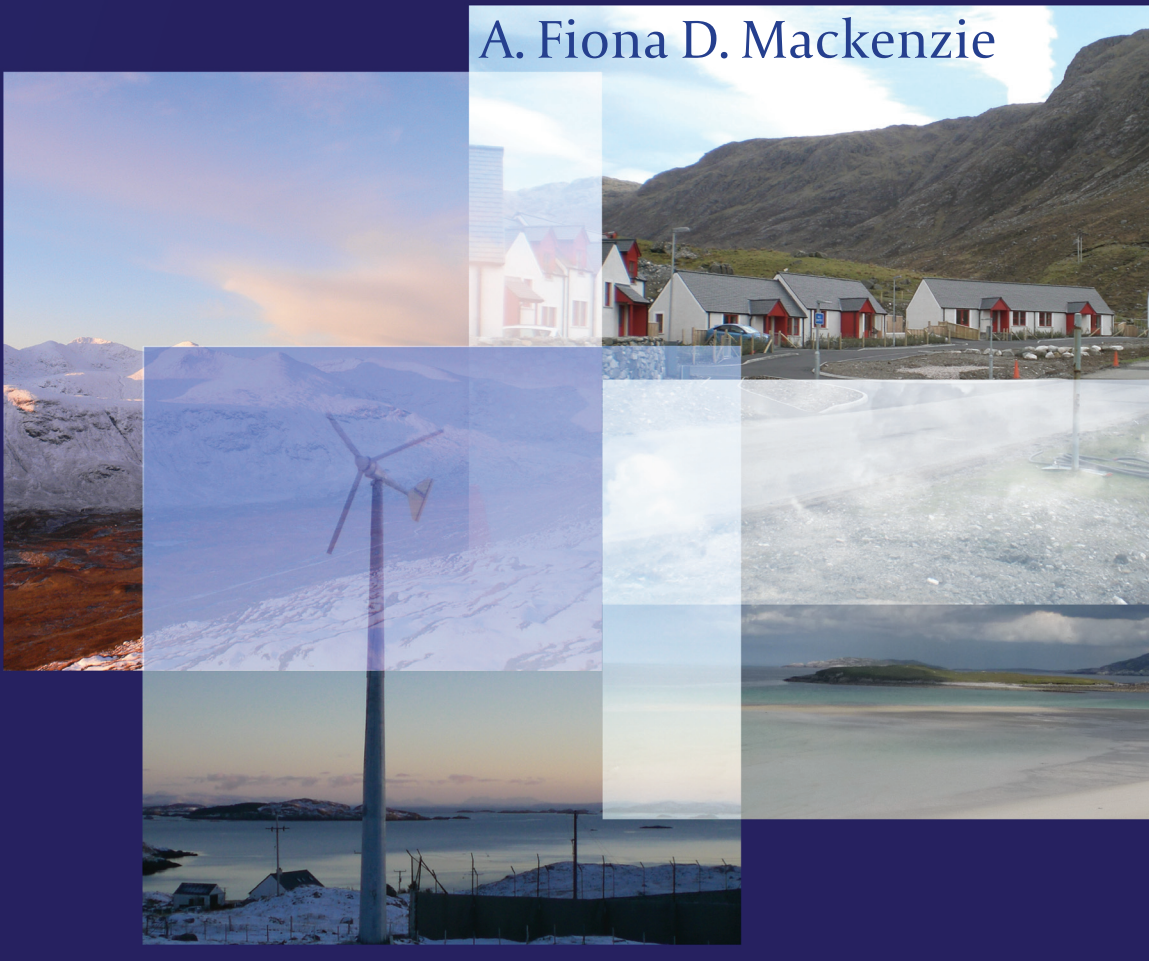
Places of Possibility

Property, Nature and Community Land Ownership

A. Fiona D. Mackenzie



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Places of Possibility

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For Errol and Rowan

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Acknowledgements

This book is intended as a tribute to the many people on the Isle of Harris, Outer Hebrides, Scotland, with whom it has been my privilege to carry out research over the past 16 years. Initially, in the mid-1990s, this research focused on how those living on the island reworked what I would now refer to as their "subject positions" in the face of a multinational corporation's proposal to locate a massive superquarry in a National Scenic Area, within whose bounds the island lies. Subsequently, when the North Harris Estate, which comprises the north of the island, became the subject of community land purchase in 2003, the research focus changed to exploring how residents of North Harris, collectively, are reworking ideas of property and nature in the search for more socially just and sustainable futures. It is this story – of how people in North Harris are in the process of reversing processes of dispossession that have taken different forms over hundreds of years – that is the subject of this book. It is a story that projects this place, so often written off historically as the periphery of the periphery, into the forefront of debates about how norms of global neoliberalization may be challenged in ways that create spaces for alternative, more socially just and sustainable possibilities.

