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A moral economy of the land? Kinship, labour, and subsistence in nineteenth century Sutherland through the proceedings of the Napier Commission

Euan Healey

MA(Hons)

Submitted in partial fulfilment of the requirements of the degree of Master of Research (MRes) in History

School of Humanities

College of Arts

University of Glasgow

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For my best friend Stephen,

whom I wish could tell me how boring he thought this was.

CONTENTS

LIST OF FIGURES iv

LIST OF TABLES v

ACKNOWLEDGEMENTS vi

LIST OF ABBREVIATIONS vii

INTRODUCTION 1

The Napier Commission and its archaeological context 7
Theory and practice in Clearance studies 15

I 'OUR FOREFATHERS HAVE BEEN EXTERMINATED': 'KINSCAPING' MORAL ECONOMY 22

Verticality: chieftainship remembered and chieftainship forgotten 25
Horizontality: land for whom? 33
Temporality: inheritance and investment as indicators of kinship 41

II 'PEOPLE WOULD WORK IF THEY HAD THE WORK TO DO': LAND FOR LABOUR 49

Sutherland as workplace 50
Work and estate power 58

III 'THE STRUGGLE FOR SUBSISTENCE IS GETTING SHARP AND SEVERE': FOOD AND THE LAND 66

Subsistence or sport? 67
On masculinity 76

CONCLUSION: METHOD AND MEANING 82

BIBLIOGRAPHY 90

Primary Material 90
Secondary Literature 91

LIST OF FIGURES

Figure 1: Annotated map of the County of Sutherland, adapted from Burnett and Scott’s Trigonometrical Survey of Scotland (1833) 6

Figure 2: The three aspects of the moral economy of the land 20

Figure 3: Extract from William Forbes’ Plan of Helmsdale Allotments (1820) 37

Figure 4: Plan from Fairhurst’s Archaeological Survey of Rosal township (1969)........ 39

Figure 5: Plan of Farr Allotments (c. 1814) 40

Figure 6: Raised yard at the cleared settlement of Langdale, Strathnaver........ 43

Figure 7: Turf and stone dyke at the cleared settlement of Grumbeg, Loch Naver 46

Figure 8: Trantlemore and Trantlebeg as shown on 1874 12-inch Ordnance Survey map enlargements 53

Figure 9: Drainage channel in Rosal, Strathnaver 55

Figure 10: Clearance cairn at Rosal, Strathnaver........ 57

Figure 11: Map of the Deer Forests of Sutherland (1884) (from Orr, Deer Forests, p. 9)....... 69

Figure 12: Sheep grazing over the 'indelible characters' of the cleared settlement of Grumbeg, Strathnaver 83

LIST OF TABLES

Table 1: Peerage of Sutherland through the Improvement period 4

Table 2: Employees of the Sutherland estate mentioned in the text 4

Table 3: Activity of the Napier Commission in Sutherland 10

Table 4: Rental data for Farr Parish, Sutherland (1883) 34

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The last word must be dedicated to the people of Sutherland who bravely told their stories to the Napier Commission in 1883. *Is beannaichte iadsan a tha ri bròn: oir gheibh iad sòlas*. This thesis is theirs.

LIST OF ABBREVIATIONS

EUP	Edinburgh University Press
HMSO	Her Majesty’s Stationery Office
NC	‘Napier Commission’ (formally, *Her Majesty's Commissioners Of Inquiry Into The Conditions Of The Crofters And Cottars In The Highlands And Islands Of Scotland)*
NLS	National Library of Scotland
OUP	Oxford University Press
PSAS	*Proceedings of the Society of Antiquaries of Scotland*
RCAHMS	*The Royal Commission on the Ancient and Historical Monuments of Scotland*
SHR	*Scottish Historical Review*
TGSI	*Transactions of the Gaelic Society of Inverness*
UofG	University of Glasgow

INTRODUCTION

In the small hours of the morning on 13 June 1814, with the sun already well risen over Strathnaver in the north of Sutherland, an 11-year-old Angus Mackay slept beside his brothers with his parents already having gone out to tend to livestock. Suddenly, they were awoken by a neighbour, alerting them to serious danger: 'won't you wake up, Sellar is burning'.[1] The Mackay children panicked. Without even stopping to get dressed, Angus took his two younger brothers and ran down to the banks of the River Naver. Patrick Sellar, who was an estates manager for George and Elizabeth Leveson-Gower, the Marquis and Marchioness of Stafford and owners of the Sutherland estate, had become the tenant of a large section of Strathnaver on Whitsunday, 29 May 1814. He had made it his first priority to inform the inhabitants, who had lived and worked there for generations, that without explanation or right of appeal they would be evicted at 12 noon on 13 June. In fear of their landlord burning the homes and farms of fellow residents to ensure they did not return, Angus Mackay attempted to swim across the powerful River Naver with his three-year-old brother across his back. But for the intervention of a neighbour, Mackay would recall to the Napier Commission some 70 years after the fact, he and his brother would likely have drowned.[2]

By analysing stories like Angus Mackay's, this thesis will consider the extent to which individuals and communities viewed the events of the Sutherland Clearances as consistent or inconsistent with their perception of the morality of the economic system under which they lived. Evidence from oral interviews given to the Napier Commission in 1883, a major government investigation into the state of Highland and Island society and economy

[1] Angus Mackay, *Evidence and Report By Her Majesty's Commissioners Of Inquiry Into The Conditions Of The Crofters And Cottars In The Highlands And Islands Of Scotland* [hereafter *NC Evidence* or *Report*], vol. II (London: HMSO, 1884), p. 1617.
[2] For a general narrative of the Strathnaver Clearances see Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), ch. 7.

following the Clearances, will be read to explore how people expressed the moral basis for their economic lives. In turn, it will consider ordinary people's beliefs about right and wrong economic practice, how people responded to unethical behaviour, and how their moralities informed their economic desires, practices and interaction with their kin, labour and subsistence. Together, this will allow for a consideration of whether Sutherland people shared a moral economy of the land. This method places ordinary people's experiences of the land Clearances in Sutherland in a wider epistemological context, with their agency at the heart, with a view to understanding their lasting impact and significance for ordinary lives in Sutherland.

The Sutherland Clearances were a series of mass evictions, part of a wider process across the Highlands and Islands in which Gaelic-speaking communities were permanently removed from their homes and land. In addition to referring to the evictions and their consequences, 'Clearance' has become an umbrella term alongside 'Improvement' to encompass estate policies and actions undertaken in an attempt to increase estate profit, and modifying Gaelic social and economic life as a means of promoting 'civilisation'. In Sutherland, the estate's intention was to remove people living on inland straths and replace them with sheep from whose farmers a profit could be extracted. While the Clearances period is traditionally defined as being the century from c.1760, Sutherland is anomalous, most major acts of clearance in Sutherland being concentrated between 1807 and 1821, with the majority of events in two principal phases: 1812–1816, and 1818–1820.[3] The estate first hoped people would leave ancestral homes voluntarily, or at least would accept eviction and forced migration to previously uninhabited areas of coastline, but while some eventually moved under duress, many more chose to flee Sutherland for elsewhere in Britain or the

[3] Eric Richards, *The Highland Clearances: People, Landlords, and Rural Turmoil*, new ed. (Edinburgh: Birlinn, 2008), pp. 168-181, 198-213,

Empire. This large-scale transformation was an outcome of landowner interest in reform and modernisation on their estates, which aspired to match the increased economic output of Lowland Scotland seen through the eighteenth century as a result of commercialisation of agriculture, early industrialisation, marketisation and urbanisation.[4] It should be noted at this early stage that this Improvement was an elite *ideal* that in Sutherland was only ever briefly realised in isolated patches. An array of innovations and investments were attempted to varying degrees of success, but none ever availed the kind of monetary benefit that the Sutherland family hoped their million-acre estate could provide them despite, as we shall see, significant outlay and social cost.[5]

With this type of 'progress' in mind, the Sutherland estate introduced Improvement and Clearance policies on its holdings most notably under the leadership of Elizabeth Leveson-Gower and subsequent inheritors (see Table 1). Atypically for an aristocratic woman of this period, she was involved in all aspects of the management of Sutherland throughout much of her life, beginning her interest when she was still in minority, when she was reputed to have personally founded a Fencible Regiment in Sutherland to fight in the American War of Independence at only 12 years old.[6] Her personal involvement in improvement is well documented, regularly instructing controversial figures Patrick Sellar and William Young, and subsequently James Loch (see Table 2). After her death, her descendants remained and

[4] T.M. Devine, *The Scottish Clearances: A History of the Dispossessed, 1600-1900* (London: Penguin, 2018), pp. 117-120; James Hunter, *The Making of the Crofting Community*, new ed. (Edinburgh: Birlinn, 2000), pp. 40-41; Allan I. Macinnes, 'Land, Labour and Capital: External Influences and Internal Responses in Early Modern Scotland', in *Land Reform in Scotland: History, Law and Policy*, eds. Malcolm M. Combe, Jayne Glass and Annie Tindley (Edinburgh: EUP, 2020), p. 36; Annie Tindley and Andrew Wodehouse, 'The Role of Social Networks in Agricultural Innovation: The Sutherland Reclamations and the Fowler Steam Plough, C.1855-C.1885', *Rural History*, 25.2 (2014), pp. 204-205.

[5] Annie Tindley, '"The Iron Duke": Land Reclamation and Public Relations in Sutherland, 1868–95', *Historical Research*, 82.216 (2009), pp. 318-319.

[6] Eric Richards, *The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution* (London: Routledge and Kegan Paul, 1973), p. 10; William Fraser, *The Sutherland Book,* vol. I (Edinburgh: [n.p.], 1892), pp. 468, 479.

zealous staff shared commitment to improvement policies which persisted throughout the remainder of the nineteenth century.

Table 1: Peerage of Sutherland through the Improvement period[7]

Name	**Earldom**	**Duchy**	**Years (*s.-d.*)**
William Sutherland[8]	16th Earl		1733-1750
William Sutherland	17th Earl		1750-1766
Elizabeth Leveson-Gower (née Sutherland)	Countess *suo jure*	 (Duchess)	1766-1839 1833-1839
George Granville Leveson-Gower	18th Earl	 1st Duke[9]	1785-1833 1833-1833
George Granville Sutherland-Leveson-Gower	19th Earl	2nd Duke	1833-1861 1839-1861
George Granville Sutherland-Leveson-Gower	20th Earl	3rd Duke	1861-1892

Table 2: Employees of the Sutherland estate mentioned in the text

Name	**Role on the Sutherland estate**	**Years of employment**
William Young	Chamberlain; estate commissioner	1811-1816
Patrick Sellar	Chamberlain; factor; general manager	1811-1817
James Loch	Estate commissioner; land agent	1816-1855
Evander McIver	Factor (Scourie)	1845-1895
Joseph Peacock	Factor (Dunrobin)	1859-1885
John Crawford	Factor (Tongue)	1859-1885

The scale of change through the period in Sutherland was stark. At the turn of the nineteenth century, most communities lived in co-operative farming townships, or *bailtean*[10], undertaking both arable and pastoral labour. While the physical organisation and layout of

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[7] Annie Tindley, *Sutherland Estate, 1850-1920: Aristocratic Decline, Estate Management and Land Reform* (Edinburgh: EUP, 2010), p. 174; Bernard Burke, *A Genealogical and Heraldic Dictionary of the Peerage and Baronetage*, 61st ed. (London: Harrison, 1899), pp. 1544-1548; *The Scots Peerage,* ed. James Balfour, vol. VIII (Edinburgh: David Douglas, 1911), pp. 357-364.

[8] The first of the line to take the surname Sutherland rather than his father's birth surname and the ancestral family name, Gordon.

[9] Marquis of Stafford from his father's death in 1803 until he was created the 1st Duke of Sutherland on 28 January 1833, shortly before his death.

[10] A variety of English, Scots and Gaelic phrases are used in literature to refer to these settlements including villages, touns, and clachans.

townships did vary from place to place, a number of common characteristics were present: arable infield plots used for mixed and rotated crops (including bere, oats, and potatoes); dwelling buildings made of stone, turf or wattle with turf or thatch roofs; small internal turf-and-stone dykes used to keep livestock and wild animals off arable ground and kailyards; and a large all-encompassing head, or boundary, dyke made of stone and earth. Within these townships, land was apportioned by the community, often yearly, between tenants for farming, and then returned to common usage following the harvest.[11] Settlements were usually connected with an equally important area of commonly-held, outfield hill pasture beyond the head dyke (often by some distance) used for seasonal grazing of livestock known as a shieling, with its own distinct layout and physical characteristics.[12] By the end of the century, this entire land-use system was completely eradicated from Sutherland without exception.

Alongside an existing 740,000 acres (300,000 hectares) of property in three counties of England, most notably in Staffordshire, the Sutherland holdings of the Leveson-Gowers expanded significantly in the first half of the nineteenth century to approximately 1.1 million acres (c.450,000 hectares) encompassing around 80% of the land of the historic county of Sutherland.[13] Figure 1 shows the extent of the family property, with areas of Sutherland not owned by the family bounded with yellow shading. Sutherland's size and diversity make it a unique example of Clearance and Improvement in the Highlands and Islands, and a useful study. Its size meant that while there was significant geographical variation within its borders, it all simultaneously experienced the same estate's Improvement policymaking. Sutherland

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[11] Robert A. Dodghson, 'Highlands Touns before the Clearances', in *Scottish Life and Society: A Compendium of Scottish Ethnology, Farming and the Land*, vol. II, eds. Alexander Fenton and Kenneth Veitch (Edinburgh: John Donald, 2011), pp. 111-132; Robert A. Dodgshon, *No Stone Unturned: A History of Farming, Landscape and Environment in the Scottish Highlands and Islands* (Edinburgh: EUP, 2015), pp. 153-159.
[12] Hugh Cheape, 'Shielings in the Highlands and Islands of Scotland: Prehistory to the Present', *Folk Life,* 35.1 (1996), pp. 7-12.
[13] Tindley, '"The Iron Duke"', p. 303; Tindley, *Sutherland Estate*, p. 1.

people lived in varying conditions in communities on the coasts of the Minch to the west, the Atlantic Ocean to the north and the North Sea to the east; on the steep sides of Assynt's

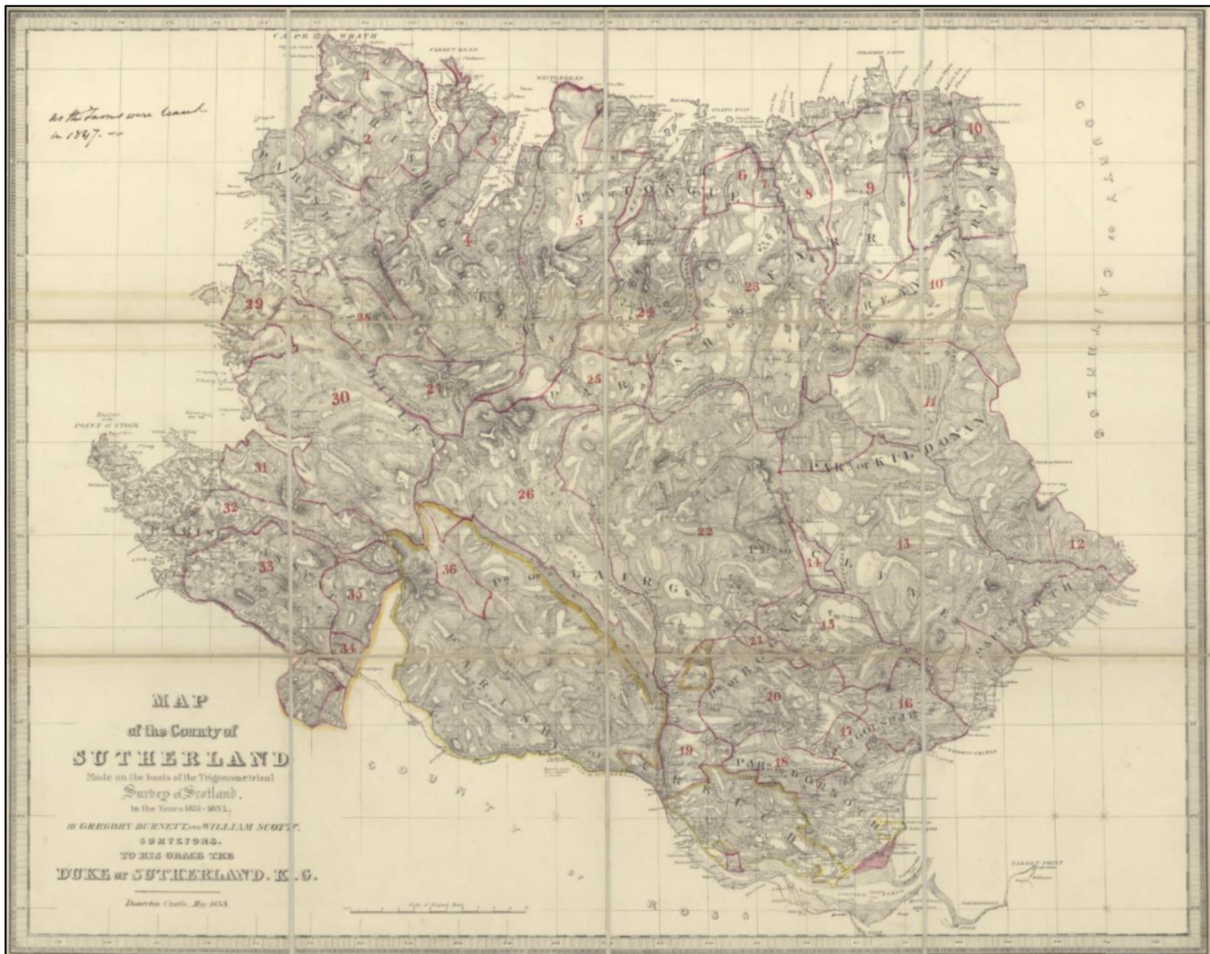

Figure 1: Annotated map of the County of Sutherland, adapted from Burnett and Scott's Trigonometrical Survey of Scotland (1833)

mountains, or on the plains of the south-east; alongside the Flow Country's powerful rivers or major lochs like Shin and Loyal. The sheer scale of Sutherland with its distinct geographical regions provides an array of unique local contexts ripe for comparative study. This distribution and variation mean that a variety of experiences from separate localities within a single estate can be compounded to yield understanding of common factors that influenced ordinary people's experiences of Clearance and Improvement.

Sutherland and its Clearances have been the focus of a number of studies to date, with significant, general studies for the main clearance period by Richards and Hunter, and a post-Clearance period study by Tindley.[14] Richards and Tindley provide chronologically complementary studies of aristocratic affairs in Sutherland, while Hunter's work considers the lives of ordinary people in the immediate aftermath of evictions. This shows Sutherland as well-trodden study location, but with a significant remaining lacuna regarding the economic experiences of the Sutherland people during the period. This thesis aims to address this deficit using an interdisciplinary source-base combining oral testimony from ordinary Sutherland people who had personal experience of the Improvement policies of the estate, in addition to landscape evidence from its soil and stonework.

