a new and powerful middle class (Brown 1977: 1–9). Her reliance on the personal power of the king rather than on centralised institutions to maintain order, and the repeated minorities of the Stewart kings (Brown 1977: 50), would have underlined the potential chaos underlying the fragile surface of peace and prosperity. The 'official' response to potential anarchy in Europe was to emphasise conservative values, to uphold moral and political authority (Bakhtine 1970: 17–18). Not surprisingly, this high seriousness and dogmatism provoked a popular reaction that sought at least a temporary release from the restrictions of the real world by the abolition of hierarchical order and its replacement by the grotesque and the comic. That is the reason why Dunbar's hell is truly a carnival in which sin is a joke while cosmic fear and horror are dissolved in laughter. By combining two commonplace moralities of his time and exploiting the irony and parody implicit in them, Dunbar has essentially undermined their original message. The 'Dance of the Sevin Deidly Synnis' is a mockery of conventional order that perceives an inhuman world of alienation and moral anarchy. The demonic has been invoked but scarcely subdued.

NOTES

1 The text used is *The Poems of William Dunbar*, ed. James Kinsley 1979. Kinsley's title, 'Fasternis Evin in Hell,' is based on the first line of the poem.

2 The definitive study of the development of this concept in the Middle Ages is Bloomfield 1952. The influence on literature in general of the new emphasis on penance stemming from the Lateran Council is discussed on pp. 90, 143 and 429. The place of Dunbar's poem within the whole tradition is outlined on pp. 237–8.

3 Helena Shire, Robinson College, Cambridge, had reliable first-hand reports by Berta Gallart of Palafrugell of such processions in Catalonia in the 1960s.

4 Bloomfield 1952: 376 n. 158 and 379, n. 310 cites examples of these images in English buildings and manuscripts.

5 For the history and description of this monument, see Rosslyn [N.D.]; Richardson 1964: 37–51; MacGibbon and Ross 1896: 151–79; Cruden 1986: 186–204. At some point during restoration or repair part of the lintel was reversed accidentally to place the figure of Avarice among the works of mercy (!) on the east side of the lintel and Charity among the seven deadly sins.

6 Family historian, Father Richard Augustine Hay 1700, quoted by Richardson 1964: 37. MacGibbon and Ross 1896 warn against accepting at face value this statement by Father Hay (170), but they emphasise elsewhere (vii) the 'abundant evidence' that French master-masons were employed by James IV and James V, including a regular court appointment held by several Frenchmen. These men would provide another potential source for the introduction of French iconography within the circle of the Scottish court.

7 Comprehensive studies of the dance of death motif in art and literature are to be found in Batany 1984, Clark 1950, Meyer-Baer 1970, Saugneiux 1972, Whyte 1931.

8 Sir William St. Clair became Lord Chancellor of Scotland in 1454 (Rosslyn [N.D.]: 25).

9 A re-evaluation of the chronology of Dunbar's work by MacDiarmid 1980: 126–29 gives 1491 as the most likely date of the 'Dance'.

10 For a representative survey of the various meanings and aspects of the grotesque in art and literature see Kayser 1943, Mermier 1977, Saugnieux 1972, and Sheridan and Ross 1975.

11 The San Gimignano fresco is described by Hughes 1968: 32–33; the Bosch paintings by Gibson 1973; and the Albi frescoes by Mesuret 1967: 233.

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Vita Merlini Silvestris

WINIFRED AND JOHN MACQUEEN

Introduction

The *Vita Merlini Silvestris* ('Life of Merlin of the Forest') occurs in only one manuscript, the 15c BL MS Cotton Titus A XIX, folios 74–75, edited by H. L. Ward (1893) with an introduction and concluding notes, but without translation. Ward included as a parallel text the version of the first section concerning St Kentigern, given in a clumsily truncated form by Walter Bower in his mid-fifteenth century *Scotichronicon* (Bk. 3, Ch. 31). A variant of the story told in the second section is to be found in Geoffrey of Monmouth's poem, *Vita Merlini*, edited by E. Faral (1929: 310–19).

In the same BL manuscript, folios 76–80 are occupied by the anonymous fragmentary *Life of Kentigern*, composed for Herbert, bishop of Glasgow 1147–64 (ed. in Forbes, 1874: 123–33 [translation], 243–52 [text].) This contains only the story of Kentigern's conception and birth. It is possible that both the fragmentary *Life* and the first part at least of the *Vita Merlini Silvestris* are by the same author and were extracted from a more complete version of the *Life of Kentigern*, otherwise lost, apart from the prose lections in the Sprouston Breviary (see below p. 89). The extractor, it may perhaps be assumed, was particularly attracted by stories involving the famous figure of Merlin; he saw however that the birth-story of Kentigern was almost equally remarkable and so included it.

Text*

Section 1

Eo quidem in tempore quo beatus Kentegernus heremi deserta frequentare solebat, contigit die quadam illo in solitudinis arbusto solicite orante ut quidam demens nudus et hirsutus et ab omni bono destitutus, quasi quoddam torvum furiale, transitum faceret secus eum, qui Lailoken vocabatur, quem quidam dicunt fuisse Merlynum, qui erat Britonibus quasi propheta singularis, sed nescitur. Quem cum vidisset sanctus Kentegernus, fertur eum in dicendo taliter convenisse: 'Adiuro te, qualiscumque es creatura dei, per patrem et filium et spiritum sanctum si ex parte dei es et in deum credis, ut mecum loquaris, exprimens quis es et cur in hac solitudine solivagus silvestribus comitaris bestiis.' At concito demens cursum cohercens, respondit: 'Ego sum christianus, licet tanti nominis reus, in hac solitudine dira paciens fata que pro

* The translation follows on p. 83.

peccatis meis mihi sunt cum feris predestinata, quoniam non sum dignus inter homines mea punire peccamina. Eram enim cedis omnium causa interemptorum qui interfecti sunt in bello cunctis in hac patria constitutis satis noto, quod erat in campo qui est inter Lidel et Carwannok, in quo etiam prelio celum super me dehiscere cepit. Et audivi quasi fragorem maximum vocem de celo mihi dicentem: ''Lailochen, Lailochen, quia tu solus omnium istorum interfectorum reus es sanguinis, tu solus cunctorum scelera punies. Angelis enim Sathane traditus usque in diem mortis tue conversacionem habebis inter bestias silvestres.'' Cum autem ad vocem quam audivi meum direxi intuitum, vidi splendorem nimium quem natura humana sustinere non potuit. Vidi etiam innumerabiles phalanges exercitus in aera fulguri similes chorusco, lanceas igneas et tela scintillancia in manibus tenentes, que crudelissime in me vibrabant. Unde extra meipsum conversum spiritus malignus me arripuit ferisque silvestribus, sicut ipse contemplaris, predestinavit.' Et hiis dictis prosiluit in loco inde nemorum infrequencia feris dumtaxat ac avibus nota. De cuius miseria Kentegernus beatus valde compassus, procidit in faciem suam super terram, dicens: 'Domine Jhesu, hic miserorum miserimus hominum, quomodo in hac squalenti degit solitudine inter bestias ut bestia, nudus et profugus et herbarum tantum pabulo pastus. Sete et pili sunt feris ac bestiis tegmina naturalia, herbarumque virecta, radices et folia propria cibaria. Hic frater noster formam, nuditatem, carnem, sanguinem et fragilitatem, sicut unus habens ex nobis, omnibus caret quibus humana indiget natura, preter dumtaxat aerem communem. Quomodo igitur pre fame et algore et inediarum universitate inter bestias vivit silvestres? Flevit igitur pietatis lacrimis genas profusus pius presul Kentegernus, solito arcius pro dei amore solitudinari se tradere discipline. Opitulabatur etiam domino precibus obnixis pro illo silvestri homine misero, immundo et energuminoso ut calamitates et erumpne quas paciebatur hic in corpore sue subsisterent anime refrigerium in futuro.