The story could not have been told without the generous support over the years of the many people involved with the North Harris Trust, the community organization that owns the estate, whether in their capacity as directors of the trust, as employees or as members. My thanks go, first, to Calum MacKay, who, as Chair of the North Harris Trust, facilitated the research, supporting the extended discussions I have had with trust employees, my attendance at directors' meetings and making time in his busy schedule to talk. For the many, many, conversations I have had with

them – topics ranging from the specifications of wind turbines, the particularities of the challenges of working with the land and the intricacies of housing policy to the profound differences which community land ownership makes – I owe an especial debt to David Cameron, Alistair Macleod and Duncan MacPherson. All three have been exceptionally generous with their time and without the detailed narration of their experience in setting up and working through a community land owning trust to effect more sustainable futures, the connections I have been able to explore through this book – between "property" and "nature" – would have been far less secure. To David Cameron, now Chair of the new organization, Community Land Scotland, as well as Chair of the North Harris Trading Company, the wholly owned subsidiary of the North Harris Trust, my thanks for sharing a vision of the future that makes visible an alternative to the historically embedded practices of social, cultural and economic erosion. To other directors of the trust, my thanks particularly to Cathie Bell Morrison, Barbara MacKay and Kenny Mackay. I would also like to record my thanks to Murdo Morrison, who has not lived to see the completion of the research but whose passion for the land invigorated every conversation I had with him. My thanks to David Wake and Robin Reid, both now working for the trust, whose insights, respectively, into renewable energy and the intricate interrelationship between people and the land/nature, have enriched this study. And my thanks to Mary Christine MacLennan and Diana MacLennan, also working for the trust, for sharing their understanding of crofting matters, and to Ann-Marie Hewitt for help with photographs. Others in North Harris whom I would like to thank include Ian Scarr Hall, Kenny Maclean, Innis Morrison and Fiona Morrison.

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material has appeared in sections of the following publications: 'S Leinn Fhèin Fearann (The Land is Ours): re-claiming land, re-creating community, North Harris, Outer Hebrides, Scotland, *Environment and Planning D: Society and Space*, 2006, 24:577–598; A working land: crofting communities, place and the politics of the possible in post-Land Reform Scotland, *Transactions of the Institute of British Geographers*, 2006, NS 31: 383–398; Working the Wind: Land-owning Community Trusts and the Decolonization of Nature, *Scottish Affairs*, 2009, 66: 44–64; and A common claim: community land ownership in the Outer Hebrides, Scotland, *International Journal of the Commons*, 2010, 4 (1): 319–344.

A thank you too to my father, whose warm welcome to his home near Perth as I was en route to or from the Isle of Harris I could always count on. And to those who have sustained me over the years through long walks in the hills – 'bagging' Munros – my son Errol and daughter Rowan, Nick Spedding, Sandy Mather and George Yeomans, a special thanks for keeping my feet firmly on the ground whatever possibilities about the land my mind might have been imagining.

1

Placing Possibility

The Community Land Conference, *29–30 September 2009*, Isle of Harris, Scotland

On 29 and 30 September 2009, representatives of the 20 largest community land owning trusts, responsible for the management of over 400 000 acres of land in Scotland's Highlands and Islands, met in the Harris Hotel, Tairbeart, Isle of Harris, in the Outer Hebrides, to discuss how to take forward community-centred land reform.[1] Delegates at the Community Land Conference shared a concern that despite the well-publicized successes of the community land ownership movement – underway since the historically unprecedented purchase by the Assynt Crofters' Trust of the North Lochinver Estate in 1993 and supported, a decade later, by the Land Reform (Scotland) Act 2003 – momentum had been lost (Table 1.1).[2] A beginning had been made in reversing the extraordinarily skewed distribution of land in Scotland,[3] but the process of democratizing land ownership was far from complete. Funding streams that were essential to communities seeking to purchase land that had been held as private estates for hundreds of years, frequently by absentee landlords, were no longer guaranteed, and land reform itself seemed to have slipped from the Scottish Government's agenda. The task for delegates was to consider how to take the land reform process forward such that other communities could search out its political possibilities.

