Working places: competing claims to land and nature in the Outer Hebrides, Scotland

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Abstract

Drawing on field work carried out over the past 13 years in the Outer Hebrides, Scotland, and with reference to the Land Reform (Scotland) Act where community rights to land are central, the paper explores how the North Harris Trust (NHT) is re-working rights to land and nature. The NHT took over ownership of the 55,000 acre North Harris Estate in 2003 and has been at the forefront of initiatives to work the land collectively. Specific initiatives have included working the wind as a source of renewable energy and working the wild in such a way as to decolonize conservationist prescriptions. Both sets of initiatives seek to achieve more socially just and sustainable futures. In terms of theory, the paper works with Michel Foucault's ideas of the norm and Judith Butler's (2004) exploration of the political possibilities that are created by disturbing the norm. I examine how the 'doing' of a particular set of social relations, here pertaining to community land tenure, 'undoes' prevailing neoliberal norms of property and nature that rely on privatisation and enclosure.

Key words: *Community land ownership, nature, neoliberal globalisation, decolonization, renewable energy, Scotland*

INTRODUCTION

Reflecting on the passage of the Land Reform (Scotland) Act 2003, a commentator for *The Guardian* likened the legislation to the thistle which poet Hugh MacDiarmid had seen as 'an emblem of specifically Scottish antisyzygy' (Logan 2003: 23). The Act was, in other words, out of alignment. It did not replace one set of property rights which privileged a small number of frequently absent landowners with another that gave rights of individual ownership to a large number of people. Rather, it supported a movement that was already underway in the Highlands and Islands, initiated by the Assynt Crofters' buy-out of what was then known as the North Lochinver Estate in 1993, and followed by such purchases as the islands of Eigg and Gigha by their respective communities (MacAskill 1999; Chenevix-Trench and Philip 2001; Mackenzie, MacAskill, Munro, Seki 2004). It privileged community rights to the land, specifically through the sections concerned with The Crofting Community Right To Buy and The Community Right To Buy. Particularly with respect to the former, where crofting communities have the pre-emptive right to purchase land under crofting tenure before an estate is placed on the market, land is removed as a commodity from the global property market. In the words of an editorial in *The Herald*, 'For those who believe that the land is a community's heritage, not a commodity, the new law will be particularly welcome' (23 January 2003: 23).

The rapidly changing map of community ownership in the Highlands and Islands places Scotland at the forefront, globally, of 'third wave', 'community-centric' land reform (Bryden

and Geisler 2007). The Outer Hebrides, in particular, allow a rich context in which to trace the ways through which such communities are able to bring about more sustainable and socially just futures than those prefigured under previous tenurial arrangements. First, it is here that over half the land is now registered in community ownership and over two-thirds of the population lives on community-owned estates (*West Highland Free Press* 19 January 2007:1). Current discussions among the people in the estates owned by the Scottish Ministers between the crofting townships of Luskentyre and Scarasta in West Harris demonstrate that further purchases are under active discussion. Second, following a lengthy history of dispossession which dates back to the Clearances of the eighteenth and nineteenth centuries (see Hunter 1976; Devine 1994; Buchanan 1996; Hutchinson 2003), these islands now face challenges of economic insecurity, manifested, for example, in limited opportunities for employment and high rates of outmigration of youth (Hallaitken 2007). They also face cultural erosion, all the more significant as these islands are central to the Gaidhealtachd and the sustainability of Gaelic as a living language. Third, it is also in these islands that debates about nature – whether defined in terms of the wind as a source of renewable energy or in terms of the meanings of 'the wild' – are inextricably entwined with debates about land ownership. Building wind farms and selling electricity to the national grid is generally acknowledged to be the single most identifiable means of addressing economic insecurity. Communities are caught up in a struggle with multinational corporations and the owners of private estates to capture the wind. But, while the islands may be among the windiest parts of Europe, they are also among the wildest and, as such, the sites of numerous protective environmental designations of national, UK and European provenance. They are places where the meanings of nature and the wild are the subject of, at times, acrimonious debate.

In this context, my purpose in this paper is to explore the ways through which community land ownership opens up the political terrain of property and nature to the configuration of more socially just and sustainable futures than those possible under a neoliberal agenda.

