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### Spaces of assertion: informal land occupations in the Scottish Highlands after 1914

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## Spaces of assertion: informal land occupations in the Scottish Highlands after 1914.

In 1914 it was reported to the Board of Agriculture that stock from Inver Alligin on the Scottish mainland had been allowed to graze in the Torr~~r~~ridon deer forest 'without question' from the proprietor from 1887. The alternative, we can reasonably speculate, as this was one [of](#) the peak years of the Highland Land Wars, being a full-blown land invasion.<sup>1</sup> This assertion of the right to graze in the privatised and policed space that was the sporting estate became a near-commonplace act in the Scottish Highlands and Islands between 1882 and 1900, and again after 1914. The overt land seizure of the type which Torr~~r~~ridon might have become, can be understood as the most important and visible materialisation of the Highland Land Wars. It is the central contention of this paper, however, that formal land occupations in the region were only the most spectacular manifestation of a process of resistance to the privatisation of land that took a multiplicity of interchangeable forms.

Drawing on approaches taken to critical geopolitics, this exploration of a struggle over space and power will not be confined to analysis via formal theories or attempts to categorise: [by](#) seeking to [identifyrecognise](#) clear and indissoluble distinctions between ~~the~~ informal and formal land occupations~~s~~, in other words. Protest events are inescapably both fluid and complex, and are almost always

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<sup>1</sup> Scottish Government Rural Inspectorate and Payments Directorate Estate Management files (hereafter [R.I.P.D.RIPD](#)) [R.I.P.D.](#)-11150, Torr~~r~~ridon, report of sub-commissioner, 30 November 1914. AF67/65, Police reports copied to Scottish Office, 28 May 1920 and 14 June 1920.

reflections of local circumstances and geographies.<sup>2</sup> However, the method adopted here is not that of the local or landscape historian [either](#), as the events discussed range across the whole of the north-west Highlands and Islands of Scotland, but it will always address the micro-politics of the local and apply it across the Highlands, wherever the informal land invasion is to be found.

Land invasions are one of the key forms of peasant resistance. The claim which drove the Highland variant was to land which members of the crofting tenantry believed they had inherited customary rights to, but which had been expropriated from previous generations of their [family-families](#) to create sheep run and deer forest. The reaction and resistance this expropriation generated is generally recognised as comprising the first phase of Highland resistance. The second phase, dating from the early 1880s, but with important precedents, has become known as the Highland Land Wars and was characterised by the forced seizure of land by the population that worked it.<sup>3</sup> The third phase, which began at the end of the First World

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<sup>2</sup> A. Ingram and K. Dodds, Spaces of security and insecurity: [gGeographies of the war on terror](#), in: K. Dodds, and A. Ingram, (Eds.), *Spaces of [Ssecurity and \[linsecurity: Geographies of the War on Terror\]\(#\)](#)*, London, 2009, 1-20; I.-J.M.

Robertson, *Landscapes of Protest in the Scottish Highlands After 1914: The [later \[Later\]\(#\) Highland Land Wars](#)*, Farnham, 2013. This is a perspective taken by many of the most recent approaches to the study of rural resistance. See, for instance, K. Navickas, What happened to class? New histories of labour and collective action in Britain, *Social History* 36-~~no-2~~ (2011) 192-204; C.J. Griffin, *The Rural War: Captain Swing And The Politics Of Protest*, Manchester, 2012.

<sup>3</sup> Important contributions to this area of study include E. Richards, [How tame were the Highlanders during the Clearances?](#) *Scottish Studies* 17 (1973) 33-50; J. Hunter,

War, is less well documented despite the attentions of scholars such as Charles Withers, James Hunter, Leah Leneman and Ewan Cameron.<sup>45</sup> In this work emphasis

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*The Making of the Crofting Community*, Edinburgh 1976; K. J. Logue, *Popular Disturbances in Scotland, 1780-1815*, London, 1979; I.F. Grigor, *Mightier Than a Lord: The Highland Crofters Struggle for the Land*, Stornoway, 1979; C.W.J. Withers, *Gaelic Scotland: The Transformation of a Culture Region*, London, 1988; I.M.M. MacPhail, *The Crofters War*, Stornoway, 1989; C.W.J. Withers, 'Give us land and plenty of it': the ideological basis to land and landscape in the Scottish Highlands, *Landscape History* 12 (1990) 45-54.

<sup>4</sup> Hunter, *The Making of the Crofting Community*, 195-205; Withers, *Gaelic Scotland*, 381-383; L. Leneman, *Fit For Heroes? Land Settlement in Scotland after World War I*, Aberdeen, 1989; E.A. Cameron, 'They will listen to no remonstrance': land raids and land raiders in the Scottish Highlands, 1886 to 1914, *Scottish Economic and Social History* 17 (1997) 43-64; Robertson, *Landscapes of Protest*,

<sup>5</sup> Important contributions to this area of study include: E. Richards, How tame were the Highlanders during the Clearances? *Scottish Studies* 17 (1973) 33-50; J. Hunter, *The Making of the Crofting Community*, Edinburgh 1976; K. Logue, *Popular Disturbances in Scotland, 1780-1815*, London, 1979; I. F. Grigor, *Mightier Than a Lord: The Highland Crofters Struggle for the Land*, Stornoway, 1979; C. W. J. Withers, *Gaelic Scotland: The Transformation of a Culture Region*, London, 1988; I. M. M. MacPhail, *The Crofters War*, Stornoway, Lewis 1989; C. W. J. Withers, 'Give us land and plenty of it': the ideological basis to land and landscape in the Scottish Highlands, *Landscape History* 12 (1990) 45-54. For post-1914 disturbance and issues surrounding land see Hunter, *Crofting Community*, 195-205; Withers, *Gaelic Scotland* 381-383; L. Leneman, *Fit For Heroes?* Aberdeen, 1989;

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is given almost entirely to the formal land seizure. Yet detailed investigation reveals the presence of a number of other protest forms which significantly alter our understanding of both the chronology and geography of protest during this crucial period. The informal land occupation is perhaps the most significant of these variants notwithstanding the fact that it appears significantly less often in the archive than its more formalised counterparts. Hence the attention given to it here, part of the reason for which is the longevity of these occupations once embarked upon and which fundamentally alters our understanding of the distribution and duration of the Land Wars.

The focus in the existing literature on the formal and highly visible has also encouraged a continued reliance on the foundational, class-orientated interpretation of Highland disturbances. And yet, such is the diversity of experience and conflict evident within the over four hundred individual protest events in the Highlands after 1914 it would seem difficult, if not impossible, to sustain this view. Nevertheless, when they turn away from class-based interpretations historians have been unable to offer a wholly convincing alternative to this dominant paradigm.<sup>6</sup>

What follows is emphatically not an attempt to replace one paradigm with another. Instead, in turning to a detailed discussion of the informal land occupation, the concern will be to demonstrate the fluidity and place/space-centred nature of actions in protest. This paper will thus argue that there were close and interwoven

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[Withers, Land](#); [E. A. Cameron, 'They will listen to no remonstrance': Land Raids and Land Raiders in the Scottish Highlands, 1886 to 1914, \*Scottish Economic and Social History\* 17 \(1997\) 43-64](#); [Robertson, Landscapes](#).

