

## Imaginings and Reproductions of Blood Feud: Sir Walter Scott's *The Fair Maid of Perth*

Robert Mackay\*

Brunilda Pali\*\*

**Abstract:** *This paper explores the practice of the blood feud refracted through the prism of Walter Scott's *The Fair Maid of Perth* (1831), which is set in late 14<sup>th</sup> century Scotland. Analysis of emerging themes reveals some important insights for Law and Literature. We examine the relationship of the blood feud with a number of these themes, which fall under the structural headings of socio-political conditions, social ethos and values, and mechanisms of conflict management. The location of our study within the critical framework of Lukács's work, *The Historical Novel*, provides support for the case for Scott's verisimilitude, whilst Scott's own anticipatory perspective on feuding suggests the viewpoint of *la longue durée*. These insights in turn prompt reflections about the survival and continuation of blood feuding as a form of life in contemporary societies.*

**Keywords:** Law and literature, blood feud, conflict resolution, historical novel, *la longue durée*, Walter Scott

### 1. Introduction

*"Distance remains, but feelings of strangeness and connection are not incompatible."* (Nelson 2019, p. 3)

---

\* Associate - Restorative Justice for All International Institute.

\*\* Senior Researcher, Leuven Institute of Criminology, KU Leuven

♦ **Acknowledgements:** We acknowledge the community of the *European Forum for Restorative Justice*, which has brought together so many practitioners, policy makers, teachers, researchers and scholars; and under whose friendly umbrella so many creative conversations have been generated.

**Declaration of Interest:** The authors have no funding interests to declare.

This paper explores the practice of the blood feud refracted through the prism of Walter Scott's *The Fair Maid of Perth* (1831/1969), which is set in late fourteenth century Scotland<sup>171</sup>.

In conducting this study, we draw on literary criticism, techniques from ethnography, and historiography. *First*, we place the novel in a framework of Lukács's appreciative critical account of Scott, to demonstrate Scott's "verisimilitude" (Lukács 1963). *Second*, we use the ethnographic technique of distilling analytic themes from the field of the text (Atkinson and Hammersley 2007). *Third*, we apply the historiographical concept of *la longue durée*<sup>172</sup> to demonstrate the enduring relevance of the insights derived from the analytic themes (Bloch 1963).

In this paper we initially employ Lukács's literary theory framing for Scott's *The Fair Maid of Perth*. We make the case for seeing the novel as a credible account of the life of the time through Lukács's critical appreciation of Scott's verisimilitude as an historical novelist. This is followed by an account of the story itself, our field of enquiry. Because the novel is so tightly plotted, considerable detail is required here. However, the benefit is gained by the rich harvest of analytic themes which emerges from text. We have categorized these into three main domains: socio-political conditions, social ethos and values, and mechanisms of conflict management. Finally, we conclude by discussing the relevance of this novel for understanding the persistent nature of blood feud as a mode of life, and the relevance of its insights into contemporary feuding behavior.

## 2. Scott's Verisimilitude

*The Fair Maid of Perth* is one of the series of *Waverley Novels*. *Waverley* is acknowledged by Lukács as the first modern historical novel. Scott is famed for his remarkable historical imagination, for his understanding of the historical significance of particular moments in the past and his "historical faithfulness" (Lukács 1963, p. 59). He is also recognized for his acute portrayal of character of all classes in society, which enables him to create plots and stories that convey a sense of a whole world. Through his "human historical portrayal Scott makes history live" (Lukács 1963, p. 53). This is certainly the case in *The Fair Maid*.

---

<sup>171</sup> The paper forms half of a diptych with a study of Kadare's novel, *Broken April*, about the Northern Albanian blood feud (Kadare 1990)

<sup>172</sup> 'La longue durée' is the historiographical principle that we should take note of continuities, persistence and resilience of modes or life through time. It is associated with the *Annales* School in France.

Lukács locates Scott as a conservative writer at a time of great historic upheaval arising from the French Revolution. However, he does not present him as a plain reactionary. Rather, he sees Scott's greatness as "closely linked with his often narrow conservatism". This is manifested by a sense of "resigned positivity" which is fully aware of the pain caused by social change, but which also accepts the need for it (Lukács 1963, pp. 32-33). He seeks the "middle way" between extremes and endeavors to demonstrate artistically the historical reality of this way by means of his portrayal of the great crises of English [sic] history" (ibid.)<sup>173</sup>. The world of *The Fair Maid of Perth* is indeed a world in crisis. Part of that crisis is a sense of conflicts spinning out of control and the profound weakness of the Kingdom and therefore of Law.

Scott was a great realist and pragmatist, as well as being a conservative. His heroes and heroines represent the lives of the people, and they are portrayed in a way that has verisimilitude. Crises in the personal lives of his characters "coincide and interweave within the determining context of an historical crisis" (Lukács 1963, p. 41). "What matters therefore in the historical novel is not the re-telling of great events, but the poetic awakening of the people who figured in those events" (Lukács 1963, p. 42).

The hero in *The Fair Maid of Perth*, Hal, is not a "world historical individual", as Lukács deploys Hegel's concept, but a "maintaining individual", a man of civil society by whom and by people like him, society is reproduced. But Hal is not only engaged in the "maintenance of moral life", he also represents new modes of life, challenging the old values, (for example, Hal refuses a knighthood, seeing himself good enough as a burgesse).

Lukács pays particular attention to the plight of the Highlanders in Scott's novels. Lukács sees the downfall of "gentile" (clan) society as a necessity. The clans are always the exploited, the cheated, the deceived. "Their very heroic qualities .... make them the toy of the humanly far inferior representatives of the ruling powers of the given stage of civilisation" (Lukács 1963, pp. 56-57). He cites the actions of the Crown to exploit clan feuds to centralize royal power in *The Fair Maid of Perth*.

Scott was the first to bring this period to life, by introducing to us the everyday life of the clans, by portraying upon this real basis both the exceptional and unequalled human greatness of this primitive order as well as the inner necessity of its tragic downfall (ibid).

---

<sup>173</sup> *Ibid*, 33. Unfortunately, Lukács often uses 'English' when he is referring to 'British'. He variously describes Scott, correctly as a Scottish, and wrongly as an English aristocrat.

More generally, Lukács sees Scott as “bringing to life those objective poetic principles which underlie the poetry of popular life and history”, and thereby “he became the great poet of past ages, the really popular portrayer of history” (ibid.). But this also leads to a new role for the poet. As Lukács cites Heine, ‘Walter Scott’s novels sometimes reproduce the spirit of English [sic] history much more faithfully than Hume’ (ibid.), and then:

Strange whim of the people! They demand their history from the hand of the poet and not from the hand of the historian. They demand not a faithful report of bare facts, but those facts dissolved back into the original poetry whence they came (ibid.).

