# The transportation of the Scottish Martyrs in 1793: a particular form of exile?

*La déportation des "martyrs écossais" de 1793 : une forme particulière d'exil ?*

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# The transportation of the "Scottish Martyrs" in 1793: a particular form of exile?

Thomas Muir and his companions in misfortune, who later became famous as the Scottish Martyrs, were among the prominent figures of the vast movement for reform that emerged in Britain at the end of the eighteenth century. What makes their case particularly interesting is that these men were sentenced to transportation, a form of exile that needs to be included in any consideration of the themes of exile and return. Drawing on the example of Thomas Muir, this article will investigate the specific nature of political exile. Does the "time" (in the sense of temporality) of political exile differentiate itself from the "time" of other forms of exile? Is political exile characterized by a state of "fundamental discontinuity"?[1] Does the political, intellectual or ideological dimension of political exiles enable them overcome, maybe more than other exiles, the essential sadness of exile? These are some of the questions I propose to address in this paper.

In the seventeenth century the English and Scottish governments viewed the colonies, for example America, as perfectly appropriate places to send miscreants of all kinds, criminals, vagrants, prostitutes or political prisoners. Transportation constituted an instrument of social control whose function was to deter people from resorting to criminal acts. Andrew Fletcher of Saltoun, who was one of the most determined opponents of the Union of 1707, thought, like many of his contemporaries, that the system of transportation was the panacea for solving the endemic problem of vagrancy:

> There are at this day in Scotland […] two hundred thousand people in Scotland begging from door to door. These are not only no way advantageous, but a very grievous burden to so poor a country […] in all times there have been about one hundred thousand of those vagabonds who have lived without any regard or subjection either to the laws of the land or even those

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1. E. Said, *Reflections on Exile and Other Essays*, Cambridge, Harvard University Press, 2000, p. 177.

of God or nature […] in years of plenty many thousands of them meet together in the mountains, where they feast and riot for many days; and at country weddings, markets, burials, and other the like publick occasions they are to be seen both men and women perpetually drunk, cursing, blaspheming and fighting together. These are such outrageous disorders, that it were better for the nation they were sold to the gallies or West Indies, than that they should continue to be a burden and like upon us.[2]

After the Transportation Act of 1718 was passed, the number of people sentenced to transportation increased regularly: between 1718 and 1755, 700 people were sentenced to transportation by the Scottish courts. This means of sentencing was halted by the American War of Independence of 1776 but resumed in 1787 with a new destination: Australia. Transportation was now seen as a more serious punishment than imprisonment, since it involved exile to a distant land and made return to the home land very difficult. The first convicts (about 750) arrived in Botany Bay in Australia on 20 January 1788, marking the beginning of the most extensive system of forced exile ever to be undertaken by the British government. 80,000 convicts were deported to New South Wales between 1787 and 1840 and 60,000 to Van Diemen's Land in Tasmania between 1803 and 1852. The limited number of Scottish convicts (about 8,000 in total) can be accounted for by the fact that the Scottish legal system of the eighteenth century differentiated from its English counterpart. It was common in England to transport convicts found guilty of minor criminal offences whereas in Scotland the sentence was reserved only for serious offences.

The system of transportation was not unanimously approved of though, and some specialists in criminal law believed that it failed to deter crime and did not lead to the reformation of the convicts. Jeremy Bentham was one of those who wrote extensively about the flaws of the system:

> The main object or end of penal justice is example […]. Of this property, transportation is almost destitute: this is its radical and incurable defect […]. The second end or object of punishment is reformation […]. Under this head, what has been done in the colony of New South Wales? By referring to facts, we shall find, not only that in this respect it has been hitherto radically defective […]. The third object or end of punishment is incapacitation […]. The convict, whilst in New South Wales, cannot commit crimes in England; the distance between the two places in a considerable degree precludes his

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2. A. Fletcher of Saltoun, *The Political Works of Andrew Fletcher*, London, J. Bettenham, 1737, pp. 145–6.

illegal return, and this is the sum of the advantage. Whilst the convict is at Botany Bay, he need not be dreaded in England: but his character remains the same, and the crimes which are mischievous in the mother country are mischievous in the colony; we ought not, therefore, to attribute to this punishment an advantage which it does not possess.[3]