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Table 1.1 Community land ownership in Scotland, 2010 (Property over 2000 acres).

Property	*Owner*	*Acres*	*Hectares*	*Date of acquisition*
West Harris Estate	West Harris Crofting Trust	16255	6578	2010
Galson Estate	Urras Oigreachd Ghabsainn	56000	22662	2007
South Uist Estate	Stòras Uibhist	93000	37636	2006
Glencanisp and Drumrunie Estates	Assynt Foundation	44578	18047	2005
North Harris Estate	North Harris Trust	55000	22267	2003[(i)]
Gigha	The Isle of Gigha Heritage Trust	3694	1495	2002
Little Assynt Estate	Culag Community Woodland Trust	2940	1190	2000
Forest of Birse	Birse Community Trust	9000	3642	1999
Knoydart Estate	Knoydart Foundation	16771	6787	1997
Eigg	Isle of Eigg Heritage Trust	7263	2939	1997
Melness	Melness Crofters' Estate	12522	5067	1995
Borve and Annishader Estate	Borve and Annishader Township	4502	1822	1993
North Assynt Estate	Assynt Crofters' Trust	21132	8552	1993
Stornoway Estate	Stornoway Trust	69400	28085	1923

[(i)] In 2006, the Loch Seaforth Estate was added to the North Harris Estate, bringing the total acreage to 62500 (25304 ha).
Source: Adapted from Wightman, 2010: 150.

In his introductory keynote address to the conference, renowned historian James Hunter reminded the audience of John McGrath's immensely popular play *The Cheviot, the Stag and the Black, Black Oil*, performed throughout the Highlands and Islands in 1973. "For all its entertaining format" – the play was staged in the vernacular idiom of a ceilidh – Hunter emphasized its serious message, spoken in the final scene by the full cast: "The people do not own the land. The people do not control the land" (Hunter, 2009: 1). He expanded,

> Whether by clearing lairds, by the absentee owners of sporting estates or by the multinational corporations then beginning to be involved with North Sea oil, the resident population of the Highlands and Islands, or so McGrath contended, had been denied any jurisdiction over their area's natural assets – just as they'd been deprived, McGrath argued, of any

> substantial share of the profits and revenues deriving from the commercial exploitation of those assets (Hunter, 2009: 1).[4]

That was now changing. Since that "revolutionary moment" in the summer of 1992 when the Assynt crofters decided to bid for the North Lochinver Estate (now the North Assynt Estate), placed on the market by the liquidators of Scandinavian Property Services Ltd, which had owned the land since 1989 (see MacAskill, 1999), people had begun to question what had previously been taken for granted – namely, "that private estates would forever be bought and sold without reference to, or interference from, the people living on them" (Hunter, 2009: 3).[5]

Hunter summarized the remarkable successes of community land ownership. In material terms, achievements included the provision of new housing and the upgrading of existing housing, increases in population, the establishment of new businesses and job opportunities, "more environmentally-sensitive management of a whole range of natural habitats" and renewable energy schemes (Hunter, 2009: 4). Less easy to measure, he noted, but "hugely important", was evidence of growing "self-esteem" and "self-confidence" (Hunter, 2009: 4). He challenged those present to raise the political profile of community land ownership in Scotland and to lobby the government for a renewed commitment to land reform. This government, minority though it might be, was after all formed by the Scottish National Party, a party that, while "far from power" in 1973, had invited McGrath to stage a performance of *The Cheviot, the Stag and the Black, Black Oil* at their annual conference (Hunter, 2009: 10).