Lukács recognizes that Scott uses historical detail to bring out the underlying reality of the socio-political situations and crises he is describing. In doing this, he is not engaging in romanticism or antiquarianism, but rather in suggestion. Historical authenticity therefore seems to mean accurate representation of the quality of the inner life: the morality, heroism, capacity for sacrifice etc. of a particular age (Lukács 1963, p. 50). As Lukács puts it,

*It is clear that the more remote an historical period and the conditions of the life of its actors, the more the action must concern itself with bringing these conditions plastically before us, so that we should not regard the particular psychology and ethics which arise from them as an historical curiosity, but should re-experience them as a phase of mankind’s development which concerns and moves us. (Lukács 1963, p. 42)*

However, Scott’s method also requires “necessary anachronism”. This consists

*simply in allowing his characters to express feelings and thoughts about real, historical relationships in a much clearer way than the actual men and women of the time could have done. But the content of these feelings and thoughts, their relation to their real object is always historically and socially correct. (Lukács 1963, p. 63)*

We can see several examples of this phenomenon in the novel, some of which are quoted in the account below. Lukács’s insights into Scott’s method illuminate the novel and provide aesthetic justification for some of the speeches which evidence the analytic themes we have identified.

### 3. The Fair Maid of Perth – Context and Story

In the novel we are presented with a complex scenario which epitomizes the condition of Scotland at the turn of the 14th and 15th centuries. Scott condenses into the time frame of the novel the two key elements of the story, the Battle of the Clans and the murder of the Duke of Rothsay, which in fact took place several years apart.

The story provides a description of the social milieus in which feuding in general and blood feud in particular arise, and in which mechanisms for resolving feuds are applied. *The Fair Maid of Perth* is awash with feuds and conflicts which can easily develop into blood feuds. These conflicts revolve around multiple social axes, such as conflicts between rival Highland Gaelic-speaking clans, between the citizenry of Perth and the royal court based in the city, between Perth and Highlanders, within the nobility, within the royal house, between the nobility and the royal house, and within the church.

The emerging picture is one of a society that is not only structurally fractured but also riven by personal disputes and feuds that undermine the general peace and security of the Kingdom. In order to gain a clearer understanding of how these axes of feud and conflict are developed in the novel, it is useful to provide a detailed account of the story.<sup>174</sup>

The action occurs in the city of Perth and in surrounding Perthshire. Perth is at the time the Scottish capital. Perthshire is divided into Lowland Perthshire, which is *sassanach*, that is Saxon or English-speaking, and Highland Perthshire, which is Gaelic-speaking. They have very different social structures and cultures.<sup>175</sup> It is a microcosm of Scotland at that period.

Catharine Glover is the fictional heroine of the story. An acclaimed beauty, she is the only child of an eminent Perth tradesman (glovemaker), the eponymous Simon Glover. Simon supports Henry Smith (alias Gow, *Chrom*, Hal o' the Wynd, named herein as Hal, an historical character) to be Catharine's Valentine and prospective husband. Hal is an armorer. He is also a famous fighter, enjoying a good brawl, which does not commend him to Catharine. However, there is a mutual attraction.

---

<sup>174</sup> Different types of conflict resolution are written in italic.

<sup>175</sup> *Sassanach* (Gaelic for 'Saxon') refers to any English (Anglo-Saxon) speaker, irrespective of whether they are Scots or subjects of the King of England. The (lowland) Scots language is a separate development of Old English persisting into modern times (Concise Scots Dictionary 1985, ix-x). At the time in which the novel is set, Highlands Scots would have spoken Gaelic. Lowlanders would have spoken Early Scots. Some of the nobility would have spoken Norman French.

Also living in the Glover residence and workshop is a young Highlander called Conacher, who is in fact the heir of the Chief of Clan Quele. (Later in the story, when he inherits the Chiefship, he is known as Eochan or *anglice*, Hector). For reasons that reflect the complex relationship between Perth and the Highland hinterland, he is apprenticed to Simon. He is attracted to Catharine and resents Hal's success with her.

Trouble kicks off when Prince David, Duke of Rothsay, the heir apparent to the throne of Scotland, and his courtiers cause a disturbance outside the Glover house. Rothsay is removed from a ladder by Hal as he tries to gain entry to see and abduct Catharine. Hal also cuts off the hand of Rothsay's Master of Horse, Sir John Ramorny in the fray.

Meanwhile, the royal court is based in the Dominican friary in Perth (Blackfriars). Robert III is presented as a weak but just monarch, heavily influenced by his brother, also named Robert, but known by the title of Duke of Albany. Rothsay has caused offence to two of the most powerful nobles of Scotland: the Earl of March and the Earl of Douglas.

Rothsay had been betrothed to March's daughter. They were attracted to each other, but he was forced for political reasons to renounce the match. March is unhappy and decides to leave the court, with the threat of allying with English lords in the North of England. Rothsay marries Douglas's daughter, but treats her disdainfully, thus alienating her very powerful father. The King is rather supine in all of this. At this time the Council is exercised by the potential threat of Highland clans making inroads against the Lowlands. This is the major ethnic fault line in Scotland, and Perth is on the front line of this divide (just as it was on the ultimate Northern frontier of the Roman Empire). Albany argues that rather than waste forces attempting to subdue the Highlanders, they should be neutralized by being inveigled to settle their disputes by trial by battle in front of the King in Perth. Clan Chattan and Clan Quele agree to the proposal. Conacher has now returned to Clan Quele on the death of his father and is now Clan Chief, and known as Eachin (Hector) McIan. Hector is distinctly uneasy about this proposal. He would prefer to settle with the Chattans and for each of them to take over Perth and Dundee (a nearby port) respectively.<sup>176</sup>

The upshot of the brawl outside the Glover house is that the burgesses are keen to pursue their grievance against the unknown noble ruffians. They appoint Hal as their champion. Ramorny is set upon revenging himself against Hal, and with the help

---

<sup>176</sup> Dundee was emerging as a significant port on the East coast of Scotland, and its capture, together with that of Perth would have represented a major political coup for the Highlanders.

of the apothecary, Henbane Dwining<sup>177</sup>, he dispatches his thuggish retainer, Bonthron, to identify and kill Hal. He cases Hal's house, and out comes a man dressed in Hal's clothes and mail armor coat, whom Bonthron promptly kills.