The term Scottish Martyrs is something of a misnomer, as only two of the five convicts who were sent to Australia were Scottish (Thomas Muir and William Skirving, the secretary of the Scottish branch of the National Convention of the Friends of the People). Most historians who have written about the Scottish Martyrs tend to use the term with inverted commas: this is for example the case of Thomas Devine who, in his book about the *Scottish Empire*, refers to the "Scottish Martyrs".[4] Some historians seem to use the notion with even more care, which is the case of Malcolm Prentis who speaks of "the so-called 'Scottish Martyrs'",[5] a process which casts doubts as to the validity of the notion. Yet other historians seem to be less critical of the notion, such as Clive Emsley, who uses the words *Scottish martyrs*,[6] or Frank Clune, the author of a monograph on Muir and his companions, who uses *Scottish Martyrs* without inverted commas.[7]

The political context is obviously most important in understanding the nature of the sentence that was pronounced against this group of Scottish radicals. In the 1790s the British ruling classes were concerned that the revolutionary ideas that had overthrown the French monarchy might spread to Britain and, in their view, contaminate its population. Societies demanding better and fairer political parliamentary representation were created all over Britain. Demonstrations were organised, trees of liberty were planted and some of the protesters went as far as burning effigies of Henry Dundas, the political figure who they felt represented all the evils of a corrupted system. Thomas Muir's trial can only be understood in this context of political instability and social unrest. Thomas Muir was greatly influenced by the French revolutionary ideas and actively militated in favour of parliamentary reform. In October 1792 he was elected to the vice presidency of the Glasgow Associated Friends of the

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**3**. J. Bentham and J. Bowring, *The Works of Jeremy Bentham*, vol. 1, Edinburgh, W. Tait, 1838, pp. 491–5.

**4**. Th. Devine, *Scotland's Empire and the Shaping of the Americas 1600–1815* (2003), Washington, Smithsonian Books, 2004, p. 277.

**5**. M. Prentis, *The Scots in Australia*, Sydney, UNSW Press, 2008, p. 47.

**6**. Cl. Emsley, "Repression, 'Terror' and the Rule of Law in England during the Decade of the French Revolution", *The English Historical Review*, vol. 100, no. 397 (October 1985), p. 832.

**7**. Fr. Clune, *The Scottish Martyrs: their Trials and Transportation to Botany Bay*, London, Angus and Robertson, 1969.

Constitution and of the People. At the general convention of the Scottish Societies of the Friends of the People in December 1792 Muir read a message from the United Irishmen of Dublin:

> We rejoice that the spirit of freedom moves over the face of Scotland: that light seems to break from the chaos of her government; and that a country so respectable in her attainments in science, in arts and in arms […] now rises to distinction, not by a calm contented secret wish for a Reform in Parliament, but by openly, actively and urgently willing it, with the unity and energy of an imbodied [*sic*] nation.[8]

This speech was to have wide-reaching consequences: Muir was accused of propagating seditious ideas undermining the security of the state. He was arrested in January 1793 and released on bail. As he was in Paris at the time of his trial, he was declared an outlaw and struck from the Bar. His trial took place on 30 and 31 August 1793. Muir was accused of taking part in seditious meetings, of accusing the government and the judicial authorities of corruption, of exhorting people to read Thomas Paine's *The Rights of Man* and of reading a message from the *Society of United Irishmen*. Muir rejected all these accusations:

> The Criminal Libel is false and injurious; so far from exciting the people to riot and insurrection, it can easily be proved by a numerous list of witnesses, that, upon every occasion, the Panel exhorted them to pursue measures moderate, legal, peaceable and constitutional. The charge of distributing seditious publications, and of advising the people to read them, is equally false and calumnious.[9]

It appears from the proceedings of the trial that the judges feared that reformers such as Muir might propagate their ideas of reform to the "gullible" working-classes, or to use Lord Braxfield's own words to the "knots of ignorant labourers and herds of poor manufacturers".[10] After a sixteen-hour long trial Thomas Muir was unanimously found guilty and sentenced to 14 years transportation. As Lord Henderland made it clear, Thomas Muir and his unacceptable seditious ideas had to be sent as far away as possible: "What security could we have against his future operations, but a removal from his country, to a place where he could do no further harm."[11]

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8. Quoted in Fr. Clune, *The Scottish Martyrs*, p. 5.
9. Th. Muir, *The Trial of Thomas Muir, Esq. Younger of Huntershill*, Edinburgh, Alexander Scott, 1793, p. 14.
10. *Ibid.*, p. 45.
11. *Ibid.*, p. 67.