THEORISING PROPERTY AND NATURE

At the broadest level, the paper engages with poststructural or postcolonial political ecology in so far as it focuses on the interrelations among property, nature and neoliberalism. On the one hand, the collective ownership and management of property disrupts practices of privatization and enclosure which form the core of the neoliberal agenda (Mansfield 2007). Re-establishing rights in common to property is thus counterhegemonic (McCarthy 2005; also, Bakker 2007). On the other hand, and at the same time, if property is indeed 'the central mode of regulating multiple forms of nature' and, with the privatisation of property, 'the exploitation of nature' is 'a crucial accumulation strategy' (Mansfield 2007: 393, 394), then the exercise of collective property rights disturbs this mode of regulation. Rights in common to the land suggest the remaking of relations between nature and society such that more 'socially just productions of nature' (Braun 2002: 207) are possible.

In order to demonstrate how collective ownership and management of the land work to destabilise the neoliberal project, I draw on Michel Foucault's (1997) theorisation of the norm and Judith Butler's (2004) linking of the disruption of the norm to the creation of political possibilities. Employing Foucault's analytics, Butler (2004: 27-28) argues that political

possibility is created when 'settled knowledge and knowable reality' are disrupted. 'The norms themselves', she writes, 'can become rattled, display their instability, and become open to resignification'. Butler's focus is on gender and how the performativity of gender opens the political space for rethinking norms. To take Butler 'elsewhere' – here to the analysis of property rights and nature rather than space and spatialities (Gregson and Rose 2000) – the paper explores how prevalent, neoliberal norms of property and nature are 'undone' through the 'doing' of a collective identity and how these disruptions provide an entry point for thinking about more sustainable and socially just futures. As Butler (2004) shows with respect to the category 'human', it is a matter of keeping open the meanings of property and nature to new significations. There may be norms in this new politics, she continues (2004: 231), but these norms 'will have to work not through normalization …, but through becoming sites of continuous labor'.

To turn first to property, my aim is to examine how the meanings of the land and community are opened up in such a way that political possibilities for turning around ongoing processes of dispossession are created. Land, as property, to which Nicholas Blomley (2003: 122) refers, is always actively 'doing'; it is not 'a static, pre-given entity'. What the land signifies, in other words, concerns both people's everyday practices of working the land and the narratives through which the land is constituted. Butler's (2004) ideas allow me to consider how this 'doing' of social relations, through discourse and practice, as land is brought into community ownership, 'undoes' (neoliberal) norms of individual property rights and of property with value as a commodity in circuits of global capital. Her ideas provide the conceptual means both to investigate the negotiation of property at the local level - to explore the process of collective 'resubjectivation' (see Gibson-Graham 2003) - as land comes into community ownership and suggest a way of probing how the local/global relationship is remade as a particular way of thinking about the world (the privatisation of property) is challenged. To adopt Butler's terms, I will examine how the 'doing' of a particular set of social relations, here pertaining to community land tenure, 'undoes' dominant norms of property that rely on privatisation and enclosure.

With respect to 'nature', I engage with the work of such writers as Bruce Braun (2002) and Noel Castree (2001), understanding nature as 'socially produced, in the sense that what we see as "natural" internalizes not only ecological relations but social relations too' (Braun 2002: 11; also, Braun and Castree 1998; Castree and Braun, 2001). Working with Butler's ideas of the norm and the political possibilities that accompany the troubling of the idea of nature as construed through the binary society/nature, I explore how 'new' natures are performed in the political spaces afforded by community land ownership. As Butler (2004: 29) contends with respect to the body, nature is not 'a static and accomplished fact, but ... a mode of becoming that, in becoming otherwise, exceeds the norm, reworks the norm, and makes us see how realities to which we thought we were confined are not written in stone'. In the paper, I examine how the 'doing' of the wild and the commodification of the wind (for the generation of renewable energy) under community ownership 'undo' a conceptualisation of nature as ontologically separate from culture – whether this conceptualisation of nature draws from the 'colonial' narratives of 'core' conservationists (Mather 1993: 374) or those of a class of people engaged in deer stalking or rough (grouse) shooting (Lorimer 2000).