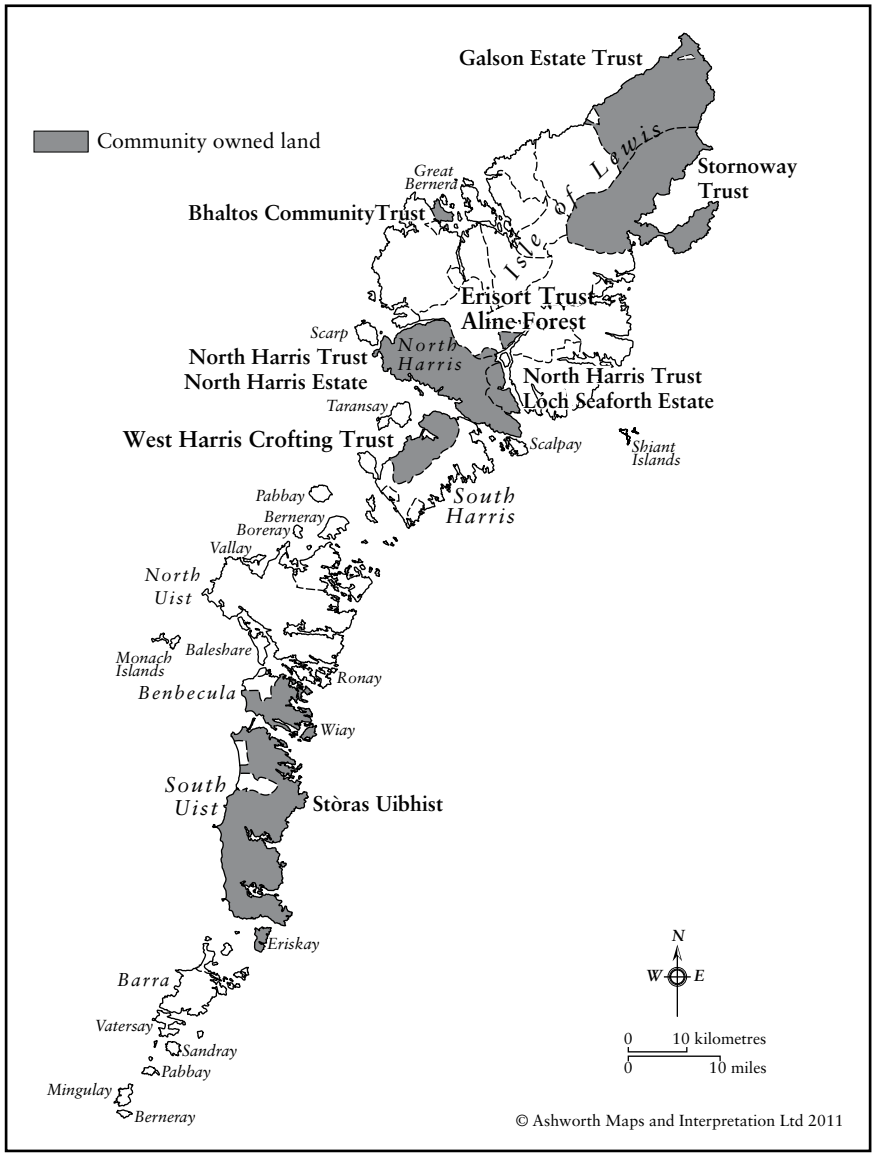
Unanimously, representatives of the community trusts present adopted a series of proposals designed to further community land ownership in the Highlands and Islands.[6] They mandated the working group of three who had organized the conference to take these proposals forward to the Scottish Government and to lead an investigation into the possibility of more formal political representation of community land owning groups. The name C-20, lightly quipped at the first meeting in Inverness of a steering group where the idea to hold a conference was first mooted, provided an interim collective identifier for this purpose. With a measure of irony, the name's verbal resonance with the G-20 conjures an identification with the global, but simultaneously undercuts any claim to a global defined through the reductionist deliberations of finance ministers and the governors of central banks from 20 economies. The name C-20 suggested a claim to an alternative, place-based and more generous politics to that of a neoliberal imaginary.

Places of possibility

This is a book about the land reform process in Scotland's Highlands and Islands, which so inspired those present at the conference to seek ways of ensuring its continuation. It is also an engagement with the broader questions – of property, nature and neoliberalization – through which this struggle is constituted. The book considers how community land ownership opens up the political terrain of particular places through the reconfiguration of practices of property and of nature to more socially just and sustainable possibilities than those prefigured through prevailing norms of neoliberal practice, specifically enclosure and privatization. More precisely, it explores how the complicated and contingent process of "commoning" the land through community ownership troubles binaries – of public/private and nature/culture – and through these disruptions creates a space/place where neoliberalism's normalizing practices are countered. The islands of the Outer Hebrides (or the Western Isles, as these islands are also known) are shown to be places of possibility where norms that had previously confined political possibility are now unsettled and new imaginaries configured.