When the body is found, everyone thinks it is Hal that has been murdered. Hal is very popular in Perth, and there is an outcry. However, the victim is in fact another burgess of the Burgh, Oliver Proudful, a bonnet maker, who fancied himself as a martial fellow, but who was never taken seriously as that by his fellow burgesses. He was, however, married with two children. His widow, Magdalen Proudful is invited by the Burgh Council to name a champion to defend her. She appeals to Hal, who is reluctant to accept the challenge because he knows Catharine opposes all forms of violence and is worried about Hal's proclivities in that direction, but he is caught by the pressure of public opinion and his sense of duty as a burgess, and therefore accepts the responsibility. The Council briefly entertains the idea of "*firing the lodging*" of Ramorny "*and putting all within it to the sword*" (Scott, 1969, 286). Instead, the Burgh Clerk proposes that the matter be settled by ordeal by *bierbright*.

The King's Council agrees with the proposal that the Proudful murder should be resolved by *bierbright*, which failing, by *trial by battle*. Rothsay suggests that the case might be settled by paying *assythment* out of Ramorny's estate. This is actually a sensible idea. However, the King demurs and makes a counter-suggestion of his own to pay Magdalen Proudful full recompense and support. She refuses. All of Ramorny's household are required to pass by the corpse of Proudful in church.<sup>178</sup> If the body bleeds, that is evidence of the guilt of the person passing the bier. Bonthron refuses, and so is consigned to the lists for *trial by battle*. He faces Hal and is defeated. Before he is dragged away to be executed by hanging (the fate of the loser) he mendaciously names Rothsay as the instigator of the proposed murder of Hal and the actual killing of Proudful. Rothsay declines to answer a charge from such an ignoble person, which causes him to lose credibility. Bonthron is hung but survives because Dwining has arranged for him to be suspended in a contraption that prevents his neck being broken. Albany succeeds in having Rothsay removed from court because of his

---

<sup>177</sup> 'Henbane' is a psychoactive drug which can cause hallucinations and other unpleasant side effects. 'Dwine' a noun implying 'pine, waste away, fail in health'; Late C15; as an exclamation: 'damn'; as a verb: 'cause to pine or wither' (*Concise Scots Dictionary*, (Aberdeen: Aberdeen University Press, 1985:166)). These are darkly ironic names for this villainous apothecary.

<sup>178</sup> At this point in the text (Note XIV), Scott provides a vivid account of another form of trial, *Ordeal by Fire*, (op. cit., 459)

scandalous conduct and is placed under the wardship of the Lord High Constable, the Earl of Errol.

In the meantime, the Glovers' association with a radical Carthusian monk, Father Clement, has led to Simon and Catharine being summoned to a commission for heresy. Father Clement had fallen foul of the other religious houses in the burgh because of his attacks on their worldliness and corruption. He has fled to the Highlands. The Provost of Perth, Sir Patrick Charteris, a local nobleman, arranges to safeguard Catharine, whilst Simon takes himself off to the Highlands to stay with Hector until the issue blows over. Catharine is taken to the Duchess of Rothsay's palace at Falkland (Douglas's daughter). In the Highlands, Simon witnesses the preparations of Clan Quele for the forthcoming battle with the Chattans. He overhears Hector's declaration that he is afraid of fighting, which alarms his foster father.

Rothsay now escapes from the supervision of Errol and makes his way with Ramorny, Bonthron and Dwining to the Palace of Falkland. Confronted there by the (ig)noble gang, she faces down Rothsay, who backs off his attempt to sexually abuse her. However, Ramorny and Dwining, together with Bonthron, imprison Rothsay and starve him, finally dispatching him by strangling. (It is thought that this is at the instance of Albany, and the King certainly charges Albany with this.) Catharine and a female minstrel, Louise, who has been implicated in the story, become witnesses to the starving, and attempt to save Rothsay. They fail, but Louise escapes and alerts Douglas. Douglas obtains the surrender of the palace. The conspirators are condemned to death by *Marcher Law*, as having been *caught red handed*: execution first, trial afterwards. Dwining commits suicide but is hung anyway with the others over the side of the palace walls.

This leaves the climax of the story to unfold. The Battle of the Clans is enacted. There are ceremonious preparations, rather like the modern pre-match television build-ups of major footballing events, whereby both troops of apparently thirty warriors, including the Chiefs of the Clans, march through the streets and attend separate church services to celebrate Palm Sunday, where they are looked over appreciatively by members of all sexes. The exotic Highlanders create a stir. Their apparel is completely different from that of the Sassanachs. They march off to the battleground, which is walled off like a jousting yard. The King has a special observation gallery.

The Chattans have a man missing, so Hal agrees to stand in as one of their Thirty. He had given a good coat of mail to Hector on the promise that they would have the opportunity to fight later for the hand of Catharine. Not having of his own

men immediately available, Magdalen rushes to her house to collect the suit of armour belonging to Hal, which Oliver had borrowed at the time of his killing. The battle is bloody. All but Hector are killed on the Clan Quele side. Having been caught out attempting to change the donated by Hal, which was thought to be cursed, he decides to flee. He meets Catharine who is concerned for his mental state. He throws himself over a precipice. Some say that he met up with Father Clement and went to share a hermit life with him. Eventually Catharine and Hal are reunited.

Scott reports that in the aftermath of Rothsay's murder, Robert III retired to the island of Bute. Albany became regent. The king tried to place his other son, Prince James, out of harm's way, but he was captured by the English and held by Henry IV. Both Robert III and Albany died without violence, but James eventually returned to Scotland as king. Duke Murdoch of Albany, who had succeeded his father as regent, and his sons were sent to the scaffold.

This outline of a complex plot exemplifies the range of conflicts embedded in the story. It also points to some of the themes which are connected to feuding.

## **4. Emerging Analytic Themes**

As we have shown, the novel reveals feuds and conflicts within and between almost all sectors of society. These feuds do not have any particular structure. Nor is there any uniform methodology for pursuing them, let alone managing or resolving them. Understanding the complex environment of feuding requires the identification and analysis of a number of prevalent themes. We have organized these themes under three structural categories: Public authority and state of society, Social ethos and values, and Mechanisms of conflict management.

### **4.1. Socio-political conditions**

#### *4.1.1. Public authority*

The range of feuds and conflicts and their locations, together with their intensity, reveal that the formal authority of the King is weak. This is epitomized by the character of the King himself. He is a man of contradictions who is rarely able to exercise control. He sways between the advice of his different noble advisers, especially his brother Albany. He is also inconsistent in his dealings with his son Rothsay, sometimes indulgent and sometimes authoritarian.