PROPERTY

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I focus in this part of the paper on the working of property and the co-constitution of community as land formerly tradable as a commodity in the global property market is brought into collective ownership. With reference to Foucault's (1997) and Butler's (2004) theorisation of the norm and the political possibilities that are created by disrupting a norm – here the private ownership of large estates - I connect the 'doing' of the land through community ownership to the 'undoing' of the prevailing norms of private tenure. I show how the disturbing of visual norms is integral to this process and to the production of new working places.

The North Harris Trust, as a case study, provides insights into how the recreation of common rights to land can contribute to a new politics of the possible. Process-oriented ethnographic research provides evidence of the complexities and contingencies – the differential geographies (Castree 2004) – of the renegotiation of place/territory. It demonstrates how, through a re-working of property rights with community tenure, people's subject positions change. In Foucault's (1985) accounting, on which J. K. Gibson-Graham (2003) draws, this is a process of resubjectivation. In land-owning communities, it has to do not just with the cultivation of local capacity to which Gibson-Graham refers, but also the re-drawing the boundaries of belonging.

For the purposes of this paper, the story begins with Jonathan Bulmer's decision to place the North Harris Estate, comprising 55,000 acres of land, on the market in April 2002. The sale included 20,000 acres of land (in-bye land and common grazings) under crofting tenure and the castle of Amhuinnsuidhe. It did not include the 7,500 acres of the Loch Seaforth Estate which had formerly been part of the North Harris Estate but had been excised from it by the previous owner, Madame Panchaud, when she sold the estate in 1994 to Bulmer (Hunter 2007: 18). Her interest in the land centred on its value as a source of aggregate, an issue that had been made visible by the proposal for a superquarry at Lingerbay in South Harris and the public inquiry held to look into the matter (Mackenzie 1998). In February 2006, the community of the Loch Seaforth Estate purchased this estate and joined with the North Harris Trust to manage the land. I focus first, and briefly, on the community's purchase of the estate and the constitution of the trust as a company limited by guarantee to manage the land. Second, I refer to two initiatives undertaken by the trust which demonstrate something of how the meanings of the land, as property, are redefined under community ownership. Together, they provide glimpses into the political possibilities of a counterhegemonic project.

Central to the North Harris community's debates about whether to proceed with an offer to purchase the estate and to the counter-imaginary of the land in terms other than that of a commodity in the global property market was the question of the castle of Amhuinnsuidhe. Was this castle 'the jewel in the crown', as some suggested, or 'the thorn in the side', as others countered? Separating the castle from the estate was pivotal in bringing about the resolution of whether to proceed with an offer to purchase. The decision taken by the community at the meeting held on 9 September 2002, following the release of the Feasibility Study (Graeme Scott and Co. 2002), after considerable discussion, came down on the side of the latter. As John Murdo Morrison, an influential and well-respected community spokesperson, intimated in announcing his change of mind, including the castle in the offer to purchase had led to 'many sleepless nights', but now he supported community ownership (Mackenzie 2006a: 587). People recognized that separating an interest in the land from a

claim to the castle challenged a class-informed configuration of the estate (Mackenzie 2006a). Legally as well as visually, it removed the class-based distinction that defined the relationship between the private owner of the land, the tenants of crofts and other residents of the estate. In the process, and with community ownership, categories of ownership shifted. There was not a simple reversal whereby crofters who had worked the land as tenants were now owners. Instead, as prescribed under crofting tenure, crofters remained tenants of their crofts, but they now occupied simultaneously the potentially contradictory category of owner (MacAskill 2004). Further complicating this relationship between tenant and owner was the definition of a 'crofting community' in whose name ownership was to be legally sanctioned.