The Napier Commission and its archaeological context

Recorded in 1883, and published in 1884, the Napier Commission, formally 'Her Majesty's Commissioners Of Inquiry Into The Conditions Of The Crofters And Cottars In The Highlands And Islands Of Scotland', provides a unique and unparalleled window into lived experience of Highland life, and so will be my primary source of evidence. The Commission recorded interviews across 61 meeting places in the Highlands, Hebrides, and Northern Isles, as well as in Glasgow and Edinburgh, asking 46,750 questions to 775 individuals, of which 66 were in Sutherland .[15] While other government enquiries did take place in this period in the Highlands, none were as broad or as significant as the Napier Commission in

[14] Tindley, *Sutherland Estate*; Richards, *Patrick Sellar*; Richards, *Leviathan*; James Hunter, *Set Adrift Upon the World: The Sutherland Clearances* (Edinburgh: Birlinn, 2015); Malcolm Bangor-Jones, 'Sheep Farming in Sutherland in the Eighteenth Century', *Agricultural History Review*, 50.2 (2002), pp. 181-202; Reay D.G. Clarke, *Reay Country: The Story of Sutherland Farming Family* (Edinburgh: Origin, 2018); John R. Baldwin (ed.), *The Province of Strathnaver* (Edinburgh: Scottish Society for Northern Studies, 2000).
[15] A.D. Cameron, *Go Listen to the Crofters: The Napier Commission and Crofting a Century Ago* (Stornoway: Acair, 1998), p. x.

geographical or topical remit. The generalist nature of interview questions asked to Highlanders from a cross-section of society, interviewed *in situ,* provides opportunity for a close reading and interrogation as a historical source. The wide array of socio-economic groups from which witnesses to the Commission were drawn is remarkable in itself for this period. Verbatim testimony, primarily in Gaelic, was translated to English and recorded by clerks in shorthand before being written out in full English prose at a later date. This evidence was collected from every level of Sutherland society, from estate officials and factors whose power over local communities was immense all the way down to itinerant labourers and cottars who made up the landless poor. While some spoke representing merely their own opinions, the majority of speakers had been elected delegates by their localities and read out statements agreed at local meetings to the Commissioners. However, it is important to recognise that more voices from the upper end of society were heard by the Commissioners, and they were given longer interviews; additionally the speakers are almost all men, with only five women being afforded opportunity to make representation to the Commission.

The second Gladstone ministry's attitude to the Highlands, and the eventual establishment of the Napier Commission, was significantly influenced by the geopolitical conflict in Ireland.[16] William Gladstone and his Home Secretary William Harcourt were concerned, particularly following clashes between government forces and crofters on Skye in 1882, about the situation in the Highlands and its potential to escalate. The establishment of a Royal Commission under a seasoned diplomat with experience in domestic and imperial contexts was both an attempt to be receptive to the concerns of Highland people, and to be

[16] Ewen A. Cameron, 'Communication or Separation? Reactions to Irish Land Agitation and Legislation in the Highlands of Scotland, c.1870-1910', *The English Historical Review*, 120.487 (2005), pp. 653-654

seen doing so.[17] Though Lord Napier was not a Gael by any definition of the word, the five other Commissioners appointed all hailed from the *Gàidhealtachd.* Two major Highland landowners were appointed: Donald Cameron of Lochiel and Kenneth Mackenzie of Gairloch, the former a Conservative Highland MP, and the latter a past chief of the Gaelic Society of Inverness, a civil society organisation. Another MP, Charles Fraser-Mackintosh, was also appointed: he was a Liberal, so provided political balance, as well as having a keen interest in Gaelic affairs. The other two figures were scholars of the Gaelic world: Professor Donald MacKinnon, Edinburgh University's first Professor of Celtic, originally from Colonsay; and Skye-born Alexander Nicolson, a lawyer and the incumbent Sheriff of Kirkcudbright and a collector of Gaelic literature and song.[18]

The Commission completed its fieldwork between May and December 1883, of which the Sutherland activity is shown in Table 3, before the final report was compiled and published in 1884. The report by the Commission's chair was negatively received by almost all who read it. It called for recognition of historic land rights and the restoration of crofting townships, but Cameron and Mackenzie added dissents to these conclusions on publication. They accurately predicted its poor reception in London, and the eventual crofting legislation introduced in 1886 bore little resemblance to Napier's recommendations.

Despite their potential, the Minutes of Evidence of the Napier Commission are conspicuous in their absence as a major source in any study of the Highland Clearances to date. Reluctance by scholars to engage with 3375 pages of testimony given by those who

[17] Andrew Newby, *Ireland, Radicalism, and the Scottish Highlands, c. 1870-1912* (Edinburgh: EUP, 2007), pp. 85-86; Ewen A. Cameron 'The Empire Strikes Back: Indian Influences on Land Legislation in Scotland and Ireland in the Late Nineteenth Century', in *Scotland and the Wider World: Essays in Honour of Allan I MacInnes*, eds. Neil McIntyre and Alison Cathcart (Woodbridge, Suffolk: Boydell Press, 2022), p. 202; Ewen A. Cameron, *The Life and Times of Fraser Mackintosh, Crofter MP* (Aberdeen: Centre for Scottish Studies, University of Aberdeen, 2000), pp. 117-139.
[18] A.D. Cameron, *Go Listen*, pp. 1-2; Ewen A. Cameron, *Land for the people? The British Government and the Scottish Highlands, c. 1880-1925* (East Linton: Tuckwell Press, 1996), pp. 18-19.

experienced the Clearances first hand is almost inexplicable. The value to a historian of a source in which poor, frequently illiterate people whose mother tongue was a minority language were given an essentially free platform to speak is obvious; the very idea of it runs against the typical bias of the archival record.

Table 3: Activity of the Napier Commission in Sutherland[19]

Date	**Session**	**Location**	**No. of witnesses**[20]
24-25 July 1883	Bettyhill	Farr Free Church	19
26 July 1883	Kinlochbervie	Kinlochbervie Free Church	10
27 July 1883	Lochinver	Lochinver [Established] Church	11
06 October 1883	Helmsdale	Helmsdale Free Church	6
08 October 1883	Golspie	Golspie Free Church	16
09 October 1883	Bonar Bridge	Drill Hall	4
		Total:	***66***

What deepens the ironic underuse of the Minutes of Evidence of the Napier Commission is that a number of major scholars have referred to the Napier Commission as a remarkable record, while simultaneously ignoring it as a source of evidence worth engaging with analytically. Eric Richards described the Minutes of Evidence as 'the greatest single document on nineteenth-century Highland society, economy and history'[21] despite referring to them fewer than fifteen times in his 400-page study, *The Highland Clearances*. Even then, the four-page discussion it receives when the book reaches 1883 is entirely about the reception of the eventual report by Lord Napier. Ewen A. Cameron's research into government responses to the problems of the Highlands includes the most significant discussion of Napier to date in which he places the Commission in both the political context of the Highland land movement and the increased appetite for central government

[19] Adapted from A.D. Cameron, *Go Listen*, p. 128.
[20] Data imputed from the Commission Evidence. Does not include 10 delegates who gave evidence in the Sutherland county sessions but are excluded due to their testimony being unrelated to the Sutherland estate, but to other estates where they lived. Evander McIver and Joseph Peacock, employees of the Sutherland Estate, gave evidence at two sessions each.
[21] Richards, *Highland Clearances*, p. 381.

intervention in the Highlands at the end of the nineteenth century. Notwithstanding this useful discussion, the 1880-1925 scope of his study means his interest lies in analysis of its consequences rather than in the evidence to the Commission in its own right.[22] Explanation for collective hesitancy among historians toward the accounts often echo the concerns of Lord Napier who prefaced his own Report in 1884 with a warning:

> We shall do well to remember that these depositions, regarding acts and incidents often obscure and remote, are in many cases delivered by illiterate persons speaking from early memory, or from hearsay, or from popular tradition, fleeting and fallacious sources even when not tinged by ancient regrets and resentments, or by the passions of the hour.[23]

Napier's concerns were rooted in the extent to which comments made to his Commission could be considered 'true', given that none of the evidence was given under oath. This comment, while patronising to those who had shared their experiences, was meant to allay this concern about the quality of the testimony given by many contemporaries. Many, including Highland landlords, were deeply concerned about the influence of land law reformers who they claimed could have coached witnesses to prejudice the eventual outcomes of the Commission. The Commissioners repeatedly asked those who gave evidence whether they had written their statements themselves, or if they had been told by anyone else what to say.

Richards is one such active critic of the use of the Napier Minutes of Evidence as a source and oral testimony more broadly, for similar reasons. He declares that testimonies are largely interested in 'settling local scores and reopening old sores', [24] dismissing them as 'volumes of nostalgia and bitterness'.[25] While it is true the evidence given is emotional and

[22] E.A. Cameron, *Land for the people?*.
[23] *NC Report*, p. 2.
[24] Eric Richards, *Debating the Highland Clearances* (Edinburgh: EUP, 2007), p. 18.
[25] Ibid., p. 81.

motivated by personal belief, the historian should never uncritically dismiss source material on account of its 'bias' given that bias is essentially present in *all* human expression. MacKinnon raises a more nuanced concern about the source material itself, and the dangers of overreliance on a single source within a piece of research. His issue arises from the fact that most of the Minutes of Evidence would have been spoken in Gaelic but only an English-language version remains. MacKinnon says 'we do not have access to either the reasoning the translator used for choosing one particular term over another—such as 'croft', 'lot' or 'holding'—or to what nuance in meaning may have been lost (or created) in the process of translation'.[26] While this is a reasonable concern it should not preclude a textual analysis of the Minutes of Evidence which studies the narratives which run through the text rather than specific phraseologies, and the context of MacKinnon's critique was a study considering the use of crofting terminology.

A.D. Cameron's *Go Listen to the Crofters* is a notable entry into the historiography of the Napier Commission, and a useful attempt to summarise the lifestyles and grievances described to the Commission into a single volume. [27] Its publication in celebration of the centenary of the Crofters' Act 1886, means that its remit is broad and intent on summary, meaning it is limited by way of analysis. One of the few examples of strategic analytical history based on the Minutes of Evidence comes from Allan MacColl's engagement with clergymen who gave evidence to the Commission.[28] This work represents the first attempt to mine into the wealth of the Minutes, through a systematic approach seeking answer to a specific and limited question. His method allows for an enlightening (if occasionally

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[26] Iain Mackinnon, 'The Invention of the Crofting Community: Scottish History's Elision of Indigenous Identity, Ideology and Agency in Accounts of Land Struggle in the Modern Gàidhealtachd', *SHR*, 98.246 (2019), p. 82.
[27] A.D. Cameron, *Go Listen.*
[28] Allan W. MacColl, 'Religion and the Land Question: the clerical evidence to the Napier Commission', *Transactions of the Gaelic Society of Inverness*, 62 (2002), pp. 374-403.

hagiographic) account of the role of the Free Church, as well as other denominations, in the struggle for land.

Past hesitancy to utilise the Napier Evidence may be rooted in scepticism toward oral history as a historical tool. This concern has hampered research in the field in the past, as Eric Cregeen has indicated in his pioneering work with the Gaelic oral tradition. He suggests that oral accounts in the Gaelic world are especially important given community emphasis on oral song and storytelling.[29] This principle reinforces the significance of Napier to the historical record because the oral tradition was already valued and respected as a form of truth-telling in nineteenth century Gaelic society. It is likely that communities were already practised in their familial histories, describing how they had been cleared from another place to the current one, and as a result the arrival of the Napier Commission provided an important opportunity to share a story told regularly, to keep alive an emotionally and politically significant community memory.

This thesis will examine the significance of the Napier Commission as a source and it will form the central focus of the research. By critically engaging with the oral evidence to interrogate a focused research question the author hopes to not only come to robust conclusions regarding moral economy, but also investigate the potential of the Napier Commission Minutes of Evidence as evidence for such investigations. The focus on the narratives presented by ordinary people will be a useful counter to the general preference in historiography to primarily utilise elite-interested texts in the form of estate papers to attempt to analyse life during the Clearances and their aftermath.

[29] Eric R. Cregeen, 'Oral History and Agrarian History in the West Highlands', in Eric R. Cregeen, *'Recollections of an Argyllshire Drover' and other West Highland Chronicles*, ed. Margaret Bennett (Edinburgh: John Donald, 2004), p. 123.

In order to ensure that findings do not wholly rely upon the Evidence given to the Napier Commission, noting MacKinnon's critique (above), this research will utilise archaeological methods to investigate the townships mentioned and discussed within the interviews of the Napier Commission. Despite some existing early work on archaeologies of the Clearance landscape, most notably by Horace Fairhurst, most historical study of the Clearances has been shy of interdisciplinarity. Reconnaissance walk-over surveys were completed by the author at seven sites in Sutherland, based on existing archaeological surveys and excavations of deserted pre-Clearance townships. Surveys were completed in townships across three regions of Sutherland: Strath of Kildonan (Ach an Fhionnfhuaraidh; Suisgill; Kinbrace), Strathnaver (Rosal; Langdale; Grumbeg), and Assynt (Achadh Na H-Aghan). Landscapes surveyed were selected because of their presence in the Napier Minutes of Evidence, surviving physical evidence, and feasibility of access.[30] Using a combination of archaeological site plans, historic maps and satellite imagery of sites connected to the Napier Evidence, photographs of sites and notes regarding their characteristics have been collected through primary surveys of sites to enable a better understanding of the lives of inhabitants at the sites in question. This methodology mirrors the research completed by the Commissioners themselves who, after the public meeting at Bettyhill, chose to travel onwards up Strathnaver so that they would pass the many numbers of abandoned settlements which are still visible to this day.[31] Archaeologist Horace Fairhurst's characterisation of these settlements as 'the museum of the period in the natural setting'[32] illustrates the utility of landscape evidence such as physical constructions, agricultural space and flora and fauna, in addition to maps and

[30] D.C. Cowley, P.J. Dixon and J.N.G. Ritchie, 'Strath of Kildonan: An Archaeological Survey', *Afforestable Land Survey* (Edinburgh: RCAHMS, 1993); Olivia Lelong, 'Writing People into the Landscape: Approaches to the Archaeology of Badenoch and Strathnaver' (unpublished doctoral thesis, UofG, 2002); Olivia Lelong and Amy Gazin-Schwartz, 'Strathnaver Province Archaeology Project: Langdale, Grumbeg, Achadh an Eas & The Tulloch', *GUARD* (Glasgow: 2007); Horace Fairhurst, 'Rosal: a Deserted Township in Strath Naver, Sutherland', *PSAS*, 100 (1969), pp. 135-169; Graeme Cavers and Gemma Hudson, *Assynt's Hidden Lives: An archaeological survey of the parish* ([n.p.], 2010).
[31] A.D. Cameron, *Go Listen*, p. 67..
[32] Horace Fairhurst, 'Scottish Clachans', *Scottish Geographical Magazine,* 76.2 (1960), p. 76.

plans of these sites, as tools with which to understand the spaces and settings of the Highland Clearances.

Theory and practice in Clearance studies

Twentieth-century studies of the Highland Clearances which derogatorily described Highland people as 'underdeveloped'[33], 'peasant communities'[34] living in 'primitive conditions'[35] have passed out of common study, with more recent scholarship concerned with foregrounding Gaels within study of their own history, creating a 'new history' of the Clearances, utilising poetry, newspapers and the oral record to explore the period through the first-hand experiences of the people cleared.[36] This thesis will continue this trend. James Hunter's *Making of the Crofting Community* (1976, new ed. 2000) is generally considered as the foundational text of this movement, and remains at the forefront of debate on the Clearances through to the present day.[37] Hunter's work was significantly influenced by English historian E.P. Thompson, and my aim is likewise to focus on the voices of the ordinary people which have often been lost 'to the enormous condescension of posterity'.[38]

The concept of a moral aspect to Gaelic society's response and relationship to land and economy through the Clearances is something that, much like the Napier Minutes, has been acknowledged by various scholars but not fully engaged with. Devine mentions briefly a moral economy associated with the context of community responses to the Great Famine,

[33] A.J. Youngson, *After the Forty-Five: The Economic Impact on the Scottish Highlands* (Edinburgh: EUP, 1972), p. vii.
[34] Malcolm Gray, 'Economic Welfare and Money Income in the Highlands, 1750-1850', *Scottish Journal of the Political Economy*, 2.3 (1955), p. 54.
[35] I.F. Grant, *Highland Folk Ways* (London: Routledge and Kegan Paul, 1961), p. 129.
[36] Donald E. Meek (ed.), *Tuath Is Tighearna/Tenants and Landlords* (Edinburgh: Scottish Academic Press, 1995); Elizabeth Ritchie, 'The Township, the Pregnant Girl and the Church: Community Dynamics, Gender and Social Control in Early Nineteenth-century Scotland', *Northern Scotland*, 10.1 (2019), pp. 41-67; Michael Given, 'Attending to Place and Time: Seasonality in Early Modern Scotland and Cyprus', *European Journal of Archaeology*, 23.3 (2020), pp. 465-466.
[37] Hunter, *Making.*
[38] E. P. Thompson, *The Making of the English Working Class*, rev. ed. (London: Pelican, 1968), p. 13

something which Arnaud has developed further but neither have made a cogent argument on the subject.[39] Similarly, cultural geographer Charles Withers and more recently Juliet Desportes have both identified connections between cultures of resistance and alternative moralities to those of their landlords.[40] These ideas are not yet in mainstream scholarship with Arnaud and Desportes' contributions made in unpublished research theses. Similarly, Bateman and Purser in their anthology of Gaelic culture have described a desire for ecological stewardship within pre-Clearance communities which is retained in the language of poetry into the twentieth century. The use of imagery of sexuality and renewal within the natural environment of the Highlands indicates, they briefly infer, a 'supra-moral' connection with the land.[41]

As this thesis's title suggests, it is the unanswered question of moral economy in the Highlands that this research will seek to address. The concept of the moral economy has been significant in shaping histories of eighteenth and nineteenth-century industrialising England, as well as across other regions and periods, but it remains untested in the agricultural context of Gaelic Scotland. First proposed by E.P. Thompson in 1971, his theorisation of moral economy has its origin primarily in proto-industrialised semi-rural communities in England, who experienced interference in their livelihoods through the increasing cost of bread, or as he terms it the 'bread-nexus'[42], which led to food riots. These riots, he suggested, represented an ethical expression of economic activity, a moral statement by the community against their experience of a particular feature of the economy (in this case, price inflation). He supposed

[39] T.M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester: Manchester University Press, 1994), p. 174; Jamie Arnaud, 'Famine, relief and resistance: reassessing reactions to Central Board operations in the Highlands and Northern Isles, 1847-50', (unpublished master's thesis, UofG, 2022), pp. 63-69.
[40] Charles W. J. Withers, *Gaelic Scotland: The Transformation of a Culture Region* (London: Routledge, 1988), pp. 364-365; Juliet Desportes, 'Geographies of Assertion: Protest and Resistance on the Annexed Estates', (unpublished master's thesis, UofG, 2020).
[41] Meg Bateman and John Purser, *Window to the West: Culture and Environment in the Scottish Gàidhealtachd* (Sleat, Skye: Clò Ostaig, 2020), pp. 419-420.
[42] E.P. Thompson, 'The English Crowd in the Eighteenth Century', *Past & Present,* 50 (1971), p. 79.

that these responses showed that all economic exchange is based on a series of collectively accepted moral positions about what is right and wrong; it is when these presuppositions are violated that we see breakdown of economic relationships. Thompson described how shifts in those moralities caused riots (my emphases):

> It is of course true that riots were triggered off by soaring prices, by malpractices among dealers, or by hunger. But these grievances operated within a *popular consensus as to what were legitimate and what were illegitimate practices* [...] This in its turn was grounded upon *a consistent traditional view of social norms* and obligations, of the *proper economic functions* of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor.[43]

The concept of moral economy was developed within a specific English manufacturing context, but has been adapted for use across a wide array of historical fields since its first publication. Studies of eighteenth and nineteenth-century Scotland are no exception to this, with discussion of moral economy a significant thread which runs through the historiography of the period, the best works of which marry the specific contextuality of their study, while still utilising Thompson's framework to underpin their methodological approach.[44] Valerie Wallace's use of the Scottish religious context which originally caused Thompson to underline that his work was focused on the *English* (rather than *British*) working class has particularly shown how apparent differences in the Scottish cultural backdrop do not preclude the transferability of Thompsonian methodology.[45] Thompson emphasised significance of context in his 1992 defence of his theory describing that moral economy does not come merely out of the specific economic context of eighteenth century

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[43] Thompson, 'English Crowd', pp. 78-79.
[44] Andrew Blaikie, 'Scottish Illegitimacy: Social Adjustment or Moral Economy?', *Journal of Interdisciplinary History*, 29.2 (1998), pp. 221-241; Christopher A. Whatley, 'The Union of 1707, Integration and the Scottish Burghs: The Case of the 1720 Food Riots', *SHR*, 78.206 (1999), pp. 192-218;
[45] Valerie Wallace, 'Presbyterian Moral Economy: The Covenanting Tradition and Popular Protest in Lowland Scotland, 1707–C.1746', *SHR*, 89.1 (2010), pp. 54-56

England: “My object of analysis was the *mentalité*, or, I would prefer, the political culture, the expectations, traditions, and, superstitions of the working population most frequently involved in the market.”[46]

How, then, is this theory applicable to Sutherland which did not have a notable history of food riots? For the Sutherland people, whose subsistence was rooted in the soil beneath their feet and not the whims of the market, food riots were not an appropriate form of reaction given their targets were the bakers and merchants in the market towns who were the face of inflating food prices in England.[47] Instead when subsistence was a struggle in Sutherland (as it was regularly before the Clearances, which in turn increased risk of food crisis)[48] the flashpoint was the land itself, the source of food. Therefore we should expect any manifest reaction to the subsistence economy after the Clearances to have yielded a response focused on the land which was to the people of the *Gàidhealtachd* the place of economic exchange through the investment of labour. In the case of Sutherland, instead of food riot as the means of communal recognition of injustice in the local economy, this thesis will consider how Highlanders expressed morality in the way they viewed, used, and talked about the land. This land-focused translation of Thompson’s original theory is required for it to be applicable in the Gaelic agrarian context, a move consistent with attempts by a number of recent studies to define more broadly the scope of moral action.[49]

Another direct economic provision of the land in Sutherland was the provision of labour, thus an additional focal point of the moral economy. The possibility of exploiting

[46] E. P. Thompson, *Customs in Common* (New York: New Press, 1992), p. 253.
[47] Food riots did exist on a small scale during the Great Famine as one form of resistance e.g. Dervaig (1848), but in largely isolated forms and not in Sutherland; James Hunter, *Insurrection: Scotland’s Famine Winter* (Edinburgh: Birlinn, 2019); Arnaud, ‘Famine, relief and resistance’, p. 66.
[48] Robert A. Dodgshon, ‘Coping with Risk: Subsistence Crises in the Scottish Highlands and Islands, 1600-1800’, *Rural History,* 15.1 (2004), p. 6; T.M. Devine, *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the Nineteenth Century* (Edinburgh: Birlinn, 1988), p. 53.
[49] Katrina Navickas, ‘What happened to class? New histories of labour and collective action in Britain’, *Social History,* 36.2 (2011), pp. 200-201.