<sup>6</sup> The most recent attempt to do this has excited much controversy, [see](#) M. Fry, *Wild Scots: Four Hundred Years of Highland History*, Edinburgh, 2005.

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connections between formal and informal protest performances with one often emerging as the direct consequence of the other, in either direction. In this fluidity the performance resists easy ~~and lazy categorisation~~ categorization, but instead calls onto the stage constant and in-motion assemblages of human and non-human actants and the important micro-political and cultural contexts which frame actors and performances.

Whilst this fluidity may well suggest that there is a certain futility to any attempt to define the informal land occupation, it perhaps remains necessary. Beyond question, some land occupations were not formally constituted as such and invaders' rhetoric and bodily performances support this and derive from it~~this~~. Thus, at the most basic level the informal occupation of land can be distinguished from the land raid – the official governmental nomenclature for a land occupation – by the fact that formal possession was never declared and by some evidence to suggest a certain degree of connivance from the landlord or tenant.

A further variant is where there is little evidence of any protest intent but where the events may be said to be effectively conflictual and a challenge to the dominant discourses of property and sporting rights. All these variants could endure for a considerable period of time; on occasion, for decades. This was never the case for the land raid. But to delineate protest forms in this way, though perhaps necessary, is an overly crude exercise. Thus, much in this paper and the evidence on the ground suggests considerable interchangeability of form. The more sophisticated and satisfactory approach is to appreciate that these variations in form points to contextually appropriate decisions based in and shaped by local environments in which assemblages of humans and non-humans are the key actants.

There is a considerable body of evidence to support these assertions. It comes in the form of the estate management files raised by the then Board of Agriculture for Scotland and either held at the National Archives or retained by the present-day successor of the board, the Rural Inspectorate and Payments Division of the Scottish [Government](#).<sup>7</sup> Inevitably, there is a need to proceed with some caution when approaching the evidence offered by these records. Both sets of files relate closely, albeit not exclusively, to land disturbances. This therefore raises the possibility that identifying the informal occupation of land becomes something of a self-fulfilling prophecy; a function of the inherent bias of the archive. This is not the case here, however. The material contained within these files does not relate only to claims to land involving acts of protest. Moreover, whilst informal occupation is closely related to resistance to the privatisation of property, and was an act of protest in its own right, it cannot be understood as only an act of resistance. Finally, the informal land invasion does not become known as such only as and when a more formal protest act occurs. The event is not an archival entity.

These files do, however, offer an insight into the dialogic world of early twentieth-century Highland social relations. Events detailed within them are often driven forward by correspondence from individuals and groups of individuals in the Highlands. There is also correspondence from landowners, their agents (solicitors and factors), Members of Parliament and other interested parties. Finally, some of the most important material takes the form of official reports from both local and more senior officers of the Board of Agriculture and the Scottish Office, and, perhaps most significantly, the marginalia thereon. What emerges is a depth of detail that

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<sup>7</sup> At the request of the Rural Inspectorate and Payments Division, and in order to preserve anonymity, all individual names have been withheld.

points both towards a tri-partite set of social relations and the importance of an engagement with the micro-politics of place if we are able to fully understand how these relations operated. In what follows, for instance, attention will be drawn to the role and attitudes of landowners' representatives on the ground – the land agent, or factor as they are known in Scotland – who has been up until relatively recently a much-neglected figure in any consideration of Highland social relations.<sup>8</sup>

Before, however, turning to this detailed dissection, something of the historiography of land invasions will first be sketched in, with a focus only on the more formal invasion partly to highlight the key differences between it and its more informal counterpart, and partly because there is a dearth of literature on the informal land invasion.

### **PROTESTING THE LAND**

Protest studies has passed through a number of distinct phases with its foundations firmly found in a series of ground-breaking publications that emerged from the history from below movement. Subsequently, the focus turned away from the national arena and towards that of the micro-geographical with an aim either to 'better understand

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<sup>8</sup> The work of Annie Tindley is proving a very welcome corrective to this important historiographical absence. See A. Tindley, 'They sow the wind, they reap the whirlwind': Estate management in the Post-clearance Highlands, c. 1815–c. 1900, *Northern Scotland* 3, no. 4 (2012), 66-85; E. Richards, and A. Tindley, 'After the Clearances: Evander McIver and the 'Highland Question'', 1835–73, *Rural History* 23, no. 04 (2012) 41-57; A. Tindley, *The Sutherland Estate, 1850–1920*, Edinburgh, 2010.



the genesis, response to and aftermath of protest events' or to more easily explore new ways of thinking about protest.<sup>9</sup>

The most recent trends in protest historiography have been grouped together by Carl Griffin under the generic title 'new dawns'.<sup>10</sup> The light this work casts is on space, place and landscape, drawn together with a turn towards the affective realm and the role of the environmental world as shaping and co-constitutive of human processes. The paradigm-shifting realisation has been the growth of the belief that to view and explain actions in protest monolithically does both protestors and their diverse motivations a disservice. Protest historians have

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<sup>9</sup> Key texts here ~~would~~ include: B. Reay, *The Last Rising of the Agricultural Labourers: Rural Life and Protest in Nineteenth-Century England*, Oxford, 1991; J.E. Archer, *By a Flash and a Scare: Arson, Animal Maiming and Poaching in East Anglia, 1815—1870*, Oxford, 1990; J.M. Neeson, *Commoners, Common Right, Enclosure and Social Change in England, 1700—1820*, Cambridge, 1993; B. Reay, *Microhistories: Demography, Society and Culture in Rural England, 1800—1930*, Cambridge, 1996; A. Randall and A. Charlesworth, (Eds), *Markets, Market Culture and Popular Protest in Eighteenth-Century Britain*, Liverpool, 1996; D. Eastwood, Communities, protest and police in early nineteenth-century Oxfordshire: the enclosure of Otmoor reconsidered, *Agricultural History Review*, 44:4 (1996) 35-46; J. Rule and R. Wells, (Eds), *Crime, Protest and Popular Politics in Southern England, 1740—1850*, London, 1997; B. Short, 'Conservation, class and custom: lifespace and conflict in a nineteenth-century forest environment', *Rural History*, 10:2 (1999) 127-154; S. Hipkin, Sitting on his penny rent: conflict and right of common in Faversham Blean, 1596-1610, *Rural History*, 11:4 (2000) 163-177.