Hic autem demens, ut fertur, postmodum de solitudinibus sepius veniens, sedebat super quandam rupem proclivam, que eminet trans torrentem Mellodonor quasi in prospectu Glascu ad aquilonem partem eiusdem loci ecclesie, multociens inquietavit clamoribus horrisonis sanctum Kentegernum et clericos eius divine contemplacionis operi vacantes. Presagavit enim ibi multa futura ac si propheta. Sed quia numquam repetere solebat que predixerat, quamquam erant valde obscura et quasi non intelligibilia, nullus ei credere presumebat. Sed quasi verba nugatoria quedam retinebant et scripture commendabant. In die autem qua de huius mundi miseriis migrare debuerat demens iste, ut suevit, ad rupem pervenit prefatam, beato Kentegerno missam mane celebrante, eiulans et clamans magnaque voce rogitans ut ab illo christi corpore muniri et sanguine merereturetur, antequam de hoc seculo transitum faceret. Cuius clamoris irreverenciam beatus Kentegernus cum ferre non posset, misit aliquem clericum qui silencium illi indiceret. Cui miser felix piis et mitibus verbis respondens ait: 'Vade, precor, domine mi, ad beatum Kentegernum et eius gracie caritatis opitulare quatenus viatico me dominico munire dignetur, quoniam de hoc seculo nequam hodie per illum

feliciter transibo.' Cum autem episcopus hec ab ore clerici audisset, pie subridens dixit circumstantibus pro energumino vociferante illi obnixe supplicantibus: 'Nonne vos omnes ceterosque nonnullos miser iste suis sepe verbis seduxit vitamque energuminosam inter feras silvestres multis annis deduxit nec communionem christianam novit? Quapropter mihi non credo esse salubre tantum illi munus donare. Sed perge' inquit cuidam clerico suorum 'et interroga eum de qua morte morietur et si hodie sit moriturus.' Perrexit igitur clericus dicens dementi, sicut ei iniunctum fuerat ab episcopo. Cui respondit demens: 'Quia hodie lapidibus obrutus et fustibus defungar.' Clericus vero regressus ad episcopum dixit ei quod audierat ab ore dementis. Episcopus autem: 'Regredere' inquit ad clericum dicens 'quoniam non credo huic sermoni quod ita sit moriturus. Sed dicat verius quando et qua morte morietur.' Hoc autem dixit episcopus, si forte miser ille verax et in sermone stabilis saltem in ultimo die vite eius inveniri posset, quia numquam eundem quem prius dixerat solebat repetere sermonem sed semper in obliquo per transversum coniecturare. Interrogatus igitur a clerico iterum demens dixit: 'Hodie corpus meum perforabitur veru ligneo acuto et sic deficiet spiritus meus.' Regressus denuo clericus ad episcopum, dixit quod ab amente audierat. Episcopus autem convocatis clericis suis dixit: 'Modo quoque vos ipsi audistis quia in nullo verbo servat modum, quapropter timeo favere eius peticioni.' Dixerunt ergo clerici eius: 'Domine pater venerande, ne irascaris nobis si adhuc semel pro illo dileccioni vestre opitulemur. Probetur adhuc tercio si forte in aliquo verbo fidelis valeat inveniri.' Episcopus igitur tercio mittens clericum interrogavit miserum felicem qua nece vitam finiret. Demens vero ita respondit: 'Hodie in undis absorptus vitam presentem terminabo.' Ad quod responsum clericus nimium indignatus dixit: 'Stulte agis, frater inepte, cum sis homo fallax et mendax quod ab homine sancto et verace poscis muniri cibo spirituali, quem tantum fidelibus ac iustis licet dari.' Miser autem demens sed iam felix, recuperato sensu a domino, in lacrimis redivivis statim prorumpens, dixit: 'Heu mihi miserimo, domine Jhesu, quamdiu fata tam dira perpeciar, quamdiu tot tormentis afficiar? Cur etiam modo a fidelibus tuis sum repudiatus, cum huc a te sim destinatus? Ecce non credunt verbis meis, cum nichil aliud illis prefatus sim quam quod mihi tu inspirasti.' Conversus igitur ad clericum dixit: 'Veniat quam maxime obsecro ad me episcopus ipse cuius patrocinio a domino in hac die precipue sum delegatus et afferat secum sacrosanctum quod postulo viaticum et audiet mandatum quod dignatus est illi per me significare.' Venit igitur episcopus, multis clericorum precibus superatus, deferens secum panem et vinum sacratissimum. Quo appropinquante, descendens miser felix de rupe cecidit in faciem suam ante pedes episcopi, in huiusmodi verba prorumpens: 'Salve, pater venerande, summi regis miles electe. Ego sum miser ille inermis, qui olim tibi in heremo apparens, fata paciens mea solivagus et erroneus, angelis adhuc sathane traditus. Sed et a te per deum vivum et verum in nomine trinitatis coniuratus, causam mee calamitatis enarravi. Pro cuius etiam erumpnis et miseriis pietate sauciatus, si retines, domino cum lacrimis preces fudisti quatenus omnes angustias et infortunia, que in hoc seculo paciebar in corpore, in

gaudium mihi converteret sempiternum, recolens nimirum apostoli verba dicentis quod non sunt condigne passiones huius temporis ad futuram gloriam que revelabitur in electis dei. Et quia oraciones tuas mei misertus exaudivit dominus, hodie in meipsum reversum et in deum patrem omnipotentem, sicut decet christianum chatholice credentem ut verbis meis credas, hiis signis munitum, tibi hodie pre ceteris electis specialius me misit ut per suscepcionem sacrosancti corporis et sanguinis eius ad illum hodie me remittas.'

Cum autem audisset beatus presul Kentegernus illum hunc esse qui dudum in heremo illi apparuit et alia multa ab ipso que in hoc codicello scripta non sunt, de incertis ad certa aliquantulum promotus pietateque convictus, lacrimis quoque faciem perfusus, misero deflenti et dei graciam obnixe petenti respondit benigniter dicens: 'Ecce adest corpus et sanguis domini nostri Jhesu Christi qui est perpetua vivencium vita, salus vera in se credencium, gloria eterna se digne sumencium. Quicumque ergo hoc sacramentum digne suscipit, vita vivet et non morietur. Qui autem indigne, morte morietur et non vivet. Idcirco si te dignum tanti doni contemplaris, ecce christi mense impositum. Accede tamen cum timore dei, cum omni humilitate ipsum accepturus, ut ipse Christus te quoque dignetur suscipere, quoniam nec tibi dare neque audeo prohibere.'