Highland labour was one of the key aspirations of Improvers, who fictively believed that the Highlands were full of surplus labour being ‘wasted’ due to the ‘lazy nature’ of Highlanders, and which could be put to more effective use in industry.[50] This thesis will interrogate the extent to which this represents a dislocation of mindset between the capitalist aspirations of improvers and the worldview of Sutherland people, and the existence of an ethical consideration within disagreement regarding the ends of work, whether for profit or subsistence. Peter Jones has shown the utility of Thompsonian frameworks in exploring popular moral expressions of attitudes to work in agricultural contexts.[51]

To explore the work-lives of the people of Sutherland, this thesis will make use of Tim Ingold’s theory of the taskscape first presented in a 1993 article in which he stated: ‘the taskscape is to labour what the landscape is to land.’[52] His contention is that academia’s habit has been to separate human activity into a variety of subsections such as social, economic or subsistence, or in the Sutherland context crofting, fishing, or even worshipping, when in actuality there is no meaningful separation for the individual involved. Each activity completed is interlocked in every way: rest allows for work, work allows for food, which allows for religion to be practised in prayers of thanks. He went on to emphasise the interconnectedness of the taskscape with personhood, temporality and landscape, illustrating how change in one area of experience begets change in others.[53] But what happens when that world experiences dramatic upheaval, as in the Highland Clearances? The sheer magnitude of change experienced had radical impacts on taskscape and landscape, and how the people responded in their modifications or continuations of tasks will have in turn impacted the

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[50] T.C. Smout, 'The Landowner and the Planned Village in Scotland, 1730-1830', in *Scotland and the Age of Improvement: Essays in Scottish History*, eds. Nicholas T. Phillipson and Rosalind Mitchison (Edinburgh: EUP, 1970), p. 77.
[51] Peter Jones, ‘Finding Captain Swing: Protest, Parish Relations, and the State of the Public Mind in 1830’, *International Review of Social History*, 54.3 (2009), p. 458.
[52] Tim Ingold, ‘The Temporality of the Landscape’, *World Archaeology*, 25.2 (1993), p. 158.
[53] Tim Ingold, ‘Taking taskscape to task’, in *Forms of Dwelling: 20 Years of Taskscapes in Archaeology*, eds. Ulla Rajala and Philip Mills (Oxford: Oxbow Books, 2017), p. 25.

landscape. This principle, of considering activity as within the broad taskscape, will complement an exploration of moral economy. By considering how a variety of actions can be an expression of ethics within the interconnected landscape of effort, we will not be limited by a two-dimensional view of 'economy'. Instead, understanding that both actions considered traditionally economic such as wage-labour, and those which are not like house-building, can be considered within a discussion of moral economy. Improvement and Clearance were more than just economic actions, and so too must our study of their consequences be.

This thesis will take, in turn, three key, interdependent factors identified in evidence given to the Napier Commission. Given the land's centrality as the focal point of the Sutherland economy, as expressed above, each factor highlights an expression of desire for the land. The first chapter will engage with discussion of kinship and the land, and will discuss how interconnections between kinship, and land rights and use were maintained, broken and changed by the Clearance process and how Sutherland people responded to this. This will consider various types of interpersonal relationships, including those individuals had with deceased family or future children, and the role land played in each of these relationships.

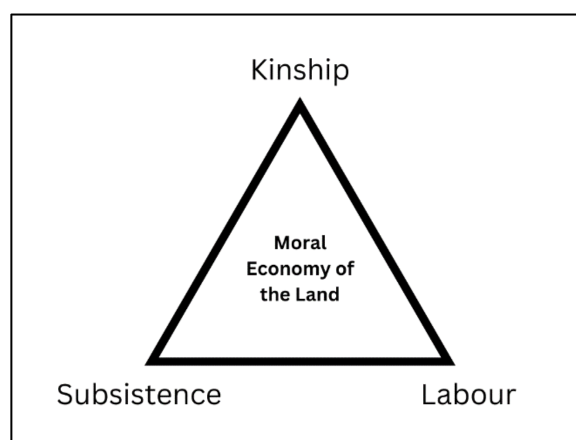

Figure 2: The three aspects of the moral economy of the land

The second chapter will consider land as the provider of labour for Sutherland people. This will entail exploration of how the changing land settlement impacted the 'labour settlement', defining what, when, how and where work could take place. It will explore how Sutherland people expressed positive and negative attitudes to past forms of work, and their present forms of work in 1883. Their experience of the changing labour market in Sutherland will be analysed for how it expresses a moral mindset in work, contemplating whether work is a good in itself or merely a means to an end; as well as the social distribution of work considering whether those who gave evidence to the Commission are content with who is available to access work on the estate. While crofting was not the only work undertaken in the Highlands at this time, its significant presence in Sutherland warrants that it is worthy of a particular focus.

The third and final chapter will recentre the debate on the subsistence politics fundamental to discussion of moral economy. With those interviewed by the Napier Commission having experienced the Highland famine in recent living memory, the fragility of their subsistence was likely a continual concern. As a result, this section will consider the important role that attitudes to this fragility played in expression of community belief about the purpose of any land settlement, and how they responded to the struggle for subsistence after the Clearances as well as the extent to which that differed from their lives before the Clearances. In all three chapters the focus will remain on the moralities and beliefs expressed by ordinary people through the Napier Commission and the extent to which these same beliefs can be read from the archive of the soil.

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I

'OUR FOREFATHERS HAVE BEEN EXTERMINATED'[1]: 'KINSCAPING' MORAL ECONOMY

In popular history the concept of the 'clan' is synonymous with the Highlands and Islands. One does not have to go far in any Scottish city or town to find a postcard map which places every Scottish surname in a particular locality in Scotland, wearing a particular tartan plaid. While these types of map are in large part pseudo-historic, the identification of extended real and imagined family groups with particular localities was not, and it is present as a narrative in the minds of Highlanders at the time of the Clearances, despite the rapid evolution of clan society through the seventeenth and eighteenth centuries which set the stage for the Clearances.[2]

Despite its bastardisation and corruption by those looking for a romantic origin story for Scotland, the landscape of kinship in the Highlands is complex. Clanship cast a long shadow, particularly in land politics, something acknowledged by Lord Napier in the preamble to his final report when he explains that there is in the Highlands a 'custom unknown to the Statute Book […] embodied in the reciprocal necessities and affections of chief and clansmen'.[3] That landlord aristocrat Lord Napier and Ettrick would even acknowledge the existence of something as antithetical to the landlord capitalist land settlement is one of the reasons that his report is considered as remarkable as it is. In doing so, Napier suggests that the vertical relationship between the nineteenth-century descendant

[1] John Mackay, *NC Evidence*, II, p. 1618.
[2] Robert A. Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western highlands and Islands, c.1493-1820* (Edinburgh: EUP, 1998), pp. 233-234.
[3] *NC Report*, p. 8.

of the chief and his tenants is wholly different from that of any other landlord-tenant relationship in Britain. A claim which factored heavily into the ill-fated recommendations Napier made, he identified that the vertical connections between elite, people and land were still relevant in the 1880s and argued this needed to be built into the way the government designed solutions to the Highland land question.

Discussion of kinship in the *Gàidhealtachd* has often stopped there, to its own detriment. Communities of ordinary Gaels had evolved just as much as elite structures had evolved to turn chiefs into landlords. Horizontal kinship bonds, those formed by relationships between living kin such as neighbours, siblings or that of parents and child, was an ever-present element to the way Sutherland people described their lifestyle in the Napier Commission. Social ties between multigenerational family communities were felt strongly, and this culture has been underdiscussed in the context of land rights and use. For Sutherland families the land they stood upon and worked was connected not only to their contemporary family they worked alongside, but also beyond the realms of the present to both ancestors and descendants.

There is an idea expressed both in the Napier Minutes and in contemporary poetry and political writing which binds together social, spiritual, and geographical concepts and which, despite its importance to the narrative of land politics, has yet to be named or fully discussed. It is proposed that Gaels at this time saw their land as situated within a *kinscape.* The idea was that the land that people lived and worked upon bore familial connection within the soil, water, grass, crop, and construction atop it. The connection was more than just a memorialisation of deceased or departed kin, but saw land as an enduring social space within which people exchanged and interacted with kin. Labour and activities of the past were retained not only in the physical dykes and furrows but also in knowledge and awareness of the space. These aspects are then developed, carried, or destroyed by the present actor, who is

continuing an exchange with non-contemporary kin, in turn developing the landscape for future kin. This is a concept parallel to the concepts of taskscape, previously discussed, and the Gaelic *dùthchas* which describes the Gaelic individual's claim of hereditary or blood rights, including to the land.[4] The kinscape is the marriage of both human labour and kinship which, over time, gave the community intimacy with the spaces they lived, in addition to the heritable entitlement of *dùthchas*. Naming and analysing visions of kinscapes in source material should help the historian recognise the relational factors that defined and shaped life within the landscape.

There has been, since the middle of the twentieth century, significant literature across the humanities widely acknowledging that spaces and places exist because of a social effort of construction, but what differs for nineteenth-century Gaels was that this was an explicit, intentional activity in seeing and shaping a cultural relationship with the natural world.[5] The kinscape in the Gàidhealtachd sits at a junction between the latest work of both Celticists and space and place theorists, zeroing in on the land as a place of exchange not just in terms of subsistence and agrarian practice, but in terms of spiritual and cultural connection. Each dimension of kinscaping Sutherland needs to be explored carefully, as axes on a three-dimensional graph illustrating three aspects of Highland kinship: verticality (between elite and tenantry), horizontality (between approximately socially equal tenants and their families), and temporality (forward and backward through time via ancestry and inheritance).

[4] While *dùthchas* is often invoked in studies, analysis and discussion of both its meaning and its development as a concept are in their infancy. See: Michael Newton (ed.), *Dùthchas nan Gàidheal: selected essays of John MacInnes* (Edinburgh: Birlinn, 2006); Iain Mackinnon, '"Decommonising the mind": historical impacts of British imperialism on indigenous tenure systems and self-understanding in the Highlands and Islands of Scotland', *International Journal of the Commons*, 12.1 (2018), p. 284; Paul J. Meighan, 'Duthchas, a Scottish Gaelic Methodology to Guide Self-Decolonization and Conceptualize a Kincentric and Relational Approach to Community-Led Research', *International Journal of Qualitative Methods*, 21 (2022), pp. 4-6

[5] Susanne Rau, *History, Space, and Place,* trans. Michael Thomas Taylor (Abingdon: Routledge, 2019), ch. 1; Meg Bateman, 'The Landscape of the Gaelic Imagination', *International Journal of Heritage Studies*, 2-3.15 (2009), pp. 142-152.

Verticality: chieftainship remembered and chieftainship forgotten

A long-term trend of the 'landlordification' of elites in Sutherland is a concept raised by Napier Commission witnesses in their description of the locality. Respondents to the questioning of the Commission use comparison with the (often distant) past through cultural memory or history to describe their current situation, or at least their perception of it. In Assynt, at the Lochinver session, the Rev. Norman Nicolson Mackay, a Skyeman serving as the local Free Church Minister, was asked by the commissioner Kenneth Mackenzie several questions about the state of the relationship between the people in Lochinver and the Leveson-Gower family. Mackay responded with a description of the former way of things: 'in the case of a chief or head of a clan, I think the head of that clan came very likely into the position in which he finds himself through the assistance of the crofters all round about him.'[6]

As a local minister Mackay would have been keenly aware of the cultural attitude to historic clanship present in Assynt, which it should be noted was not part of the historic earldom of Sutherland. Assynt was absorbed into the estate by the 18th Earl of Sutherland shortly before his death in 1766, acquired from Mackenzie lairds who had fallen into debt after holding the land since 1695 since gaining the lands after a long-running feud with the historic owning family, the Macleods.[7] As a result of this land and title exchange, the cultural image of the chief in Assynt was, unlike elsewhere in the estate, informed by the actions of three distinct powerful families so creating a conglomerated image of chieftainship rather than one of connection to one specific lineage.

While speaking in the first person, Mackay's comments and opinions were certainly informed by the opinions of other locals. Not only did he speak as a delegate appointed at a

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[6] Norman Nicolson Mackay, *NC Evidence*, III, p. 1721; William Ewing, *Annals of the Free Church of Scotland, 1843-1900*, vol. I, (Edinburgh: Clark, 1914), p. 235.
[7] Malcolm Bangor-Jones, *The Assynt Clearances*, 2nd ed. (Dundee: Assynt Press, 2001), p. 2; R.J. Adam, 'Introduction' in *John Home's Survey of Assynt*, ed. R.J. Adam (Edinburgh: Constable, 1960), pp. ix-x.

public meeting, he claims in his testimony that his delegation 'substantially represents'[8] the opinions of local people. This was given credence by the Commissioners' first questions underlining his position as the minister of the dominant local denomination. Mackay's perspective on the collective 'memory' of the role of the chief was that they were not seen as apart from the tenant farming population, but as one of them. He describes this relationship, saying the chief and the people 'have grown up upon the land; they have made him chief, and he has always felt that it was his duty to protect them'.[9] Mackay characterises the authority of the chief as being formerly derived from kinship exchange: the people felt the clan leader was one of their own, elevated to leadership precisely because they were one of their own. While this is perhaps something of an oversimplification, it does speak to the basic principle of his belief in a right moral order for Sutherland. This kinship bedrock he describes was not merely a matter of blood relation, but of socialised obligation related to land, and a subsequent social contract offering protection.

Why this reference to the 'old way' is relevant to the nineteenth century is a reasonable question to ask. While it is true to say that the specific socio-political structure being referenced passed away earlier, its social contract between people and proprietor had been retained, at least in memory, by Sutherland people. Another individual who gave evidence to the Commission uses this language to make direct complaint about the activity of the estate. William Mackenzie described how the 'devotion of clansmen'[10] to chief-cum-landlord Elizabeth Leveson-Gower alone did not inspire men to join her personal infantry regiment, the 93rd (Sutherland Highlanders) from its first muster in 1799. Instead, he said, people joined up on a contractual basis , 'on the distinct understanding that their parents

[8] Lord Napier, *NC Evidence,* III, p. 1717
[9] Norman Nicolson Mackay, *NC Evidence*, III, p. 1721
[10] William Mackenzie, *NC Evidence*, II, p. 1738

would be kept in their holdings'[11] which Mackenzie stated was broken by the Clearances. As Norman Nicolson Mackay added 'I find the regard for clanship strong in the people here, and they are very loath to give up on the idea that their proprietor won't do everything possible for them.'[12] This gives a wider context to why Mackay was describing the chiefly kinship bonds to the Commission. Mackay and Mackenzie were both using the pseudo-historical narrative of kinship and chieftainship as a foil for the actions of the Leveson-Gower family, under whose leadership the Assynt people had suffered: they both believed such behaviour was the antithesis of the morality and benevolent fraternity of the old way.

Mackay's comments are an explicit criticism of Estate practice, highlighting an alienation of the elite from the ordinary crofter, and therefore an erosion of legitimacy of the Estate's very right to govern or control the local land. To the gathered crowd in the Lochinver Church, this would have sounded a radical critique, that one of the local moral leaders would criticise the landlord (who, as if to make Mackay's point for him, was not present at any of the Napier sessions). Without firm, reciprocated kinship bonds with their proprietor, people saw their starvation and struggle for food as a consequence of the actions of the estate even if, as Mackay notes in his testimony, most ordinary tenants were careful not to criticise the aristocratic landlord directly, preferring to complain about the sheep farmers and the estate's factors and employees.[13] Mackay, meanwhile, whose presence in Sutherland came from his position as a non-conformist churchman outside the control of the Estate, was instead well placed to bring such a direct criticism.

Another churchman, Donald Mackenzie the Free Church minister of the Farr Parish Church in Strathnaver where the Bettyhill session was held, rather poetically described the

[11] Ibid.
[12] Norman Nicolson Mackay, *NC Evidence*, II, p. 1721
[13] Norman Nicolson Mackay, *NC Evidence*, II, p. 1721

people's relationships with the Duke of Sutherland, intimating the rarity of his interactions with ordinary people saying 'all that we are allowed is to gaze with admiration on the retreating wheels of his carriage when he is going away'.[14] He goes on further to describe a brief visit by the Duke as being seen as 'a sign of good times coming'.[15] In the same way, throughout the Minutes of Evidence, there are numerous occurrences of people writing to or petitioning the Duke when they had problems. What these petitions and Mackenzie's comments highlighted to the Commission was that the people of Sutherland viewed a close connection with the Estate as being a hugely positive omen, and thus the separation previously felt was the cause of the region's ill fate. In the same way, he was viewed as a source of relief or restitution for wrongs; the people believed that the landlord was, ultimately, going to be on their side when they were suffering. This shows that tenants retained a persistent reverence for the proprietary family in believing him, and believed that social intimacy with the proprietor, through written communication or his visits, was bound to be a social good. This reaffirms the idea that the (imagined) shared bloodline of the people and the clan leader, now landlord, was a generator of a feeling of closeness to the elite individual in their community.

This desire for the landlord to be physically present in the space can be recognised as an aspect of kinscape, with the people seeing the presence of and interaction with one of the elite as a moral good with positive outcomes for the landscape and its people. Mackenzie's comments underline that the landlord was in reality personally absent from Sutherland, representing further the creation of a chasm between the proprietor and ordinary people. The explanation for the Sutherland family's irregular presence in the Sutherland Gael's kinscape is fairly simple to understand: expansion of their Highland estate in the

[14] Donald Mackenzie, *NC Evidence*, II, p., 1651.
[15] Ibid.

eighteenth and nineteenth centuries, the division of geographical loyalty following the Countess of Sutherland's marriage to the heir to the marquisate of Stafford in 1785, and the family's affection for the aristocratic lifestyle which they pursued from their Stafford House residence in London.[16]

As ministers, Mackay and Mackenzie would have been very comfortable with the language of morality, and so used their time before the Commission to proselytise about the moral problems of the local subsistence economy. In depicting the old system as being a desirable, co-operative design, and the new one as a system which separated leader and subject, we see here an expression by Mackay of the breakdown of relationships, and how a morally right system would look. Another individual, John Mackay, encapsulates the same hope for a reform in the social hierarchy at the Golspie session several months later saying that he longed for the return of 'the ancient feelings of reciprocal attachment and affection [...] that bound chiefs and retainers in a great grand whole'.[17] These views emphasise the fundamental nature of kinship to the Gaelic view of a 'good' future. They maintained that the landowner or local power should be derived from the people, or with the people's consent. This was an argument in favour of local consent as a contractual basis for of the economic relationship between tenantry and landlord; a moral demand of the vertical hierarchy within their socio-economic lives.