<sup>10</sup> Griffin, *The Rural War*, 121.

thus come to resist the easy dualisms of class conflict and have moved more firmly towards the work of James C. Scott and what Michael Braddick and John Walter term 'the tactics by which the relatively powerless seek to defend their interests'.<sup>11</sup> In defending their interests a protesting crowd both turns the social world upside down and also transforms, transgresses and inverts the space it occupies.<sup>12</sup>

Emphatically, however, this is neither a simplistic nor monocular concern for local context alone. Here instead, can be found recognition both of the power of linkages of people to places and assemblages of the human and non-human, and the co-constitutive nature of place in protest. Space and place are seen as inextricably intertwined, with place, as Nigel Thrift puts it, made up of 'particular rhythms of being that confirm and naturalise the existence of certain spaces'.<sup>13</sup> In this vein Katrina Navickas has discussed the dynamic and symbolic qualities of the moors and fields used for radical political meetings. As with the work of Steve Poole,

<sup>11</sup> J.-C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance*, New Haven: Yale, 1985; J.-C. Scott, 'Everyday forms of resistance', *The Copenhagen Journal of Asian Studies*, 4, no. 1 (2008): 33-62; M. J. Michael Braddick and John Walter, Introduction, in: M. J. Braddick and J. Walter (Eds), *Negotiating Power in Early Modern England: Society, Order, Hierarchy and Subordination in Britain and Ireland*, Cambridge, 2001, 7.

<sup>12</sup> C. J. Griffin, *Affecting violence: language, gesture and performance in early nineteenth-century English popular protest*, *Historical Geography* 36 (2008) *Affecting Violence*, p. 142.

<sup>13</sup> N. J. Thrift, 'Space: the fundamental stuff of Geography', in: N.-J. Clifford, S. L. Holloway, S. P. Rice and G. Valentine, (Eds), *Key Concepts in Geography*, London, 2009, 85.

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the underlying assumption is that it is important to pay close attention to the micro-spaces and micro-politics of protest events because they reveal the shaping role of the dynamics of local topographies in protest performances. Local environments carry an affective charge which can, in certain circumstances, generate resistance. As Brian Short has demonstrated, in his compelling study of Ashdown Forest, conflict over litter-taking emerged from the everyday lives of individuals which, in turn, were enmeshed in the fabric of the landscape and the consequent interaction between material space and the senses.<sup>14</sup>

Recent work on past protest has then embraced the suggestion that a much closer attention, at a very small scale, to the relationship between agency and space can ~~reveal~~ provide a fuller understanding of the multifarious performances in play in any protest event. Most significant for an understanding of protest performances is the assertion that places are an embodied part of a complex and much larger 'spatial dance' with other human and non-human performers.<sup>15</sup>

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<sup>14</sup> K. Navickas, Why I am tired of turning: a theoretical interlude, *History Working Papers Project*, 2011. Available at:

[http://www.historyworkingpapers.org/?page\\_id=225](http://www.historyworkingpapers.org/?page_id=225), ~~Accessed~~ Accessed 20 October 2012;

~~K. Navickas, *Moors and Fields*~~ [Moors, fields, and popular protest in South Lancashire and the West Riding of Yorkshire, 1800-1848, \*Northern History\* 46 \(2009\) 93-111](#); S.

Poole, 'A lasting and salutary warning': incendiarism, rural order and England's last scene of crime execution, *Rural History* 19 (2) 2008, 163-177; B. Short,

~~Conservation, *Class and Custom: Lifespace and Conflict in a Nineteenth-century Forest Environment, *Rural History*, Vol. 10 Issue 02 (1999), 127-154.*~~

<sup>15</sup> Thrift, *Space*, 96.

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The key figure in land invasion historiography is Eric Hobsbawm. He both set the framework for the study of land occupations and the form these have been understood to have taken, but was also, in keeping with the era of protest studies in which he was writing, keen to categorise according to type and to assign and identify class roles and positions within these conflicts.<sup>16</sup> ~~There were also~~ Hobsbawm also identified strong formalised and symbolic aspects associated with the event and.  
~~f~~Finally, ~~Hobsbawm~~ tellingly suggested that invasions were normatively 'standardised [and] carried out by the whole community'. They were events in which collective and familial memory was the means through which claims to land were renewed and re-worked.<sup>17</sup>

These characteristics, whilst perhaps generalising, resonate most clearly with European land invasions as a whole. In southern Italy, for instance, as with Highland land invasions, those who seized land conducted themselves with great ceremony and acted in the belief that they were re-appropriating land that was rightfully theirs.<sup>18</sup> Almost inevitably the same can be said for Ireland. For John Knott, land was the focus ~~to~~ for almost all Irish protest and was the basis of peasant consciousness which in turn derived from the traditional *udal* form of land holding in which the land "belonged" to the kinship group and was held in trust for his

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<sup>16</sup> E.-J. Hobsbawm, Peasant land occupations, *Past & Present* 62 (1974) 120-152.

<sup>17</sup> Hobsbawm, Peasant land occupations, 120-130.

<sup>18</sup> F.M. Snowden, *Violence and Great Estates in the South of Italy: Apulia, 1900-1922*, Cambridge, 1986.

descendants by the current occupier.<sup>19</sup> It was this peasant ideology, evident also in Highland protest, which shaped the whole character of the agrarian agitation.<sup>20</sup>

In common with the wider literature on land occupations, work on English anti-enclosure disturbances began from a perspective described by Alun Howkins as 'the tradition of radical and socialist historiography with which I have identified all my working life'.<sup>21</sup> More recently, the actions studied – the presence of large crowds, enclosure banks thrown down, ditches filled and fences and hedges broken – have been explored through the lens of the local politics of custom and customary rights, and the key part played in the defence of those rights by plebeian political culture, with its emphasis on popular notions of justice and of social responsibility. Such perspectives have been further developed by the exploration of the role of memory and material mnemonics in the maintenance of custom and culture, and the critical importance of the landscape in the everyday structures of local life. Or, as Briony McDonagh more succinctly puts it, the identification of key practices by which enclosure and common rights could be negotiated 'on the ground'.<sup>22</sup> This, finally, has

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<sup>19</sup> J.W. Knott, Land, kinship and identity, *Journal of Peasant Studies* Vol. 12 No. 4 (1984) 94-103.

<sup>20</sup> C. Tilly, L.A. Tilly and R.H. Tilly, *The Rebellious Century, 1830–1930*, Cambridge, MA, 1975; Snowden, *Violence and Great Estates*; Hobsbawm, Peasant land occupations, 131.

<sup>21</sup> A. Howkins, From Diggers to Dongas: the Land in English Radicalism, 1649–2000, *History Workshop Journal* 54 (2002), 1.

<sup>22</sup> A. Wood, The place of custom in plebeian political culture: England, 1550–1800, *Social History* 22 no. 1 (1997) 46-60; S. Hindle, Persuasion and protest in the Caddington common enclosure dispute, 1635-1639, *Past and Present* 158 (1998)

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opened up a persuasive discussion of how local working communities derived both emotional and bodily attachments from and to their space. People, we must now recognise, engage with and are engaged by landscape on an emotional, material and bodily level as they move through and encounter their everyday world.<sup>23</sup> This led to acts of resistance to attempts to alter and arrest those movements and encounters. Here too emerges a more grounded understanding of the population's 'innumerable tiny acts of defiance'.<sup>24</sup> These re-worked perspectives thus place greater weight on an understanding of landscape as dynamic and formative. From birth, people's lives are spaced and timed through their interactions with the material. Both formal and informal attempts by local inhabitants to resist dispossession and rejection of landscapes they inhabit must be understood as attempts to recapture these powerful spatial formations.

