

Were the bagpipes ever banned in Scotland?

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In case you haven't tired of anniversaries – there seems to be many going on in Scotland in the moment – 1997 is the 250th anniversary of the Act for the Abolition and Proscription of the Highland Dress. This was a milestone in the process of the 'pacification of the Highlands' and, to use less detached language, the ethnic cleansing of a people.

The Act was indeed much resented by the Highlanders to whom the plaid was not only a natural and functional part of their essential equipment in the rough terrain and weather of the Highlands, but an emblem of their identity as a distinct people, and a proud, highly mobile, independent-minded people with a warrior tradition.

The Act was written in three forms: the actual Act of Parliament; General Orders to the Army explaining the Act; an oath to be sworn by Highlanders promising their compliance with the Act. The latter, the briefest of the three, reads:

I swear as I shall answer to God at the great day of judgement, I have not and I shall not have in my possession any gun, sword, or arms whatsoever, and never use tartan, plaid, or any part of the Highland garb, and if I do so may I be accursed in my undertakings, family, and property, may I never see my wife, nor children, nor father, mother, or relations, may I be killed in battle as a fugitive coward, and lie without Christian burial in a foreign land, far from the graves of my forefathers and kindred; may all this come upon me if I break this oath.

The Act of Proscription, however severe and odious it may have been to Highlanders, has been blamed for a number of things which are never actually mentioned in it. In particular, it is commonly believed that the bagpipes were banned by the Act of Proscription. What evidence is there for this?

The sole contemporary evidence that might lead one to think that the central British government paid any attention to the existence of bagpipes is an incident that occurred directly after Culloden. The Hanoverian forces rounded up what Jacobite soldiers they hadn't killed after Culloden and brought them to England to be tried for treason. (Note that they were not tried in Scotland, which had its own distinct legal system, and that this was a breach of the 1707 Treaty of Union.)

The central government was eager to condemn and punish as many Jacobites as possible so as to make an example of them which none would ever want to emulate again. When it was found that one soldier, James Reid, did not carry arms but bagpipes, the Court in York observed that 'a Highland regiment never marched without a piper'. This was sufficient reason to condemn him to death in 1747 for playing a part in the Jacobite Rising. Some later writers distorted this to mean that the bagpipes were officially considered an 'instrument of war', but this is never stated. There is no evidence that the York Court had any influence on the creation of the 1747 Act of Proscription, made in London.

¹ A version of this article was first published in *Am Bràighe* Summer 1997. John Gibon's book *Traditional Gaelic Bagpiping, 1745-1945* (1998) came out shortly thereafter and demonstrates in greater detail that no such ban ever occurred using a wide variety of sources.

What would we expect if the bagpipes were actually covered by the Act? We might expect them to be named – as were the sword and gun – in the Act, but there is no mention.

We would also expect the Gaelic bards to be prolifically furious about it! There are scores of songs, by major and minor poets, attacking the government for banning tartan and kilts. There are also many poems decrying the requirement to give up their weapons to the occupying army, as they would no longer be able to participate in the noble past-time of hunting. But not one single song claims that they have to give up the bagpipes. In fact, there are a number of poems in praise of the pipes, with no word of them being outlawed or in threat, and there was little more dear to the Highlanders than their music and song. There may have been a common and widespread disdain for the Highland bagpipes among English and Lowland society, as there was a general contempt for all things Highland, but this is quite different from there being an official act against them.

Duncan Ban Macintyre ('Donnchadh Bàn Mac an t-Saoir'), for example, produced quite a number of songs from this period in which he mentions the use of the bagpipes without any unusual duress. One poem celebrates the return of weapons and the native garb to the Gaels, but there is no mention that the status of the bagpipes has changed. He in fact wrote six poems praising Gaelic and the bagpipes between 1781 and 1789.

We would expect the late 18th and early 19th century historical writers, alive during the time, to have mentioned it. There are Jacobite memoirs by people involved in the '45 Rising (such as Robert Forbes' *The Lyon in Mourning*), but no one mentions a prohibition against the bagpipes. There are also a number of exhaustive 18th and 19th century books about *piobaireachd* and the bagpipes. Again, there is no word of the matter.

There are records of weapons that people turned into government forces during the disarming of the Highlands, but there is no mention of bagpipes being turned in. The Act for the Abolition and Proscription of the Highland Dress was repealed in 1782, repeating the conditions of the Act and without any mention of the bagpipes.

Some people have erroneously claimed that the genre of Gaelic song known as *port-à-beul* (literary "tune from mouth") was created when Highlanders wanted music to dance to but their bagpipes and fiddles had been banned. This is another baseless idea that ignores some basic facts about music and history. It has been common practice all around the world to accompany dance with singing when instruments aren't available – in fact, in some cultures songs are preferred to instruments. Although it is difficult to date *puirt-à-beul* ditties in Gaelic with any certainty, there is no reason to believe that they were not being composed and sung, especially as mnemonic devices for encoding bagpipe and fiddle tunes, before the year 1746.

How, then, did this misunderstanding about the bagpipes arise? It doesn't appear until well into the 19th century, when writers, mostly non-Gaels, rekindled interest in the Jacobites. Some inventive historian, looking at the Act and at the case of James Reid, seems to have made the deduction in his own mind that the bagpipes were an instrument of war and were therefore outlawed. Later historians naively picked up and spread this simplified and 'romantic' idea without criticism so that it has become 'common knowledge'.

The Act of Proscription attempted to defuse the threat of the Highlands once and for all with such severity, physical and cultural, that the Gaels would never again have the will or ability to

take independent action again by taking away their weapons and their chief military symbol, the plaid.

The belief, stated again and again in many modern texts about the Highlands that the bagpipes were proscribed as an instrument of war, is a misguided 19th century invention for which there is not any credible evidence. Some people, taking this pseudo-deduction further without checking the facts, even claim that the Gaelic language itself was outlawed! By shifting our attention to a brutal, short-lived Act, the methods by which Highland culture was actually suppressed and assimilated have become obscured.