The vertical disconnection complained of by people in Sutherland during this period was embodied in the developing role and importance of estate factors, ground officers and other employees of the estate. Wightman has described the pre-eminence of the factor as being fundamental to understanding the 'unrivalled power'[18] of landowners through this

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[16] Richards, *Leviathan of Wealth,* p. 4.
[17] John Mackay, *NC Evidence*, III, p. 2507.
[18] Andy Wightman, 'Landownership in the Highlands and islands' in *The Oxford Companion to Scottish History*, ed. Michael Lynch (Oxford: OUP, 2001), [n.p.].

period. In every act of ordinary life, the factor was an ever-present entity. The Rev. James Cumming, Free Church minister at Melness, stated, perhaps with at least some degree of rhetorical license, ‘a man cannot trench a rood of ground without asking leave of the ground officer or some such official’.[19] Most criticism of elites in the Napier Minutes is focused on the factors, land agents and other estate officials who ran Sutherland on behalf of its frequently absent owners. Each meeting of the Napier Commission saw a new claim of impropriety or malevolence made against the factors or former factors of the estates.

James Loch, for example, who had died almost thirty years prior in 1855, was still the subject of much anger among the communities interviewed by Napier. This was primarily for his role in creating the so called ‘Loch Laws’, an uncodified (as far as the people were concerned) selection of rules governing tenancy of the estate which several delegates complained of having accidentally breached.[20] James Cumming described the ‘mystery’ of the rules saying ‘to what extent they may be strained or extended or contracted, is known only to those who put them in force.’[21] Ewan Robertson, a crofter at Invernaver, called them ‘imaginary laws we know nothing about.’[22]

To understand the antagonism towards factors, it is important to understand that the estate’s agents had replaced, in design at least, tacksmen. The factor or agent existed to manage the landlord’s property and interests at a level which they were unable to do alone, as the tacksmen had done for the chief. The system of factors had grown up to absorb the roles tacksmen had previously undertaken as middlemen between chief and people, with the factors now occupying a political and social space in addition to their role in estate

[19] James Cumming, *NC Evidence*, II, p. 1594. A Scottish rood (also rod, raip, or fall) is a measure equal to six [Scottish] ells, approximately 222 inches/18’6”, or 563.8cm.
[20] Eric Richards, ‘Loch, James’ in *The Oxford Dictionary of National Biography*, ed. David Cannadine (Oxford: OUP, 2004), [n.p].
[21] James Cumming, *NC Evidence*, II, p. 1598.
[22] Ewan Robertson, *NC Evidence*, II, p. 1657

management. Criticism of the historic tacksmen and their role was rife in literature throughout the Improvement period, with Lord Napier describing them in his report as 'habitually severe [and] occasionally unscrupulous'[23] who had too much power, and who could exploit tenants. Yet the tenants accused their indirect replacements, factors, of 'despotism'[24] who saw the crofter as someone to be 'used and misused […] at pleasure.'[25] Clearly, the elite and the people of Sutherland held different views about middle management. An indication of displeasure with the factor when compared to memory of the tacksmen is given to the Commission when individuals complain about land being given to 'strangers'[26] and 'visitors'[27], and that:

> no man belonging to this place, or native, or Inhabitant of Tongue proper, or about it, can get any position, not even gamekeeper under his Grace; no native get into *[sic]* any position under his Grace except perhaps a common day-labourer.[28]

Herein lies the difference between the factor and the tacksmen.

Described by Cregeen as functioning as 'tenants-in-chief'[29] the principal characteristic of a tacksman was that he was drawn from the chiefly family or from branches of the chiefly lineage. While the factor was the physical embodiment of the landlord locally, the tacksman embodied the *kinship* which connected people and landlord. This is not to say that estate employees were not also personally close to the landlords themselves; James Loch named one of his sons Granville Gower Loch after the Duke himself. The difference was that the factors and other staff were outsiders in Sutherland who acted, and were seen, as aliens

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[23] *NC Report*, p. 6.
[24] Norman Nicolson Mackay, *NC Evidence*, II, p. 1716.
[25] Angus Mackay, *NC Evidence*, II, p. 1645.
[26] William Black, *NC Evidence,* III, p. 2488.
[27] John Campbell, *NC Evidence*, IV, p. 2566.
[28] Ewan Robertson, *NC Evidence*, II, p. 1659.
[29] Eric R. Cregeen, 'The Tacksmen and their Successors: A Study of Tenurial Reorganisation in Mull, Morvern and Tiree in the Early Eighteenth Century', in Eric R. Cregeen, *'Recollections of an Argyllshire Drover' and other West Highland Chronicles*, ed. Margaret Bennett (Edinburgh: John Donald, 2004), p. 51.

whose arrival and growth in power had coincided with mass evictions from ancestral land. The comments in Napier suggest a scepticism rooted in the social distance between the people and the factor, and a belief that the breakdown in kinship relationships with the local manager, who did not have the intimate knowledge of the land that they did, was the root of this. The factor's limited local knowledge of Sutherland would have been blindingly obvious to the people as they were forced onto infertile coastlines by factors who had drawn up plans after single visits, such as William Young at Skelbo and Achavandra in 1810.[30]

To incoming factors, who had been tasked with making the Sutherland estate profitable for its owners, the straths and glens were just lines on maps, while to the people the same places and spaces were the obvious embodiment of a familial education and toil. The people's forefathers had worked to make spaces fertile and hospitable for humans, not just sheep as was the estate's design, and to teach those who survived them how to do so. The long-term shift in the elite's policy regarding place and people, and their preference for profit over kinship, meant that the educated tacksmen class preferred to gamble their futures on emigration, seeing no future for themselves outside of the kin structure, with a number of communities following.[31]

For the voices recorded in the Napier Commission, their affection for the hierarchical structure of the past was clear: they *believed* it was better for them, and represented kinship, proximate leadership, and accountability. For the people of Sutherland, the argument made by the estate and by Lord Napier that the old system of tacksmen was bad for them was beside the point.[32] It is clear that the people thought kinship should have been a

[30] Duncan Simpson, 'Culmaily, a Model of Improvement: Reform, Resistance and Rationalisation in South-eastern Sutherland', in *Land Reform in the British and Irish Isles since 1800*, ed. Shaun Evans, Tony McCarthy and Annie Tindley (Edinburgh: EUP, 2022), p. 30.
[31] Eric Richards, 'Ironies of the highland exodus, 1740-1900', *Journal of Australian Studies,* 25.68 (2001), p. 75.
[32] *NC Report*, p. 7.

central pillar of the operation of the estate, but they did not see that in their factor and proprietor in the late nineteenth century, and so their contention was that a 'landlord and factor' vertical structure had a morality distinct from their own.

Horizontality: land for whom?

In addition to the moralising view of the vertical aspect of Gaelic society, Sutherland speakers in the Napier Minutes express a view about how moral and immoral uses of the land affect their horizontal relationships, i.e. with people of a similar social standing. It is worth underlining that this morality was held to both by those who are commonly foregrounded in studies of nineteenth-century Gaelic Scotland, crofters, as well as other smallholders or landless economic groups. While crofters were only one type of farming landholder, they have become synonymous with the Gaelic speaker in this period, crofters being 'a small tenant of land with or without a lease, who finds in the cultivation and produce of his holding a material portion of his occupation, earnings and sustenance, and who pays rent directly to the proprietor',[33] as defined by Napier. The Commission report also classified crofters as those who paid an annual rent of less than £30, a definition incorporated in the Crofters Holding Act 1886, although most in Sutherland paid significantly less than this. In Farr, Sutherland in 1883, no Crofter or Cottar paid more than £7.16s with the majority paying between £2 and £6 annually (see Table 4).[34] This is indicative of the often unhelpful use of the word crofter in historical documentation, a definition encompassing a broad section of Highland and Island people, but excluding individuals who did not pay rent personally such as sons, wives or parents of crofters who worked as if crofters. Census data from 1841

[33] *NC Report*, p. 3.
[34] *Crofters Holdings (Scotland) Act 1886* (49 & 50 Vict., col. 29), s. 34.

onwards differed, recording 'crofter' as merely an occupation rather than specifically as a rent-payer.[35] Napier's definition, however, immediately shows the breadth of economic capabilities represented among crofters and cottars. Cottars, squatters or labourers are defined as those who either sublet small parcels of land from other tenants, or those who had no land to their name at all. Some of these merely held a dwelling or lived out of a poorhouse and subsisted through wage-labour. In addition, there were those such as widows, fishermen, merchants, doctors, railway workers, or churchmen who lived without a croft of their own, feeding themselves instead from a combination of an income, and a kailyard or glebe. These individuals had varied social roles, showing that the amount of land rented was not necessarily a direct expression of personal wealth or social status. Speakers frequently expressed concern for other members of their community's access to land and treatment by landlords, across a wide socio-economic spectrum.

Table 4: Rental data for Farr Parish, Sutherland (1883)[36]

	Payee	***Rent***		
		£	***S***	***d***
Rent of land proper		6,492	2	7
	Of which 7 tenants pay	5,810	8	11
Leaving for 293 Crofters and Cottars (as per Valuation Roll)		681	13	8
Of these 293 there pay:	Over £10 and under £30	0		
	Between £6 and £10	5		
	Between £2 and £6	160		
	Under £2	128		

One group whose maltreatment attracts frequent complaints is widows, a reflection of the biblical language of injustice which draws out widows and orphans as examples of the poor, needy or helpless in society. Biblical language was frequently used not just in the

[35] P. T. Wheeler, 'Landownership and the Crofting System in Sutherland since 1800', *The Agricultural History Review,* 14.1 (1966), pp. 45, n.1; 47, n.2.
[36] *NC Report*, pp. 10-11.

Napier Minutes of Evidence, but also in dispraise poetry, and the wider campaign for land rights such as in John Murdoch's *The Land Question Answered from the Bible* (1883), written in the political moment of the Napier Commission, which laid out a biblical exegesis in defence of land and kinship.[37] The only woman whose voice was recorded in the Sutherland Napier Minutes is that of a widow from Cattlefield, Ann Murray. She is asked ten questions following a significant discussion in the Bettyhill meeting about an accusation of estate staff putting pressure on Murray's mother (also a widow) to vote for the factor, John Crawford, in a parish school board election.[38] The event is representative of community disquiet at the treatment of vulnerable people, particularly women, a fear that they argued was borne out by events like the one they mention, where estate staff had a history of harassing or exploiting vulnerable individuals for their own ends. MacHardy, the ground officer present, strenuously denied undue influence on the election, but the mere fact that local people are disposed to believe it is representative of belief that estate staff would act in bad faith toward the vulnerable.[39]

Alexander Ross of Foindale[40] dedicates the majority of his testimony to the plight of widows in his locality as he was concerned that because widows were less likely to be chosen as delegates, despite their 'special share of hardships',[41] their experiences would not be recorded by the Commission. He tells of nine cases where estate staff had been witnessed mistreating widows including organising his mother's eviction after over fifty years of

[37] John Murdoch, *The Land Question Answered from the Bible [Iubile nan Gaidheal: Fuasgladh an Fhearainn a reir a Bhiobuill]* (1883), p. 2; Donald E. Meek, 'The Bible and Social Change in the Nineteenth Century Highlands', in (ed.) Wright, David F., *The Bible in Scottish Life and Literature* (Edinburgh: Saint Andrew Press, 1988), pp. 179-91; Donald E. Meek, 'The land question answered from the Bible; the land issue and the development of a Highland theology of Liberation', *Scottish Geographical Magazine*, 103.2 (1987), p. 84; James Hunter (ed.), *For the People's Cause: From the Writings of John Murdoch, Highland and Irish Land Reformer* (London: HMSO, 1986), p. 16; Donald E. Meek (ed.), *Tuath Is Tighearna/Tenants and Landlords* (Edinburgh: Scottish Academic Press, 1995)
[38] Ann Murray, *NC Evidence*, II, pp. 1661-1662.
[39] Alexander MacHardy, *NC Evidence*, II, pp. 1660-1661.
[40] Ordnance Survey spelling for the township on the south side of Loch Laxford is *Foindle*, while the above variant spelling is used in NC Evidence.
[41] Alexander Ross, *NC Evidence*, II, p. 1685.

residence, possibly as part of a punishment for breaching the 'Loch Laws'. Under such rules, widows were forbidden from having other adults living in their house, even their own children, and Ross describes how some widows had been told they would be evicted, or have the rent steeply raised as punishment, if they allowed their children to live under their roof.

Testimony was also given to the Napier Commission concerning plans such as that in Figure 3, organised by the Sutherland estate for the 'improvement' of the Strath of Kildonan and the construction of the town of Helmsdale. Evidence indicates that the intention of the estate was to marginalise widows from the land in Sutherland. Apart from the high density, thin strips of land allocated to crofters who had previously been spread through nucleated *bailtean* along the Kildonan Strath, due north of the main town of Helmsdale, a plan was made for construction of 'widdow's houses'[42] alongside the main road with an insufficient scrap of land beside their dwellings. Land exclusively allocated for the widow would have caused her to move away from her familial kinscape on the death of her husband, losing the *kinscape* their family had forged there. The widow was being, in a way, cleared 'again' to unfamiliar and insufficient land.[43]

An explanation for the estate's desire to see widows removed from crofts is not immediately clear. It is likely that it was rooted in a view that widows were unprofitable occupants of the soil and best removed from full-sized crofts, coupled with a view that the sharing of croft dwellings was a social ill, so preventing widows from taking in lodgers or family to care for them. This was rooted in estate regulation which forbade the settling of more than one family on a single croft.[44] Here we see the clash of worldviews that highlights the moral anguish felt and expressed by those who gave evidence: for them the land was for

[42] William Forbes, 'Plan of Helmsdale Allotments' (1820).
[43] Deborah Simonton, 'Work, Trade and Commerce' in *Gender in Scottish History since 1700*, ed. Lynn Abrams (Edinburgh: EUP, 2006), p. 201.
[44] *NC Report*, p. 16.

their family and their intention was to see it developed generationally. In contrast the estate saw any connection between tenants of crofts to be irrelevant. It is likely that widows were viewed as poor quality tenants because they were assumed to be less able to subsist alone, or produce an income due to the hard nature of croft work. While women's life and work in the nineteenth century is woefully understudied, this view is one of patronising historical patriarchy, as all accounts suggest women worked in most, if not all activities, in agrarian

Figure 3: Extract from William Forbes' Plan of Helmsdale Allotments (1820)

Scotland.[45]

For crofters, the widowed, infirm and elderly were within the kinship or family unit and thus within the remit of social care. By complaining about the eviction and mistreatment of widows, the Napier witnesses were asserting their moral anger at the estate essentially forbidding individuals from maintaining lineal connections to specific land which had

[45] Elaine M. Edwards and John Burnett, 'Women's Work in the Scottish Countryside' in *Scottish Life and Society: A Compendium of Scottish Ethnology, Farming and the Land*, vol. II, eds. Alexander Fenton and Kenneth Veitch (Edinburgh: John Donald, 2011), pp. 503-524.

benefitted from generational investment, and also from caring for the less able in their social groupings. Horizontal ties within communities were of the utmost importance within Gaelic society, and the land was intended to provide for all members, not merely the theoretically productive ones, as viewed by the estate. The narrow view of 'productive work' taken by the estate being as only that which yielded income to meet rent completely ignored the 'unprofitable' labour undertaken by those without flocks or farms, such as widows, including textile work, and foraging for food and medicinal herbs.

Similar moral disfavour was expressed by witnesses about the shortage of land for the community as a whole, not just for individuals. Comparison of the two township plans in Figure 4 and Figure 5 shows the spatial difference between the old and new land settlements, and illuminates the problems the change caused. The organic nature of the pre-clearance settlement of Rosal, Strathnaver in Figure 5 shows that, as more members of a kin-group or locality wanted to live and work on the land over time, space could be found with dwellings filling in organically within the head dyke and around rigged areas so that farm land would be remain usable. Meanwhile, the planned townships for cleared people at the mouth of the river Naver are regular and tightly packed without space for growth or change in housing demand. Sutherland's population grew through the nineteenth century meaning that demand for housing was inevitable. With subdivision forbidden, and without space to increase numbers of lots, this built eviction and emigration – clearance over again – into the design of post-Clearance townships.

Such familial land hunger can be seen as an expression of the moral economy of Sutherland communities whose intention was for land to be invested in as a generational project. This was particularly significant for the post-Clearance generation who had seen their productive land taken before being forced to attempt to eke out subsistence from poor land.

At the Bettyhill meeting, Angus Mackay reinforced the investment his parents had made in the land to make it liveable, stating that eviction risked crofters losing 'our fathers labour in

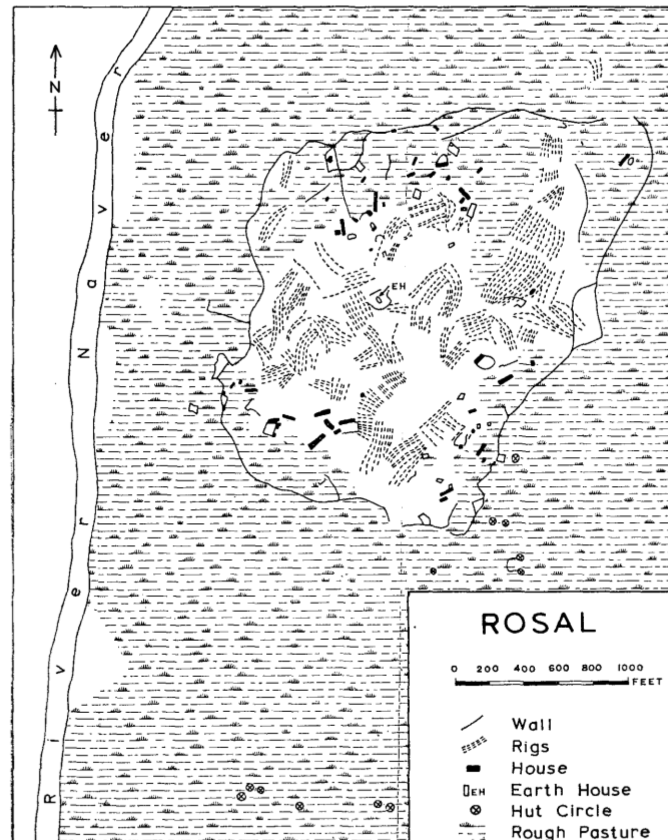

Figure 4: Plan from Fairhurst's Archaeological Survey of Rosal township (1969)

bringing our crofts into proper working order.' [46]

The assertive tone of witnesses such as Mackay is evidence of the impropriety deeply felt by cleared communities that their parents had toiled to make the best of a poor allotment, only to then find themselves being unable to share their land with their family or others. The land was supposed to provide hospitality, in the Gaelic mind. Stability and good care for the land could breed community. Through the work of tilling soil, fertilising using seaweed and thatches, manuring, and utilising every innovation that Highlanders were able to find, they attempted to make provision for others they hoped to share land with. The

[46] Angus Mackay, *NC Evidence*, II, p. 1645.

continued crime of the Clearances, in the mind of the witnesses to the Napier Commission, is that without tenurial rights for close knit social groups, individuals could not practise their traditions of organic, co-operative use of the land with others around them. People were robbed of what little self-determination they had left, whilst on their own crofts, following the implementation of the oppressive, constricting design of the post-Clearance land allotment.

Figure 5: Plan of Farr Allotments (c. 1814)

Instead, the only time people ever saw land 'shared' was when the estate gave part of their land to other people.