The King is responsible for the settling of feuds, as his son tells us during his carousing through Perth, but he has no effective power of his own to deploy. The Earls

of Douglas and March, as well as the Duke of Albany, have their own power bases and freedoms to act in the Lowlands, which are beyond the King's capacity to influence, let alone control. In the Highlands, the writ of the King is notional at best. In the Preface Scott refers to

*... constant evidence of the difficulties to which the crown was exposed, while the haughty house of Douglas all but over-balanced its authority on the Southern border, and the North was at the same time torn in pieces by the yet untamed savageness of the Highland races, and the daring loftiness to which the some of the remoter chieftains still carried their pretension. (Scott 1831/1969, p. 3)<sup>179</sup>*

#### 4.1.2. *The State of Society*

The inability of the King to establish central control reflects in turn the state of Scottish society as it is represented in the novel. The endemic violence is captured by the King himself in response to a cleric:

*"My rest might have been broken," said the monarch; "but that sounds of violence should have occasioned surprise – Alas! reverend father, there is in Scotland only one place where the shriek of the victim and threats of the oppressor are not heard, and that, father, is – the grave." (Scott 1831/1969, p. 115)*

As previously noted, the main societal division is between the Gaelic-speaking Highlands, whose society is essentially tribal, and the Scots-speaking Lowlands, which had emerged as a feudal society on the Anglo-Norman and wider European model.

The lands of the Highland clans are supposedly held in trust by their Chiefs for the people. The social order is patriarchal and tribal, with the Chief inheriting the prestige of his ancestors and garnering the loyalty and devotion of his clansmen and women. This is not a feudal relationship. The Chiefship is not granted by the King, although feudal titles may be granted to Chiefs.

This Highland society is riven by ancient rivalries and feuds. The holding of the Battle of the Clans in Perth "seemed to mark with equal distinctness the rancor of these mountain-feuds, and the degraded conditions of the general government of the country" (Scott 1831/1969, p.3). Highlanders despised the use of the plough. Generally,

---

<sup>179</sup> For accounts of a contemporaneous feud between Clan Mackay and the Earls of Sutherland, see Mackay (1829) and MacKay (1906).

*...they hunted, fished and marauded, during the brief periods of peace, by way of pastime; plundering with bolder licence, and fighting with embittered animosity, in time of war, which, public or private, upon a broader or more restricted scale, formed the proper business of their lives, and the only one they esteemed worthy of them. (Scott 1831/1969, p. 334)*

At one point of the story the Highland countryside of the Queles and the clachan (settlement) are deserted because of the outbreak of feud.

In the English-speaking Lowlands, society is divided between burghs (towns, cities) and feudal holdings. The largest feudal lords can overpower the King. The burghs are no great places of safety. Perth is a burgh in which one is likely to need one's buckler (small shield) when going out of doors. It was a place where fights break out and people get killed. As Dorothy, the servant in the Glover house says,

*I'se warrant [Hal has been slain] by Highlanders, - the lawless loons [lads/young males, not lunatics]. Wha is it else that kills maist of the folks about, unless now and then when the burghers take a tirrorie [tantrum], and kill one another, or whiles the knights and nobles shed blood? (Scott 1831/1969, p. 237)*

Catharine draws a contrast between the nobles and the burgher class after a confrontation between Hal and Conacher:

*Let us thank God and the good saints that we are in a peaceful rank of life, below the notice of those whose high birth, and yet higher pride, lead them to glory in their bloody works of cruelty, which haughty and lordly men term deeds of chivalry. (Scott 1831/1969, p. 37)*

Yet Catharine is mistaken in thinking that the burgher class is free from violence, for they themselves have to respond to the violence of both Highlanders and aristocrats within their walls, to say nothing of their 'tirrories'.

Scott's remarks at the beginning of the Battle episode, where he describes the pre-fight religious services in Perth, provide a scathing picture of the degraded state of society in the face of its supposed spiritual values and allegiance:

*Palm Sunday now dawned. At an earlier period of the Christian Church, the use of any of the days of Passion Week for the purpose of combat would have been accounted a profanity worthy of excommunication. The Church of Rome, to her infinite honour, had decided that during the holy season of Easter, when the redemption of man from his fallen state was accomplished, the sword of war should be sheathed, and angry monarchs should respect the season termed the*

*Truce of God. The ferocious violence of the latter wars betwixt Scotland and England had destroyed all observance of this decent and religious Ordinance. Very often the most solemn occasions were chosen by one party for an attack, because they hoped to find the other engaged in religious duties and unprovided for defence. Thus the truce, once considered as proper to the season, had been discontinued; and it became not unusual even to select the sacred festivals of the church for decision of the trial by combat, to which this intended contest bore a considerable resemblance. (Scott 1831/1969, p. 421)*

This analysis coincides with Lukács's view of Scott being a faithful chronicler of social and political crisis.

## **4.2. Social Ethos and Values**

### *4.2.1. Virtues, vices and social attitudes*

Underlying feuding and conflict behavior are the attitudes of members of society. These attitudes give rise to different conceptions of virtue and vice, about what constitutes appropriate conduct when confronted with insult, attack or deprivation.

There was a deep disjunction between the attitudes of lay people, whether Highland, Lowland, noble or burgher, on the one hand. and the supposed values of the Church and actual values of spiritually minded supporters, such as Catharine. This is expressed forcibly in the dialogues between Catharine, her father and Hal. Yet, as the King remarks to Prior Anselm of the Dominicans in Perth:

*...father prior, you will allow that the church, in quelling strife, as is doubtless her purpose, resembles the busy housewife, who puts in motion the dust which she means to sweep away. (Scott 1831/1969, p. 116)*

The Church has its own way of pursuing feuds by way of securing a Commission for Heresy, which the Prior Anselm has obtained from the King, which is then pointed at one of the Church's critics, Father Clement, a Carthusian monk. Catharine and her father are then caught up in the tentacles of the investigation. The sense of degradation permeating secular and spiritual institutions is reinforced by these observations.

### *4.2.2. Self-reliance, loyalty and obligation*

The key to lay attitudes is expressed by Scott in the statement: "In Scotland everyone deems it his own privilege and duty to avenge his own wrongs." (Scott 1831/1969, pp.

42-43). In the Highlands this has to its most uncompromising manifestation in Conacher's father. No truer man to his word, "Gilchridy MacIlan ... is hasty in homicide and fire-raising towards those with whom he hath deadly feud, and I have nowhere seen a man who walketh a more jut and upright path". (Scott 1831/1969, p. 320).