Muir had spoken for about three hours at his trial and had declared that he was convinced his ideas would triumph in the end:

> I can look danger, and I can look death in the face, for I am shielded by the conscience of my rectitude. I may be condemned to languish in the recesses o a dungeon. I may be doomed to ascend the scaffold. Nothing can deprive me of the recollection of the past. Nothing can destroy my peace of mind, arising from the remembrance of having discharged my duty.[12]

Muir could not have been more explicit about one of the essential components of the process of exile, namely the indissoluble attachment to the past, even if Muir did not know when he pronounced these words that he was going to be sentenced to transportation. It is possible to extract a person from their natural geographical environment by force but it is much more difficult to deprive them of their past, of everything that has formed or shaped them. This is exactly what Muir indicated in one of the letters he wrote to his lawyer:

> I leave you and Mrs Moffat perhaps for ever, but your remembrance never shall be effaced from my mind […] in the remotest corner of the world your remembrance and that of Mrs Moffat will soothe me in my affliction , but my tears shall flow over the remembrance. I am really unwell.[13]

Muir's words clearly express the utter importance of the past for those who are cut from their roots. Incidentally it is interesting to note that Muir did not totally rule out the possibility of going back to Scotland, as exemplified by the words "perhaps for ever". Edward Said, one of the leading figures of post-colonial studies, argues that exile is first and foremost characterised by a state of "fundamental discontinuity".[14] Yet to put the stress on discontinuity, which is undoubtedly a central component of the process of exile, is equivalent to relegating to the background everything that enables the exile to carry on with their trajectory, to establish some continuity between the realities of the past, the dislocation of the present and the uncertainties of the future. The connection between exile and identity has been discussed by numerous critics and historians.[15] Gillian Bourras has written that "exile affects identity since

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12. Quoted in Fr. Clune, *The Scottish Martyrs*, p. 11.
13. Quoted in Fr. Clune, *The Scottish Martyrs*, p. 14.
14. E. Said, *Reflections on Exile and Other Essays*, p. 177.
15. See for example M. Harper's works such as *Adventurers and Exiles: The Great Scottish Exodus*, London, Profile, 2003 or *Emigrant Homecomings: the Return Movement of Emigrants, 1600–2000*, Manchester, Manchester University Press, 2005.

the past becomes myth and the present reality".[16] It seems to me that associating the past with the notion of myth is equivalent to rejecting the past in some kind of artificial or fictitious place, which is exactly what the past is not for the person in exile. There is no doubt that the exile is bound to idealise the past but it is also true that the exile's past remains an indisputable reality that furthermore enables the exile to confront better the difficulties of the present.

Let us now turn our attention to some of the characteristics of political exile. The counts of indictment against Thomas Muir leave no doubt as to the fact that rather than Thomas Muir as a person, it was his subversive, radical ideas and their potential threat to the authorities and society that were targeted:

> Inciting a spirit of disloyalty and disaffection to the King and the established government,
> Wickedly advising and exhorting persons to purchase seditious publications,
> Wickedly distributing seditious writing,
> Wickedly producing and reading aloud a seditious and inflammatory writing.[17]

Thomas Muir's exile did not concern just the individual himself but all those who shared or were likely to share his political ideas and who thus represented or were likely to represent a threat to the regime. It was a multiple form of exile or a "synecdoche form of exile", the individual Muir representing a body of people united around common values of social change and political reform. The political exile is subjected to a double form of exile, geographical-spatial and ideological. The political discourse and propaganda cannot exist without an audience, which is necessarily absent in a distant and isolated land. The political exile is thus cut from what constitutes their essential being. Robert Hughes has written that "[the dissenter] slipped off the map into a distant limbo, where his voice fell dead at his feet. There was nothing for his ideas to engage, if he were an intellectual […]. He could preach sedition to the thieves or the cockatoos, or to the wind. Nobody would care".[18] Yet it is precisely the political exile's commitment to a noble cause that enables him to overcome the tragedy inherent to any form of exile. The political exile, like any other exile, is dispossessed of his geographical belonging

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16. G. Bourras, "Memories of Living In-between", in A. Luyat and Fr. Tolron (eds), *Flight from Certainty, The Dilemma of Identity and Exile*, Amsterdam, Rodopi, 2001, p. 17.