While simultaneously being accused by the estate of causing 'great difficulties'[47] themselves by self-subdivision, the estate hypocritically organised subdivision elsewhere in the estate, typically when Clearances transplanted people into an existing township, such as at Little Torboll in 1826 when four lots were separated into seven.[48] Delegates made it clear

[47] Evander MacIver, *NC Evidence*, II, p. 1706.
[48] Hugh Mackintosh, *NC Evidence*, III, p. 2563

they were alert to the risks of subdivision, putting a strain on the natural resources of their crofts, but they repeated that it would not be a problem if their land hunger was addressed. John Ross McNeill of Tongue expressed this point to the committee saying the dividing of lots would not be a risk 'provided the proprietor gave new land to the young men who asked for it.'[49] Crofters were only willing to forgo the risks of subdivision if it was necessary because their horizontal kin were being removed from their land; kinship ties overrode the personal risk.

In summary, the disjunction between estate policy and public desire regarding land was ever-present. As individuals attempted to remake place in their new post-eviction homes, they were confronted by an estate whose emphasis was on the people as temporary tenants, whose lives and activities were to be strictly controlled. The oppression of the physically restrictive rectangles of land they were assigned was compounded by pervasive activity by factors and managers to limit autonomy. These interventions invaded all corners of crofting life, including kinship aspects where Clearance-related oppression continued through prevention of kinship expression within the social horizontality of the coastal township.

Temporality: inheritance and investment as indicators of kinship

In addition to concern that crofters and other tenants could not share their land in the present, we can recognise a persistence of kinscapes they were recreating beyond their present: individuals strove to invest in land specifically with the intention to pass on better space to kin of the next generation after their death, so their children could become the stewards of the land for the generation after that. Archaeological surveys of cleared townships

[49] John Ross McNeill, *NC Evidence*, II, p. 1629.

show clearly how this activity was central to the pre-Clearance life. The land bears witness to this generational development; the fabrication of kinscape was a process that provided material connection to ancestry as a result of their labour activity.

An elevated piece of ground can be seen at Langdale on the west side of the Naver Valley, shown in Figure 6, a settlement first documented in 1269.[50] The ground juts out, remaining largely level, while an area on both sides descends, suggesting it to be a human creation. The site is edged by constructed, free-standing stone and turf walls on the edges, probably enclosing a stock- or kail-yard of some kind. Over time the interior ground would have been built up by deposition of animal dung, feed, mud washed down the valleyside, and straw which would have been compacted under foot and hoof. In the same way, food scraps from the home such as bones or shells would have been discarded within the kailyard, contributing to the gradual increase in height with the material deposited acting to improve both depth and quality of soil. Now that the stone walls have been dismantled, possibly for construction elsewhere (there are a small group of twentieth century stone farm buildings approximately 100m from this site), or simply through general disrepair, the difference in elevation is so starkly visible. While no soil chemical analysis has been completed at Langdale, similar sites in the *Gàidhealtachd* have shown increased elemental diversity in soils, as well as increased top-soil depth, indicative of human and animal activity specifically related to enclosed yard sites.[51] This should be recognised as the physical manifestation of kinship labour: as one generation of labourers lived and worked the earth, they developed

[50] Lelong, 'Writing people into the landscape', p. 246.
[51] Jane A. Entwistle, Peter W. Abrahams, and R.A. Dodgshon, 'The Geoarchaeological Significance and Spatial Variability of a Range of Physical and Chemical Soil Properties from a Former Habitation Site, Isle of Skye', *Journal of Archaeological Science*, 27 (2000), pp. 296-300; Jane A. Entwistle, Peter W. Abrahams, and R.A. Dodgshon, 'An Investigation of Former Land-use Activity through the Physical and Chemical Analysis of Soils from the Isle of Lewis, Outer Hebrides', *Archaeological Prospection*, 7 (2000), pp. 183-184.

space which their children would then use in turn once they had inherited the holding, creating new soil as a consequence of human and animal life.

Figure 6: Raised yard at the cleared settlement of Langdale, Strathnaver[52]

As well as the physical aspect of kinscape which persisted beyond single human lifespans, providing inheritance from past kin, there was also a knowledge transfer attached to kinscape which combined communicated knowledge and the obvious physical markings of ancestral decision making. This insight was received from elders which helped individuals survive on their new meagre coastal lots. This included using practices like manuring fields with old thatch when poverty or hunger meant families had few livestock. The temporal legacy of kin-informed knowledge is also illustrated effectively by the resurrection of older practices more suited to smaller lots.[53] Alexander Fenton has suggested that while oat and potato fields had been ploughed with teams of horses before the Clearances, the historic

[52] NC 6927 4497. Photographs by the author unless otherwise stated.
[53] Dodgshon, *No Stone Unturned,* p. 107.

manual hand plough used by Gaelic farmers, the *cas-chrom,*[54] was brought back from obsolescence during the Clearances.[55] Some delegates describe this progression of events to the Commission, with Donald Munro of Strathan to the south of Lochinver saying of his croft, 'there are very few places where the horses could work' because it is 'so rocky'.[56] Another, Murdoch Kerr puts things in blunt terms: 'there is not half an acre of arable land in the whole township that could be ploughed, it is delved among rocks and stones with spades and crooked-spades.'[57] This represents a type of labour steeped in the kin tradition, in which an out-of-date labour practice (Edward Dwelly describes it as being of 'great antiquity')[58] can form a kinship bond connecting old farms with the new as cleared people are forced to use every means possible to eke out a living.

Similarly, the moral crime of the Clearances was removing geospatial connections which went back significantly further than personal memory. When the same Murdoch Kerr stated to the Commission that 'my ancestors have been here for seven hundred years, the Kerrs to whom I belong'[59], his statement represents the extent to which individuals perceived their place in the land and connection to it as a permanent lineage spanning centuries. Angus Sutherland, later one of the 'Crofter MPs', made a similar assertion about Kildonan (my emphases): 'These burnings were carried on under the direction and supervision of Mr. Patrick Sellar [...] accepted tenant of the land from which the people were evicted, and which their ancestors had held *from time immemorial*.'[60] A physical expression of this historical phenomenon of connection with place can be seen in Figure 7. A large flat stone, atypical of a

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[54] Usually referred to in the Napier by the literal translation 'crooked spade', but typically termed the foot-plough in modern parlance.
[55] Alexander Fenton, *Scottish Country Life*, new ed. (East Linton: Tuckwell Press, 1999), pp. 25-26.
[56] Donald Munro, *NC Evidence*, III, p. 1757.
[57] Murdoch Kerr, *NC Evidence*, III, p. 1759.
[58] Edward Dwelly, *The Illustrated Gaelic-English Dictionary,* 11th ed. (Glasgow: Gairm Publications, 1994), p. 172
[59] Ibid., p. 1761.
[60] Angus Sutherland, *NC Evidence*, III, p. 2431.

dyke or drystone wall, is visible within the remains of the dyke, possibly having been taken from the nearby graveyard at the early Christian site of Grumbeg chapel.[61]

The frequent re-use of stone from previous structures in construction can be seen as if a physical presence of the past was joined to a new construction. In Sutherland, medieval or post-medieval settlement formation intentionally took place where historic labour had already brought good building stone to the site, with the abundant brochs and chambered cairns existing in Sutherland enabling this.[62] This interdependence with the past is significant in contexts like Sutherland where there have been several waves of depopulation and resettlement over the last 4000 years. While we must be clear and not make assertions that all of these ancient settlements are evidence of one linear ancestral connection, what it is suggestive of is the real connection between medieval settlements and those cleared at the turn of the nineteenth century. The rich physical kinscapes of pre-Clearance settlements exist as a sharp contrast with the new clearance townships, devoid of familial or historic connection. Donald McLeod's autobiographical account of the events of the Strathnaver Clearances contains a description of what soil represented to communities in Sutherland, saying people held 'attachment to the soil which contained the ashes of their ancestors, and the temples where they had worshipped.[63] This rich imagery can help us to understand the significance of the methodology used by some cleared people to recreate those kinscapes. Angus Mackay viscerally described to the Commission how 'we and our fathers have been cruelly burnt like wasps out of Strathnaver, and forced down to the barren rocks of the sea-shore, where we had in many cases to carry earth on our backs to form a patch of land.[64] In

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[61] Lelong, 'Writing people into the landscape', pp. 211-212.
[62] Daniel J. Charman, et. al, 'Environmental Change and Tephra Deposition: the Strath of Kildonan, Northern Scotland', *Journal of Archaeological Science*, 22 (1995), p. 799.
[63] Donald McLeod, *Gloomy Memories* (Glasgow: Archibald Sinclair, 1892), p. xv.
[64] Angus Mackay, *NC Evidence*, II, p. 1645.

the act of carrying soil from old to the new settlements, we can recognise a form of battle with the new location's vacant kinscape.

Figure 7: Turf and stone dyke at the cleared settlement of Grumbeg, Loch Naver[65]

These dual forms of kinship connection, expressed in the land and the Napier Minutes, represent the inheritance aspect of temporal kinship in Sutherland. Napier delegates frequently talked of familial ties to the land, expressing land hunger in the form of legacy. One further point of conflict between estate and crofters which causes expressions of moral injustice is when we hear description of estate owner's lack of interest in familial ties through their policy of introducing ratcheting rent increases on a tenant's land at the moment of inheritance from a newly deceased parent. The limited availability of crofts to work meant that people had no choice but to take over leases with significantly increased rental. One crofter describes it as a 'tax upon any man who gets into the rental book',[66] another 'the death

[65] NC 6342 3855.
[66] Angus Ross, *NC Evidence*, III, p. 2503.

premium', [67] which tended to amount to somewhere between ten shillings and one pound, though some were significantly higher.[68] Ewan Robertson of Tongue describes the case of one man who was offered his father's croft for £5. 10s more than his father had paid, raising the total annual rent to roughly £10. He described in detail the dilemma faced by crofters: 'the young man thought this a great hardship; that he should have to pay the Duke for the improvement his father made, for if his father had left the lot as he got it, it would not have been worth £2 a year instead of £10.'[69]

This case highlights the moral injustice of a kinship bond of inheritance being disrupted by the estate. The father had taken the meagre piece of land given to him on the harsh north coast of Sutherland and, according to the testimony, dug rig and furrow and drained the whole plot so that he could wrest some sort of living from the land.[70] As a result, the land had gone from waste to arable, and as a result the Duke's agents saw fit to raise rents. Crofters recognised that they invested their labour to improve and survive on the land, only for their child to inherit the possibility of being charged a rent he could not afford for the same unproductive soil. This system essentially forbade crofters from giving their kin an easier life than they had had, with the increased rent immediately restoring the strain which would have been eased by their efforts. As for the individuals referred to in Robertson's testimony above, the outcome of these rent increases, and similar restrictions on new lots previously discussed, was to force the children of those who had resisted the first round of emigrations from Sutherland to give in and leave, separating themselves from Sutherland and the kinscapes their parents had tried to remake.

[67] Norman Nicolson Mackay, *NC Evidence*, II, p. 1715.
[68] Angus Macaskill, *NC Evidence*, II, p. 1681.
[69] Ewan Robertson, *NC Evidence*, II, p. 1658.
[70] Ewan Robertson, *NC Evidence*, II, p. 1658.

The central point here is that the idea of what 'profitable' use of the land was in nineteenth-century Sutherland was not in any way shared between estate and tenant. The people of Sutherland felt that their entitlement and responsibility was to invest in land, and by blood-right and labour-right, *dúhthcas* and kinscape, to pass on their land to their children for the maintenance of their family. Their profit was the temporal kinship they were receiving and reforging. For the estate owner, their only objective was monetary profit: kelping, sheep-walks, and herring fishing were all prioritised at the deliberate expense of Gaelic kinship relationships with soil and other people until they each, in turn, failed to yield a profit to the Leveson-Gowers. These facts fundamentally reshaped and undermined the moral economy of crofters: their relationship with the land was defined by the fact that it was for *them*, and the invasive practices of the estate violated their freedom to make their landscapes places of kinship.

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II

'PEOPLE WOULD WORK IF THEY HAD THE WORK TO DO'[1]: LAND FOR LABOUR

There has been, to date, a hesitancy to centre labour in study of the Highlands. The dominance of subsistence agricultural labour in the *Gàidhealtachd* may be an explanation for this, given its distance from what Neville Kirk calls labour history's 'bread and butter'[2] issues of organised and urban wage-labour. The narrative of labour through the Clearance process is one of upheaval and overhaul, with estate designs for labour making up a significant part of the impact of the Clearances on ordinary lifestyles in Sutherland. Thus, study of attitudes to work and the practice of work itself in this thesis provides scope for informing understanding of Sutherland life.

Given the interdependence of land and work in the agricultural sphere, in consideration of labour aspects of the moral economy it is first key to consider, as the first part of this chapter does, what land was in the context of labour and how land, as workplace, was changed by the Clearances. The melding of the natural world with the effort of action upon it, fabricating the taskscape, means that personal attitudes to this space are vital to understanding how morality was imbibed from and applied to it. It is also important to note the sheer scale of the taskscape for Sutherland's Gaelic people: a transhumant lifestyle combining upland grazing with inland cropping, as well as gathering, hunting, and fishing, meant that the workplace itself extended beyond narrow physical boundaries of dykes, walls and fences which might come to mind when considering Highland agriculture. In this way, a

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[1] Ewan Robertson, *NC Evidence,* II, p. 1659.
[2] Neville Kirk, 'Challenge, Crisis, and Renewal? Themes in the Labour History of Britain, 1960-2010', *Labour History Review,* 75.2 (2010), p. 165.

taskscape-informed study enables us to recognise the breadth of what can be considered labour: for example that movement between individual sites was also work and thus the roads were as much workplace as the destination, as Michael Given has illustrated, with the moving of herds between pastures and shieling grounds providing space for rest, socialisation, foraging and even illicit activity.[3] This section will use these broad definitions of taskscape to understand the moral underpinnings of Sutherland workplaces.

In its second section, this chapter will consider how work itself informed and changed moralities in this period. The Sutherland estate saw increased intervention in work as part of its 'Improvement' of land and people. This jarring experience for Sutherland's people saw changing relationships with work, and caused ordinary people to use the Napier Commission's meetings as an opportunity to express largely negative views about the work-settlement they experienced, particularly through comparison with real and imagined past work practice. The accounts of how the Clearances and estate restricted *what* work could be done, but also *how* those tasks were done, are rich and detailed, and will be used to explore how Sutherland people felt this related to their beliefs about moral economy.

Sutherland as workplace

To complete a labour-led exploration of land settlement and consider its place within the moral economy must be to consider the contemporary context of the land not just as the home of a community but also *as their workplace*. The Sutherland estate's provision for sheep, deer and forestry rather than the pastoral farming communities which preceded them completely tore up Highland taskscapes and workplaces in similar ways to the kinscapes of

[3] Given, 'Attending to Place', pp. 465-466.

the previous chapter. Through the Clearances, the Sutherland estate created a land economy to satisfy, firstly, the lamb and wool market which justified the destruction of existing workplaces in pursuit of profit.[4] As the Clearances destroyed the agricultural workplaces of *bailtean* – the potato field, shieling ground and kailyard – which had been forged by significant multigenerational exertion, estates showed wholesale uninterest in Gaelic communities' desires for work and offered them little alternate employment under the new system.[5]

Those who survived the Clearances and remained in Sutherland were the first to experience the great experiment that was the new crofting system. New lots were designed, usually without access to proper shieling grounds, as former upland pasture that had been made particularly lush and healthy by its use as shieling ground, was designated as summer pasture for the large sheep farms which formed the vast majority of inland land use following the Clearances.[6] William Mackenzie, the son of a crofter cleared from Strathnaver, described the differences between the old and new farms in his testimony to the Napier Commission. In 1884 he lived in a plot in Trantlemore, Strath Halladale[7], an exclave within a single sheep farm which encompassed the entire strath. He gave descriptions of the three broad categories of workplace that he used: his infield lot, the upland pasture and the paths between them.

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[4] Robert A. Dodgshon, 'Livestock Production in the Scottish Highlands Before and After the Clearances', *Rural History*, 9.1 (1998), p. 28.

[5] Douglas Willis, 'Crofting' in *Scottish Life and Society: A Compendium of Scottish Ethnology, Farming and the Land*, vol. II, eds. Alexander Fenton and Kenneth Veitch (Edinburgh: John Donald, 2011), p. 605; Willie Orr, *Deer Forests, Landlords and Crofters: The Western Highlands in Victorian and Edwardian Times* (Edinburgh: John Donald, 1982a), pp. 107-118.

[6] Robert A. Dodgshon, 'Livestock Farming in the Highlands and Islands before and after the Clearances', in *Scottish Life and Society: A Compendium of Scottish Ethnology, Farming and the Land*, vol. II, eds. Alexander Fenton and Kenneth Veitch (Edinburgh: John Donald, 2011), pp. 558-559.

[7] Strath Halladale was not part of the Sutherland estate at the time of the Strathnaver Clearances, indicating that Mackenzie's father and grandfather's clearance caused them to cross estate borders, before settling in land which was later purchased by the Leveson-Gowers in 1830.

Mackenzie described his lot as 'very bad […] it is generally overflowed by the river'.[8] Strath Halladale is a smaller, narrower valley than Strathnaver with crofts pressed up against the banks of the river, as Figure 8 shows. This proximity would have placed the farmland at risk from river highwater during peak flow, just as he described to the Commission. Meanwhile, Angus Mackay, another speaker, used antithetical language to describe neighbouring Strathnaver, saying it had 'bonnie haughs between the towns and hill pasture for miles as far as they could wish to go'.[9] The contrast between the cramped lots of Strath Halladale and the open, unfarmed land of post-Clearance Strathnaver would have been painfully obvious to those who had memory of working both.