Such attitudes cut across the King's role to be a settler of disputes and feuds. Thus the virtues required of a King to undertake this role were diametrically opposed to the virtues required to conduct one's own projects of revenge. The requirement of a 'good' King was to be strong, able to overawe subjects, however mighty, to be capable of exercising guile, tact and magnanimity in equal measures. His brother, Albany, was certainly endowed with guile. A successful King would have to be able to disarm (literally if need be, and certainly metaphorically) his vengeance-minded subjects. However, this was not so easy in a country where clan loyalty to a chief was more important than loyalty to a distant King, and where feudal loyalty to a major lord such as Black Douglas or March claimed priority.

The relationship with chief or overlord had a dual nature. Loyalty was the virtue that was celebrated, but the operational tie was obligation. This duality operated in the burghs as well. The burgesses must stand up for their rights. After the brawl involving Rothsay's attempt to see and abduct Catharine, the Bailie states:

*"...Here are all our burgher rights broken through and insulted, and you may well fancy that it is by some man of power, since no less dared have attempted such an outrage. My masters, it is hard on flesh and blood to submit to this. The laws have framed us of lower rank than the princes and nobles, yet it is against reason to suppose that we will suffer our houses to be broken into, and the honour of our women insulted, without some redress."*

*"It is not to be endured!" answered the citizens, unanimously.* (Scott 1831/1969, p. 80)

The same sense of communal solidarity in the burgh is invoked when Oliver Proudpute is killed instead of Hal, the intended target of Ramorny.

The call of loyalty and the principle of obligation place the hero in a particular position of potentially conflicted feelings. On the one hand his intended bride, Catharine, is encouraging him to give up even the trade of armorer and transfer his work to more peaceful ends, as well as giving up fighting in any cause. On the other hand, he is famous for having acted as the champion of the burgh, and when Magdalen publicly calls on him to act for her against non-noble adversaries in fighting Bonthron, the assumed and actual killer of Proudpute, he cannot refuse her request.

### 4.2.3. *Courage, vainglory and cowardice*

If one is to serve as a champion, to pursue one's own feuds or justice in one's own cause, or even to keep the peace in the burgh, physical courage is a cardinal virtue. In a society in which armed fights can break out at any moment, one has to be on one's mettle, but this leads to a sense in which one may seek fights in order to maintain one's edge. Catharine certainly criticises Hal for his attitude:

*But sure our friend, Master Henry, will not deny that he lives in a perfect atmosphere of strife, blood, and quarrels. He hears of no swordsman but he envies his reputation, and must needs put his valour to the proof. He sees no brawl but he must strike into the midst of it. Has he friends, he fights with them for love and honour; has he enemies, he fights with them for hatred and revenge. And those men who are neither his friends nor foes, he fights with them because they are on this or that side of a river. His days are days of battle, and, doubtless, he acts them over again in his dreams. (Scott 1831/1969, p. 35)*

Her father ripostes:

*Nay, but, Catharine, hear me but a word before going on with a string of reproaches against my friend, that sound something like sense, while they are, in truth, inconsistent with all we hear and see around us. What, "continued the glover," do our King and our court, our knights and ladies, our abbots, monks, and priests themselves, so earnestly crowd to see? Is it not to behold the display of chivalry, to witness the gallant actions of brave knights in the tilt and tourney ground, to look upon deeds of honour and glory achieved by arms and bloodshed? What is it these proud knights do, that differs from what our good Henry Gow works out in his sphere? Who ever heard of his abusing his skill and strength to do evil or forward oppression, and who knows not how often it has been employed as that of a champion in the good cause of the burgh? (Scott 1831/1969, p. 36)*

At the end of the tale, after Catharine and Hal are united Catharine reflects about the state of the world and Hal's place in it. She was unhappy about what had happened on the Inch on Palm Sunday,

*[B]ut apparently she had reflected that men rarely advance in civilization or refinement beyond the ideas of their own age, and that a headlong and exuberant courage, like that of Henry Smith, was, in the iron days in which they lived, preferable to the deficiency that led to Conacher's catastrophe. (Scott 1831/1969, p. 451)*

These dialogues and speeches are good examples of Lukács's reflections on "necessary anachronism" above, the articulation of the real thoughts and feelings of the actors in terms they would not necessarily have used themselves.

The courage of Hal is contrasted with the vainglory of Oliver Proudfoote, who is always seeking to portray himself as a valiant man, but who always gets himself into scrapes after which he has to save face, and ends unfortunately by being killed mistakenly. Hal and the other burghers patronize him, but Hal genuinely grieves his loss, and Proudfoote's fellow burghesses institute proceedings to seek revenge on behalf of his widow.

Hal is also contrasted with Conachar/Hector. Indeed, they are pitted against each other. Conachar provokes Hal in the earlier part of the tale, and a promise is made that they should fight for the hand of Catharine. When the Battle of the Clans is about to commence, Hal volunteers to take the place of a Clan Chattan warrior who has deserted. He tries to square off with Hector but is countermanded by the Chattan Chief, invoking his obligation.

Feudal and clan loyalties and their obligations, together with courage as a virtue are closely connected with the interacting notions of honor and chivalry in the novel, and with their opposites. Honor and chivalry both have external and internal qualities.

Courage is also contrasted with cowardice. Hector confessed his cowardice to his foster-father, Torquil. Torquil tries to manage Hector's failing. Hector himself recognizes that he suffers from a predisposition that he cannot control. He is not simply seeking to avoid danger, but he knows that when faced with risk, he may well collapse. Try as Torquil might to find a way of avoiding Hector attending the Battle, to rid him of the supposed cursed coat of mail that belongs to his enemy Hector, there is nothing that can be done to avoid the catastrophic debacle. In the battle, Hector is the last of his Thirty standing. He succumbs to his fear, flees the battle and thus earns eternal dishonor.

#### *4.2.4. Honor and vengeance*

Honor has the connotation of social rank, such as when Hal declines the honor of knighthood offered by Douglas. It is also a greeting, as in "Your Honour". However, it also has the connotation of integrity and of virtue. So the honor of the burgh is impugned by an attack upon one of their women (Catharine), as indeed is her own honor. The virtue sense of honor goes deeper, for instance when Catharine confronts Rothsay, proclaims both her own honor, which nothing that Rothsay can do to rob her

of, and her intention of displaying the dishonor of the prince by announcing his conduct throughout the courts of Europe.

Catharine's suggested pilgrimage to the courts of Europe to denounce Rothsay suggests another universal theme in this story, the need to avenge wrongdoing as a way of restoring public honor. Seeking revenge is also central to Magdalen Proudful's rejection of royal compensation for the murder of Oliver. The desire for revenge is central to Ramorny's machinations with Dwining and Bonthron for the failed murder of Hal and the 'disappearance' of Rothsay. Thus vengeance can be pursued in honorable ways: denunciation, trial by battle; or devious ways like murder. It is a motive that can be exploited, as Albany exploits the feud between the Queles and the Chattans.