Miser autem beatus confestim aqua lotus et unum deum in trinitate fideliter confessus, accessit humiliter ad altare et suscepit pura fide ac sincera devocione incircumscripti sacramenti munimen. Quo percepto, extendens manus ad celum, dixit: 'Gracias tibi ago, domine Jhesu. Nam quod optavi sanctissimum iam consequutus sum sacramentum' et conversus dixit ad beatum Kentegernum: 'Domine, si hodie completa fuerit in me vita temporanea, sicut a me accepistis, Regum britannie prestantissimus, Episcoporum sanctissimus, Comitum nobilissimus in hoc anno me sequentur.' Respondit episcopus: 'Frater, adhuc permanes in simplicitate tua? Non expers irreverencie? Igitur vade in pace et dominus sit tecum.' Lailoken autem, pontificali benediccione suscepta, prosiluit inde, velut capreolus de laqueo venantis ereptus, solitudinis petens letus frutecta. Sed quoniam ea que a domino sunt predestinata nequeunt pretermitti quin ea oporteat fieri, contigit ut eodem die a quibusdam regis Meldredi pastoribus usque ad mortem lapidatus ac fustigatus, casum faceret in mortis articulo ultra oram Travedis fluminis preruptam prope opidum Dunmeller super sudem acutissimam que in aliqua piscaria erat inserta et transfixus per medium corpus, inclinato capite in stangno, spiritum, sicut prophetaverat, domino transmisit. Hec autem cum cognovissent beatus Kentegernus et clerici eius consummata videlicet ita esse que de se presagierat energuminus ille, credentes et timentes ea proculdubio fore futura que de residuis predixerat, ceperunt omnes pavere et lacrimis genas uberime perfundere nomenque domini in omnibus collaudare, qui est in sanctis suis semper mirabilis et benedictus in secula seculorum. Amen.

Section 2

Fertur quod Lailoken a regulo Meldredo dudum captus et in opido suo Dunmeller loris convinctus tenebatur ut aliquod novum ab illo rex audire mereretur. Ille vero triduo ieiunus permanens nulli penitus, licet a multis conveniretur, dedit responsum. Tercio quoque die regulo in aula celsiori assidente sedili intravit uxor eius, arboris folium suo peplo involutum nobiliter gerens in capite. Quod regulus videns manu attraxit et attrahendo in minuta frusticula discerpsit. Quo viso Lailoken demens cepit in altum prorumpere risum. Cumque illum solito hillariorem rex Meldredus conspiceret, convenit eum blandis verbis dulcissime dicens: 'Amice mi, Lailoken, dic mihi obsecro quid risus portenderit, quem argute stringendo auribus nostris tinnire fecisti et liberum eundi quo vis te dimittam.' Ad hoc confestim Lailoken respondit: 'Tu me cepisti et vinciri loris iussisti, gliscens novum aliquod audire oraculum. Quapropter problema novum de nova tibi proponam materia. De veneno stillavit dulcedo et de melle amaritudo. Sed neutrum ita, licet verum manet utrumque. En proposui questionem. Dic si potes solucionem et me liberum ire dimitte.' Regulus respondit: 'Hoc problema valde est perplexum cuius nescio solvere nexum. Dic igitur aliud apertius sub premissa condicione.' At Lailoken priori simile problema protulit dicens: 'Bonum pro malo fecit iniquitas, e converso reddidit pietas, sed neutrum ita, licet verum manet utrumque.' Regulus dixit: 'Noli ultra loqui per coniecturas sed palam nobis cur risisti et questionum soluciones quas protulisti et liber a vinclis eris.' Lailoken respondit: 'Si palam loquutus fuero, vobis inde mesticia, mihi autem mortifera orietur tristicia.' Ad hec regulus: 'Quamquam' inquit 'ita futurum fore contigerit, nichilominus audire hoc volumus.' Lailoken siquidem intulit regulo: 'Tu quoque cum sis iudex sciencia preditus, dic mihi prius unius pragmatis iudicium et tuis postmodum iussis parebo.' Regulus respondit: 'Dic cito causam ut audias iudicium.' Lailoken dixit: 'Qui summum honorem confert inimico et supplicium pessimum amico, quid meretur uterque?' Respondit regulus: 'Talionis vicem.' 'Recte' inquit Lailoken 'iudicasti. Proinde nimirum uxor tua promeruit coronam, tu vero pessimam mortem. Sed non ita, licet verum restat utrumque.' Regulus dixit: 'Cunctorum que facis fucus opacitate concluditur. Edissere ergo nobis obsecro has questiones et quicquid honeste potest persolvi si postules, tibi dabo.' Respondit Lailoken: 'Unum valde dabile postulo, libertate non pretermissa, videlicet ut tradas corpus meum sepulture ad partem huius opidi orientalem in loco funeri fidelis defuncti competenciore haut longe a cespite ubi torrens Passales in flumen descendit Tuedense. Futurum est enim post paucos dies trina nece me moriturum. Cum autem confurcacio ampnis utriusque contigua fuerit tumulo meo, pactor britannie gentis dominabitur adulterine.' Hec dicendo signavit excidium britannorum et iterum eorum divorcii reformacionem esse futuram. Hec illo et alia protrahente et que audire optabant fictius differente, regulus ac regula eorumque curia, concessa funeris postulacione, cum iuramento affirmaverunt ut liberum et incolumem illum quo vellet ire dimitterent. At Lailoken, loris solutis, stans fuge paratus

huiusmodi verba exorsus est dicens: 'Quid est amarius felle muliebri quod ab inicio serpentino infectum est veneno? Quid autem dulcius iusticie censura per quam mites et humiles a felle impiorum defenduntur? Hec quippe mulier uxor tua summum honorem hodie suo contulit inimico, tu vero amicum fidelem conscidisti in frustula. Sed neutrum ita, quia hoc faciens bene facere existimasti. Illa vero honoris quem inimico conferebat prorsus erat ignara. Secundum problema huic est simile. Tunc iniquitas fecit bonum cum mulier nequam suum veneraretur proditorem. Tunc pietas fecit malum quando vir iustus suum fidelem occidit amicum. Sed neutrum ita, quia inscius facti fuit uterque. Regula enim paulo ante in orto reguli adulterante, descendit folium arboris super caput eius ut illam traduceret regique adulterium manifestaret, quod in peplo suo involutum coram omnibus regula super caput suum in aulam portando venerabatur. Quod cum vidisset rex protinus digitis attraxit et attrahendo digitis suis minutatim decerpsit. Hoc est quod mulier honorem contulit inimico qui facinus suum prodere voluit. Et quia rex iniuriam fecit amico qui ut crimen evitaret illum premunire decrevit.' Lailoken hiis dictis solitudinis squalena invia petente nulloque illum persequente omnes pariter nutare ceperunt. Mecha vero cum lacrimis machinans dolum, regulum quam dulcibus cepit allicere sermonibus dicens: 'Noli, domine mi rex venerande, huius dementis credere verbis quoniam, ut credi fas est, nichil aliud coniecturando fecit quam querere a nexibus solvi et dimitti. Quapropter, mi domine, cum complicibus presto sum ydoneis me de obiecto crimine purgare. Ipse quoque audisti nobiscum quatenus seductor ille pessimus dixit se ter moriturum quod proculdubio est impossible, quoniam in nullo semel defuncto mors iterari potest. Utrumque ergo pari patet mendacio, propterea si propheta vel vates fidelis esset, numquam se capi permitteret seu ligari a quibus vellet postea erui. Quamobrem si illum persequi desistas, nostrum opprobrium et regni tui iniuriam fovere videberis. Tu ergo quia honor regis iudicium diligit, non debes tantum scelus impunitum transire, ne forte illi parcendo honor regni insolescat.' Ad hec regulus resondit: 'O mulierum stultissima! si verbis tuis obtemperare anelavero, tu mecharum fedissima fueris probata, ille autem veridicus propheta. Dixit enim: ''Si palam referam que postularis, vobis inde mesticia, mihi autem letalis orietur tristicia.'' Nostra iam quippe patet tristicia, sua vero quamdiu superfuerit patet mesticia.' Mulier hiis dictis uberius in lacrimis prorumpens, quia quod voluit non valuit, clam morti Lailoken parabat insidias. Post aliquot quidem annos contigit Lailoken illo die quo divino erat premunitus viatico occidente iam sole transitum facere per campum secus castellum dummeller. Quo a quibusdam comperto pastoribus qui erant in illum a nequam femina incitati, sicut predixerat et super-inscriptum est, ita de illo diffinitum esse audivimus. Cuius, ut dicitur, corpus exanime rex tradidit sepulture in loco videlicet quem ipse adhuc vivens sibi preelegerat. Porro opidum istud distat a civitate Glascu quasi triginta miliaribus. In cuius campo Lailoken tumulatus quiescit.