The challenge for crofters like William Mackenzie was that, with so little ground to farm, there was no possibility of reflexivity with which to respond to the negative impacts on his cropping. With boundaries imposed on him by the restrictive acts of clearance, he could not move further up the hill to try and ensure security for his crops. Instead, he and crofters like him had no choice but to accept the heightened risk, continuing to sow on unreliable land. This was one of the pressures put on crofters by the Clearances, long after the original acts had been carried out. Inbuilt into the structural design of the new land settlement was that labour was often wasted by this precarity. The physical toil of investment in tilling, clearing and sowing could be lost overnight by a period of high rainfall. Another crofter from nearby Strathy, Adam Gunn, described a similar issue on his land this time caused by exposure to the sea, rather than a river: 'the sea-blast destroys our crops every other year'.[10] One cottar explained similar outcomes for his parcel of land as a result of exposure to the wind: 'the westerly wind blows upon it, the north-west wind blows upon it, the north wind

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[8] William Mackenzie, *NC Evidence,* II, p. 1606.
[9] Angus Mackay, *NC Evidence*, II, p. 1614.
[10] Adam Gunn, *NC Evidence,* II, p. 1611.

blows upon it, the north-east wind blows upon it; and when a storm comes it blasts the croft, and the people have no meat for the cattle or for themselves'.[11]

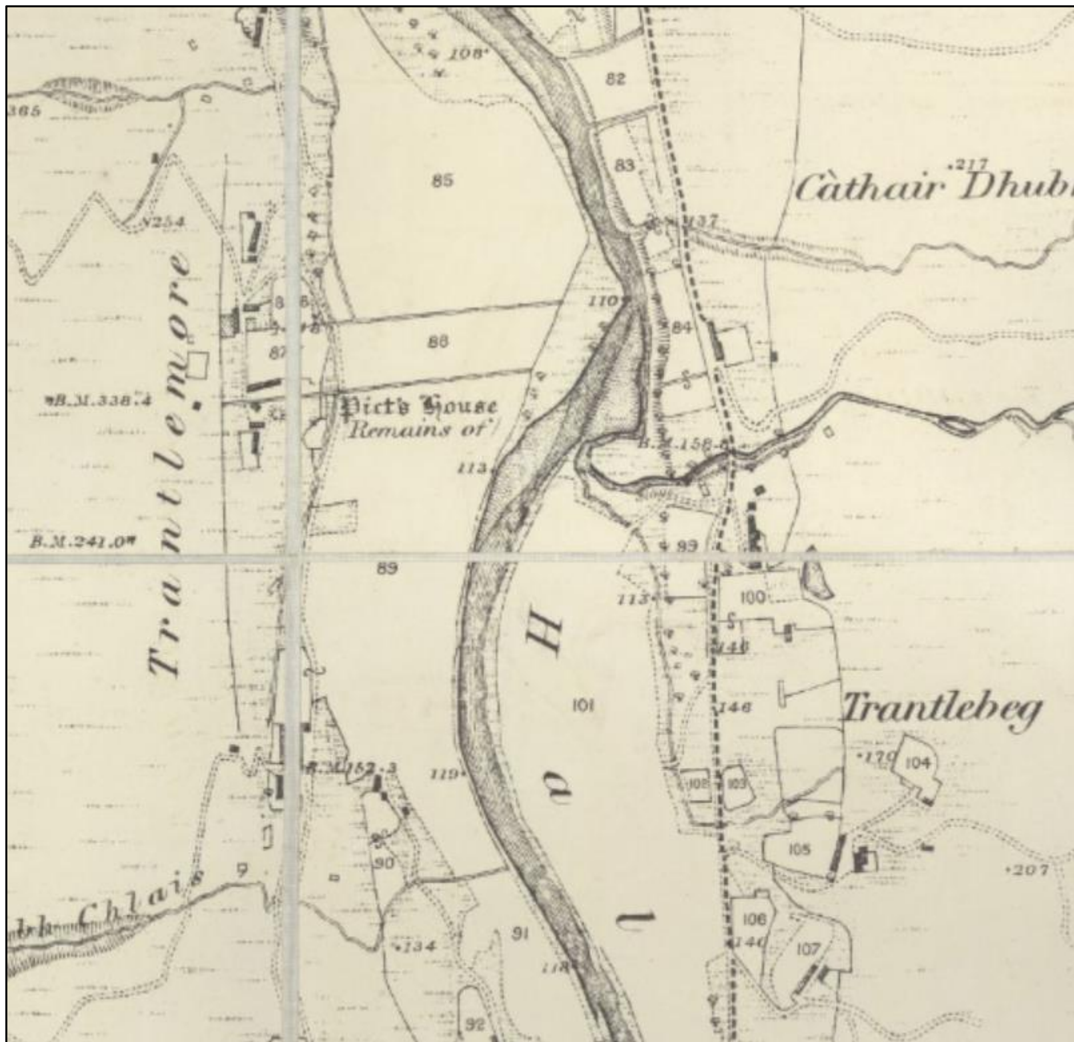

Figure 8: Trantlemore and Trantlebeg as shown on 1874 12-inch Ordnance Survey map enlargements

This frequently voiced concern conveys the impact of poorly located, unprotected, literally windswept farmland. With a long lead time into the productive harvest outcome, agricultural crops are particularly vulnerable to change in natural conditions compared with other labour products such as in a manufacturing context.[12] Having a vulnerable workplace

[11] Angus Mackay, *NC Evidence,* II, p. 1615.
[12] Dodgshon, 'Coping with Risk', pp. 2-3.

compounded the vulnerability posed to crofting families by illness or out-migration as children married or came of age.[13] While in the past the Sutherland farmers would have been able to mitigate risk to their means of production by digging drainage channels (such as in the pre-Clearance village shown in Figure 9), or even by sowing a different area in a future season, the layout of crofts denied this option. People's homes and crops were burned in the first round of Clearance, and they were being similarly destroyed once again on behalf of the estate by the weather itself. For William Mackenzie of Trantlemore, it was the land allocation of the estate that destroyed his crops; an immoral outcome of the ill-design of the crofting system, which he sought to have rectified by the Napier Commission.

When asked about his upland pasture, William Mackenzie felt equally dejected about his treatment at the hands of the estate. He reported that the twelve square miles of hill pasture that his township was allowed access to was 'worse than useless', adding that 'it is full of bogs and bad pools for drowning their sheep'.[14] He contrasted this common grazing with land 'deliberately taken'[15] from him and added to a large sheep farmers' walks. The loss of hill pasture is a constant refrain heard throughout the interviews of the Napier Commission. The shieling was a place with a dual farming purpose where sheep, cattle and horses were grazed on richer grasses as part of the summering process to fatten the animals, as well as to keep them from grazing growing crops on the infield.[16] The parallel uses of shielings meant that their loss as workplaces had a double impact, significantly increasing the difficulty of rearing healthy livestock as an attempt to mitigate the risks faced by arable crops previously discussed. A level of pain was expressed in evidence given to the Commission at

[13] James W. Wood, *The Biodemography of Subsistence Farming: Population, Food and Family* (Cambridge: Cambridge University Press, 2020), p. 313.
[14] Mackenzie, *NC Evidence*, II, p. 1606.
[15] Ibid., p. 1610.
[16] John A. Atkinson, 'Settlement Form and Evolution in the Central Highlands of Scotland, ca. 1100-1900', *International Journal of Archaeology,* 14.3 (2010), p. 319.

seeing fertile shieling ground being used for sheep rather than by Sutherland people struggling to feed their families.

Figure 9: Drainage channel in Rosal, Strathnaver

Ewan Robertson, a crofter, uses particularly graphic language saying ‘the upper pasture is something like a human being covered with smallpox all over with rocks in every direction’.[17] His comments clearly show an intense disgust toward the land he is being forced to use for his outfield grazing. They also describe why he views this as a poor quality workplace. Clearance cairns, such as that shown in Figure 10, are an extremely prevalent feature of the Sutherland landscape, as common and easily recognisable as ruined dwellings or *bailtean*.[18] Their origins are mixed, but in Sutherland proximity to townships tends to indicate that they are by-products of the creation of farmable land, particularly land that can

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[17] Ewan Robertson, *NC Evidence*, II, p. 1657.
[18] Horace Fairhurst, ‘The Archaeology of Rural Settlement in Scotland’, *Transactions of the Glasgow Archaeological Society,* 14.4 (1967), p. 143.

be ploughed without obstruction in parallel furrows. They are essentially piles of stones taken from the soil in the target location to make it easier to work. They exist as a semi-permanent monument to the labour taken to even create space for farming; it is a memorial to the work required to create a taskscape capable of more tasks, a generative process. Robertson's description of the stone in the shieling ground scattered through the soil and not in a cairn represents that this workplace where he was now summering his sheep was not an historic pasture ground, but a new one, which had not had past work investment placed into it. In this way, it is possible to understand that unworked land was seen as if a disease to a crofter: in his mindset the poor land was a malady, an illness, caused by misallocation of land to the large sheep farms.

As well as 'employment' in farmwork, a vast array of other labouring activities took place in association with winter and summer sites, including the act of travelling itself. Webs of trails and roads carved by the effort of moving along them have been found around pre-Clearance settlement and pastoral sites, often only recorded in their physical remains rather on any map.[19] One common form of these tracks were those eroded as individuals travelled to gather peats. As with clearance cairns, the very existence of these paths and roads is evidence of the effort which went into generating them, in this case as a byproduct of the labour of moving peats for burning as fuel. The state of these peat roads was of material concern to William Mackenzie who complained of the physical hardship of transporting peats. He said: '[the peats] are not far away, but Strath Halladale is a deep valley, and there are high hills on each side, and it is very difficult to carry the peats over these high rough hills'.[20] He then

[19] John A. Atkinson et. al., 'Ben Lawers, an archaeological landscape in time', *Scottish Archaeological Internet Reports*, 62 (2016), p. 79; Eugene Costello, 'Temporary freedoms? Ethnoarchaeology of female herders at seasonal sites in northern Europe', *World Archaeology*, 50.1 (2018), pp. 177-178.
[20] William Mackenzie, *NC Evidence*, II, p. 1607.

explained that they were unable to use their carts, instead both men and women had to carry them 'a considerable part of the way […] on their backs'.[21]

These comments represent that the Clearances' impact could be seen across the landscape, not merely in the immediacy of the croft or byre. The alterations and restrictions imposed by Clearances enforced inconvenience and increased struggle for those who laboured in the landscape to survive as from the new crofts they had to find accessible places to gather peat. Just as the peat roads had been a by-product of old settlement layouts, the increased difficulty of access Mackenzie describes was a product of the estate's design for Strath Halladale. The people were, of course, used to the distance and effort required to collect peats, go to the shielings or drive their cattle to market. However, the post-Clearance

Figure 10: Clearance cairn at Rosal, Strathnaver

walks represented a lack of liberty. The moral complaint boils down to the principle that he

[21] Ibid.

had limited ability to do his own work himself in the ways he had done historically, simply because the estate had made his work difficult in mandating a new, unsuitable workplace.

What is clear, with William Mackenzie's detailed commentary as a case study, is that the impact of the Clearances on workplace was significant. Viewing the Clearances as merely an act of removal of people from their homes and ancestral lands, can obscure the extent of destruction to people's workplaces. The moral anger shown in the Napier Evidence regarding labouring spaces was based on feeling that the landholding estate was uninterested in their concerns and fears. The new settlement described in the Napier Commission was of people who felt they had neither self-determination, agency, nor a voice, within their workplaces.

Work and estate power

Types of labour compensation varied in Sutherland during the period in discussion, varying significantly from the modern dominance of wage-labour. While monetary compensation was certainly present through the sale of cattle or wage-labour, the nature of subsistence labour meant that the majority of work undertaken was eventually compensated for by the harvest, or in the material benefit gained from a particular aspect of construction or improvement-work, rather than by a wage packet. While wage-labour was certainly present in the Highlands before the Clearances, there was a noted increase in the prevalence of alternative compensations that Sutherland people received beyond their own harvest, as the post-Clearance Highlands saw a decrease in self-sufficiency and economic isolation.[22] The increasing incidence of wage-labour saw people receive wages in Sutherland from the estate, for example for road building or reclaiming land. Men and women were pressured into work

[22] James Symonds, 'Toiling in the Vale of Tears: Everyday Life and Resistance in South Uist, Outer Hebrides, 1760-1860', *International Journal of Historical Archaeology,* 3.2 (1999), pp. 103-104.

in the kelping and fishing industries that the estate saw as their path to profit.[23] Others travelled beyond Sutherland to work temporarily in the east coast fishing industry, to enter service in aristocratic houses, to work in mines in Caithness or to do the farmwork they used to do at home in Sutherland in other counties or even countries.[24] The Napier Commission asked the vast majority of those they spoke to in Sutherland about what work they completed, so the Minutes of Evidence are a rich source for understanding Sutherland's labour economy.

The most striking insight we gain from the Napier Minutes about labour compensation is that the people of Sutherland complained of receiving no compensation for some work they completed on their own land. This type of work included establishment of fences or dykes (where permitted), upgrading of dwellings, and improving or reclaiming soil used for agriculture. The concern among the people was that while they reaped the benefits of their effort while they lived on the plot, when individuals left these lots, either through eviction or of their own accord, they received no money to make up for the fact that they had improved the land that belonged to the Leveson-Gowers in perpetuity. Various individuals explained to the Napier Commission that, as a direct result of their labour, the estate frequently charged a greater rent for the same land despite having put no effort into the improvement themselves. Often these improvements were extremely necessary even for basic subsistence, and many felt that they, or their ancestors, had taken the plots of land they lived on from wasteland to meagre farmland by nothing other than their own effort and without the help of the wealthy estate. This, they frequently argued, should have entitled them to compensation given that the estate now reaped the benefit.

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[23] Christine Lodge, 'The Clearers and the Cleared: Women, Economy and Land in the Scottish Highlands, 1800-1900' (unpublished doctoral thesis, GU, 1996), p. 34.
[24] Charles W. J. Withers, *Urban Highlanders: Highland-Lowland Migration and Urban Gaelic Culture, 1700-1900* (East Linton: Tuckwell Press, 1998), p. 61.

This issue was raised more than twenty times during the Sutherland Napier Commission meetings. They felt manipulated by the fact that their own improvement efforts, undertaken to increase the quality of their lives, would then be used by the estate to increase rents. Despite Lord Napier claiming in his report that policies of not providing compensation for improvements had mostly been phased out in the Highlands, it appeared to have remained a pressing issue across Sutherland.[25] Angus Sutherland at the Helmsdale session said it was 'unknown in practice'[26] for anyone to receive compensation when a tenant left a holding. At Bonar Bridge, crofter John Campbell stated that one of three principal grievances among tenants was that they received 'no compensation for the improvements they make in reclaiming and draining land, and building houses, barns, and byres'.[27] At Bettyhill, cottar Angus Mackay stated clearly that as well as receiving no stone to help them build their home, an evicted man received 'nothing in the world'[28] in way of compensation for what he had laboured building.

Assertions of people's right to their labour were a clear statement of morality within the context of labour politics. Sutherland people believed that their labour investment should have been for their or their family's long-term benefit, melding with ideas of intergenerationality discussed in chapter one. Meanwhile, the estate's lack of repayment for improvement represented to them a means of profit-making, garnering higher rent for improved land without outlaying labour cost. Despite general affection throughout the Napier Minutes of Evidence toward the Dukes and Duchesses of Sutherland, the people's appetite for compensation shows that it was not a blind infatuation. They still saw the difference between themselves as ordinary people and the proprietor being that the wealthy landowners could

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[25] *NC Report*, p. 7.
[26] Angus Sutherland, *NC Evidence,* III, p. 2441.
[27] John Campbell, *NC Evidence*, III, p. 2566.
[28] Angus Mackay, *NC Evidence*, II, p. 1618.

and should afford to pay the people for improving work. This is an assertion that the improvements they undertook were certainly not for the estate's economic benefit, but their own. In simple terms, the people understood they were adding value to the estate's land and wanted their rightful returns.

Want of compensation for improvements represents another way in which the legacy of Clearance and improvement persisted long after the initial resettlements. The precariousness of most rentals meant that people laboured essentially at the pleasure of the estate, which could evict them or increase their rent at a moment's notice. This meant that if the estate did not deem it necessary to pay them for their work, the people had no means to appeal or reclaim that value. George Macdonald, a crofter from Lairg, laid it out in precise terms (my emphases):

> Should we make improvements on houses or land, we have no guarantee that we can reap the benefit of such labour, as *we have no hold upon our lots further than the good-will of the proprietor*, and we can get no compensation for such improvements if we were to leave.[29]

Sutherland's judicial remoteness meant there was no recourse to justice, and the Sutherland family's economic hegemony meant that there was no alternative place to turn for labour. In this way we can see how the Clearances manipulated the labour politics of Sutherland, where the remarkable concentration of land ownership and power left the Leveson-Gowers as much more than merely a proprietor, but as an employer with a cartel-like monopoly over labour which gave them a huge level of control over ordinary people's lives.[30] A broad understanding of labour as encompassing more than merely direct wage-labour can enlighten

[29] George Macdonald, *NC Evidence*, III, p. 2497.
[30] Annie Tindley, '"The usual agencies of civilisation": Conceptions of Land Ownership and Reform in the Comparative Context in the Long Nineteenth Century', in *Land Reform in Scotland: History, Law and Policy*, eds. Malcolm M. Combe, Jayne Glass and Annie Tindley (Edinburgh: EUP, 2020), p. 83.

our understanding of the sheer manipulative power held by the estate through the nineteenth century. This level of estate power can be seen in stark bourgeois terms, given their near-total control over local wealth, as well as total ownership of the means of production: the land.

The diversification of labour in the Sutherland estate saw many people completing work other than the subsistence farmwork which had been dominant prior to the Clearances. Those who gave evidence to the Napier Commission repeatedly expressed disquiet at the decreasing amount of labour-time they were able to commit to farm work as a symptom of meagre lots. Their demand for suitable lots was rooted in a preference for subsistence farming on sufficient land rather than other work. Complaints about structural limitations to their work-lives manifested in two ways: an inability to do the amount of a specific task that they wanted to, and inability to do the task how they wanted to. Sutherland people expressed anger at their loss of self-determination in the work-sphere, in the face of poverty and struggle for food. They felt they were being denied ability to strive, something they saw as a mistreatment by the estate who simultaneously accused them of laziness for not working while restricting their access to workable land.

Considering first the limits on the amount of work Sutherland people could complete, in the case of the crofting taskscape, this was directly proportional to the size and quality of lot to which they had access. The size of lots was an extremely prevalent complaint against the estate. Napier himself acknowledged poor farmland as the source of 'several causes of indigence, discouragement and irritation',[31] with his report eventually recommending enlargement of crofting townships in an attempt to alleviate this. Hugh Mackintosh of Little Torboll said to the Commissioners, 'we complain of the smallness of our holdings, not being large enough to maintain us six months in the year'.[32] This is an emphatic

[31] *NC Report*, p. 9.
[32] Hugh Mackintosh, *NC Evidence*, IV, p. 2563.

request for the ability to provide subsistence for themselves, through access to land. It is important to see these requests in the context that they were given in the Napier Minutes of Evidence: complaints about smallness of lots were then almost always followed by a request for more land so that they could work it. The voices recorded in the Napier Minutes of Evidence are clear that they were people longing to work a full amount of farmland that can wholly sustain them rather than being forced to work in other industry or away from their homes in Sutherland.

Crofter Adam Bannerman of Kildonan described having been 'deprived of sheep' and added: 'the only thing that would make a crofter comfortable would be to have as much land as would support him all the year round'.[33] A merchant named Colin Morison attended the Kinlochbervie meeting specifically to complain about the size of plots saying 'there is the scarcity of land; there is no land out of which they can make a livelihood'.[34] As merchant, he would have been acutely aware of the number of people having to import feed to feed their livestock as they could not grow it, which makes his testimony particularly valuable. What is evident in statements like these is that people are yearning for labour. They were desperate for a quantity and quality of work that could supply their families throughout the year without relying on alternative income streams. That they had just a little land to work, they felt was deeply unfair to them, and they desired a reallocation of land which would have simply allowed them to work hard.

Some Sutherland people, once forced to the coast, had taken up the estate's offer of becoming fishermen. However, by 1883 they also found themselves bereft of sufficient subsistence. There are a mixture of causes for the decline of the fishing industry in the Highlands through the nineteenth century which are underdiscussed in the literature, but one

[33] Adam Bannerman, *NC Evidence*, III, p. 2452.
[34] Colin Morison, *NC Evidence,* II, p. 1691.

crofter-fisherman cleared from Rispond to Sangobeg, Alexander Morrison, complained at the Kinlochbervie meeting specifically of infrastructural problems of the estate's design. He stated: 'we have been deprived of the privileges of sea and land', adding that 'if we had a pier, a telegraph station, a doctor, and some more of the land which has been taken from us, we think we might get through as our forefathers did.'[35] Complaints about missing or desired infrastructure – roads, railways, harbours – are present throughout the Minutes of Evidence. That the desire among people is for this infrastructure rather than merely just for food handouts from the estate is indicative of the yearning among people to work effectively and provide for themselves. In Sutherland we see people who longed to have the opportunity to work and have dignity in that labour, not merely to survive.

Similarly, the limits on *how* people were able to work were also imposed by the size of lots. At the Kinlochbervie session, Angus Macaskill complained that there was 'no room for rotation, so that constant cultivation of [the land] weakens the soil'.[36] In a similar vein, John Ross, a crofter from Achresgil stated, 'crofts are not sufficiently large to enable us to leave out some of the land to give it a rest'.[37] The people's anger was increased because they were losing land quality due to restrictive plots while land nearby was wholly unused. One man, Sinclair Cooper, painted a hopeful picture of an alternative: 'instead of this Strath being the wilderness it now may be said to be, it would be one vast agricultural garden, peopled by a strong, hardy, contented and loyal people'.[38] This was an ecological complaint from the speakers at the Napier meeting; without their being allowed to properly labour they were being poor stewards of the health of the natural environment. Their agricultural intelligence was being insulted by their inability to rotate their crops and allow for certain patches of land

[35] Alexander Morrison, *NC Evidence*, II, p. 1663.
[36] Angus Macaskill, *NC Evidence,* II, p. 1681.
[37] John Ross, *NC Evidence*, II, p. 1692.
[38] Sinclair Cooper, *NC Evidence*, III, p. 2457.

to be rested and re-energised by remaining unused for a season. By restricting their abilities to labour in the way they wanted, they were destined to have decreased yields year upon year. The estate's designs for the crofting system offended their farming sensibilities and simultaneously destined each year to be a deeper struggle for subsistence than the last. If they were allowed to farm how they wanted, they argued, Sutherland's suffering natural environment could be righted

In summary, what we can recognise is a clear assertion of the rights and wrongs of the labour economy as seen through the evidence of the Napier Commission. Sutherland crofters and cottars expressed the hope of some sort of intervention which might reset the immoral balance of their lives. Notably, they complained of unhealthy workspaces suffering from restriction in size and undermined by a lack of upland pasture. Resources which they could once rely on to subsist had been hollowed out for the sake of the large sheep farms. At every turn, they found their efforts to rectify the injustices as they saw them thwarted by further mistreatment from the estate. Slightly improved land, which had been made so by their own labour, was being taken from them permanently or returned to them at a higher price. Additionally, even the very methods of work they were able to do were being policed in accordance with the estate's design for the land. Every speaker who stood before the Napier Commissioners clearly differentiated between the rights and wrongs they experienced in their lives, expressing their offence at immoral aspects of the labour economy.