#### *4.2.5. Chivalry*

Chivalry also has a dual reference. On the one hand it refers to the outer trappings of this social institution. On the other hand it refers to its values. Chivalry can refer simply to the fact that Douglas has a body of (noble) knights at his disposal – the chivalry of Douglas. It can also refer to the external characteristics and rules of chivalry. In discussions about the setting up of the Battle of the Clans, it was observed that the Highlanders have no notion of chivalry, referring to the practice and etiquette of jousting or trial by battle associated with it. There is also a sense of chivalry being associated with social class. Under the rules of chivalry, Charteris, despite becoming Magdalen Proudful's champion, is only allowed to challenge a noble adversary. It falls to Hal as a burgess to act as her commoner champion against Bonthron, the retainer of Ramorny. Douglas at one point suggests that even Charteris is not sufficiently noble to claim a right to challenge him, but rather insultingly suggests that March could be Sir Patrick's adversary. Finally, chivalry can be portrayed in parody such as the antics of the Order of the Calabash, which involved the drunken revelry of Rothsay and his mates.

On the other hand, chivalry as a set of values is also referred to, especially in relation to women. Louise, the female minstrel, is thought to have a degree of immunity from abuse or attack not only because she is a woman, but also because she was a practitioner of an art form that celebrated chivalry itself. She could travel across Europe without interference. Similarly, when Catharine returns from a meeting with Hector in the Highlands, she feels safe because she presents as a respectable young woman. Nobody will interfere with her. At a deeper level, she is able to challenge

Rothsay for his intended betrayal of the most fundamental principle of chivalry, the protection of women and the vulnerable from abuse and oppression.

#### *4.2.6. Treachery*

One of the deformations of honorable and chivalrous conduct is treachery. The two main exponents of treachery in this story are the apothecary, Dwining, and Albany. Dwining despises chivalry, as he makes clear to Catharine before he kills himself. He organizes the botched attempt to kill Hal. He reports to Ramorny a plot by Albany to kill the king. Ramorny makes a counter-proposal to Rothsay that an arrangement be made for Albany to die, and that Rothsay rule in place of his father. Rothsay demurs. The whiff of poison is never absent from these conversations. Dwining boasts his nefarious skills.<sup>180</sup> Albany, for his part, is a master of strategy, setting up the Battle of the Clans, seducing the principals into an honorable conflict, not for the sake of having justice done by the judgement of heaven, but as a means of avoiding having to invade the Highlands and waste good Lowland soldiers' lives. But his defining act of treachery is the organization of the murder of Rothsay by starvation at Falkland Palace.

Treachery is also exercised by Catharine's Dominican confessor, Father Francis, who uses her confidences about Father Clement to threaten charges of heresy against herself and her father.

#### *4.2.7. Public-private duality of conflict*

In addition to the communal focus of conflict, the implication of one's affinity of family, class or community, there is the recognition that in this society and at that time, the personal was inextricably political. We have already noted the character of Robert III. When we look further, we see that the social and family relationships within the royal family and their relations with the two chief earls of the Kingdom are fraught with interacting tensions, which are both personal and political. Political conflicts become feuds, and inter-personal tensions generate political disputes and dangerous contingencies.

Thus the marital troubles of Rothsay, a broken and apparently loving engagement with the daughter of March and his failed political marriage to the daughter of Douglas, not only have the consequence of affecting Rothsay's conduct and fitness to act as an effective heir apparent and potential successor to his father,

---

<sup>180</sup> In a footnote, Scott cites Voltaire that 'it is a distinguishing characteristic of the British that political poisonings make little, if any, figure in their history' (1831/1969, p. 197).

they also embolden Albany to secure greater power and influence over the King, his brother. Rothsay's unbecoming conduct undermines the King's confidence in him. At one point Rothsay appeals beyond his feudal relationship, in which he acknowledges wrongdoing, to throw himself at the mercy of the King as his father. He also invokes his mother's memory, which infuriates the King. The marital situation also inflames tensions between the two earls, and the two of them with each member of the royal family. The rules of courtesy and chivalry may be superficially or even disdainfully observed, but the acting out of the tensions can be serious and even violent. In one example, March leaves the court disgruntled by the King's lack of support for his claim that Rothsay's marriage could be annulled. The effect of this is that it is feared that he will make common cause with the English to invade Scotland. The second major consequence, as we have seen, is the murder of Rothsay himself by his uncle, and his uncle's usurpation of Robert III when he retires in grief.

This public-private duality also affects the issue of the missing Chattan clansman at the Battle of the Clans. Hector's foster-father, Torquil, has a feud with one of the Chattans, Ferquhard Day. Ferquhard's father had killed Torquil's father. Torquil had hoped to settle that feud at the Battle. However, Ferquhard and Torquil's daughter, Eva, have fallen in love with each other. Torquil sees this as an opportunity to withdraw Hector from the Clan Quele lists, ostensibly to even up the numbers, but in fact on account of his cowardice. He arranges for the lovers to be united. As a result, Ferquhard deserts from the squad of Thirty Chattan champions. Thus Torquil sacrifices his feud and, significantly, his honor, for the sake of those of his Chief. The Chattans refuse the suggestion. This leads to Hal volunteering to take up the role of Ferquhard Day, thus enabling him to pursue his own feud with Hector. Thus we see the way feuds operate within larger feuds and alongside other feuds.

We might conclude that the feuds of era were conducted on an axis of warfare, revenge, treachery and marriage.

#### *4.2.8. Feuds, memory and custom*

It is notable that the origins of the feud between the Chattans and the Queles are never mentioned. Have they been lost to memory? That a feud exists will never be forgotten, but what of the original causes? Hal himself recalls all the reasons for his own feud with the Chattans, but these are never rehearsed. Men remember the latest causes of their grievances. It seems, however, that feud is maintained by custom. Thus the people of Perth expect trouble from Highlanders and members of the nobility from

past experience, and are primed for armed defensive action. The propensity to feud is a state of mind, a pre-requisite of the feud as a mode of life.

### *4.3. Mechanisms of Conflict Management*

The novel contains numerous forms of conflict management which could be applied to feuds. Scott's accounts of methods of resolving dispute draw out the macabre and the absurd. Scott was a child of the Scottish Enlightenment. As a lawyer he served as a senior local judge as Sheriff-substitute of Selkirkshire and as a Principal Clerk of the Court of Session (Scotland's supreme civil court). He sits on the cusp of the old traditional legal world and the new. Whilst his picture of society is to some extent epic in spirit, his accounts of the legal past are sharp and ironic.