In line with what was then the draft Land Reform Bill, and required as a condition for financial support for the purchase from public bodies (the Scottish Land Fund and the Community land Unit of Highlands and Islands Enterprise), a crofting community was defined in terms of place rather than interest. Thus, the bye-laws for the North Harris Trust, constituted as a company limited by guarantee in 2002 in order to take the bid forward, make clear that all residents of the estate aged 18 or over are eligible to be members, whether they are crofters or not. Residency requires 'actually residing' on the estate for a minimum of nine months a year, exceptions being allowed only for people in full-time education outwith the estate or employment in the armed forces or merchant navy. Crofters who actively work their land and are registered with the Crofters' Commission but who live elsewhere are eligible as members. In terms of the argument in this paper, the significance of this definition of community through the rules of membership relates to the opening up of rights to land to those who had previously lacked such rights, the re-definition of crofters' rights such that they are now both tenants of the estate (as they were prior to community ownership) and owners of the estate (together with non-crofters), and excludes those whose only claim to locality is as owners of holiday homes. There is, in other words, a scrambling of the categories that had previously defined rights to land and to community. Given how significant land is as a marker of identity in this part of the world (as examples: Hunter 1976, 1991; Devine 1994; Hutchinson 2003; Mackenzie 2006a), this re-production of historically-resonant collective rights of *dùthchas* (literally, an inherited and inalienable right [Withers 1988: 331; Devine 1994: 11]) as 'inherited and evolving' (Nash 2002: 39) destabilises essentialist configurations of belonging. Through membership in the North Harris Trust, people rework their individual and collective subjectivities such that 'a sense of belonging is configured not through the rootedness of an immobile history, but through the negotiation of an historically contingent collective right' (Mackenzie 2006a: 586). This process of resubjectivation – the 'doing' of a collective subjectivity – is part and parcel of the 'undoing' of rights to property defined in terms of the norms of neoliberal enclosure and privatisation.

Two initiatives currently being undertaken by the North Harris Trust suggest something of the political potential that may be realised through community ownership of the land. Both conjure what Jill Casid (2005: 191), in a very different context, has called 'a counter colonial landscape'. The first, whose significance has been demonstrated in the cases of the islands of Gigha and Eigg, and on crofting estates such as North Assynt and Knoydart on the mainland, concerns the construction of affordable housing. Long recognised as of significance in reversing the ongoing trend of outmigration, particularly of youth (for example, see the Scottish Crofting Foundation's recent [2007] study), the provision of such housing cuts immediately into the visual casting of the former sporting estates as empty of people.

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Affordable housing contributes to the re-peopling of the land and remaps the land in a more socially just way than that occasioned by the growing number of holiday homes. The examples cited demonstrate how this approach to housing is operationalised in ways suggestive of 'situational pragmatism' (Castree 2004: 163) in the practice of place. The North Harris Trust is engaged at present in realising plans for social housing at the Bun Abhainn Eadarra site and in selling house sites for other housing. As a legally constituted Rural Housing Body, under the Title Conditions (Scotland) Act 2004, the trust is in the process of drafting conditions of sale. These might include a Rural Housing Burden which could favour younger families and local people by imposing a right of pre-emption over the property. At least with respect to housing on trust owned land, the community would thus maintain an interest in the property and 'keep a lid' on housing prices (interview, June 2004, cited in Mackenzie 2006b: 388). In Noel Castree's (2004: 161) formulation, these measures involve a degree of place-closure, the aim being the building of 'a resilient localism' that defines 'place' in more complicated and contingent terms than those presumed through the binary open/closed.

A second example concerns the widespread interest in re-mapping the land by making visible its cultural heritage. This may involve archaeological investigation which, in the case of Harris, has recently revealed a land worked closely and in common from the time of the Neolithic. It may also centre on making visible the complex cultural heritage of the islands, demonstrating through signage in Norse and Gaelic on rehabilitated footpaths how intertwined were the Outer Hebridean islands, historically, with peoples beyond their shores (see Armit 1996). A particularly ambitious initiative concerns the rehabilitation of the whaling station at Bun Abhainn Eadarra. Identified by the consultants employed to carry out a conservation and management plan for the site as 'the finest and best preserved example of a shore-based whaling station in the UK' (Headland Archaeology Ltd *et al.* 2007: paragraph 1.1), the station began operations in 1904 under the aegis of a Norwegian company and, with some changes in ownership and degrees of success, continued operations until 1953 (*ibid.*: paragraphs 3.6.1 to 3.6.7). It was designated as a Scheduled Ancient Monument in 1992.

For the North Harris Trust, the whaling station is 'an important manifestation of its social, economic and cultural history' (*ibid.*: paragraph 2.1.4) and 'top priority' is accorded its preservation in the 10-year business plan (*ibid.*: paragraph 2.5.4). It demonstrates again, the interconnectedness of the island with interests and peoples elsewhere and suggests a conceptualisation of place and identity in terms that defy easy essentialisms. As the other measures designed to make visible the cultural dimensions of the island's history, it disrupts the casting of North Harris as empty of people in the past, the site of some pristine wilderness. It points towards the continual becoming of place and the constant re-working of the boundaries of belonging.