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III

'THE STRUGGLE FOR SUBSISTENCE IS GETTING SHARP AND SEVERE'[1]: FOOD AND THE LAND

The Leveson-Gowers, and their influential employees, held to two core ideological explanations for the Sutherland population's struggles to eat: that the people were too lazy, and, after attempts at commercialisation failed, that there were too many of them for the estate's resources. Both ideas appear extensively in literature and letters the estate elite wrote. James Loch's 1815 defence of the estate's policies and activities focused on the people being a 'a hardy, but not industrious, race of people'[2] as justification for Improvement. His essay, the first edition of which was published to coincide with Patrick Sellar's trial for culpable homicide and alleged crimes related to the Clearances in Strathnaver, described the people's agricultural activity as 'raising, without much labour, a small quantity of inferior oats. [...] The cattle which they reared upon the mountains were of the poorest description. They had hardly enough of food to keep them during the summer, and in the winter they perished in numbers for want of sustenance'.[3] Loch's argument laid out the 'morality' of the Clearances: that it would prove an edifying process for those who experienced it, reshaping everything – agriculture, diet and economy – for the better.

Elizabeth Leveson-Gower's views on the problems facing the Sutherland people are well represented in her views about the work of Thomas Malthus. She wrote in a letter to her husband in July 1814, 'I have read Malthus on population. He might have said it all in one page. He longs to drown Children but proves that that population, do what you will, will take

[1] Donald Simpson, *NC Evidence*, III, p. 2541.
[2] James Loch, *An Account of the Improvements on the Estate of Sutherland, Belonging to the Marquis and Marchioness of Stafford* (London: E. MacLeish, 1815), p. 3.
[3] Ibid.

care of itself.'[4] Malthus' 1798 *Essay on the Principle of Population*, to which she was referring, argued that suffering in society was largely the consequence of overpopulation among poorer people. She clearly believed that Sutherland's high birth rates cohered with Malthus's theories, and a motivation for the estate's initial Clearance policy was an attempt to reorient food production to better balance it with the population. By all accounts, this project was unsuccessful, with the Sutherland population's food supply remaining as vulnerable as it had ever been before.[5]

The first issue discussed in this chapter is complaints in Napier Evidence of land being used for activities other than feeding people, particularly for sport or for sheep. We have already seen how people wanted more land, and that they were angry about how it was being used for purposes other than work, but this grievance was specifically linked to the issue of subsistence. A second issue this chapter will explore is the place of masculinity within discussion of subsistence, in the context of men's social obligation in Sutherland communities to provide for their family. Men gave emotionally rich evidence to the Commission which complained that they are unable to provide for their families resulting in the break-up of the family unit through emigration.

Subsistence or sport?

Sheep, as the dominant focus of land use in inland Sutherland, have been given significant attention. The significance of private forestry for game hunting and deer stalking in Sutherland has been underdiscussed, but it was a topic frequently raised alongside

[4] Marchioness of Stafford to Marquis of Stafford, 11 July 1814, *Papers on Sutherland Estate Management, 1802-1816,* ed. R.J. Adam, vol. II, (Edinburgh: Constable, 1972), p. 221.

[5] T.M. Devine, *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the Nineteenth Century* (Edinburgh: John Donald, 1988), p. 61; Richards, *Leviathan*, p. 156; Annie Tindley, '"Actual pinching and suffering": Estate Responses to Poverty in Sutherland, 1845–86', *SHR*, 90.230 (2011), p. 255.

complaints about sheep farming in the evidence given to the Napier Commission. Deer forests became increasingly common across the Highlands in the second half of the nineteenth century as sheep farming decreased in profitability. Between 1870 and 1883, the number of Highland deer forests increased by half and continued to grow until the First World War.[6] Sutherland had four large deer forests by the time of the arrival of the Napier Commission in 1884: Ben Armin and Coir-na-fearn (numbered 106 in Figure 11), Dunrobin (107), Glencanisp (108), and Reay (109). With the increase in popularity of blood sports in the Highlands, and the free-roaming nature of deer, complaints about deer were made to the Commission across Sutherland.[7] Angus Mackay of Cattlefield on the north coast of Sutherland read a statement which ended:

> That the land our forefathers lived upon so happy and prosperous is now under deer and sheep, and turning into moss and fog *[sic],* which is not profitable to man or beast, while we are huddled together in small townships on the sea shore, exposed to all the fury of the wild north sea breezes, which generally carry away the little corn we have. Every good piece of land was taken from us and we were planted on every spot for which no other use could be found.[8]

A fisherman from Crask, George McLeod, underlined the same specific complaint as Mackay, describing that 'the people had been huddled and packed together, driven by wholesale eviction from the fertile fields and valleys of Strathnaver, to make room for sheep and deer, for the benefit and pleasure of a few farmers and sportsmen.'[9]

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[6] Willie Orr, 'The Highland Sporting estate in the Nineteenth Century', in *Scottish Life and Society: A Compendium of Scottish Ethnology, Farming and the Land*, vol. II, eds. Alexander Fenton and Kenneth Veitch (Edinburgh: John Donald, 2011), p. 584.
[7] Orr, *Deer Forests,* p. 8.
[8] Angus Mackay, *NC Evidence*, II, p. 1645.
[9] George McLeod's statement read by Donald Mackenzie, *NC Evidence*, II, p. 1649.

The contention made by both men was that the relative values of land use had been completely corrupted by Clearance. While people in their communities struggled to eat, land that could have been used to feed them was being used for sport. There is no doubt that this statement describes a perceived immorality. McLeod recounted in his statement that 150 people lived in his community across 19 crofts, which altogether had yielded 54 bolls[10] of oatmeal in the most recent harvest.[11] This means that from their own subsistence agrarian labour each member of the community would have received around 50 lbs of meal, if it was distributed completely evenly. Put in context, when the Central Board of Management distributed food during the famine in the 1840s their meal allowance was 1.5 lbs per day for an adult man, barely enough to keep him alive.[12] Even if they ate only at this rate, the men of Crask would have run out of food in just over a month. It is telling that McLeod was unable to attend to give his evidence on the days the Commission visited Bettyhill, having the Free Church Minister of Farr read his statement on his behalf. With the challenge of subsistence so great for him that he could not even spare a day on shore away from the fishing.

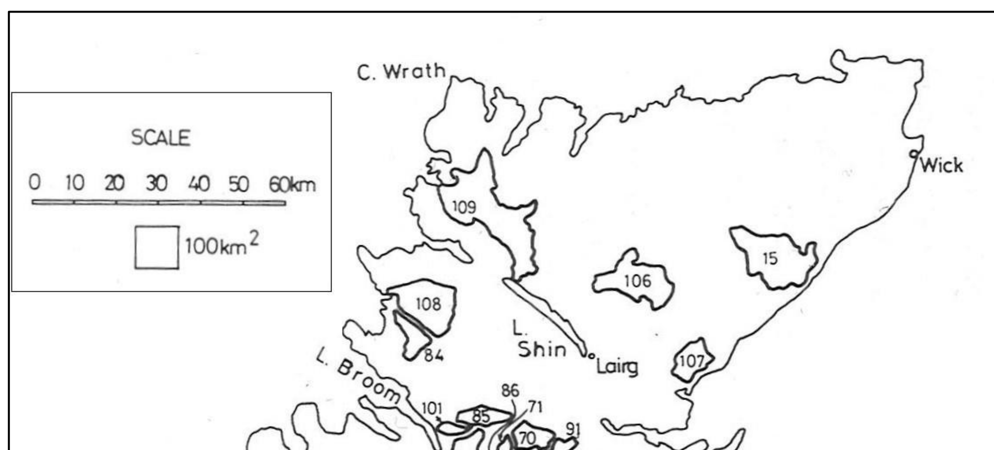

Figure 11: Map of the Deer Forests of Sutherland (1884) (from Orr, Deer Forests, p. 9)

[10] An Imperial boll was used in Sutherland, equalling 140lbs, or 63.5kg. Ian Levitt and Christopher Smout, 'Some weights and measures in Scotland, 1843', *SHR*, 56.162 (1977), pp. 147-148.
[11] George McLeod's statement read by Donald Mackenzie, *NC Evidence*, II, p. 1649.
[12] Hunter, *Making*, p. 164.

These testimonies reveal a people struggling to subsist in a meaningful sense. They could not expand their farming because they suffered under spatial limitation set for their crofts, and yet they looked beyond their boundaries, perhaps towards land they previously resided on, and saw grass feeding deer and sheep in place of themselves. Their statements betray specifically their outrage at the use of land for deerstalking that could be used for agriculture. In the same way, people had their access to salmon and trout restricted by the estate to ensure that there was sufficient for sport fishermen to catch. Scourie factor Evander MacIver described this practice in his memoir, as if it was only logical that once something became profitable for the estate it should be acceptable to prevent the people from accessing it: 'angling became valuable, and comparatively large rents were obtained for it. Anglers then complained of the netting at the mouths of rivers and this mode of reducing the numbers was abandoned, and the rivers were kept solely for angling.'[13] Netting was not, as MacIver described, a method for 'reducing the numbers' of fish, but a subsistence fishing practice. That sport should take priority over subsistence was something which caused great affront to Sutherland's Napier witnesses; they argued determinedly that pleasure being chosen over people was representative of a great immorality within estate policy. In addition, this was one of the principal moral arguments of the wider land movement and among Christian leaders, with clergy and land campaigners alike making these arguments in their sermons and pamphlets. John Murdoch, for example, placed it in biblical terms, quoting Genesis 1 and adding, 'the first charge upon the land is the support of the husbandman whose labour so increases food'.[14] In the same way, this issue was readily seized upon by clergy. MacColl has shown that the apportionment of land in favour of the hunter rather than the crofter was a

[13] Evander MacIver, *Memoirs of a Highland Gentleman: Being the Reminiscences of Evander MacIver of Scourie,* ed. George Henderson (Edinburgh: Constable, 1905), p. 86.
[14] Murdoch, *Land Question*, p. 1.

frequent refrain among Free Church ministers across the Highlands, for whom it was an affront to God's holy order of creation.[15]

The painful irony of the estate's desire to satisfy appetite for hunting among the English and lowland wealthy was that the activity was sold as a caricatured pastiche of the Gaelic past, for the benefit of which ordinary Gaels were expunged from the landscape. At the height of Highlandism,[16] aristocrats became obsessed with travelling north to engage with these bastardised versions of Gaelic cultural iconography.[17] Included in this was deer stalking, which was sold as a hyper-masculine activity by its association in the narrative with 'clan chiefship'.[18] The immorality of using cultural ideas for profit while actively oppressing those whose culture it is in order to pursue that profit is obvious to the modern reader, but arguments to the Napier Commission were focused on matters of survival rather than cultural appropriation.

Willie Orr's detailed study of deer forests has shown that old deer forests which predated the Clearance period had mostly been common pasture, something which was acknowledged by another Royal Commission investigating deer forests in 1895.[19] This point illustrates that the promotion of deerstalking, and the allocation of land and infrastructure for the sake of an aristocratic blood sport market, was not coincidentally but actively destructive to Sutherland livelihoods. The land chosen was done so with the knowledge that it would damage the subsistence system in Sutherland. This is noteworthy because it reminds the historian not to view Clearance as a single moment, but rather take a view of the deeper and

[15] Allan W. MacColl, *Land, Faith and the Crofting Community: Christianity and Social Criticism in the Highlands of Scotland, 1843-1893* (Edinburgh: EUP, 2006), pp. 61, 145.
[16] The romanticisation of the Highlands and Gaelic culture which took place in Georgian and Victorian Britain
[17] Devine, *Clanship to Crofter's War,* p. 86.
[18] Andy Wightman, et. al., 'The Cultural Politics of Hunting: Sporting Estates and Recreational Land Use in the Highlands and Islands of Scotland', *Culture, Sport and Society*, 5.1 (2002), pp. 54-55; Hayden Lorimer, 'Guns, Game and the Grandee: The Cultural Politics of Deerstalking in the Scottish Highlands', *Ecumene,* 7.4 (2000), p. 410.
[19] Orr, *Deer Forests*, pp. 118-121.

longer-term structures and practices of estates like Sutherland. Increase in land allocated for sport at the expense of ordinary people in Sutherland took place in the 1870s and 1880s, over fifty years after the initial Clearances.[20] While representations to the Napier Commission complained about injustices precipitated by the early acts of Clearance, they also underlined more recent issues which continued to marginalise them.

Having considered already both the spatially limiting aspect which restricted land available to Sutherland people for subsistence, as well as the ideological issue of land being used for blood sport rather than for food, we will now turn to consider how the deer themselves impacted upon Sutherland livelihoods. Creich Free Church Minister, the Rev. Gustavus Aird, summarised an immediate and prescient problem his parishioners faced, complaining:

> If [the harvest] is late, as it is pretty late this year, in the north end of the parish, they must be awake all night in order to watch. And then a good many of those near the woods complain very much now of the deer coming out and destroying the turnips – not eating them, but destroying them with their horns. One man was mentioning last week a place where he found a deer, and I was quite astonished. It was several miles from the wood, and they were becoming more bold than they used to be.[21]

This illuminates the way in which damage was perpetrated on the crofters' subsistence by deer, with the issue of marauding deer widespread in Sutherland and beyond in this period.[22] Given that deer are not herd animals, there was no herder to guide where they sought food. As a result they often strayed out of their forests, quite naturally uninterested in the fact that some of the food they ate was arranged in rows by crofters and intended for human consumption. One of those who gave evidence at the Lochinver Napier session made this

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[20] Tindley, *Sutherland Estate*, p. 32.
[21] Gustavus Aird, *NC Evidence,* IV, p. 2590.
[22] Willie Orr, 'The Economic Impact of Deer Forests in the Scottish Highlands, 1850-1914', *Scottish Economic and Social History,* 2.1 (1982b), p. 44.

exact point: 'the deer require no herd, and they can leap the fences and eat our crops.'[23] As a result this made the crofters' life more difficult, creating a new task for them to complete to ensure the harvest of their crops in staying awake at night to ensure their vegetables were not eaten by animals. In addition to the compressed space, the loss of upland pasture, and the poor quality soil, this was a fresh reminder of the estate's lack of interest in and deprioritisation of their agricultural practices, their subsistence and, by extension, them. Aird's complaint represents a similar moral economy of the land to that which we have seen before: that people's subsistence produced through work on the land was theirs and they deserved the right to retain the fruits of their own labours. The immoral aspect was that animals were being allowed to run roughshod over the people's rights and labour practices for the sake of estate profit from hunting.

Mitigation against the wandering of deer was piecemeal and often wholly ineffective. Existing physical barriers which marked out or protected crofts, where they did exist, were turf dykes, stone walls or simple fences which may have discouraged cows or sheep from accessing infield but formed no obstacle to the significantly more agile red and roe deer. The Napier evidence contains complaints which attest to this problem and make it clear that the estate and sporting tenants' efforts to prevent deer accessing the Sutherland people's holdings were lacklustre at best. The establishment of the Glencanisp forest adjacent to Lochinver in 1881 brought these problems close to home for local crofters. The Rev. Norman Nicolson Mackay, when asked about whether there were fences to protect the crofts, stated that '[the forest] is being fenced, and I am sorry for one thing about the fence. The highest wire is full of stobs.[24] It is low enough for deer to jump into the corn of the tenants,

[23] Murdoch Kerr, *NC Evidence*, III, p. 1761.
[24] A stob is 'a short, thick nail'; *Scottish National Dictionary*, vol. IX (Edinburgh: Scottish National Dictionary Association, 1974).

but it is so high that if any cow tries to get over it will be stopped.'[25] Similarly, Donald Munro, a crofter, describes the same fence's construction as 'special'[26] implying it was an exceptional event that it was being built, in addition to saying it would only be 3.5 feet tall, agreeing with the minister that it would not be effective in stopping deer.[27]

While the Napier Commissioners repeatedly enquired about whether the deer were fenced in, it might be more appropriate to describe the kinds of fences being constructed by what their actual function was: to keep cattle and people out of the forest where they had historically grazed. It is arguable that insufficient fencing, in knowledge of the damage that deer were doing to crofts, is evidence of estate preference for the deer over the people's subsistence labour. A further probing of estate papers would be necessary to establish whether this was an intentional policy, to save money by building a lower fence, or merely ignorance of the implications for crofters. However, what we can infer from the arguments made by Napier Commission witnesses is that people did feel that the security of their subsistence was not a priority for the estate which once again prioritised an outsider, extracting profit, not subsistence, from the local community's ancestral land.

Furthermore, the Napier Commission provides evidence of people complaining that while the deer and game were allowed to harm their crops and thus their subsistence, they were not allowed to harm them back. Murdoch Kerr described the pointlessness of deer from his perspective in this way: 'we can get no use of the deer […] we are not allowed to kill or eat them, and they are of no other service.'[28] William Mackenzie of Trantlemore tells of a man being 'banished off the estate for killing grouse.'[29] Meanwhile, Angus Sutherland contrasts the contemporary relationship with game and deer with that of the past: 'before the

[25] Norman Nicolson Mackay, *NC Evidence*, III, p. 1729.
[26] Donald Munro, *NC Evidence*, III, p. 1758.
[27] Ibid., p. 1756.
[28] Murdoch Kerr, *NC Evidence*, III, p. 1760.
[29] William Mackenzie, *NC Evidence*, II, p. 1608.

clearance, the people had the right of fishing for salmon on the river and of shooting game on the hills.'[30] While expressions of the desire to kill the animals that trespass on crofts are few in the Napier Minutes, they point to the fact that government legislation protected the estate's preference for deer, allowing them to destroy crofters' property. Orr suggests that in the late eighteenth and early nineteenth centuries, despite deer technically being under ownership of the Crown or recipients of Crown grants of land since time immemorial, ordinary people hunted deer and game as they wished. It was not until the Game (Scotland) Act 1832 that estates began to enforce rules which accused people who killed any of the animals or birds of theft.[31] This was a marked change and was part of the wider increased regulation of the lives of ordinary Highlanders, in which the estate was given ever greater power over its tenants, including in this case the power to regulate their response to animals and birds which entered their own land and destroy their crops. As Mackenzie's example alludes to, the principle of the estate evicting someone for something as menial as killing birds represents the overwhelming power they exercised. In raising this, Mackenzie was making representations to the Napier Commissioners that from his perspective it was a violation of the moral basis of the economic exchange between tenant and landlord that such a ruthless act could take place. Loch laws and other estate regulations could be brandished at individuals who attempted to make any assertion or protection of their own subsistence.

The question people were asking the Napier Commission was a significant one, and not rhetorical for them: who is this land for? When they asked they charged Napier with deciding if land should be for them, the people who lived and worked the land for their own subsistence and survival, or for the *nouveau riche* to engage in the performative masculine ritual of hunting. Sport was an economically successful industry for the Sutherland estate at

[30] Angus Sutherland, *NC Evidence*, II, p. 2433
[31] Orr, 'Highland Sporting Estate', pp. 590-591.

the close of the nineteenth century, but as we have seen it clearly clashed with the land economy practised by the people of Sutherland in 1883. The interaction between these two economic desires, profit of elites or subsistence of masses, shows us an intersection of two distinct moralities which sought to define the economy.