The methods of actions he refers to in *The Fair Maid of Perth* are: *Bierbright*, *Ordeal by Fire*, *Trial by Battle*, *Assythment*, *Bloodwit*, *Burning*, and *Red-handed justice*. Interestingly, there is no mention of courts of law, which is, perhaps, Scott's point.

#### *4.3.1. Ordeal by Bierbright*

Scott gives great attention to this method. The corpse is presented in an open bier in church. The burghers had insisted that the ceremony occurred in the town kirk of St John's. The ordeal is carried out after high mass, with the King enthroned near the bier. The body is displayed so that the multitude of those assembled can see it. Each of the suspects is made to wear a white penitential garment and required in turn to stand by the bier and take an oath that they were guiltless of the victim's death. If the corpse exudes blood, this is taken as proof of the guilt of the oath taker.<sup>181</sup> The first suspect passes the test. Bonthron, the actual killer, refuses to undergo the ordeal and so he is instantly committed to trial by battle with Hal. Ramorny has escaped the ordeal because he has been banished from the court. The King had wanted him executed for his role as "the encourager and partaker of all your [Rothsay's] numerous vices and follies" (Scott 1831/1969, p. 171).

#### *4.3.2. Ordeal by Fire*

This method is not directly encountered in the novel, but Scott provides a very detailed account of it in Note XIV. He cites recent historical research. The ordeal takes place in the course of mass. Scott is scathing in his commentary:

---

<sup>181</sup> This method of discovering guilt was put to Scotland's High Court of Justiciary in 1688 (Scott 1831/1969, p. 461).

*To those who suspected no deceit, there can be no doubt this service must have been as awesomely impressive as any that is to be found in the formularies of any church; but words are wanting to express the abject guilt of those who, well knowing the base trickery of the whole matter, who, having assisted in preparing all the devices of legerdemain behind the scenes of the sanctuary stage, dared to clothe their iniquity in the solemn phraseology of religion. (Scott 1831/1969, p. 459)*

#### 4.3.3. Trial by Battle

This method is used twice in the novel. The first usage is the consequence of Bonthron's refusal to accept ordeal by Bierbright. He is consigned to Trial by Battle as a further ordeal. He faces Hal and is defeated. He is dragged off to be hung.

The second is the second *cause célèbre* of the story, the Battle of the Clans. This is mounted on the North Inch near the Dominican friary in the area still known as Blackfriars. There is much negotiation between the two clans over the etiquette to be observed before and during the battle. This included entering into indentures for diminishing the extent of the feud. The King is obliged, much against his wishes and inclination, to observe the trial by battle. The proceedings are managed by the Earl Marshal, Earl Crawford, and the Lord High Constable, the Earl of Errol. Musical bands, including bagpipes, accompany the warriors.

Unlike the first trial by battle, this is an honorable encounter. It is even perhaps ironically or cynically referred to by Albany as an "amicable settlement".<sup>182</sup> This suggestion is rejected by the King, but Albany ripostes that the Highlanders need to know that

*it is better that the country were placed in peace, at the expense of losing a score or two of Highland kernes, than remain at war till as many thousands are destroyed by sword, fire, famine and all the extremities of mountain battle. (Scott 1831/1969, pp. 166-167)*

#### 4.3.4. Assythment<sup>183</sup>

This is mentioned as a means of meeting the need of Magdalen Proudpute for compensation for the death of her husband, and of avoiding the possibility of the feud involving the Burgh engulfing Rothsay himself. The burgesses were accusing the Prince of involvement in the killing because Bonthron was Ramorny's servant.

---

<sup>182</sup> *Amicalis compositor* was the term used to denote a mediator in medieval Scotland. Scott's irony is evident.

<sup>183</sup> For an account of Assythment see Mackay (1992).

Albany's suggestion that assythment be made out of Ramorny's estate is rejected by the King as being too harsh an imposition on a man who has already been banished from court and deprived of his charge of Rothsay's household. However, both statements are strange. Assythment could be pursued irrespective of whether a case had been tried by a court. Ramorny had not been charged with the killing. Thus Albany was correct in making the suggestion. The King was wrong in thinking that assythment was too heavy a price to pay. The King then proposes that he himself compensates Widow Proudful, possibly to cover responsibility for his son, an offer she rejects in favor of the proper avenging of Oliver's death.

#### 4.3.5. *Bloodwit*

This is an action against a person for bloodshed or a fine for bloodshed and the right to impose this (Concise Scots Dictionary 1985, p. 50). It is mentioned by Albany in discussion with the King about the consequences of Proudful's murder (Scott 1831/1969, p. 266).

#### 4.3.6. *Burning*

When the burghers are discussing with Charteris how they should respond to Proudful's murder, Bailie Craigdallie mentions the possibility of burning the lodging of Ramorny and all within it:

*"...But Sir John [Ramorny], in his own behalf, and as the Prince's master of the horse, maintains an extensive household; and as, of course, the charge will be rebutted by a denial, we would ask how we shall proceed in that case. It is true, could we find law for firing the lodging, and putting all within it to the sword; the old proverb of 'Short rede, good rede,' might here apply; for a fouler household of defiers of God, destroyers of men, and debauchers of women are nowhere sheltered than are in Ramorny's band. But I doubt that this summary mode of execution would scarce be borne out by the laws; and no tittle of evidence which I have heard will tend to fix the crime on any single individual or individuals."* (Scott 1831/1969, p. 256)

What is proposed is straight out of Snorri Sturlusson's *Njal's Saga*. Scott had read the Icelandic sagas. Clearly he believed that burning was within the legal imagination of fifteenth century Scots as a potential method of resolving the problem - a bit wistfully on their part perhaps.

#### 4.3.7. *Red-handed justice*<sup>184</sup>

This is the last form of settlement to be mentioned in the novel, apart from the eventual execution of Albany and his sons. This occurs when Douglas liberates Catharine at Falkland Palace and discovers the murder of Rothsay. He briefly debates what to do, but invokes the principle of Red-handed Justice. This permits the summary execution of the apparent perpetrators of a murder. He wavers for a moment when Balveny suggests a trial might be fitting. He considers the application of Marcher Law<sup>185</sup>. Fife, where Falkland Palace stands, is well beyond the territory of the Scottish Marches, but he summons some Marcher men of Jedwood in the troop. The Jedwood men should decide whether to hold the trial first or proceed to execution. In the event, the Provost Marshal Balveny summarily removes Ramorny's knightly spurs, when he claims the nobleman's right to decapitation rather than hanging, and hangs him along with Bonthron and Dwining, who in the meantime has poisoned himself. Having announced the executions to Douglas, the earl laconically observes that there is no further need for a trial. He insouciantly asks the Jedwood men, now "good men of inquest", whether the executed men were guilty or not of high treason. "Guilty," exclaimed the obsequious inquest, with edifying unanimity, "we need no further evidence." (Scott 1831/1969, pp. 406-408)

So we see feuds being conducted in the context of a variety of methods of resolution. Out of these methods, it is only Assythment that had the capacity to bring about any effective reconciliation. The others merely provided the means through which vengeance could be temporarily slaked. Trial by Battle might limit the extent of a feud, but only at the expense of further bloodshed.