Within Scotland, at "the cusp", globally, of "community-centric" land reform (Bryden and Geisler, 2007), the Outer Hebrides provide an exceptionally rich area in which to explore the political possibilities that are created as ideas of property and nature are reworked through community land ownership.[7] First, after a lengthy history of dispossession – of the enclosure and privatization of rights to the land associated both with the Clearances of the eighteenth and nineteenth centuries and, more recently, of the collapse of fish stocks, the decline in the price of sheep and the vicissitudes of the (primarily Norwegian) corporately controlled fish farms – it is these islands that are at the forefront of the land reform movement. Well over one-third of the land in the Outer Hebrides is now in community ownership and over two-thirds of the population resides on community owned estates (West Highland Free Press (*WHFP*), 19 January 2007: 1) (Map 1.1; Table 1.2). Further community purchase of land is the subject of ongoing discussion, Pàirc Estate on the Isle of Lewis being one example (Chapter 4) and the island of Scalpay, Harris, another. Places that had long been considered "peripheral" to economic life in Scotland are now, ironically, at the forefront of initiatives to achieve more sustainable futures – economically, ecologically, socially and culturally.

Second, it is in these islands – arguably the windiest and certainly among the "wildest" areas in Scotland – that struggles over nature are acute. On the one hand, the Outer Hebrides are caught up in globalizing



Map 1.1 Community land ownership in the Outer Hebrides. © Ashworth Maps and Interpretation Ltd 2011. Contains Ordnance Survey data © Crown copyright and database right 2011.

Table 1.2 Assessment of the Western Isles population living within a community owned estate, 2010.

Community owned estate	*Approx. population*	*% of Western Isles population*[(i)]	*Area*[(ii)]	
			Acres	*Hectares*
Galson	2139	8.1	56000	22 662
Stornoway Trust	12015	45.3	69 400	28 085
Bhaltos	98	0.4	1705	690
North Harris	704	2.7	62500	25293
South Uist	3200	12.1	93000	37 636
West Harris	123	0.5	16255	6 578
Total	**18 279**	***69***	**298 860**	**120944**

[(i)] Comhairle nan Eilean Siar Local Authority Area's total population – 26502 (2001 Census).
[(ii)] There are 758844 acres in the Western Isles (38.6 per cent of land is community owned, excluding Ath Linne forests).

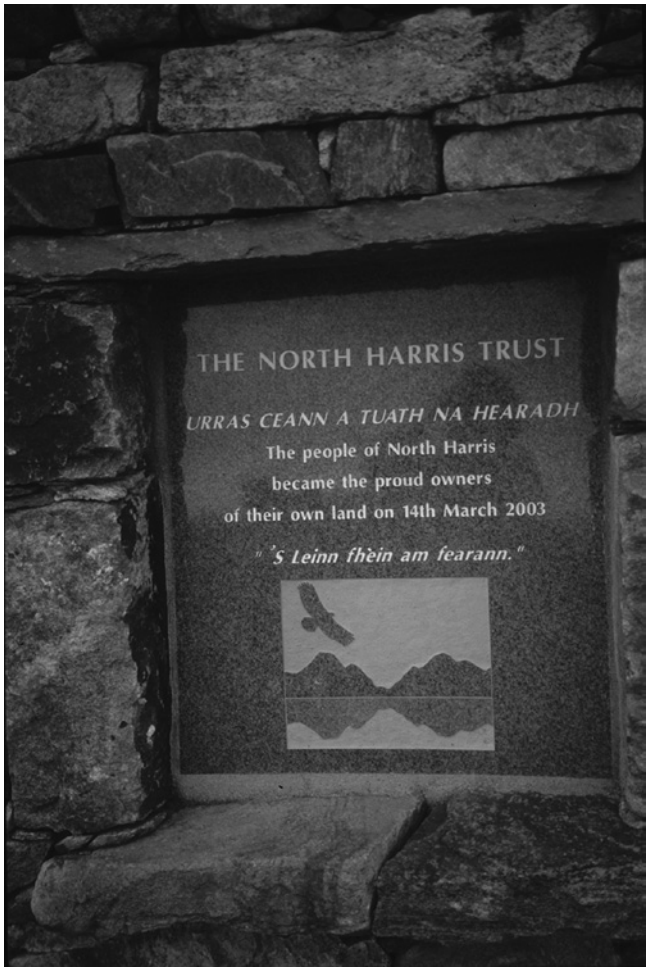
discourses of biodiversity and conservation of "wild" areas. Large areas of the land (and adjacent seas) are subject to multiple and overlapping protective environmental designations of national, UK and European provenance. On the other, the islands are the site of community and corporate initiatives to harness the wind's energy and sell electricity generated from wind farms to the national grid, mobilized in turn by discourses of climate change, renewable energy targets and local/national/global sustainability. In a struggle over the wind that has to do with the assertion of rights to property and to a sustainable future, community is pitted against corporation or private syndicate. In turn, all three are party to a complex decision-making process where the other main players are the local planning authority (Comhairle nan Eilean Siar/Western Isles Council, referred to commonly as the Comhairle by Gaelic and English speakers alike), the government agency responsible for conservation matters (Scottish Natural Heritage, SNH), and environmental non-governmental organizations, particularly the John Muir Trust and the Royal Society for the Protection of Birds. Who has the right to define the meanings of nature may, in these circumstances, be hotly contested.