On masculinity

Highland history is almost wholly bereft of studies of its masculinities. Abrams and Ewan have identified similar problems across wider Scottish historiography, pointing out that 'men are everywhere in the narratives of Scotland's past, but at the same time they are nowhere, or at least their gendered selves, roles and practices are less frequently interrogated'.[32] This is problematic given the large influence men had on the domestic, local and regional economy; manifestations of their own masculinity undoubtedly had a significant impact on attitudes related to the moral economy. The Napier Commission is a microcosm of this as a problem in histories of the *Gàidhealtachd*: a record populated by men's voices, but with no existing analysis of what impact their masculinity or male social role had on the evidence they gave. Only recently have some Highland historians begun to pursue analysis of masculinity, with a handful of recent and forthcoming studies expected to address this issue.

Elizabeth Ritchie's work attempting to understand masculinity through Highland gravestones, with her sample including graves in Sutherland, has been an intervention of note.[33] In her forthcoming study utilising this methodology she argues that Highland gravestones depict masculinities performed in two ways – civically and affectively – with

[32] Lynn Abrams and Elizabeth Ewan, 'Introduction: Interrogating Men and Masculinities in Scottish History', *Nine Centuries of Man: Manhood and Masculinity in Scottish History*, eds. Lynn Abrams and Elizabeth Ewan (Edinburgh: EUP, 2017), p. 2.

[33] Elizabeth Ritchie, 'Men and Place: Male Identity and the Meaning of Place in the Nineteenth-Century Scottish *Gàidhealtachd*', *Genealogy*, 4.97 (2020), pp. 97-117.

parallels to this found in the Napier Evidence.[34] A number of the men who gave evidence portray a sense of ashamedness at the thought of their inability to provide for their families, for example inability to provide to the extent that that their children and grandchildren could have lived on their croft or nearby. Peter McKay, a crofter from Strathtongue, describes his perception of the Clearances through the lens of what his father was unable to provide for him: 'my father was thrown out of a good place into a croft of an acre and a half, and had not means to give me education.'[35] Donald Mackay, a schoolteacher from Laid, makes a similar assertion about men choosing not to have a family because they feel they would be unable to provide for them by saying 'what deterred them from marrying was the misery they would entail upon their offspring.'[36]

Both these comments contain a depiction of the disjuncture of what men thought ought to have been, and what happened in actuality. The former's father should have been able to provide him with an education but given a subsistence struggle could not afford it, and the latter describes people fearing that as fathers they would be unable to sufficiently provide if they were married and had children. These framings of their experiences indicate to us that there was a belief in the community that a father's social role was to ensure provision for his children, and in failing to do so his role became noteworthy precisely because of the inability. Speakers draw a direct line of causality between the act of Clearance and the inability of men to fulfil social roles that were expected of them. By consequence of restriction in their economic role as subsistence farmer, the estate caused restriction in their ability to practice their social role as father.

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[34] Elizabeth Ritchie, 'The Private and the Public Man: The Masculinities of Highlanders and Islanders in the Nineteenth Century', *TGSI* (forthcoming, 2024). I am extremely grateful to Dr Ritchie for early sight of this paper.
[35] Peter McKay, *Napier Evidence*, II, p. 1633.
[36] Donald Mackay, *Napier Evidence*, III, p. 1679.

This scenario coheres with Ritchie's typology of the presence of a private, affective masculinity in gravestone descriptions of Highland men. She says masculinity was characterised 'by emotional connections, whether with community, friends or family'[37]; something with which complaints to the Commission about the inability to provide for family cohere. Similarly, Liesbeth Van Hulle has identified a principal reason why Gaelic men joined the military in the later eighteenth century, as relating to soldiering's ability to provide economic security to a post-military life as an agrarian farmer; fighting for the country was a means to a future 'stable'[38] masculinity. Another eighteenth century study on domestic masculinity by Karen Harvey has also focused on provisioning as a masculine domestic role.[39] John Tosh described stable support of a household through work as 'the second leg of masculine reputation'[40] in nineteenth-century Britain, while the social retribution visited upon those men and fathers who failed or struggled to provide for their families has been described by Laura King as a key tenet of twentieth-century British male social pressure.[41] Altogether this represents an enduring picture of the pressure and obligation on men within Gaelic and British society to be breadwinner and provide economic stability for their families.

Given this context, when we read Napier witnesses like Alexander Gunn of Inchcape saying, 'I can barely sustain my family; and even I am often compelled to keep my wife and children from what is termed good clothes on account of my rent'[42], we understand that complaints of this type to the Commission were acting out two subtexts. First, these statements were a form of plea for help with fulfilling their masculine social roles feeling

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[37] Ritchie, 'The Private and the Public Man'.
[38] Liesbeth Van Hulle, '*Anns gach gnìomh a nì duine 's mór urram nan gàidheal*: Donnchadh bàn Mac an t-Saoir as the Voice of the Gael's Military Masculinity in the Eighteenth Century', *Journal of Scottish Historical Studies*, 42.1 (2022), p. 22.
[39] Karen Harvey, 'Men Making Home: Masculinity and Domesticity in Eighteenth-Century Briain', *Gender & History,* 21.3 (2009), p. 536.
[40] John Tosh, *Manliness and Masculinities in Nineteenth-Century Britain: Essays on Gender, Family and Empire* (Abingdon: Routledge, 2016 [1993]), p. 37.
[41] Laura King, *Family Men: Fatherhood and Masculinity in Britain, 1914-1960* (Oxford: OUP, 2015), pp. 18-30
[42] Alexander Gunn's statement read by John Sutherland, *NC Evidence*, III, p. 2514.

they were being denied ability to do this by the post-Clearance land settlement. Secondly, it is possible that these comments were an attempt to explain or justify to the Commissioners – who were both outsiders and of a higher social status – why they and their families lived in poverty. They expressed their regret at the struggle for subsistence in an attempt to signal to those they spoke to that they, as men, husbands, and fathers, knew their masculine moral obligations as providers for their family, and knew that they were not living up to them.

Connected to the masculine struggle for subsistence is a notable emotionality and regret in witnesses' descriptions of their daughters and sons leaving the local area to seek work. Not only is the departure of younger people from Sutherland voiced as regrettable in itself, it is also spoken of in a way that might betray a feeling of guilt at such departures. John Mackay, a Railwayman from Rogart, describes the realities of continued outmigration from his community 'every young lad in the parish of Rogart, almost as soon as he attains eighteen or twenty, goes off, because it is better for him. He is starving at home, and there is not subsistence enough to maintain a family of six or seven'.[43] The Established Church minister in Tongue, Thomson Mackay, describes similar circumstances form his position of moral authority: 'in present circumstances I could not conscientiously advise young men to remain in this north country.'[44] Andrew Sutherland describes the tensions caused by young people departing Sutherland for Australia: 'it is much better for those who emigrate to go to Victoria – all those who can better themselves – but it is much worse for those they leave behind.'[45] Norman Nicolson Mackay confirmed to the Commission similarly that the emigration of children, even if they sent money to support their parents from afar, was a 'great hardship.'[46]

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[43] John Mackay, *NC Evidence*, III, p. 2508.
[44] Thomson Mackay, *NC Evidence*, II, p. 1637.
[45] Andrew Sutherland, *NC Evidence*, III, p. 2543.
[46] Norman Nicolson Mackay, *NC Evidence*, II, p. 1719.

It is not hard to imagine the pain felt by Sutherland fathers as they watched their children leave on emigrant ship, train or by foot to go and find work elsewhere. They would have hoped their offspring would one day return to live nearby and raise the next generation on the same or adjacent land, continuing the multigenerational communities discussed in chapter one. Despite this hope, the language and tone of the men speaking to the Napier Commission represent individuals who have been forced to accept that their offspring were not returning. For men burdened with the social responsibility of heading and organising a family, it was likely to have been painful to lose family both personally and socially, in turn undermining their social masculinity as they failed to live up to expected practice. All this, of course, was in addition to losing their sons' and daughters' labour in the home and for farming. The pain of the struggle to fulfil masculine roles in this context is perhaps best summarised in the Napier Commission by a cottar, Kenneth Campbell from Balacladich to the north of Lochinver. He was asked by Charles Fraser-Mackintosh: 'is it a source of regret that you have never been in the position of your father or grandfather?', to which he replied, 'it is with sorrow that I look upon my circumstances henceforward.'[47]

This chapter section has sought to engage with a developing discussion regarding masculinity in the Clearance and Improvement-era Highlands. The performative and socially constructed nature of masculinity meant that it applied a moral responsibility to men, particularly as fathers and husbands within the family unit. As a result, reading masculinities in the commentary made by men to the Napier Commission, the historian is provided with a new angle with which to engage with moral economy. If, as the scholars mentioned above have asserted, society perceived economic subsistence as a masculine obligation, it created a

[47] Charles Fraser-Mackintosh and Kenneth Campbell, *NC Evidence*, II, p. 1734.

moral obligation for them to perform as breadwinner. As a result, circumstances which interrupted men's ability to fulfil these social roles upended the moral economy.

Consideration of food more broadly, and subsistence's relationship to the economy as a whole has shown clearly the shape of moral economy within the Napier Evidence. Extant evidence is filled with powerful language critical of the way in which the subsistence of the people of Sutherland has been systematically deprioritised by estate policy within the memory of those who spoke to the Napier Commissioners. Alongside this anguish manifested in critique of deer forests, we have seen the ways in which the dynamics of Sutherland households were debased by changes in the estate's economic conditions. In resisting, complaining and responding to each of these changes, those who gave evidence to the Napier Commission expressed their moral economy clearly and emotionally.

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CONCLUSION: METHOD AND MEANING

> We feel that it is needless to enlarge upon the many evils which must of necessity have followed this sudden impoverishment of people who had hitherto been in comparative affluence. At one fell swoop progress was for ever made impossible, and everlasting poverty made certain. The struggle for existence became so fierce that the ordinary amenities of life became impossible.[1]
>
> Angus Sutherland
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> *Helmsdale meeting of the Napier Commission, 06 October 1884*

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The papers of the Napier Commission are an extraordinary series of documents. Its invitation to ordinary people to voice their thoughts and feelings to the government on a vast array of issues was a remarkable one, and what is clear from the nature, length, detail and emotion of the testimonies given is that those who spoke to the Commissioners also felt it to be meaningful. While the reception of the report itself was clouded by accusations of untruths and political radicalism, these criticisms largely came from elites for whom amplifying marginalised voices was bound to be unfavourable.[2] The opportunity provided by the Minutes of Evidence of the Napier Commission to the historian is great, with insight from the mouths of ordinary people a welcome counter-narrative to elite descriptions of events and lifestyles in the north of Scotland.

While Lord Napier advocated temperance when considering the testimony of the people he interviewed, and chose to preference 'official' accounts and numerical evidence for his understanding of the practicalities of Sutherland life, he did understand that the soil itself bore one of the greatest testimonies to the Clearances. 'The history of the economical

[1] Angus Sutherland, *NC Evidence*, III, p. 2432.
[2] Cameron, *Land for the People?,* pp. 20-21.

transformation which a great portion of the Highlands and Islands has during the past century undergone', he said in the final Report he submitted to Queen Victoria and the Home Secretary, 'is written in indelible characters on the surface of the soil.'[3] There was no doubt in Lord Napier's mind that the crofters and cottars of the Highlands had been put in an impossible economic situation, with visits to cleared townships when travelling through the Highlands and Islands clearly weighing heavily on him as he wrote his final report.

Figure 12: Sheep grazing over the 'indelible characters' of the cleared settlement of Grumbeg, Strathnaver

Alongside showing the utility of the Napier Evidence for historical study, this thesis has shown the extent to which surveys and studies of spaces and places significant to the narrative of the Clearances illuminate aspects of experience which are not present in written texts. Silences in the archive regarding certain topics can be filled by means available to us

[3] *NC Report*, p. 7.

using bridges across disciplines, and it is this increasing interdisciplinarity in the field of Highland history that has enabled investigations into previously uninterrogated topics.[4] This thesis has used the archaeological evidence in relation to the arguments of various Napier witnesses, as well as drawing conclusions from the soils and stones of Sutherland in their own right. This has allowed, for example, unique understanding of the generational development of kinscapes in chapter one through observations made of a pre-Clearance kailyard.

Further to this aim, local studies have shown themselves to be a particularly useful means by which to deeply engage with interdisciplinary methodologies; by learning to balance the archival and archaeological in a specific and limited way we can come to gain a rich understanding of a particular space, without having to stretch conclusions beyond the horizon. By pursuing understanding limited to the Sutherland estate, we have been afforded understanding of the moral economies present in some of the most well-known spaces in which Clearance took place. There is capacity for this method to be taken forward, with this thesis representing just one-tenth of the meetings of the Napier Commission, to explore other concepts in social and economic histories which may have relevance to the Highland psyche. In using interdisciplinary methodologies in a locality to test the relevance or applicability of a social, historical or archaeological theory, we can eschew accusations of overstatement or generalisation and instead retain accuracy and specificity to the lives and places under discussion.

What this methodological approach has allowed is an insightful discussion of moral economy within Sutherland. What studying moral economies allows us to do is look deeper

[4] Interdisciplinarity between literary sources and archaeology have been similarly advocated for and practiced in Kevin James Grant, '"*Mo Rùn am Fearann*" – "My Love is the Land": Gaelic landscapes of the 18th and 19th centuries' (unpublished doctoral thesis, UofG, 2016).

into why the events of the Clearances and the improvement period were so painful to the people of Sutherland. By understanding the social contract, based upon people's views of the rights and wrongs of the land settlement, we have been able to trace what particular violations offended the people and thus informed their requests of the Commissioners. Furthermore, these moral complaints were being made from a broad cross-section of society, allowing us to gauge how deeply these complaints ran within Sutherland communities. The particular benefit of the moral economy, has shown there was no passivity in understandings of or response to the Clearances. The Sutherland people's moral outrage showed that they understood the way that elite preference for commercialisation and profit had driven their communities into great suffering, and that in seeking selfish benefit their landlord had forsaken them, and their morality.

This is not to say that this source base and methodological approach are without flaws. As acknowledged above, the papers of the Napier Commission are prodigiously male. The image of kinship, labour and subsistence is one defined by the male eye and the male role in society. It is of no doubt that a hypothetical female version of the Napier Minutes of Evidence, filled by women's voices and for women's eyes would describe a different moral economy. What creates additional challenge is that the pool of secondary literature on women in the Highlands is shallow, and in want of expansion. While this thesis has given some thought in chapter three to what the masculine characteristics of these documents can tell us, more work needs to be done to further unpack the nature of patriarchy and masculinity displayed through the Minutes of Evidence, as well as to recover women's voices from the archive. Furthermore, the issue of language is one that needs to be further explored. An opportunity exists for further close reading of the translations in the minutes in the context of Gaelic poetry from this period in attempt to provide insight into turns of phrase and analogies used in Napier. Prevalence of oral satire poetry and the Gaelic oral tradition more generally,

for example, may help to understand how individuals spoke about elites within Napier, or perhaps poetry which describes historic land or agricultural practice can enlighten the historian on the mechanisms with which communities remember land settlements or social systems which existed long before their or their parents' lifetimes. The potential for further research in this field and with these sources is great, and this thesis hopes to make a case for the potential for people-centred, bottom-up, interdisciplinary studies of this kind which hope to write histories of Gaelic society and economy as it was known to ordinary people.

The concept of kinscapes presented in chapter one, moved beyond merely theoretical discussions of kinship, instead using soil and testimony evidence to explore how a kin-informed understanding of the landscape allows us to recognise the physical manifestations of familial relationships alongside memory. This assisted understanding of relationships in Sutherland between ordinary people and elites, showing the extent to which Clearance represented a disruption and transgression against previously understood social norms. The historic economies of exchange between people, tacksmen and chief were recalled to the Napier Commission. People argued that the post-Clearance economy went against pre-existing moral contracts as elites coerced crofters and cottars for profit. Further, we saw how horizontal relationships were central to the maintenance of Sutherland's economic structure with estate intervention into family economic practice as part of Improvement seen as denying families their right to self-determination. In the same way, we saw how the act of Clearance broke ancestral ties, harming spiritual and economic connections to the land through which ancestors had invested to provide economic security for their descendants. Similarly, insecurity of tenure created challenges for people who sought to recreate those bonds for future generations on post-Clearance crofts. Together this chapter recognised that the land settlement was morally connected to kin and family groups, and changes through the nineteenth century represented disjuncture within the moral economy of the land.

Sutherland's labour economy, as discussed in chapter two, is a frequent topic in the Napier Minutes. By understanding the impact the Clearances had on labour by changing people's workplaces, we have been able to recognise the perpetuated violence exacted on cleared Gaels long after the initial clearance. Poor and vulnerable infield, with limited and difficult access to upland pasture yielded workplaces which themselves were hostile to their own workers. People felt they were not being afforded the opportunity to work on the land to the extent they wanted thus increasing the coercive power over the estate over them, who had contracted the supply of land work by limiting access to land. In the same way, people saw their yearning for labour as part of their yearning for self-sufficiency. As agrarian workers, they felt that by denying them sufficient labour on the land they were being denied their moral right to provide for themselves, instead being forced into starvation or reliance on grain imports. Further, through requests for the fruits of their own labour to be retained in renumeration for improvements, we witness a Sutherland people wise to improprieties within the labour economy and hopeful of reform or protection as a consequence of the Napier Commission.

A focus on subsistence in chapter three indicated how food hunger was tied closely to land hunger. Community anger was palpable in complaints that the decline of the wool and mutton industries did not see land returned to its rightful and ancestral owners who were struggling to make ends meet, but instead land was prioritised for the casual sporting pursuits of an outside aristocratic class. This disregard for restoring land to ordinary people left many feeling dejected and angry, and saw the re-opening of wounds created by the initial clearance in which people were told their subsistence, and thus survival, was less valuable to the estate than the profit potential of the land. Additionally, we have seen how the social pressure on men to be the breadwinner and provider for their family was voiced to the Commissioners. Men shared pain and discomfort that they were unable to provide for their families as their

fathers and grandfathers had provided for them. Their learned moral obligation to offer their family economic safety and security was left beyond their reach by the Clearances and improvement process and despite significant effort men were left acknowledging their failure to the visiting Napier Commission.

By considering the moral presuppositions which underpinned the Sutherland economy, this thesis has been able to argue that ordinary Gaelic people were not merely motivated by personal desire in the changes and restitutions they hoped for from the Napier Commission, but that they saw a range of serious moral mistreatments in their day-to-day lives. In the same way, this study has shown that different moralities motivated divergent desires for economic design between people and the estate across nineteenth-century Sutherland. On morality, Norman Nicolson Mackay said to the Napier Commissioners 'our people are very moral. This county stands, I think, about the highest in Scotland in that respect.'[5] His statement was intended to indicate the strong character that he felt was present locally, something the Napier evidence clearly attests to. The Sutherland people saw they were being treated within the Highland economic and land system as a marginalised footnote, but the strength of feeling exhibited to the six Commissioners when they visited Sutherland's shores showed that they were not happy or ready for this to be a perpetual circumstance. Instead, they used language of injustice to showcase the morals they believed should have underpinned governance and economy in Sutherland.

What this type of study allows is a focus on ordinary voices. Instead of relying on papers of radicals and their opponents, or of the caricatures painted by elites from cities, or of the dismissive writings of factors and landlords blinded by distaste for Gaelic cultural practices and work types, the Napier Commission and archaeological surveys of people's

[5] Norman Nicolson Mackay, *NC Evidence*, II, p. 1719.

former homes inform us of opinions held across Sutherland. While being careful not to generalise testimony, what this study has enabled is a detailed consideration of the moralities which drove the desires and distastes of the people who experienced the Clearances. John Prebble's pioneering history of the Clearances incisively and poignantly described the place of people in its legacy in his adage 'the hills are still empty'.[6] Our histories and archaeologies must not be.

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[6] John Prebble, *The Highland Clearances* (London: Penguin, 1963), p. 8.

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