Drawing on these perspectives, both Briony McDonagh and Nick Blomley have pointed to the affective power of the physical act of breaking, burying and burning hedges, and the symbolism and ritualistic associations with which these acts were undertaken. The aim, as it was with events of mass ploughing in the sixteenth-century Yorkshire Wolds, was to restore the ground to its pre-enclosure state. In this

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37-78; N. Whyte, Landscape, memory and custom: parish identities c. 1550–1700, *Social History* 32 no. 2 (2007) 166-186; B.A.K., McDonagh, Subverting the ground: private property and public protest in the sixteenth-century Yorkshire Wolds, *Agricultural History Review* 57.2 (2009) 191-206.

<sup>23</sup> See, for instance, A. Buttner, Grasping the dynamics of the lifeworld, *Annals of the Association of American Geographers* 66 (1976) 277-292.

<sup>24</sup> Short, Conservation, [class and custom](#), 148.

instance, subverting the ground meant turning over pasture with a plough team.<sup>25</sup> In the Highlands it was more often the hand plough or *torsgian* – the peat cutter – but the intent and impact was the same. Protestors were imprinting beliefs in rights to land, and reasserting a society-shaping taskscape, through the placing of their bodies in a socially-defined, exclusionary, and hence contested, space.<sup>26</sup> It is to a consideration of that contestation and the variations it engendered that we now must turn.

#### **SUBVERTING THE HIGHLAND GROUND AFTER 1914:**

Visually, as it faced the post-1914 land invaders, the Scottish Highland taskscape and lifeworld, or at least the north and west Highland landscape, was deeply dichotomous.<sup>27</sup> It was divided between a supposed wilderness organised principally

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<sup>25</sup> B.A.K. McDonagh, Making and breaking property: negotiating enclosure and common rights in sixteenth-century England, *History Workshop Journal* 76-4 (2013) 32-56; N. Blomley, Making private property: enclosure, common right and the work of hedges, *Rural History* 18-4 (2007) 1-21.

<sup>26</sup> The term 'taskscape' is taken from Tim Ingold and is used here to bring what he terms the 'dwelling perspective' on nature-culture relations (to put it crudely) to bear on the relationship between protest and landscape – to treat the latter, in other words, as something more than just backdrop and setting for acts of resistance.

Thus the landscape becomes expressive of a sense of self made material through work practices and expressed as taskscape, see: T. Ingold, 'Temporality of landscape', *World Archaeology*, 25, (1993), 152-174.

<sup>27</sup> The key definition here is Buttimer's and the emphasis is placed on the mundane and quotidian as encompassed by 'The culturally-defined spatio-temporal setting or

for sport and sheep and a small-scale peopled landscape organised principally for crofting. Inevitably it was far more complex than that, not least because the two landscapes existed in symbiosis on many different levels, because the same people performed tasks in both landscapes and because the sporting landscape was once peopled and was emptied by what has become known as the Highland Clearances.<sup>28</sup>

As a result, the conversation contained within these land occupation events was polyvocal. After World War One, if not before, the voices we hear are those of crofters, cottars, landowners (and their representatives) and government officials from the Board of Agriculture and Scottish Office. In the 1920s Highland landlords were increasingly coming to see the Board of Agriculture as ~~also~~ a challenge to their property. The ~~b~~Board was established under the 1911 Small Landholders (Scotland) Act. At first, like its predecessor organisations, the ~~b~~Board struggled to deal with the land issue, but after World War One, with considerably enhanced finances and public opinion behind it, the ~~b~~Board was acting with increasing self-confidence and success.<sup>29</sup> The consequences of this was that the ~~b~~Board became a large landowner

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horizon of everyday life'. See Buttimer, Grasping [the dynamics of the lifeworld](#), (1976), p.277.

<sup>28</sup> E. Richards, *A History of the Highland Clearances*, ~~volumes: 1 and 2~~, London, 1982 ~~and 1985~~; E. Richards, *A History of the Highland Clearances, vol. 2* London, 1985.

<sup>29</sup> The state's approach to land settlement radically altered with the introduction of the Small Landholders (Scotland) Act, 1911. For the first time provision was made for the extension in size of individual holdings and a limited element of compulsory purchase powers was given to the newly-constituted Board of Agriculture.

Procedures were ~~then~~ rationalised with the introduction of the Land Settlement

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in its own right with the [1911 Act](#) giving it powers to purchase estates in order to break them up to create schemes of land settlement. It was this self-confidence and the powers that generated it which gave voice to the Board of Agriculture and its local officials in particular [\(see below\)](#) in these conversations in conflict.

In these conflicts all actants spoke across and between each other as befits a three, ~~if not~~ [four](#)-sided conflict in which cottars were coming to see their interests as often separate and distinct from crofters, and vice-versa. Within this we should understand informality as deriving from the utilisation of areas of land by crofters or cottars for which they paid no rent and to which they had no legal entitlement but which continued for some period of time because landowners took few positive steps to end the occupation. Indeed, such is the fluidity of the resultant situation produced by the ambivalent attitude of these landowners to the responsibilities of property that it can be difficult to ascertain when occupation ceased, or even if it ever did.<sup>30</sup>

An excellent example of this, and one of the most significant and enduring of these informal occupations, began on the island of Harris (in the Borve deer forest) in the 1880s, the early years of the land wars. Moreover, events here and at Glencanisp in Sutherland together reveal the breadth of performances encapsulated within the informal occupation. Thus, in the early 1930s, a decade that the land wars have only recently been extended to cover, the Department of Agriculture [reported](#)

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(Scotland) Act of 1919 and budgetary constraints largely lifted with its amendment in 1921.

<sup>30</sup> An excellent example of this is the informal occupation of parts of the Glencanisp [Deer Forest](#). Informal occupation dates from at least 1914 and lasted until at least 1937 when the archive goes silent without ever disclosing when the local tenantry ceased ~~from~~ undertaking this illegal activity.

to the Scottish ~~office~~-Office that 'the sporadic raiding of... [Borve]... reported in 1926 has not recurred in recent years', as the owner, interested only in sport, had ignored the trespass of stock belonging to crofters and cottars from the Bays of Harris.<sup>31</sup>

At Glencanisp encroachment into the deer forest began gradually and 'without any authority'. Over time attitudes to the encroachment evolved into something more sympathetic, exacerbated by the fact that 'because of the War, the same strict herding ... was then not continued. The result was that the crofters, who had commenced to graze in the Forest by stealth and on a small scale, gradually did so openly and on a larger scale'. By 1921 there were a thousand sheep and fifteen cattle in the forest, whilst by 1937 the trespassing sheep had increased by half again.<sup>32</sup> Both Glencanisp and Borve, and indeed most other informal occupations, gave the ~~d~~Department cause to fear that a change of proprietor might bring a change of attitude towards the trespassers which might then engender 'a renewal of ... disorder — with the result that the Department might be faced with circumstances much less favourable to adjustment than is offered now'.<sup>33</sup> At both Borve and Glencanisp the ~~d~~Department's response to this possibility was to seek to buy the estate. Thus, the informal occupation may well best emerge into plain sight when it

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<sup>31</sup> In 1928 the Board of Agriculture ceased to exist and remerged as the Department of Agriculture for Scotland. For Borve see ~~R.I.P.D.~~RIPD 6110/1, Borve, Harris, memorandum 31, 1 November 1939.