NATURE: THE WILD

I focus here on how the North Harris Trust produces 'nature' through community land ownership and management and thereby extends the political possibilities of the land. The

central theme is that the trust's 'doing' of the wild – whether through the creation of 'native woodland' or the management of environmentally protected areas, as examples -'undoes' a norm of nature as ontologically separate from culture. Conceptually, I develop the idea of a *working wild* to demonstrate how current action on the land – its 'wild–ing' – disrupts the binary culture/nature. The trust loosens the idea of the 'wild' from its moorings in colonial prescription and class interest and privileges crofters' claim of sustainable stewardship of the land (see Hunter 1991).

The first instance concerns the North Harris Trust's major initiatives in planting 'native' woodland on its estate. (For discussion of the contested and contingent notion of 'native', see Warren 2007; more generally regarding the history of native woodland, Smout 2003; Smout, MacDonald and Watson 2005). Particularly where riparian plantings are planned, the woodlands are caught up in discourses not just of 'the wild' and what counts as 'native', but of global agendas of biodiversity and rarity. As an example, certain burns on the North Harris Estate are home not only to the wild salmon whose fishing continues to provide income for the owner of Amhuinnsuidhe Castle (severed, together with the fishings, from the estate at the time of community purchase), but also to the globally rare, and threatened, freshwater pearl mussel whose life cycle, as glochidia, is linked to that of the salmon. At the same time, the planting of native woodland is caught up in discourses of local knowledge, including the unexpected 'discovery' of considerable biodiversity in the seeds of native trees growing in geos leading down to Loch Seaforth. In themselves, the seeds are implicated in the new politics (see Fitzsimmons 2004), part and parcel of the creation of a counter discourse of land and landscape.

Visually, this wooded landscape disrupts a land cast as empty of people and valued only as a site for 'elite blood sports' (Lorimer 2000) or for extra-local conservationist interests. The woodlands recall a far distant past where the visual norm was one of far greater biological, and wooded, diversity and where people exercised a collective right to the use of that resource (see Hunter 1995). The planting of native woodland is thus part of the process of decolonising the land, of reversing the way the land was '*given* to be seen' (Rajchman 1991: 69-70).

The recently (2007) concluded management agreement between the North Harris Trust and Scottish Natural Heritage demonstrates a second instance of the 'undoing' of nature as conceptually separate from the social. The main objective of the management agreement is to support the North Harris Trust 'in the long term management of North Harris SSSI [Site of Special Scientific Interest] and particularly in relation to its aims for long term sustainable conservation management of the land' (Scottish Natural Heritage 2007: 1). The area of the SSSI, which occupies 13,166 hectares of the western part of the estate, also includes the North Harris Special Area of Conservation and the North Harris Special Protection Area. The management plan for the Agreement, which provides the basis on which the North Harris Trust is given funding over a five year period, states that 'a holistic approach to the land' will be taken (*ibid.*: 4). This approach includes agriculture, sport, access, recreation and education, economic development, and monitoring and evaluation (*ibid.*: 9).

The Agreement is certainly framed in terms of the conservation objectives of an SSSI. It frames nature specifically in terms of ecological interest, its scientific lexicon classifying and

counting species and 'landscape character'. In this regard, it could be argued that, discursively, it removes the meanings of nature from the local to the national or the global scale and contributes to a way of seeing the Highlands as 'wilderness' (see MacDonald 1998). At the same time, however, by negotiating with the North Harris Trust and agreeing to local control – conditional on the trust's agreement that no changes take place without their prior written consent – Scottish Natural Heritage troubles the binary nature/culture and renders it contingent. The process suggests a more '*social* model of conservation' than that construed by conservation's colonial legacy (Toogood.2003: 163). It is a model, as Mark Toogood (2003: 163) makes clear, that 'better relates to the self-definition of Highland culture and to political aspirations for community control and management'. It resonates with 'the sense of place and relationship to nature that is inextricably bound up with social interaction, identities and practices of Highland culture' (*ibid*: 163-164). It is congruent with crofters' historical claim to sustainable stewardship of the land (Hunter 1991) and it endorses community land ownership.