Third, these islands share common challenges of social, cultural and economic fragility and thus hopes that community ownership of the land can reverse this situation are high. A recent study commissioned by Comhairle nan Eilean Siar/The Western Isles Council drew attention to alarming population trends (HallAitken, 2007). Overall, in these islands, data indicate that the population fell by 40 per cent between 1901 and

2001, with the steepest declines in Harris, the Uists and Barra (HallAitken, 2007: 1). The population of Harris, for instance, fell by 60 per cent over this time period, from a total of 5271 in 1901 to 2120 in 2001 (HallAitken, 2007: 12). Between 1991 and 2001, a 12 per cent decline was recorded (Bryden *et al.*, 2008: 25). More recent data for the islands as a whole suggest a small increase in population of 1 per cent between 2003 and 2005, with an uneven spread among age groups and geographically (HallAitken, 2007: 13). The largest increase (10 per cent) was in the age group 55–59, characterized by the report as "lifestyle in-migration"; disturbingly, over the same time period, the number of children under the age of 15 continued to decline (HallAitken, 2007: 13, 19). The ageing of the population is evident – in 2001, 35 per cent of the population of Harris and Scalpay were aged 60 or over, a figure that compares with 26 per cent for the Outer Hebrides as a whole (Bryden *et al.*, 2008: 25). On Harris itself, there has been a reversal of the downward population spiral since 2003 and, between 2003 and 2005, an increase of 10 per cent in the primary school roll (HallAitken, 2007: 17, 16).

Outmigration, particularly by women, who leave in greater numbers than men, is singled out as significant in explaining population trends (HallAitken, 2007: 2). The report cites as the main reasons for outmigration the limited number of job opportunities, particularly those that fall into the category of "skilled", the search for further education and then employment on the Scottish mainland, and the lack of affordable housing (HallAitken, 2007: 2). The acquisition of houses as second or holiday homes, as well as demand from older people (often retirees) moving to the islands, notes the report, pushes up prices such that the young, in particular, can no longer afford to buy (HallAitken, 2007: 30). Against a Scottish average of 1.3 per cent of the housing stock in second or holiday homes, the figure for the Outer Hebrides is 7.2 per cent; in West Harris, this figure rises to 17 per cent (HallAitken, 2007: 30–31). The report lists five "factors" as critical in the reversal of these trends and in the creation of "sustainable communities": sustainable employment, private-sector led economic diversity, the provision of affordable housing, "self-determination" and "clean energy" (HallAitken, 2007: 4–5), issues to which I return later. It is also the case that the islands face the threat of cultural loss. As the "heartland" of the Gàidhealtachd, it is here that is found the highest proportion of Gaelic speakers in Scotland, but this number is declining. On Harris, 81.7 per cent of the population (1861 people) spoke Gaelic in 1991; this was reduced to 69.9 per cent (1447 people) in 2001 (Bryden *et al.*, 2008: Appendix 5: 21).[8]

Among the several communities that now own land in the Outer Hebrides, I place particular attention on Urras Ceann a Tuath na



Photograph 1.1 Cairn marking the North Harris Trust.
Source: author.