<sup>32</sup> ~~R.I.P.D.~~RIPD 38609, Glencanisp, letter from proprietor's solicitors, 12 November 1936; memorandum on application for grazing enlargements in Glencanisp, 15 July 1937.

<sup>33</sup> ~~R.I.P.D.~~RIPD 61110/2, Borve, Board memo 47, autumn 1932.

[was](#) no longer acceptable to those in legal possession of the land. At that point informality could move to a more formal act of protest.

The proprietor's active or passive refusal to react to trespass of cattle and sheep onto his or her estate is one of three routes to an enduring informal land occupation. Thus at Sconser on Skye it was reported in 1939 that this had been the situation since at least the early years of the Great War.<sup>34</sup> This example notwithstanding, the more common variants were those that were even more closely related to actions in protest. At both Balmacaan and Glenmore deer forests, informal occupation emerged directly from the granting of grazing rights to local crofters and cottars under Defence of the Realm regulations.<sup>35</sup> For the Highlands these regulations were often interpreted by the local Agricultural Executive Committees, charged with implementing them under direction from the Board of Agriculture, as the means by which areas within deer forests could be returned to agriculture and by which the land working population could be given access to land which existing legislation was largely unable to touch and for which they had been agitating. Tenancy arrangements were for one period of three years only. It is at this point that the regulations intersected [with](#) protest. Whilst some tenants agreed to relinquish the land and some proprietors continued with voluntary agreements, [at-in](#) other forests the tenants refused to return the land. Technically actions such as these, as with the informal occupation, were not land seizures. They were, nevertheless, unauthorised and illegal. As such, as a reflection of the local context and as an expression of the desire to regain and retain land, these were undoubtedly protest actions. At both

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<sup>34</sup> [R.I.P.D.-RIPD](#) 5863/c, Scorrybreck, report from sub-commissioner, April 1939.

<sup>35</sup> National Records of Scotland Estate Management Files (hereafter [N-R-S-](#)), AF67/297, Deer Forests.

Glenmore and Balmacaan, however, and demonstrating the inevitable difficulties encountered by attempting to categorise something as fluid as action in protest, their proprietors felt unable to take normal legal action against the illegal occupiers. In both instances, as with most other informal occupations, the situation continued for a considerable period of time. At Aline on the island of Lewis, informal occupation began in 1930 and continued until 1953 at least.<sup>36</sup>

Instances of the refusal to hand back land were numerically less significant than both the threat to seize land and actual seizure. It is therefore crucial to the argument for the importance of the informal occupation that it could emerge as a direct consequence of these two significant protest forms. In virtually all cases noted thus far overt and formal protest performances such as these are present. Thus, as noted with Borve, informal occupation could be a consequence of land seizure. But here there must be some doubt if visible raiding was actually the beginning of the tensions that led to the informal occupation. As was often the case, it was far from clear here to whom the invading stock belonged, although it was certain that they came from the Bays of Harris – the area to which the people from Borve had been cleared when the farm was created in 1853 and which was upwards of fifteen miles

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<sup>36</sup> At Balmacaan the informal occupation lasted until at least 1924. From 1921, when the D-R-A agreement ceased, the solicitors for the proprietor wrote regularly to complain at the proprietor's helplessness in the face of this invasion. See, for instance, R-I-P-D 40928, Balmacaan, letter from Seafield estates office, 11 May 1922. The sequence of events and their timing was the same at Glenmore. See N-R-S- AF83/1515. For Aline see N-R-S- AF83/378-381.

distant from Borve.<sup>37</sup> It is therefore reasonable to speculate both that tensions over access to this land must date from the 1880s, if not earlier, and that they became manifest in the failure of successive landlords, including the department, to prevent the breaking of the boundary fence between Borve and the Bays common grazings. It is impossible to say exactly when this first began, but the difficulty the department had in getting the fence mended once they had purchased the estate suggests that this may have been a long-standing situation.<sup>38</sup> Fences are inevitably multi-functional, aiming to control and condition space, humans and non-humans at one and the same time. To break fences is a deeply transgressive act; all the more so in the Highlands where they often represented and materialised profound divisions between the two conflicting lifeworlds. At the same time, however, Highland fences were often absent or suffered from benign neglect in the challenging physical environment. These absences suggest a situation where the division of land use may well have been stronger on paper than in reality, and where the divisions they represent, — as suggested by Griffin for the role of rabbits and mice in subverting the creation of sylvicultural plantations in the eighteenth- and early nineteenth-century New Forest in southern England, — may well have been stronger amongst the

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<sup>37</sup> In June 1933 it was reported that there were upwards of ~~700~~ [seven hundred](#) head of sheep trespassing on the estate, with individual ownership difficult to discern but probably numbering at least ~~40~~ [forty](#). See [R.I.P.D.,RIPD](#) 61110/2, Borve, report by senior sub-commissioner, 13 June 1933, note 104 by same, 23 July 1934.

<sup>38</sup> The fence was still waiting to be repaired in August 1939, [R.I.P.D.,RIPD](#) 61110/4, Borve.

human population than the non-human.<sup>39</sup> This notwithstanding, human beings knew their stock was not meant to be on the ground. To leave them there was a transgressive act regardless of the intent behind it.

Elsewhere, whilst tensions were perhaps not quite as heightened as they were at Borge, protest remained an important precursor to informal occupation, and, if we admit forms of everyday resistance, was interwoven into the informal protest event.<sup>40</sup> Nevertheless, even if a direct connection cannot always be established between informal occupiers of land and previous actors in protest, there can be no doubting the prevailing atmosphere and context [from which](#) such performances emerged ~~from~~. At Scorrybreck on Skye, for example, applications for land from crofters and cottars began in 1910, but increased in terms of numbers and intensity at the end of the Great War. In March and October 1919 threats were made of forcible occupation of land on the farm, whilst in December a separate group of applicants legitimised their agitation and threats of seizure on the grounds that they were applying for the land from which 'our forefathers were evicted'.<sup>41</sup> Thereafter, no further threats were made. This is presumably because the formality of the protest had ebbed away, to be replaced by informality, with it being made clear that the

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<sup>39</sup> C.-J. Griffin, More-than-human histories and the failure of grand state schemes: sylviculture in the New Forest, England, *Cultural Geographies* 17-~~no. 4~~ (2010) 451-472.

<sup>40</sup> Scott, *Weapons of the Weak*.

<sup>41</sup> [R.I.P.D.-RIPD](#) 5863/c, Scorrybreck, report from sub-commissioner, December 1919.

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Drumuie crofters had freely and illegally grazed their stock on the farm 'for a long time'.<sup>42</sup>

This view of the informal occupation as connected to, deriving from and a distinct expression of protest is given greater weight by the fact that it was viewed as such by landowners, their representatives and government officials. In the early 1920s the Barvas glebe lands on the island of Lewis remained unfenced. This was by no means uncommon and reflected past agrarian practices. Those who worked both the glebe and surrounding township lands were meant to be able, through custom and local memory, to recognise and respect their boundaries. Such was the nature of land hunger and associated tensions on Lewis in this period customary practice appears to have largely broken down at Barvas (and elsewhere), and in 1921 the Board of Agriculture's local officer reported 'all the lands in question practically raided at present'.<sup>43</sup> Here he made an important nomenclatural intervention. Raiding needed some sort of official declaration. None seems to have been forthcoming at Barvas. Stock were simply allowed to graze on the ground, in defiance of all conventions of both custom and private property. And yet, to the local official this was a raid. It was an act of resistance.