Sude perfossus, lapidem perpessus et undam,
Merlinus triplicem fertur inisse necem.

Translation

Section 1

At that time when blessed Kentigern[1] used to frequent the desert wilds,[2] it happened on a certain day, as he was intently praying in a thicket in the wilderness, that a certain madman, naked and hairy and devoid of all worldly possessions, crossed his path like a raging beast. He was called Lailoken.[3] Certain people say that he was Merlin[4] who was regarded by the Britons as unique in his powers of prophecy, but the identification is uncertain.

When St Kentigern saw him, it is said that he greeted him in the following words: 'I adjure you, whatsoever kind of God's creature you are, in the name of the Father, Son and Holy Spirit, if you are on God's side and believe in God, to speak to me, explaining who you are and why you wander alone in this wilderness, a companion to wild beasts.'

And the madman immediately stopped running and replied: 'I am Christian, although guilty of so great a crime, suffering in this wilderness the evil fate which was predestined for me, to live with the beasts for my sins, since I do not deserve to suffer my punishment in the company of men. For I was the cause of the slaughter of all the slain who were killed in the battle,[5] well known to all the inhabitants of this country, which was fought in the plain that lies between Liddel[6] and Carwannok.[7] In this battle also the sky began to yawn open above me and I heard a voice like the sound of thunder, speaking to me from heaven: "Lailoken, Lailoken, because you alone are guilty of the blood of all those that have been killed, you alone will pay the penalty for the sins of all. For you will be handed over to the angels of Satan and you will consort with wild beasts until the day of your death."

When I directed my gaze towards the voice which I heard, I saw a brilliance greater than human nature could endure. I also saw the innumerable battalions of an army in the air, holding in their hands fiery spears like the flash of lightning and sparkling weapons which they brandished savagely against me. Then when I was beside myself, a malignant spirit seized hold of me and assigned me to the wild beasts, as you yourself see.'

And with these words he leapt away from there into the unfrequented parts of the wood, known only to beasts and birds.

Blessed Kentigern felt great compassion for his wretchedness and fell on his face upon the earth, saying: 'Lord Jesus, this most wretched of wretched men, how has he lived in this squalid wilderness, like a beast among beasts, naked and on the run, his only food the grass! Bristles and skins are the natural coverings of animals and wild beasts and their appropriate food green blades of grass, roots and leaves. This our brother has shape, nakedness, flesh, blood and frailty, just like one of us, yet lacks everything which human nature requires, with the sole exception of the common air we breathe. How then does he live among wild beasts in spite of hunger, cold and a complete lack of anything to eat?'

So the holy bishop Kentigern wept, his cheeks drenched in pious tears, devoting himself more strictly than usual to the discipline of solitude for the love of God. He sought to obtain help from the Lord also with earnest prayers for that wild man, wretched, unclean and possessed of the devil, in order that the misfortunes and sorrows which he was enduring here in the body would stand as refreshment to his soul in the world to come.

Now this madman, as it is said, afterwards often came out of the wilderness and sat on a certain steep crag[8] which rises on the other side of the Molendinar burn,[9] overlooking Glasgow, to the north of the church of that place. On many occasions he disturbed St Kentigern and his clergy with horrifying shrieks, as they were singing the divine office. For he foretold there many future events, as if he were a prophet, but because he used never to repeat what he had foretold, although his prophecies were extremely obscure and quite unintelligible, no one dared to believe him. But they remembered certain worthless words and entrusted them to writing.

Now on the day on which he was destined to escape from the miseries of this world, that madman, as usual, arrived at the aforesaid crag, while blessed Kentigern was celebrating early morning mass. He was wailing and shouting and kept demanding in a loud voice that he should be deemed worthy to be fortified with the body and blood of Christ, before he passed over from this world. Kentigern could not endure this irreverence of shouting and sent a cleric to enjoin silence upon him. The happy wretch answered him in holy and gentle words, saying: 'Go, I beg you, my lord, to blessed Kentigern and beseech the grace of his charity that he may condescend to fortify me with the Lord's *viaticum*,[10] since today I shall pass over happily with his help from this wicked world.'

Now when the bishop heard this from the lips of the cleric, he smiled in a holy manner and said to those standing around, who were beseeching him earnestly on behalf of the vociferous demoniac: 'Is he not that wretch who often misled all of you, and everyone else as well, with his words and who has led a demoniac life amid wild beasts for many years and has no knowledge of the Christian sacrament? Therefore I do not think that it is profitable for me to give him such a great gift. But go', he said to a certain one of his clerics, 'and ask him about what kind of death he will die and if it is today that he is going to die.'

Therefore the cleric went and spoke to the madman, just as he had been instructed by the bishop. The madman answered him: 'I shall die today, crushed by stones and cudgels.' The priest returned to the bishop and told him what he had heard from the lips of the madman.

'Return to him', the bishop said to the cleric, 'since I do not believe this statement, that he is going to die in this way. But let him tell more truthfully when and by what death he will die.'

Now the bishop said this to see if by any chance that wretch could be found to be truthful and consistent in his speech, because he had never been in the habit of

repeating the same statement that he had uttered before but always spoke ambiguously and obliquely in riddles. Therefore having been questioned a second time by the cleric, the madman said: 'Today my body will be pierced by a sharp wooden stake and thus my spirit will fail.'

The cleric returning again to the bishop said what he had heard from the madman. The bishop called his clergy together and said: 'Now you also have heard for yourselves that he does not observe consistency in any utterance. Therefore I am afraid to agree to his request.'

So his clergy said: 'Lord and reverend father, do not be angry with us, if just once more we beseech your affection on his behalf. Let it be put to the test yet a third time, to see if by chance he is able to be found consistent in some statement.'