17. Quoted in Fr. Clune, *The Scottish Martyrs*, pp. 7-8.

18. R. Hughes, *The Fatal Shore: a History of Transportation of Convicts to Australia, 1787–1868*, London, Collins Harvill, 1987, pp. 175–6.

but not of his political ideas: there is a clear discontinuity between being and place but not between being and ideas. The specificity of political exile becomes apparent when compared to other forms of exile. One example that could be given here is that of the thousands of Highlanders who left for America, Canada or Australia in the middle of the nineteenth century; they were the victims of the clearances and the policies of improvement undertaken by the landowners.[19] The newspapers which supported the landed elite and the authorities who were in charge of the emigration schemes insisted on the fact that the emigrants were under no obligation to leave. The *Skye Emigration Society*, the structure that was created at the end of 1851, presented the multiple advantages of the landlords' emigration policies:

> They [the measures] benefited the people they sent out by relieving them from a state of despondency and deprivation, and placing them in a position where they might attain to prosperity and comfort by their own industry; they conferred a benefit on those that remained by relieving them from the incubus of a superfluous population which was now pressing them down; and they also benefitted in the highest degree those colonies which he believed were destined to add to the greatness and wealth of our empire.[20]

Yet numerous peasants of the Highlands decided to leave their lands because they had no real choice. For them exile was all the more traumatic since their homes represented the centre of their world, their point of reference. As Pierre Bourdieu and Abdelmalek Sayad have noted:

> The peasant spirit cannot resist for long to uprooting: the peasant, who is possessed by his land more than his land possesses him, is defined by his attachment to his field and his animals.[21]

For a peasant, the familiar world is his birth place and his whole habitus is based on his surroundings; that is why the uprooted peasant is deeply hurt, so deeply that he can neither understand what is happening to him nor express his confusion. For the Highlander the land also represented the symbolical link between generations: leaving one's land amounted to leaving and betraying one's ancestors. Nobody would deny

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**19**. Thomas Muir's political exile and the Highland peasants' socio-economic exile are obviously different in nature; yet the comparison with the Highland peasants' exile seems particularly relevant since a large part of the Highlanders who emigrated in the middle decades of the nineteenth century were directly or indirectly forced to leave their country. Furthermore, studies of Scottish emigration often fail to take into account the specificity of the Highland experience.

**20**. "Highland Emigration", *The Inverness Courier*, 4 March 1852.

**21**. P. Bourdieu and A. Sayad, *Le Déracinement*, Paris, Éditions de Minuit, 1964, p. 112.

that the Highlanders left full of the wealth of their past, their culture and their language but their departure represented a tragic dissociation with their environment, a journey towards the "perilous territory of not belonging"[22] that left them in a state of profound existential uncertainty. If one compares the conditions of existence of the Scottish Martyrs to those of the exiled peasants of the Highlands, one realises that the term "exile" can have very different meanings. The Scottish Martyrs, and Thomas Muir in particular, lived in quite comfortable conditions in Australia, if we go by a letter Muir wrote to one of his friends in London:

> I am perfectly well; I am pleased with my situation as much as a person can be who is for ever separated from all they loved and from all they respected […]. I have a neat little house here, and another two miles distant, at a farm across the water.[23]

The situation was radically different for the exiled Highland peasants. Most of them arrived completely destitute, as exemplified by this account of the arrival of a group of emigrants in Canada in November 1851:

> A number of these poor creatures arrived, during last week, in Woodstock. It is truly lamentable to see them trudge along the road, each carrying a heavy load of articles, which, generally speaking, are entirely useless. Many of the females were bare-foot and poorly clad, while the children exhibited much suffering and misery […] the fact of turning them adrift, penniless, on a foreign shore, is a species of cruelty and injustice which should not be permitted to exist.[24]

Thus Thomas Muir was not an exile like other exiles. Contrary to most others he could project himself into the future; he could hope to see his ideas triumph, as Muir explicitly said during his trial:

> Were I to be led this moment from the bar to the scaffold, I should feel the same calmness and serenity which I now do. My minds tells me that I have acted agreeably to my conscience, and that I have engaged in a good, a just and a glorious cause—a cause which sooner or later must and will prevail.[25]

The political exile's ideas serve as a form of connection between the past and the future and enable them to go on constructing their identities. Although *The Telegraph: A Consolatory Epistle* was actually not written

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22. E. Said, *Reflections on Exile and Other Essays*, p. 177.
23. Quoted in Fr. Clune, *The Scottish Martyrs*, p. 76.
24. "How forced emigrants fare in America", *The Inverness Advertiser*, 25 November 1851.
25. Th. Muir, *The Trial of Thomas Muir*, p. 70.