The same can be said for events at Sconser, part of Glamaig deer forest on Skye. As with many, if not most, Highland and Island estates, Glamaig had been first considered for a scheme of land settlement in 1913. Constant, if low-level, agitation for land on the estate resumed almost immediately after the Great War, but then subsided in the early 1920s. This was the result of an informal occupation. In

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<sup>42</sup> [R.I.P.D.-RIPD 5863/1](#), Scorrybreck, report from sub-commissioner, April 1922;  
[R.I.P.D.-and-5863/1, Scorrybreck](#), letter to Board of Agriculture, 12 December 1919.

<sup>43</sup> [N.R.S. AF83/748](#), Barvas Glebe, report from sub-commissioner, 25 October 1921.

the early war years, so it was claimed, township cattle were grazed in the deer forest 'with the tacit consent of Lord MacDonald's representative', a situation that pertained until at least 1939 at which time a new tenant was attempting to halt it. As with Barvas, but for a different local officer, even though there was no written threat nor formal seizure undertaken, the illegal grazers were 'in effect raiders'.<sup>44</sup> This recognition of raiding in informality lends weight to the assertion that resistance was both mutable and shaped by local contexts.

Once again, the depth of intent behind this informal resistance and the consequences thereof are plainly evident, ~~at Barvas~~. In 1921 the Board signaled their intentions to effect a scheme of land settlement on the Barvas glebe. This was strongly opposed by one of the two owners of the land. The township grazing system required extensive common land. This need was rejected at Barvas by the owners on the grounds that even if the Board's scheme contained a clause forbidding the keeping of a sheep stock, this would be ignored by crofters and would be 'very difficult to regulate ... and ... a source of continual trouble'.<sup>45</sup> Negotiations were again protracted and in 1923 the pParish mMinister wrote to the bBoard appealing for help as the glebe had 'been raided for 2½ years without rent or permission' without any prospect of relief as 'an interdict would only make matters worse and look bad for one in my profession'.<sup>46</sup> At both Barvas and Sconser, therefore, the views of locally influential figures embraced the fluid nature of the protest

<sup>44</sup> R.I.P.D.-RIPD-FILE NUMBER?? 1611, Sconser, letter 25 February 1939; departmental memorandum, 21 July 1939.

<sup>45</sup> N.R.S. AF83/748, Barvas Glebe, letter from Lewis Chamberlain's Office, October 1921.

<sup>46</sup> N.R.S. AF83/748, Barvas Glebe, letter from parish minister, 15 May 1923.

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performance and remphasised the fact that informal grazing was a challenge to property.

As noted above, Board of Agriculture local officials (the sub-commissioners) were becoming increasingly influential.<sup>47</sup> Within the structure of the Board of Agriculture, the Director of Land Settlement and his executive worked closely with similarly senior officials at the Scottish Office, including the Secretary for Scotland, and often undertook the more complex negotiations with landowners. They rarely ventured to the Highlands. This was the provenance of the sub-commissioners who were allocated specific areas and were on occasion moved between areas, perhaps to avoid them becoming overly-sympathetic towards the crofters' and cottars' cause. If this was the aim it was not always achieved.

The role of the sub-commissioner was to thoroughly acquaint himself with the nature of the district he was responsible for, monitor local feeling, draw up proposals for schemes of land settlement and put these into place once the Board had decided to proceed. If a scheme was particularly problematic, and this was always the case if disturbance was particularly significant on an estate, then a senior

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<sup>47</sup> Despite an extended discussion of the workings of The Small Landholders (Scotland) Act, 1911, the Land Settlement (Scotland) Act of 1919 and its amendment in 1921, in Leah Leneman's *Fit For Heroes?*, the presence and impact of those charged with implementing the Act remains largely anonymous. Ewen Cameron has a short discussion of the role of the sub-commissioner in his *Land for the People: The British Government and the Scottish Highlands, c. 1880-1930*, East Linton, 1996, but much remains under-discussed. See also Bob Chambers' *For Want of Land: Hebridean Croft Schemes of the 1920s and '30s*, (Bob Chambers Hexham, Northumberland, 2016).

sub-commissioner would be involved. Based in Edinburgh, but often travelling to the Highlands, this official was the fulcrum around which the two principal layers of the board turned.

As an unintended consequence of this structure, the sub-commissioner often took a central role in the playing out of these local cultural-political dramas. On Lewis, for instance, the insistence by the sub-commissioner that common grazings for the new Tolsta settlers should be managed as one with a neighbouring established township caused tension and conflict that endured for a considerable period of time. It also led to the revelation that the established tenants were habitually cutting boundary fences thereby enabling their sheep 'free run' on grazing that was not theirs.<sup>48</sup> Alternatively, on the island of Eigg the officer's influence was more benign, seeking to mediate between the increasingly antagonistic proprietor and tenants through the use of local gatekeepers. Usefully, the local school teacher was both an 'old friend' of the sub-commissioner and sympathetic to the crofters' position, whilst the parish priest had agreed 'to see that matters run smooth on Eigg' from then on.<sup>49</sup> This proved to be something of a challenge.

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<sup>48</sup> Tensions weare evident across the whole of 1922 and 1923 and culminated d in the resignation of the whole of the Tolsta grazings committee, saying that nobody else would take on the role. In March 1923 a letter from one of the New Tolsta representatives on the committee wrote to the Board of Agriculture alleging both fence cutting by the North Tolsta crofters and that they 'put all their deceased sheep inside our fence polluting the whole place'.<sup>48</sup> N.R.S. AF83/533, New Tolsta Land Scheme.

<sup>49</sup> N.R.S. AF83/604, Eigg, report from Thomas Wilson to Board of Agriculture, March 1921.