Hearadh/the North Harris Trust (NHT), which bought the 55 000 acre (22 267 ha) North Harris Estate from Jonathan Bulmer in 2003, to which was added the 7500 acre (3036 ha) Loch Seaforth Estate in 2006 (NHT, 2007: 6). In total, the NHT owns 62 500 acres (25 304 ha) of land, 29 300 acres (11 862 ha) (46.9 per cent) of which are under crofting tenure and 33 200 acres (13 441 ha) (53.1 per cent) of which lie outwith crofting tenure (NHT, 2007: 18). The population is about 700, the majority living in Tarbairt; about 250 live in the various crofting

Photograph 1.2 The hills of North Harris from Ben Luskentyre in South Harris. *Source*: author.

townships located along the coast (NHT, 2007: 6). In addition to some income from crofting, the main sources of employment are public service, fishing, fish farming and construction (NHT, 2007: 28). In addition, tourism is a major income earner (NHT, 2007: 28).

In one sense, the strongest methodological reason for this choice is that, of the three largest land owning community trusts in the islands (the other two being Urras Oighreachd Ghabhsainn/the Galson Estate Trust, Isle of Lewis, and Stòras Uibhist/South Uist Estate, South Uist, Eriskay and Benbecula), the North Harris Trust is the oldest (Photograph 1.1). It is thus here that the negotiation of the political possibilities of community land ownership has occurred over the longest period of time. It is also the case that it is on the North Harris Estate that some of the most visible struggles over nature – as "the wild" and with respect to the wind – have occurred (Photograph 1.2). However, the more immediate rationale for this choice is that I have carried out research in the Isle of Harris since 1995 – a time when a multinational corporation's proposal for planning permission for a superquarry at Lingerbay, in the south of the island, was the subject of a public inquiry (Barton, 1996; Owens and Cowell, 1996; Mackenzie, 1998b; McIntosh, 2004). I thus have extensive research experience in this area. An

agreement to conduct research with the North Harris Trust grew from this earlier and ongoing research and was negotiated in 2002, at which time the property was first placed on the market (Mackenzie, 2006a).

This is, then, a case study. Through the particularities of in-depth qualitative research, I document and then analyse the ways through which community land owning trusts rework ideas of property and nature such that their political possibilities are made visible. As a case study, and in line with the direction of thinking outlined in the next section of this chapter, the research seeks not to provide the grounds for generalization – for the impact of or resistance to processes of neoliberalization. Instead, it uses the particulars of a place as "windows into constitutive processes, and a means for reconfiguring understandings and practices" (Hart, 2004: 97). Specifically, it searches for the ways through which normalization – produced by totalizing narratives of property and nature – is disrupted. It does so, primarily, by questioning the "self-evidence" or "givenness" of categories – of property and nature, exploring how these categories are produced materially and discursively in the interest of a particular politics. As an "evidence-based" or "contextual" study – Castree (2008a) uses the two terms interchangeably – of the political possibilities of community land ownership, its broader import lies in its identification of political openings where the "inevitability" of neoliberalization and, specifically, practices of enclosure and privatization are troubled, and new, more hopeful, futures may be imagined.

With the intent of making visible the intricacies – the complexities, the contradictions and the contingencies – that are part and parcel of the process of negotiating the political possibilities of particular places, I have employed a range of research methods. These have involved, first, participation in community-initiated events, North Harris Trust directors' meetings, community-led or community-focused workshops (for example, on housing and renewable energy), relevant meetings of the Comhairle nan Eilean Siar (for example, when proposals for wind farms were being discussed) and annual gatherings of the Scottish Crofting Federation. In addition, I have participated in meetings of the Cross Party Group on Rural Policy and the Cross Party Group on Crofting at the Scottish Parliament. Second, I have carried out semi-structured or in-depth interviewing, on a regular basis, with North Harris Trust directors, employees and members who have responsibility for specific initiatives since 2003. I have also carried out interviews with key informants from the Galson Trust, Stòras Uibhist, the Knoydart Foundation, Comhairle nan Eilean Siar, Scottish Natural Heritage, the Scottish Crofting Federation, the Cairngorms National Park Authority

and the John Muir Trust. Third, I rely on primary documentary material from the organizations I have just identified and from the Scottish Government. With respect to the Comhairle, documents pertaining to applications for planning permission for wind farms from communities, corporations and individuals have included letters of support or objection from the public as well as from statutory authorities such as Scottish Natural Heritage and the Scottish Environmental Protection Agency. Fourth, I also draw on newspaper reports and letters to the editor, particularly those from the two main local papers, *The West Highland Free Press* and *The Stornoway Gazette*.