The bishop therefore sent a cleric for the third time and asked the happy wretch by what death he would end his life. The madman thus replied: 'Today I will terminate my present life by drowning.' The cleric was very indignant at this reply and said: 'You are behaving foolishly, stupid brother, since you, deceitful and a liar as you are, are asking to be fortified by a saintly and truthful man with spiritual food which is only permitted to be given to those who are faithful and upright.'

The wretched but now happy madman, restored by the Lord to his senses, immediately burst into renewed tears and said: 'Alas for wretched me! How long, Lord Jesus, shall I endure such a dire fate? How long shall I be afflicted with so many tortures? Why am I even now rejected by your faithful, although I have been guided here by you? See, they do not believe my words although I have foretold to them only what you have inspired me to do.'

Turning therefore to the cleric, he said: 'Let the bishop himself come to me as soon as possible, I beg you. To his protection I have been especially entrusted by the Lord on this day. And let him bring with him the consecrated *viaticum* which I demand and he will hear the instruction which God has deigned to impart to him through me.'

Therefore the bishop came, overcome by the many entreaties of his clergy, carrying with him the most sacred bread and wine. As he drew near, the happy wretch came down from the crag and fell on his face before the bishop's feet, bursting out in the following words: 'Greetings, reverend father, chosen champion of the highest King. I am that defenceless wretch who once appeared to you in the desert, wandering alone and astray enduring my destiny, still delivered over to Satan's angels. But adjured by you through the living and true God in the name of the Trinity, I recounted the reason for my disaster. You were stabbed with pity for the sorrows and wretchedness of this disaster, if you recall, and poured forth tearful prayers to the Lord, that he might turn to everlasting joy for me all the distress and misfortune that I suffered in the body in this world, remembering, of course, the words of the Apostle,[11] saying that the sufferings of this time are not worthy to be compared to the future glory which will be revealed to the elect of God. And because the Lord took pity on me and heard your prayers, today, now that I have returned to my true self and believe in God the Father Omnipotent, as a

Christian of the Catholic faith should, so that you may believe my words, fortified as I am with these signs, the Lord has sent me especially to you today, in preference to all the rest of the chosen, in order that you may duly send me to Him today through the taking of his sacred body and blood.'

Now when the blessed bishop Kentigern heard that he was the man who appeared to him in the desert long ago and heard many other things from him that are not included in this little book,[12] somewhat converted from doubt to certainty and overcome with pity, while his face also was drenched in tears, to the wretch who was weeping and earnestly beseeching the grace of God he replied, saying kindly: 'Behold,[13] here is the body and blood of our Lord Jesus Christ who is the everlasting life of the living, true salvation of those who believe in him, eternal glory of those who receive him worthily. Whosoever therefore receives this sacrament worthily will live the life and will not die, but who receives it unworthily[14] will die the death and will not live. Therefore if you consider yourself worthy of such a great gift, look! it has been placed upon Christ's table. Draw near to receive Him in the fear of God with all humility, in order that Christ himself may deign to receive you, since I do not dare either give it to you or withhold it from you.'

The blessed wretch hastily bathed in water, and, faithfully confessing belief in One God in Three, he humbly approached the altar and took up in complete faith and with sincere devotion the fortification of the uncircumscribed sacrament. When he had received the sacrament, he held up his hands to heaven and said: 'I thank you, Lord Jesus, because I have now attained the most holy sacrament which I longed for.' And turning to blessed Kentigern, he said: 'Lord, if temporal life finishes for me today, just as you have heard from me, the most outstanding of the kings of Britain,[15] the holiest of the bishops,[16] and the noblest of the lords[17] will follow me during this year.'

The bishop replied: 'Brother, do you still persist in your folly, without having completely shaken off your spirit of irreverence? Therefore go in peace and may the Lord be with you.'

Lailoken, after receiving the episcopal benediction, leapt away from there like a wild goat set free from the hunter's snare[18] and joyfully made tracks for the desolate waste. But since what has been preordained by the Lord must come to pass, it happened that on the same day he was stoned and beaten to death by certain shepherds of king Meldred[19] and while he was in the throes of death he fell down the steep side of the river Tweed near the town of Drumelzier[20] on to a sharp stake which had been driven into the ground as part of a fish-trap[21] and he was impaled right through the middle of his body. His head fell forward into the water and so, just as he had prophesied, he gave up his soul to the Lord.

When blessed Kentigern and his clergy heard that his prophecies concerning himself, previously uttered when he was possessed of the devil, had been fulfilled, believing and fearing that the rest of his prophecies would undoubtedly come to pass, they all began to be afraid and the tears gushed down their cheeks and they began to praise the name of the Lord in all things, who is always wonderful and blessed in his saints for ever and ever. Amen.

Section 2

It is said that Lailoken was kept prisoner for a long time by underking Meldred, and he was held bound in thongs in his town of Drumelzier in order that the king might be privileged to hear some new prophecy from him. Lailoken remained for three days without food and gave absolutely no answer at all to any one, although he was approached by many people. On the third day, while the underking was sitting in the hall on a lofty throne, his wife came in, conspicuously carrying on her head a leaf from a tree which was caught in her wimple. When the underking saw this, he pulled it off with his hand and, in pulling it off, tore it into tiny pieces. When he saw this, the madman Lailoken began to break into a deep laugh. And, when king Meldred saw him more cheerful than usual, he addressed him with flattering words, saying very pleasantly: 'My friend, Lailoken, tell me, please, what is the meaning of the laughter with which you piercingly assailed our ears, making them ring, and I shall set you free, to go wherever you wish.' To this Lailoken immediately replied: 'You captured me and ordered me to be bound in thongs, eager to hear some new prophecy. Therefore I shall pose you a new riddle on a new subject. "From poison dripped sweetness and from honey bitterness, but neither is so, although both remain true." There, I have posed the question. Give the solution, if you can, and allow me to go free.'

The underking replied: 'This riddle is very puzzling and I do not know how to solve its perplexity. Therefore give me another more obvious riddle under the same condition as before.'

But Lailoken produced a similar riddle to the one before, saying: 'Wickedness returned good with evil and goodness repaid it the other way round, but neither is so, although each remains true.' The underking said: 'Do not speak any more in riddles but tell us openly why you laughed, and the solutions of the riddles which you posed, and you will be set free from your bonds.'

Lailoken replied: 'If I speak openly to you, sadness will be the result for you and for me death-bearing sorrow.' To this the underking said: 'Although this is the way it will turn out to be, nevertheless we wish to hear it.' Lailoken indeed said to the underking: 'But do you, since you are a learned judge, tell me first the judgement of one case and I shall thereafter obey your commands.' The underking replied: 'Quickly tell me the case, so that you may hear the judgement.'