Faced with an intransigent landlord – a figure, along with his or her representative, in the form of either the local factor or solicitor, who is found at the apex of local micro-political and cultural relations as often, if not more so, than board officials – the tenantry reacted by seeking to deploy the weaponry of the relatively powerless. Conflict centered around sheep. As with events at Barvas, tenants on Eigg were prevented from keeping sheep as the island's owner believed that they would introduce disease into his supposedly superior stock, even seeking to draw this ban into the scheme to enlarge township grazings. In this way, and Eigg is only one example of many such occurrences, alliances of human and non-human were drawn upon by both sets of protagonists in the seemingly perpetual struggle over legitimate and transgressive rights in private property.<sup>50</sup> Such transgressions did not need to default to the spectacular but were often ~~of the~~ everyday, quotidian and incremental. Thus once the Eigg scheme had been agreed in principle one group of crofters managed to get the proprietor's permission to use the enlargements to their croft land before boundary fences were erected to prevent trespass. This was agreed on the basis that they:

keep a boy on the watch so that the animals might be confined to the proposed enlargement. We are informed that although this protection was exercised for a time the crofters have now

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<sup>50</sup> To imagine that the Land Wars and other more visible protest forms were the only manifestation of the resistance to the privatisation and commodification of the Highland estate must surely be widely acknowledged as a fallacy. This struggle has endured for a remarkably long time and has taken many forms. ~~This and which~~ could be said to have entered a new phase in 2003 with the passing into law of the Land Reform (Scotland) Act.

discontinued it. They are using the enlargement and their animals are straying onto the wider estate.<sup>51</sup>

In that they emerged in part from the attitude of the landlord and his local factors towards the tenantry, and in part also from their relationship with local and national government officials, [events at Glencanisp](#) such events are reminiscent of Andrew Charlesworth's 'stately gavotte' between plebs and patricians in English eighteenth-century food riots.<sup>52</sup> [Here At Glencanisp](#), contrary to crofters' claims, it is unlikely that informal grazing began before 1914 as this was when the estate was sold by its hereditary owner. This person was rigorous in defence of his property and 'specially instructed his keepers to patrol the march and drive from the Forest any stray sheep found there. This duty was strictly carried out and no sheep were allowed so to graze'. In contrast, the incoming proprietor was a native of the area, 'favourable to the crofters' and, more often than not, did not aim to keep the forest clear of their sheep. Over time, informality ebbed into an understanding between proprietor and crofters whereby the latter 'would make no fuss about the deer which strolled on to their holdings in the winter and [the proprietor] would make no fuss about sheep which strayed on to his forests'.<sup>53</sup>

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<sup>51</sup> N.R.S. AF83/604, Eigg, letter from proprietor's solicitors, 8 July 1920.

<sup>52</sup> A. Charlesworth, From the moral economy of Devon to the political economy of Manchester, 1790–1812, *Social History* 18-2 (1993) 205-217.

<sup>53</sup> [R.I.P.D. RIPD 38609](#), Glencanisp, letter from proprietor's solicitors, 19 November 1936; [and; R.I.P.D. 38609](#), letter from local M.P., 29 July 1937.

In 1936, however, Glencanisp was sold once again and the new owner (R.V.<sup>54</sup>) immediately signaled his intention to restore earlier policing practices.<sup>55</sup> This set him on a collision course with the local crofters, Department of Agriculture and Scottish Office. It was a conflict R.V. was unable to win and offers a clear demonstration of the power of the informal utilisation of land. Here too we see the role of the factor, a much-mythologised figure, who was, and is, in essence the proprietor's agent on the ground, enacting estate management policy. Three different factors were employed at Glencanisp between 1914 and 1937. The first largely shared the first new owner's benign attitude. In the early 1920s, however, a new factor took the view that the forest ought to be kept clear of sheep. This soured relations with the tenants who believed the proprietor had been 'prejudiced against them' by the factor.<sup>56</sup> This may well partly explain the huge increase in trespassing stock evident across this period and noted earlier. When ownership changed in 1936 this second factor remained in post and found his views shared by the new proprietor. Nevertheless, a new factor was soon brought in who was reported to have a more sympathetic and conciliatory outlook. Nevertheless, he had to act on his proprietor's instructions to keep the forest clear of sheep.<sup>57</sup> This proved impossible.

Across the Highlands conflict over access to land was fought out using human and non-human, animate and inanimate weaponry, often in complex

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<sup>54</sup> ~~The proprietor; name withheld.~~

<sup>55</sup> R.V. was the proprietor, whose name has been withheld.

<sup>56</sup> R.I.P.D.RIPD 38609/1, Glencanisp, report of the land officer, 11 December 1936.

<sup>57</sup> R.I.P.D.RIPD 38609/1, Glencanisp, letter from estate factor to tenants, 19 February 1922; report of the sub-commissioner, 16 July 1931; report of the senior sub-commissioner, 8 July 1937.

assemblages and with some violence. At Balmacaan, for instance, we can see clear echoes both of Scott's everyday resistances and McDonagh's identification of acts of destruction as attempts to restore the landscape to its pre-enclosure state.<sup>58</sup> As crofters struggled to retain that which they felt they had clear rights to, 'padlocks and other fastenings of gates in the Deer fence have been either removed or damaged ... gates left open, wires broken or slackened and damage done by heather burning. In the Spring of 1923 about 200 fence posts were burned or damaged and also a large extent of ground'. From the other side of these conflicts the Glenmore crofters felt that damage had been done to them by changes in the landscape, claiming that their legitimate pasture had been ruined prior to the Great War 'owing to the felling of trees and the debris allowed to remain all over the pasture, thus rendering it dangerous as well as useless for the maintenance of our stock'.<sup>59</sup>

At Glencanisp, however, the violence ran even deeper and involved attacks on the associations of flora and fauna that compromised crofters and cottars environmental relations on the one side, and the embodied rejection and challenging of hierarchical and private sporting space from the other. The primary aim of any gamekeeper of a Highland deer forest was (and is) to ensure [that](#) a good level of peripatetic deer remain on his ground to enable a good bag.<sup>60</sup> To this end, and

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<sup>58</sup> Scott, *Weapons of the Weak*; and McDonagh, Making and breaking property.

<sup>59</sup> R.I.P.D 40928, Balmacaan, letter from factor, 9 January 1924; N.R.S. AF83/1515, Glenmore, petition from Strathcarron holders, 3 April 1922.

<sup>60</sup> J. Grant, and L. Jackson, Deer forests, sporting estates and the aristocracy, *Sports Historian*, 18, ~~no. 1~~ (1998) 24-54; H. Lorimer, Guns, game and the grandee: the cultural politics of deerstalking in the Scottish Highlands, *Cultural Geographies* 7 ~~no. 4~~ (2000) 403-431.

especially in the stalking season, only an approved few are seen as legitimate visitors to the ground. All others are understood to be transgressors and estates deploy a range of strategies and people to prevent transgression. Nevertheless, at Glencanisp, and alongside their sheep, crofters would roam, with impunity, 'over the whole Forest even during the stalking season'. To add insult to injury, they also made use of the estate front drive 'without giving ... anything towards its upkeep'. Finally, crofters refused to give up their grazing rights to a small area adjacent to the estate lodge which the proprietor wanted to convert to plantations 'to improve the approach to his house'.<sup>61</sup>

In the performance of informal occupation throughout the Highlands relations between proprietors, their agents and the tenantry continued to suggest that the reality on the ground was not as controlled and hierarchical as the notion of landlord-tenant relations would otherwise suggest. The Glencanisp situation was neatly captured in 1936 by a department official who identified the new proprietor as 'a rather high and mighty gentleman who will not see the light until he gets a hard enough knock. If he is a newcomer into the Highlands he is likely to get this knock soon. I suggest ... that no action be taken until the man has played his hand and discovers how far his commands will be obeyed'.<sup>62</sup> The proprietor appears to have found out in July 1937 when between three and four miles of fencing between the crofters' common pasture and the deer forest was destroyed. The *Glasgow Daily Record* reported the crofters as saying that a storm had caused the problem, but for department officials the damage was so extensive that it 'could not be done except by a large party acting in concert'. Events then took on a darker hue. Crofters:

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<sup>61</sup> [R.I.P.D.-RIPD](#) 38609, Glencanisp, letter from proprietor's solicitors, 23 April 1937.