NATURE: THE WIND

By focusing on the wind in this section of the paper, I explore how community ownership of the land opens up nature to new configurations that are not tied to a colonial legacy. My argument is that where a claim to the wind is premised on a collective ethic, as with community land ownership, rather than one tied more directly to global capital, as evident in the pursuit of large-scale wind farms by corporate or private capital, the process of commodification has the potential to contest a norm of nature as separate from social process. This collective claim to the wind is informed by a politics of nature a-doing, as contingent, and as part and parcel of social process.

In the Outer Hebrides, as I have identified in the introduction, the generation of renewable energy from the wind is touted as the single most significant means of reversing economic and social fortunes. But the meanings of the wild and of nature are keenly disputed. On the one hand, as a source of renewable energy, the commodification of the wind is linked to national and UK agendas and, in turn, to international protocols. But what may be legitimated, discursively, as 'conservation' and 'sustainability' in this light comes up against statutory authorities or non-governmental organisations whose remit is to protect 'wild' land or the habitats of birds. On the other hand, commodification of the wind, as other 'natural' resources, is caught up in the struggle to define rights in property. Who owns the land, or who can negotiate development rights to the land - communities, corporations or individuals – has the right to seek planning permission to capture the wind.

Two examples demonstrate the line of argument. The first case provides insights into the relationships among a local, land-owning community trust, a statutory conservation authority, and an environmental non-governmental organisation. The second allows an exploration of the complexities of commodification of the wind when a small island community is pitted against a corporation, backed by a local authority. It shows how the struggle to commodify the wind is bound up with matters of property and processes of neoliberal globalisation.

The first case concerns the North Harris Trust where, in the summer of 2007, Scottish Natural Heritage lodged an objection to the community's proposed three-turbine wind farm with the

planning authority, the Comhairle nan Eilean Siar /Western Isles Council. It did so, initially, on the grounds that the wind farm might jeopardise the well-being of a pair of eagles (an objection that was later withdrawn) and for reasons of 'visual amenity' in an area designated as a National Scenic Area. Only after the outcry that followed the Scottish Government's call for a public local inquiry on the basis of that objection did that authority withdraw its objection and the proposal could once again be submitted for planning permission to the Comhairle. In early 2008, the North Harris Trust received planning permission to proceed. Of particular interest in this case have been the contradictory positions of Scottish Natural Heritage and the John Muir Trust, an environmental non-governmental organisation with a remit to 'protect' wild land but, in this case, supporting community initiative. Unlike Scottish Natural Heritage, whose objection to the wind farm was premised on the ontological separation of nature and culture, the John Muir Trust's conscription of the notion of a working wild created the political space to open up the idea of nature to less colonising configurations.

The second case concerns the Galson Trust's position as a new community land-owning trust (2007) on the Isle of Lewis caught up in the complexities of the previous owners' negotiations with Lewis Wind Power, owned by the multinational company AMEC, and their proposal for (initially) a 234-turbine wind farm in the north of the Isle of Lewis, an area that includes the land now owned by the Galson Trust as well as other land. This proposal created considerable controversy at the meetings of the Environmental Services Committee and then the full Comhairle nan Eilean Siar in June 2005, but was passed despite substantial local opposition. In the affected crofting town ships, over 80 per cent of the residents had voted against the wind farm. A modified proposal is currently under consideration by the Scottish Government, Scottish Natural Heritage and the John Muir Trust, among others, both voicing objections.

CONCLUSION

In this paper, I have tried to show how practising property now in community ownership - whether it concerns the re-working of individual and collective subjectivities, the building of affordable housing or the conservation of cultural heritage, as examples, or, in terms of nature, interrogating the category 'wild' and the process of commodifying the wind – suggests an opening up of the prevalent norms of property and nature to new, more socially just and sustainable, political possibilities. Property, like nature, is shown to be contingent. The radical potential of both with respect to social and environmental justice rests in keeping open their meanings to continual resignification, of seeing both as 'still in process, underway, unfulfilled' (Butler 2004: 37). Property and nature are, in this sense, 'alive', constantly performed and continually produced through the everyday, visible, material and discursive practices of individuals and communities in specific places. As I show with respect both to the land and to nature, these practices are not isolated from 'neoliberal *entanglements*' (Sundberg 2007: 270), but are constituted in complex ways through resistance to and interaction with them.

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