## 5. Conclusions

Why is this novel about feuding so valuable a resource in reflecting about blood feud as a socio-legal phenomenon? The novel accurately illustrates feuding as a mode of life, which continues in different forms, driven by similar motives in later stages of history.

---

<sup>184</sup> Scott notes (op. cit., 463-464) that Red-hand justice continued in use in Scotland to a much later period (unspecified, but from the context probably the eighteenth century). He cites a case in which an English officer based in Perth had been stalking a girl. Her teacher challenged the officer, and the officer killed him. The officer was then apprehended and executed, apparently without trial by the law officers of Perth. Immediately afterwards 'the powers of the civic magistrates in matters criminal was abridged'.

<sup>185</sup> The Scottish Marches are the counties which lie on the border with England.

Scott makes this point in his earlier novel, *Waverley* (1998). Reflecting on the challenges of writing that work he states that he has attempted to avoid these as much as possible by

*throwing the whole weight of my narrative upon the characters and passions of the actors; - those passions common to men in all stages of society, and which have agitated the human heart, whether it throbbed under the steel corset of the fifteenth century, the brocaded coat of the eighteenth, or the blue frock and white dimity waistcoat of the present day.* (Scott 1814/2011, p. 5)

When comparing the motives of our ancestors and people of his own time, he contrasts the direct and violent ways of expressing malignity in the past with the more indirect channels for achieving comparable ends in Scott's own day:

But the ruling impulse is the same in both cases; and the proud peer, who can now only ruin his neighbour according to law, by protracted suits, is the genuine descendent of the baron who wrapped the castle of his competitor in flames, and knocked him on the head as he endeavored to escape from the conflagration. (Scott 1814/2011, p. 6)

This persistence through time of this mode of life is also found in a modern Scottish novel, James Robertson's *And the Land Lay Still* (2011). In this tale one of the characters, Walter, has grown up in a mining community in Scotland in the middle of the twentieth century. Some years later he encounters a singer who silences the pub audience with his renderings of a medieval Border ballad, *The Dowie Dens of Yarrow*. Walter immediately makes a connection with his own upbringing in the mining community. He recounts,

*they [the ballads] were brand new tae me and yet I kent them. How d'ye reckon that, eh? I kent them. See, where I grew up ye had tae fight tae survive, and it was aw different faemlies, different clans if ye like, and there were these codes ye had tae ken, and if ye stepped ower the mark ye were for it.* (Robertson 2011, pp. 56-57)

Scott himself was very familiar with the Border Ballads<sup>186</sup>. What is clear is that the traditions of an alternative mode of life are still alive. These are upheld by poetry and literature, as well as practice. The feuds continue, sometimes in subterranean streams, but current practices of restorative justice, which draw on the informal traditions of law, and which are themselves the descendents of ancient practices, seek to bring them to light and resolve them (Mackay 1992).

The significance of this is that in contemporary Western societies at least, the ancient is not only alive, it can also be destabilizing. We have only to think of the informal 'justice' meted out in Northern Ireland, or the destruction of the social fabric caused by gang wars in marginalized communities, to realize that the State lacks full control. However, our story tells us that it is not so easy to achieve control where the State has insufficient authority and power. Where government is weak, society has recourse to alternative ways of dealing with what Habermas refers to as the understandable resentment of crime (Habermas 1990, p. 45), the old and tested ways which involve concentrations of power and mechanisms of feuding in decentralized communities. From Aeschylus' *Oresteia* to the badlands of modern inner cities, and the persistence of the *Kanun* of Northern Albania (Kadare 1998), blood feud is alive and well. Although the Furies are constrained by the descendents of Athenian Law, their voices are never silent (Aeschylus 458 BCE/1994); and where Law does not reach, their rule is almost unchallenged.

Scott's achievement has been to explore the motivations and psychologies of the actors in the feud. He demonstrates how these actors are influenced by the different value systems operating in different levels or sectors of society. These dissonances persist over time. From the perspective of Law and Literature we can see the interweaving of conflict and conflict management styles, and experience the present reflected in the past.

This story with its vivid depictions of violent events of heroism, treachery and failed attempts at peacemaking, has a degree of verisimilitude synchronically and diachronically. The novel shows elements of the feud as a mode of life revealing deep roots and branches through time, the common genes of the blood feud that continues to reach backwards and forwards through history. Nor will this mode of life be extinguished entirely until the value of peaceability, which characters such as Catharine and Clement both embrace and represent, succeeds in overcoming it in the end.

---

<sup>186</sup> Robertson undertook his PhD on the work of Scott.

## References

- Aeschylus 458 BCE/(1984). *The Oresteia*, trans. R. Fagles. London: Penguin.
- Atkinson, P. and Hammersley, M. (2007). *Ethnography - Principles in Practice*, 3<sup>rd</sup>. ed.. Routledge/Taylor & Francis e-Library.
- Bloch, M. (1963). *The Historian's Craft*, 2nd ed. ,trans. P. Putnam. New York: Knopf.
- Concise Scots Dictionary, *The 1985. Mairi Robinson* (Ed.-in-Chief). Aberdeen: Aberdeen University Press.
- Habermas, J. (1990). *Moral Consciousness and Communicative Action*, trans. C. Lenhardt and S.W. Nicholsen Cambridge UK: Polity.
- Lukács, G. (1963). *The Historical Novel*, trans. H. and S. Mitchell. London and Lincoln: University of Nebraska Press.
- Kadare, I. (1990). *Broken April*, trans. New Amsterdam Book and Saqi Books. London: Harvill Press.
- MacKay. A. (1906). *The Book of Mackay*. Limited edition. Edinburgh: Norman Macleod.
- Nelson, J. L. (2019). *King and Emperor - A new life of Charlemagne*. London: Allan Lane.
- Robertson, J. (2011). *And the Land Lay Still*. London: Penguin.
- Scott, Sir W. (1831/1969). *The Fair Maid of Perth*. Everyman's Library. London: Dent.
- Scott, Sir W. (1814/2011). *Waverley or 'Tis Sixty Years Since*. London: Penguin.