Lailoken said: 'He who confers the greatest honour on an enemy and he who metes out the worst punishment to a friend, what does each deserve?' The underking replied: 'Tit for tat.' 'You have judged correctly,' said Lailoken. 'Therefore without a doubt your wife has deserved a crown, while you have earned the worst kind of death. But it is not so, although each remains so.' The underking said: 'The obscurity of everything you do is wrapped in darkness. Therefore explain these riddles to us, please, and whatever can be honourably granted, if you ask, I shall give you.' Lailoken replied: 'I make one very easily granted request, namely that in addition to giving me my freedom you hand

over my body for burial on the eastern side of the town at a place suitable for the funeral of a dead believer,[1] not far from the turf where the burn Pausayl[2] runs down into the river Tweed. For it will come to pass after a few days that I shall die a threefold death,[3] and at the time when the meeting of the two rivers is close to my grave, the ruler of the British people will hold sway over an adulterous race.' In saying this he indicated the destruction of the Britons, and that there would be a reunification after their separation.[4]

While he was spinning out this narrative and other matters and putting off for feigned reasons what they wanted to hear, the underking and queen and their court granted his request for burial and affirmed with an oath that they would allow him to go free and unharmed wherever he wished. But Lailoken, when his bonds were loosened, standing ready to flee began speaking as follows: 'What is more bitter than a woman's gall, which was infected from the beginning with the serpent's venom? And what is sweeter than just judgement, through which the gentle and lowly are defended from the gall of the wicked? This woman your wife today conferred the greatest honour on her enemy, while you tore up your faithful friend into little bits. But neither action was really so, because in doing this you thought you were doing well, while she was completely unaware of the honour which she conferred on her enemy. The second riddle is similar to this one. Wickedness performed a good deed at that time when the wicked woman showed reverence to her betrayer. Goodness performed a wicked deed when a just man destroyed his own faithful friend. But neither action was really so, because each was ignorant of what they were doing. For a short time before while the underqueen was committing adultery in the underking's garden, a leaf from a tree fell upon her head to betray her and reveal her adultery to the king. By carrying it caught in the wimple on her head into the hall in the presence of all, the underqueen did reverence to it. When the king saw it, he immediately pulled it off with his fingers and in pulling it off he tore it into little pieces with his fingers. This is how the woman conferred honour on her enemy who wished to betray her crime, and how the king did injury to his friend who decided to forewarn him in order that he might avoid the charge.'

With these words Lailoken made for the trackless wastes of the wilderness. No one pursued him, but all alike began to nod significantly. The adulteress in tears and devising guile began to try to win over the underking with speeches as sweet as she could make them, saying: 'Do not, my lord and revered king, believe the words of this madman, since, as one must suppose, he had no other purpose in making his riddles than to seek release from bondage and dismissal. Therefore, my lord, I am ready with apt arguments to clear myself of the charge brought against me. You yourself also have heard along with us how that wicked deceiver said that he would die three times, which is undoubtedly impossible, since, after a person dies once, his death cannot be repeated. Obviously therefore both statements are equally false. Moreover, if he were really a prophet or a trustworthy seer, he would never allow himself to be captured or

bound by those from whom he would afterwards wish to be rescued. So if you cease to pursue him, you will seem to be cherishing the insult to me and the wrong done to your kingdom. Therefore, because the king's honour loves justice,[5] you ought not to allow such a crime to go unpunished, lest it happen that, by sparing him, the honour of your kingdom is lost.'

To this the underking replied: 'Most stupid of women, if I were eager to obey your words, *you* would be proved to be the foulest of adulteresses, while he would be proved to be a true prophet. For he said: 'If I openly report what you demand, there will arise from this sadness for you but death-bringing sorrow for me'. Now indeed our sorrow is obvious, while his sadness is hidden, so long as he survives.'

At these words the woman burst more copiously into tears, because she was not able to get what she wanted and she secretly prepared snares to bring about the death of Lailoken.

After some years it happened that Lailoken on that day on which he had been fortified with the divine *viaticum*, was passing through the fields near Drumelzier castle at sunset. When certain shepherds, who had been stirred up against him by the wicked woman, discovered this, just as he had foretold and as is written above, so we have heard, an end was made of him. The king, as it is said, handed over his dead body for burial in the place which he himself had previously chosen for himself, while he was still alive. That town is thirty miles distant from the city of Glasgow. In its territory Lailoken lies buried.

Pierced by a stake, and having endured stoning and drowning,
Merlin is said to have undergone a three-fold death.

Commentary

Section 1

1 *Kentigern* Bishop and patron saint of Glasgow, d. *c.*612. The principal sources for his life are (1) the fragmentary *Life* already mentioned; (2) the *Life* by Jocelin of Furness composed somewhere between 1175 and 1199 (Forbes 1874: 29–119 [translation], 159–242 [text]); (3) the prose lections in the Office of Kentigern preserved in the Sprouston Breviary written for Glasgow Cathedral *c.*1300 (NLS MS 18.2.13b, fos. 35v–38v, printed in Forbes *op. cit.*: xciv–c) and probably based on a more complete form of the fragmentary *Life* including at least the boyhood deeds as well as the conception and birth of Kentigern. The verse portion depends on Jocelin. (See MacQueen 1956: 107–31; Jackson 1958: 273–357; MacQueen 1959: 175–83; Bromwich 1961: 319–21; MacQueen 1980: 1–21; 1987: 453–70.)

2 *the desert wilds* Early Celtic monasticism was influenced by the practices of the desert fathers of Egypt and Syria, and so the word 'desert' came to be used of any wild

place in which a hermit had settled; *cf.* the place-names Dysart FIF, associated with St Servanus, and Diseart Chonnáin, Dalmally ARG, associated with St Connán. (See W. J. Watson 1926: 256–7.) J. F. Kenney (1979: 468) notes that the reaction against the secularisation of monastic churches, which in Ireland became apparent during the eighth century, showed several characteristics: '(1) the development of the *disert*, attached or in close proximity to the monastic church, where the more devout monks, and the "pilgrims" from other establishments, might lead the life of recluses and at the same time share in the religious work of the church; (2) the change in religious ideals, which were becoming more rigorous and more puritanical; (3) the appearance of a number of leaders who sought to promote and organise these reform tendencies; (4) the rise of the *Céli Dé*.' All these are evidenced in Jocelin's *Life of Kentigern*; note in particular the saint's way of conducting himself in the episcopate (Chs. 12–19), and the claim in Ch. 20 that he was the actual founder of the *Céli Dé* movement. This last is impossible; Kentigern's date is too early; but the claim shows the background against which the versions of the *Life* used as sources by the twelfth-century hagiographers were originally composed.

3 *Lailoken* The word appears to be Welsh *llalogan*, a diminutive of *llalog*, used as a term of friendly but respectful address in the sense 'brother, friend, companion, lord'. The more specific 'twin-brother' is less well attested. See the article by A. O. H. Jarman (1937–9) 'Lailoken a llalogan', and the entries in *Geiriadur Prifysgol Cymru* A Dictionary of the Welsh Language (1950–) *s.v.* 'llalog'.

'Little brother' or 'little lord' is presumably the form of address, half-respectful, half-contemptuous, which a Cumbric speaker might employ towards a madman possessed of unknown, possibly supernatural powers. Note how Kentigern addresses him as 'Brother', and Meldred as 'My friend, Lailoken.'

4 *Merlin* It is fairly certain that Lailoken was in fact the same as the Welsh Merlin (Myrddin), wrongly identified by Geoffrey of Monmouth (Wright 1985: 71 ff.) with the prophetic boy Ambrosius mentioned in Nennius (Morris 1980: 29–31).