by Thomas Muir the poem is interesting to consider since its content is very similar to the letters Muir wrote while he was in exile.[26] The poem is pervaded by sadness and melancholy and conveys the image of helpless convicts:

> From this remote, this melancholy shore;
> Round whose bleak rocks incessant tempests roar:
> Where sullen Convicts drag the clanking chain,
> And desolation covers all the plain;
> My heart, dear DEAN, with anguish turns to you,
> And mourns the scenes, just opening to your view.[27]

The poem also demonstrates that Muir did not renounce his commitment to liberty and democracy:

> Like me you fall—"a martyr in the cause,
> Of *truth*, of *justice* and of *injur'd laws*".[28]

The rebel spirit cannot be vanquished, whatever the circumstances may be:

> The best and noblest privilege in hell
> For souls like ours is, boldly to rebel;
> To rear the standard of revolt, and try
> The happy fruits of lov'd democracy.[29]

This constant and unbending commitment to democracy can also be perceived in the different letters Muir wrote in 1796 while he was in Monterey. In a letter written to the Earl of Stanhope, Muir reaffirmed his attachment to justice and constitutional rights:

> My mind, firm and erect, rises superior to affliction, and that when I descend into the tomb, my enemies will be unable to impeach my consistency.[30]

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**26**. Some historians attribute the poem to Th. Muir; see for example T. Devine who writes that "Thomas Muir in *The Telegraph: A Consolotary* [*sic*] *Epistle*, a long poem to his friend Henry Erskine, began by describing the landscape of exile" (Devine, *Scotland's Empire*, p. 277) or R. Hughes who mentions the "lengthy poem Thomas Muir addressed to his fellow reformer Henry Erskine in Scotland" (R. Hughes, *The Fatal Shore*, p. 178). Yet the catalogue of the National Library of Scotland clearly indicates that the poem was actually written by George Hamilton, a minister of Gladsmuir.

**27**. G. Hamilton, *The Telegraph: a Consolatory Epistle*, Edinburgh, 1796, p. 2.

**28**. *Ibid.*, p. 3.

**29**. *Ibid.*, p. 8.

**30**. Quoted in Fr. Clune, *The Scottish Martyrs*, p. 117.

In another letter written to MP Charles James Fox, Muir indicated that he intended to do everything he could to save his country and to bring democracy to his country.[31]

Let us briefly mention some elements of the remaining part of Thomas Muir's life journey. Muir managed to flee from Botany Bay in February 1796 thanks to the help of the captain of an American ship. Muir then went to Monterey, Havana and Cadiz; he arrived in Paris in December 1797 where he died on 26 January 1799. Muir managed to come back to Europe but his return from exile was only partially achieved since he never returned to his country of origin.

To conclude, it would seem that political exile is different from other forms of exile; the political exile can perhaps retain a fundamental part of their identity more than other exiles. By establishing an ideological bridge between past, present and future, political exiles can transcend the sorrow inherent to any form of exile and up to a certain point continue to develop themselves without losing all of their roots. Two other examples taken from the same historical period tend to confirm the view that the transfer from one place to another cannot totally destabilise the political exile. Thomas Paine was charged with sedition in 1792 because of the anti monarchical views he had expressed in the *Rights of Man* and he was forced to flee to France to avoid prosecution. It was in exile that he completed his last major work, *The Age of Reason* (1794–1796). William Cobbett, who was forced into exile to the United States between 1817 and 1819, managed to continue his political activity through the publication of the *Political Register*. It would be hard to deny that the judges who sentenced Thomas Muir to transportation reached their goal, i.e. to prevent Muir from "poisoning" society through his subversive ideas. But if we keep in mind the following words by Emmanuel Levinas, who argues that exile is a form of violence that "consists less in hurting or annihilating than in interrupting, in making people play parts in which they find themselves lost or in making them betray their commitments or their own substance",[32] then it would seem that the judiciary authorities that condemned Muir to exile did not succeed totally in their aim since Muir never betrayed his commitment to values of reform, freedom, justice and democracy.

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**31.** *Ibid.*, p. 118.
**32.** Quoted in M. H. Alaoui, "Rupture et incertitude, deux invariants des trajectoires d'exil", *Euroorient*, no. 29, 2009, p. 6.

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