

I'll tak' it to avizandum

By The Unreliable Narrator

A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.

—Sir Walter Scott, *Guy Mannering*

Law is the basis for all literature. It is what the written word was created for. Folk memory could bear the thread of story down through the ages, but then, as kin-groups coalesced into tribes and tribes clotted into cities, we needed to remember who did what to whom that time, and what we then did to him and why. The random walk of real life lacks the flow, the pace, the logic of a narrative, so we had to mark it down somehow or we'd never have remembered it next time. We ground our judgements into stone, set them up on steles, fixed, immutable, marking out our decisions for all to see, our words standing in awful majesty. And then we had to amend them, qualify them, adjust them constantly to fit a world that would not stay still. Stone gave way to clay, and then to parchment and to paper and now we site our laws upon the dithering quantum uncertainties of electrons. Law is where world and word collide — where imagination and actuality conjoin, where pen- and keystrokes squeeze through into reality. Letters make words and words turn into sentences.

By such arts, so we are told, are formed the mechanisms of a state — a nation-state, indeed. Such an entity must have its name in the book, for others to acknowledge its existence, and Scotland — United Kingdom or no — has its own Code of Law. A different writ runs north of the Solway and the Tweed: here are found juries of fifteen, and three verdicts are up for grabs among our advocates. England's laws (like those of its legal heirs) grew harum-scarum, a hedgerow made of Anglo-Saxon snips and scraps, knotted together, full of jags and tangles and surprisingly inflexible; but Scotland, though never part of Rome's empire, enjoys a smooth philosophy of law, built clean upon the pillars of Justinian's *igest*. With such intellectual roots we need not turn back, helpless, seeking out the Crown's command, each time some new circumstance arises.

Allegedly. Reality is perhaps more nuanced. As ever, of course, there are

through *gleann* and *srath*. And of course we have our regular cache of **book reviews** and our lists of **new publications** and conferences too.

Ad vitam aut culpam,

The Unreliable Narrator

(adopted as holograph)

PS: to mark Robert Louis Stevenson Day 2013, the Association for Scottish Literary Studies, with the kind support of the Robert Louis Stevenson Club, presents ***Strange Tales: Three Uncanny Stories by Robert Louis Stevenson***. These eerie tales of witches, warlocks, and demonic pacts — ‘Thrawn Janet’; ‘The Tale of Tod Lapraik’; and ‘The Bottle Imp’ — are outstanding examples of the storyteller’s art.

Three of Scotland’s leading authors have recorded their own readings of the stories, and these are also available to download free online:

Alan Bissett reads ‘Thrawn Janet’

James Robertson reads ‘The Tale of Tod Lapraik’

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Allegedly. Reality is perhaps more nuanced. As ever, of course, there are arguments to be made each way — and of course for the last three centuries the bulk of Scots law has been passed by parliaments in London, parenthetically. A (Scotland) bottled up in Westminster brackets. But still, the difference persists; punctuation matters, more than you might think: in the scales of Justice, the weight of a single comma might be enough to hang a man, or to set him free. In this issue, John Macfie, Writer to the Signet, sets out his evidence in **Scots Criminal Law: A Hazy Introduction**.

Scotland's Law and Scotland's Literature cohabit within the larger realm of Scottish Letters, and there is an extensive overlap from the one to the other — Scott, Galt, Stevenson, Buchan, to name but a few, all at least took training in the law, before turning out their more literal fictions (there are perhaps fewer who make the trip the other way). Scott, for one, made extensive use of legal cases, and legal language, in his novels — a realm explored by Sarah Winter in **Scott and Scots Law**. Contemporary novelists, too, find this a rich seam, where morality and mortal peril intertwine among the words, words, words. James Robertson confesses all in **Slavery, Terrorism, Law, and Justice**.

Before the lawyers, though, come the policemen — and before them must come the criminals. Scotland is latterly so rich in crime novels that James Ellroy, no less, coined the phrase “Tartan Noir” to describe the work of Ian Rankin, and by

extension the works of all those other sanguine Scots who swim in his wake. Yet Rankin himself has fed upon a distinctively Scottish corpus; Lin Anderson dissects the matter in **Bloodyminded in Bloody Scotland**.

One might expect the law to keep a grip on reality; however abstruse, it must, one imagines maintain some contact with actuality. And yet the prism of the law can make phantoms into facts, and transform pure fantasy into awful truth. For two hundred years, Scotland's courts dutifully believed in — and enthusiastically investigated, condemned and executed — witches. All the way to the dawn of the Enlightenment, there were bonfires dancing: Julian Goodare tells us why we should be **Remembering Scottish Witches**.

As if this wasn't all enough, there is also Kirstie Blair's inspection of **McGonagall, 'Poute' and the Bad Poets of Victorian Dundee**; Joanna M. Martin talks us through the details of **Women as Readers, Writers and Book Owners in Late Sixteenth-Century Scotland**; and J P O'Malley **interviews James Kelman**. Maggie Scott defines the **Provost** and Alison Grant leads us through *gleann* and *srath*. And of course we have our regular cache of **book reviews** and our lists of **new publications** and conferences too.

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