The consequent apparent longevity of Merlin gave rise to the idea that there were two Merlins, Merlinus Ambrosius and Merlinus Celedonius or Silvestris. (See H. M. and N. K. Chadwick 1932: 123–32; Jarman 1937–9: 21; Lewis Thorpe 1978: 192–3).

5 *the battle* This is the battle of Arfderydd (Armterid), fought according to 'Annales Cambriae' in 573 (Morris 1980: 45). The 13c B MS gives the additional information that it was fought 'between the sons of Eliffer and Gwenddolau son of Ceidio; in which battle Gwenddolau fell; Merlin went mad.' The annal for 580 identifies the sons of Eliffer as Gwrgi and Peredur. In Geoffrey's *Vita Merlini* (Faral 1929: 307–9, lines 19–69) Gwennolous is defeated by Rodarchus and Peredurus. Merlin is on the side of the latter pair, is driven mad by the death of his three brothers, and becomes a man of the woods. Early Welsh poems, in particular the 'Afallenau' ('Apple-trees') and

'Hoianeu' ('Greetings, little pig'), indicate that Gwenddolau was the much lamented lord of Merlin, and less certainly that Rhydderch led the forces opposed to him in the battle. (See Jarman 1959: 20–30; Bromwich 1961: 208–10, 379–80).

Arfderydd is usually identified with the parish of Arthuret CMB, the present northern boundary of which is formed by the Carwinley Beck, which flows into the Esk a mile below its junction with the Liddel. The modern parish lies on the side of Carwinley Beck away from Liddel, and so does not fully correspond to the location described in the text.

6 *Liddel* Liddel Water ROX.

7 *Carwannok* The name is now represented by Carwinley and Carwinley Beck CMB. Etymologically it may represent 'Caer Wenddolau', the *caer* or fort of Gwenddolau. The name would not originally have belonged to a stream, but the combination with Liddel in the text would suggest that this soon became the case.

An ultimately Welsh or Cumbric origin for the names Arthuret and Carwinley is accepted in *The Place Names of Cumberland* (Armstrong 1950: 51–3) but ignored by the *Oxford Dictionary of English Place Names*.

8 *steep crag* The Necropolis or cemetery to the north of Glasgow Cathedral.

9 *Molendinar burn* The stream which used to run between the Cathedral and the Necropolis, now piped underground.

10 *viaticum* Literally 'provision for a journey'; the term used in the Roman Catholic church for the last communion given to the dying.

11 *the apostle* St Paul; Rom. 8. 18.

12 *this little book* Possibly a reference to the fragmentary *Life* of St Kentigern. See above note 1, and compare 'codiculum stilo scottico dictatum' in Jocelin (Forbes 1874: 160).

13 *Behold . . .* The language here is drawn from the Christian liturgy.

14 *unworthily* 1 Cor. 11. 27.

15 *most outstanding of the kings of Britain* Identified by Jocelin as Rhydderch.

16 *the holiest of the bishops* Kentigern himself.

17 *noblest of the lords* Morthec according to Jocelin. Nothing is known about him.

18 *the hunter's snare* Ps. 123. 7 (Vulgate); 124. 7 (NRB).

19 *Meldred* Unknown outside the two episodes of 'Vita Merlini Silvestris'; the term 'underking', 'regulus' in the Latin text, implies that Meldred was the local king of a comparatively small population group occupying an area corresponding more or less to the medieval Deanery of Stobo, Peebles or Tweeddale in the diocese of Glasgow or to

the modern county of Peebles. He would owe certain duties to the overking of Strathclyde, almost certainly Rhydderch.

20 *Drumelzier* PEB; the seat of underking Meldred.

21 *fishtrap* A cruive, *i.e.* 'a fishtrap in the form of an enclosure or row of stakes . . . across a river or estuary' (*CSD*). In the Tweed it would be intended for salmon.

Section 2

1 *suitable . . . believer* *i.e.* in consecrated ground.

2 *Pausayl* Compare the traditional couplet:

> When Tweed and Pausayl meet at Merlin's grave,
> Scotland and England shall one monarch have.

These lines are quoted by Ward (1893: 525–6) from Alexander Pennycuik (1715: 26–7). Pennycuik claims that on the same day that King James VI of Scotland was crowned king of England (25 July 1603) the River Tweed joined with the Pausayl at the traditional site of Merlin's grave. (See also Scott 1880: 143).

3 *A three-fold death* See 'Prophecy: three-fold death M 341.2.4' (Thompson 1936). See also Jarman 1959; Jackson 1940: 535–50; Carney 1948–52: 83–109). Compare also the three-fold death, apparently ritually inflicted on Lindow Man (Ross 1986: 162–9).

4 *separation* The reference may be to the expansion westwards of the Bernicians under King Aethelfrith, who died in 616. This effectively separated the Britons in Wales from the Britons in southern Scotland. (See Stenton 1971: 78.)

5 *king's . . . justice* Ps. 99: 4 (*NEB*); 98: 4 (Vulgate).

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Book Reviews

The Folk Music Revival in Scotland by Ailie Munro (with a chapter on 'The Folk Revival in Gaelic Song' by Morag MacLeod). Kahn and Averill, London 1984. Pp. 359. £7.50. Accompanying cassette Scotsoun SSC 076, Glasgow 1986. £4.50.

To many musicians the idea of folk music as a still-living tradition is somewhat surprising. We have been 'educated' to the idea that true folk music was a product of rural localities and that the combined effects of rural depopulation and the spread of sophisticated aspects of twentieth-century living (particularly the media) led to decline, with the loss, or potential loss, of valuable folk melodies, some of which were rescued by enthusiastic collectors such as Bartok in Hungary and Vaughan Williams in Britain. Many of us were aware of a continuing though declining legacy of Gaelic folk music, which collectors were still gathering—and examples of which were stored in the archives of the School of Scottish Studies at Edinburgh University, along with recordings of what we thought was a dying breed of Scottish folk singers. For a musician such as myself it is therefore a pleasant surprise to discover in Ailie Munro's book, *The Folk Music Revival in Scotland*, that not only has there been a revival in Scotland, but also that it has been so fruitful that the use of the word 'revival' can almost be considered obsolete—the tradition being so firmly rooted and so continuously nurtured.

In her first chapter 'Setting the Scene' Mrs Munro outlines her definition of folk music, extending the 'oral transmission' *desiderata* of the I.F.M.C. 1954 definition by considering the use of print (whether of words or music) and of disc or tape to be admissible. In Scotland in particular printing has been an important part of keeping folk traditions alive! The continuing evolution and variation of material has demonstrably not been affected. After a brief historical survey, she outlines the problems of twentieth-century musical life, showing the contrast of the Scottish musical renaissance as typified by the concert hall, with that of folk music 'unvarnished rather than rough'; and gives us thumbnail sketches of a possible evening's entertainment at a folk club in a country town, and at a folk pub (Sandy Bell's bar) in the city of Edinburgh. She presents the lively multi-cultured scenes with a sharp eye (and ear!) for detail, and colourfully conveys the characteristic conversational effervescence and the wide-ranging career details of performers and listeners. She concludes the chapter with some consideration of the contribution of competitive festival movements to the revival.