Fifth, in places, I call on literature, particularly poetry, from the Gàidhealtachd, as the evidential base for exploring both the historical beginnings of contemporary struggles over, and current thinking about, land and nature. Poets, writes John MacInnes (2006: 3), "are the spokes[people] of Gaelic society. … It is not a different awareness so much as a difference in artistic convention that makes the Gaelic poet concern him [or her]self with the national dimensions of a given issue". It is Gaelic poetry, emphasizes Donald Meek (1976: 309–310), that provides the historical evidence for people's experience of the Clearances and the "Land Agitation" that followed. It was song in particular that was "until recently", he recalls (Meek, 1976: 310), "the principal medium of popular journalism", and "Gaelic society had for long afforded considerable prestige to the poet as a commentator on current ideas and events". For twentieth-century Lewis-born poet Iain Crichton Smith, songs and poems provide "a kind of history lived on the bone rather than an intellectual creation" (cited by Hunter, 1995a: 26). Congruent with Edward Said's (1994) broader theorization of "a culture of resistance" against imperial rule, Hunter (1995a: 26–28) argues that the collective poetical archive of a people – their songs, poems and stories – provides a more reliable barometer of local experience than the dispassionate reconstructions of the past by historians where this is unmediated by postcolonial theorization.[9] It is also the case that, limited though analysis remains, women poets provide a means of balancing what are undoubtedly male-centric productions of history. Despite social conventions of the times, "Highland women", writes Michael Newton (2009: 158), "have enjoyed surprisingly prominent roles in the creation and transmission of Gaelic literature in nearly every century".

As a final methodological note, in analysing the material cited, I have been concerned to focus both on words – written and oral – and on the visual. The search for a new politics of the possible with community land ownership is bound up with troubling the visual as well as the verbal

order through which property and nature are "*given* to be seen, how [they are] '*shown*' to knowledge or to power" (Rajchman, 1991: 69–70, emphasis his). A counternarrative questions the "exclusionary geographies" (Gregory, 2000: 314) through which the land was normalized, re-mapping it in ways that are visually at odds with narratives of a sporting estate empty of people or a place of "wildness" that must be protected from people. It replaces this colonizing optic – "the sole scopic regime" (Jay, 1994: 589) of neoliberalization – with one that is more complex and contingent or, in Martin Jay's (1994: 592) language, "polyscopic".

Opening theoretical places

The theoretical – and methodological – initial reference point for probing the "givenness" of property and nature is Michel Foucault's (1979, 1985, 2007) writing on the "workings" or the "how" of power in so far as it concerns the production of norms, processes of normalization and their reversibility. This "analytics" (Foucault, 1985: 82) traces how power is exercised and resisted. "Power produces", writes Foucault (1979: 194), "it produces reality; it produces domains of objects and rituals of truth". It proceeds, as he shows in *Discipline and Punish* (1979) and *The History of Sexuality* (1985), through the creation of norms which, since the eighteenth century, have served to regulate society. "Like surveillance and with it", he asserts, "normalization becomes one of the great instruments of power at the end of the classical age" (Foucault, 1979: 184). It homogenizes but at the same time "individualizes by making it possible to measure gaps, to determine levels, to fix specialities and to render the differences useful by fitting them one to another" (Foucault, 1979: 184). It creates abnormalities – in Foucault's work, for example, of criminality or sexuality – which must then be "treated". It operates as a "political technology", removing from the political domain something that is basically "a political problem", reinventing it as a politically inert "technical problem" (Dreyfus and Rabinow, 1983: 196).

As John Rajchman (1991) explains in his analysis of "Foucault's Art of Seeing", visuality is internal to the process of normalization. There is, he writes, with reference to *Discipline and Punish* (Foucault, 1979), an "interconnection between seeing, doing, and practical self-evidence" (Rajchman, 1991: 79). Normality "becomes 'visible' through an expanding network of practices" (Rajchman, 1991: 79). Visibility is thus "one of the great 'self-evidences' of the workings of power" (Rajchman,