<sup>62</sup> [R.I.P.D.-RIPD](#) 38609, Glencanisp, marginalia comment, 8 October 1936.

claimed that for the first time fox traps has been set in the forest and these were killing their lambs. They also stated that six dogs belonging to the estate watchers (employees charged with preventing trespass of human and non-human) had been found dead of unknown causes. They went on to claim that 'traps have been set in our own land and nearly every cat we had about our houses has been killed'.<sup>63</sup>

Over the course of 1937 tripartite negotiations between the proprietor, governmental officials and crofters continued, only to break down again in January 1938. The view of senior department officials was that the proprietor's offer of access to land had been compromised 'by ignorance, technical as well as psychological'. Disorder would almost certainly ensue if attempts were made to drive off trespassing stock in the deer-stalking season, and whilst the proprietor might 'think it advisable not to risk another lightning strike ... he hasn't given much indication that he appreciates the real problems with which he is faced'.<sup>64</sup> Instead, as a vivid demonstration of the power of the informal action and accompanying everyday resistance, the proprietor chose to curtail his activities in the area after the setting of twelve separate fires in the deer forest on a Friday evening in April 1938.<sup>65</sup>

Unquestionably a means to resist the privatised and securitised sporting space, to underestimate the power of the informal land occupation does it a considerable disservice. There were material consequences issuing from these actions. Thus it was plainly acknowledged that the expenditure of £22,300 by the Department of Agriculture to purchase the Borge estate was for political rather than

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<sup>63</sup> [R.I.P.D.-RIPD 38609](#), Glencanisp, report 10 July 1937; *Glasgow Daily Record*, 23 July 1937.

<sup>64</sup> [R.I.P.D.-RIPD 38609/2](#), Glencanisp, departmental minute no. 77, 19 January 1938.

<sup>65</sup> [R.I.P.D.-RIPD 38609/2](#), Glencanisp, letter from proprietor's solicitors, 18 April 1938.



economic development motives, taken 'as an insurance against possible future disorders' consequent upon any future proprietor moving to rid the estate of trespassing sheep.<sup>66</sup> Thus these land invasions connect that which has been previously understood as distinct: everyday resistance and the spectacle that was the formal land seizure. The forms taken by events of social protest must be understood as part of a fluid continuum.

Whilst small in number compared to the more formal seizures, informal occupation [was](#) most often evident on the Scottish mainland, the area where the land seizure occurs the least. Perhaps as a function of landlords' lack of concern to protect their property; perhaps as a function of the amount of land encompassed by mainland estates, resistance in this area more easily and more often embraced informality. The commitment to resist and transgress private property rights was clearly there, it simply took the most contextually appropriate form. In Highland social protest the power of the locale was paramount.

## **CONCLUSIONS**

Both by inclination and necessity this paper has probed beyond the surface appearance of Highland land disturbances. Much of the established literature, by contrast, emphasises both the period between 1882 and 1914 and formal land seizures. However, this paper has demonstrated that when we look with a less superficial eye what is revealed is both an extended geography and chronology of protest performances and a more fluid and complex set of interactions that says much about Highland social relations in a hitherto somewhat neglected period. Even though the informal action displayed virtually none of the characteristics that made

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<sup>66</sup> R.I.P.D 61110/2, Borge, letter to Scottish Office, 6 April 1933.

the land raid such a potent form of protest, it lacked none of its formal counterpart's potency or affective impact, and was a protest form which challenged, transgressed and altered manifestations of Highland sporting property rights. In certain parts of the Highlands, for instance, it virtually replaced the formal seizure as the form of protest and in its embodied (human and non-human) form it was considerably more long-lived than its formal counterpart. In combination with their minor-key nature, this endurance means that it is impossible to discern when some occupations ceased. Informality can thus more resemble an absence of presence than many other protest forms.

Formal land occupations in the Highlands and Islands were only the most spectacular manifestation of a process of resistance to the privatisation of land that took a multiplicity of interchangeable forms. Informal land occupations are one of these, found in the desires of (local and national) authority to avoid open conflict and in a certain lack of interest from some estate owners in the normal strictures of private property. Land protests in the Highlands of whatever hue drew on and materialised a powerfully evocative symbolism. They were far from wholly gestural, however. Evoking and evoked by feelings and passions, these were more-than-representational embodied social actions which emerged from the fact that ordinary Highlanders' sense of their own lifeworld and taskscape deeply conflicted with that of the rhythms of being imposed on them by the disciplines of the sporting estate. And yet, as Thrift convincingly asserts, the minutiae of everyday interaction produces as much improvisation as it does routine.<sup>67</sup> Through improvisation can come subversion. By using the routine practices of the sporting estate, crofters and cottars were able to open up holes and tears in these spatial monoliths, largely in the form of the invading

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<sup>67</sup> Thrift, Space.

non-human but also in their own bodily practices, through which they were able to make their own spaces of assertion.

The lived reality of informal land occupation may point to a set of spatial practices, performances and relations that are considerably more fluid and contingent than hitherto imagined. In the popular imagination, at the very least, the imaginative geography of the Highland estate is one of strict management and control. The practice was considerably different. Crofters and cottars were able to, if not with impunity then certainly with some confidence, challenge, combat and resist private property in the form of the sporting ground upon which their forebears once legitimately trod and they continued to illegitimately tread. We may, indeed, even see hints of a form of reverse social control in their actions. Here too, the conclusions McDonagh reaches as to the meanings attaching to mass ploughings serve to reinforce and mirror these assertions. Informal land occupations were 'a very public critique' of the shift to sole use rights and 'a highly visible symbol' of a landlord's 'lack of authority in a locality'.<sup>68</sup> We must now imagine that from the 1870s if not earlier, the Highland landowner many never have had the authority they either wished or believed they had, or which much of the established historiography appears to suggest.

The sporting estates which literally and figuratively hemmed in the crofting townships, were deeply contested spaces, symbolizing for crofters and cottars both expropriation and loss of rights. Conflict over these spaces and tasksapes was both fluid and contingent and could involve the taking of game, transgressive human bodies, the breaking of land and [of](#) the material boundaries that made property private. It could also see landlord capitulation in the face of near-constant pressure

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<sup>68</sup> McDonagh, Making and breaking property, 18.

and the creation of a situation that was a denial of private property rights in the form of the free grazing of crofters' and cottars' cattle and sheep. Drawing strength from an older ideology and set of tenurial relations, and acting out a very particular set of protest performances that emerge from individual and localised micro-political contexts, the informal occupation of land alters both our understanding of Highland protest and the history of land invasions more generally. Whether by agreement, by simply turning a blind eye or as a consequence of the micro-politics of local socio-cultural relations, the outcome was the same. The informality with which some Highland land invasions were pursued successfully subverted the ground. In their adaptation of the form of the land occupation crofters and cottars in the north-west Highlands and Islands remind us that even the most privatised of shared spaces offer opportunities for subversion and resistance.