The next chapter surveys the progress of folk music in America, the early-twentieth-century manifestation of which was to play such an important part in the post-Second World War revival in Scotland. To the author, the element of 'protest' is an important part of the life-blood of folk cultures and in these American and Scottish developments

in the industrialised societies, it would seem to be a basic ingredient of progress. She outlines the Trade Union aspects of 'protest' song-making in the United States, stressing in particular the contributions of the lamented Joe Hill, 'The Wobblies' and 'The Almanacs', and demonstrates how the marrying of new topical words to existing known melodies (for example from Country and Western and Salvation Army sources) is itself in the time-honoured tradition of nurturing and keeping alive folk song material. The prevailing poverty of the 'thirties in the States continued to provide fruitful territory for protest, and the folk song developments in the hands of such a figure as Woody Guthrie were impressive and influential in the subsequent revival of a Scottish folk music tradition.

During a bird's-eye account of the early development of folk music in Scotland, repressed as it was by the domination of the Presbyterian Church with its metrical psalm singing, the author attempts to explain why no major Scottish composer emerged with a style more than superficially affected by folk music tradition until this century—a problem not unique to Scotland, as the development of Hungarian folk-influenced music shows through the work of Liszt, Bartok and Kodaly. She shows commendable embarrassment at what the world-at-large has perceived to be Scottish folk music culture (as represented by such figures as Harry Lauder), and points out how a sense of national identity appeared through literary movements prior to a similar development of the folk music tradition—the latter not really getting under way until the 'fifties, with a story of left-wing orientation as in America earlier in the century. The use of American folk and hymn melodies for anti-American (that is, anti-Polaris) sentiments was an interesting paradox. At such a short distance of time from these problems (which incidentally are still with us) it is difficult for an author to preserve that complete scholarly detachment from the actual political issues which is necessary for the basic thesis, and I am not sure that she has always fully succeeded—although she points out that some eminent folk musicians did not consider left-wing bias to be a necessary prerequisite for fueling the folk music tradition.

The core of the book is the chapter entitled 'Songs heard in the seventies' which consists of a set of transcriptions of folk song performances by key figures such as Jeannie Robertson, Lizzie Higgins, Jimmy Hutchinson, Jean Redpath *et al*, which have been preserved on tape and stored at the School of Scottish Studies. The author distinguishes between 'source' singers and 'revival' singers, and shows how the distinctions have been blurred, this being no bad thing. She also explains her own notational system which she describes as a 'compromise'. This seems to me to give the essence of the material—as I hear it on the book's companion tape—in a way which can be appreciated by an informed musical layman. This tape contains treasured performances by the above-mentioned folk singers and many others, mostly unaccompanied. Listening to these performances seems to me to be an essential adjunct to seeing notated versions, and the author herself expresses the hope that the notated versions will serve the purpose of causing her readers to listen to records and tapes of a wide range of folk music material

(despite the indelible stamp they tend to put on particular performances), and, better still, to hear live performances in folk clubs, ceilidhs and folk pubs. She demonstrates, where necessary, the variants of the folk melodies used in individual verses, and in a valuable first appendix has four different versions of five folk songs, with variants of tunes and words as conveyed by four different singers of each song. Both 'source' and 'revival' singers are used here as elsewhere, the latter category employing either print or recordings for their material. One of these five songs, 'The banks o' red roses', is demonstrated in sound in four different performances on the tape, and the differences of tune detail, tempo, nuance and ornamentation are fascinating to study. Throughout this chapter and Appendix I, the author provides detailed commentaries on matters of text and tune and identifies the mode.

Morag MacLeod of the School of Scottish Studies (a native of Harris) provides a beautifully written and succinct chapter on 'The Folk Revival in Gaelic Song.' The familiar causes of decline are outlined, and the measures taken to stem this trend, her final judgments being marginally more optimistic than I had imagined they would be—for example, in her statement that some of the original songs bowdlerized by Marjory Kennedy Fraser can still be heard in their pristine state in the Islands. This chapter whets my appetite for what I hope might eventually be a book on the Gaelic tradition. Miss MacLeod clearly has so much to offer, which can only be hinted at in a single chapter. Additionally, two Gaelic songs are sung on the tape—which throughout has singers of spirit, imbued with the traditional styles which they have inherited, re-emphasising Ailie Munro's point that vocal training is totally unnecessary in this art. To what extent it is an actual handicap, as the author and others suggest, is a matter of opinion. I would hope that trained singers would not feel discouraged in singing some of this repertoire, and I am pleased that the author does not suggest that they should bypass it. I would have thought that the result of good training should be a naturalness and spontaneity of delivery appropriate to folk-song, though I would agree that this does not always occur.

A splendid chapter on 'The Travelling People' is provided by Ailie Munro (who has studied the singing of Jeannie Robertson) showing how central to the Scottish folk music tradition is their contribution, not least in the aspect of spoken story-telling which assists in setting the atmosphere: she quotes a full-length story.

A chapter entitled 'Signposts' puts forward a number of discussion-points such as the class of society in which folk music flourishes—namely, the lower classes—and the extent to which feminist causes are taken care of in these traditions (not too well, I fear!) She ventures opinions on the state of art music today, and has a special word of praise for such a 'bridge builder' as the composer Ronald Stevenson, who incorporates elements of folk traditions in a number of works.

The second appendix analyses the extent to which Scottish school and further education institutions nurture the traditions of Scottish folk music. Obviously, caring treatment of these traditions in schools is important. Indeed, in an earlier chapter the

author showed school folk singing groups under an enthusiastic teacher to be helping on the revival in its earlier days. This care for true indigenous traditions is not, however, universal in the educational system, as the author makes plain.

Altogether I have found this book enjoyable and thought-provoking; it is full of valuable information, and benefits from the insight born of the author's own experience as a trained musician. The musical examples both in print and in the accompanying sound-tape, together with the careful analyses of verbal and musical procedures, are especially important. The sources of all her quotations are assiduously acknowledged. Ailie Munro's book deserves the widest possible circulation.

LEON COATES

Books Received

Some of these books may be reviewed later in *Scottish Studies*

Close to the Floor: Folk Dance in Newfoundland by Colin Quigley. Folklore and Language Publications. Memorial University of Newfoundland, St John's 1985. 128 pp. $10.

Singer, Song and Scholar, edited by Ian Russell, Sheffield Academic Press 1986. 178 pp. £8.95. [Papers given at Conferences organised by the English Folk Dance and Song Society between 1982 and 1984.]

Middle Scots Poets: A reference guide to James I of Scotland, Robert Henryson, William Dunbar, and Gavin Douglas by Walter Scheps and J. Anna Looney. G. K. Hall, Boston, Mass. 1986. 292 pp. [N.P.]

Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society by Keith M. Brown. John Donald, Edinburgh 1986. 300 pp. £25.

Ayrshire Abbeys: Crossraguel and Kilwinning by Ian B. Cowan. Ayrshire Collections Vol. 14 No. 7. Ayrshire Archaeological and Natural History Society 1986. 30 pp. £1.25.

Scotland Through the Ages, written and photographed by Michael Jenner. Michael Joseph, London 1987. 256 pp. £14.95. [A colour photograph on almost each page.]

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Scottish Pottery: A brief history by Graeme Cruikshank. Shire Publications, Aylesbury 1987. 32 pp. £1.25. [Illustrated with photographs.]

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(Titles of contributions appear in bold type, and names of contributors in small capitals)