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## A common claim: community land ownership in the Outer Hebrides, Scotland

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**Abstract:** Working with Foucault's and Butler's theorisation of the norm and the political possibilities that may be created when norms are disrupted and Foucault's and Gibson-Graham's work on ethics and subjectivities, this paper focuses on practices of property and nature when land in the Outer Hebrides is brought into community ownership. I argue that, while it is early to assess new political possibilities, there is sufficient evidence to show how a troubling of neoliberal norms of privatisation and enclosure through community land ownership provides a moment where a counterdiscourse is constituted. This counter narrative, centred on a collective subjectivity, opens up the possibility of more socially just and sustainable futures.

**Keywords:** Community land ownership, counter narratives, nature, norms, property, renewable energy, Scotland

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## I. Introduction

A ballot of the 117 adult residents in the three crofting estates<sup>1</sup> of Luskenyire, Borve and Scaristavore on the west side of the Isle of Harris, Outer Hebrides, in October 2008, gave ‘overwhelming’ support to the West Harris Crofting Trust to take forward the community’s bid to purchase the 6000 acres of land currently held by the Scottish Ministers (*West Highland Free Press [WHFP]*, 10 October 2008: 2).<sup>2</sup> With a vote of 77% in favour – 94% of those eligible cast a vote – the crofting trust received ‘the largest mandate yet to be secured by any community buyout in Scotland’ (*ibid.*), making it the most recent of a growing number of communities in the Highlands and Islands that have acted to reverse historical processes of enclosure and privatisation through community land purchase. Such has been the response to the unprecedented actions of the Assynt crofters of northwest Sutherland who, in 1993, purchased the North Lochinver Estate and brought it into community ownership (MacAskill 1999; Chenevix-Trench and Philip 2001; Mackenzie et al. 2004) and the Land Reform (Scotland) Act 2003 in which community land ownership is central, that, in the Outer Hebrides, over half the land is now registered in community trusts and over two-thirds of the population lives on community-owned estates (*WHFP*, 19 January 2007: 1). On the Isle of Harris itself, providing that the proposed purchase by the West Harris Crofting Trust is successful, only land in the south and east will lie outwith community control (Mackenzie 2006a,b). This move to collective ownership places Scotland at the ‘cusp’, globally, of what John Bryden and Charles Geisler (2007) have dubbed ‘third wave’ or ‘community-centric’ land reform.

While on each occasion the purchase of land by a community has been celebrated as an historic event, with many present able to recall their forebears’ and sometimes their own experiences of injustice at the hands of, frequently, absentee owners and the latter’s trading of the land in the global property market (see Wightman 1996), the land owning community trusts face the formidable contemporary task of turning around a pattern of declining population, marked by high rates of youth outmigration, limited employment opportunities and cultural erosion. A recent study commissioned by the Comhairle nan Eilean Siar/Western Isles Council provides well-substantiated evidence of the exigencies the islands confront (Hallaitken 2007). But feasibility studies to assess the economic viability of community land ownership, required if a community is to access public funds

<sup>1</sup> Crofting, as a form of land tenure, dates from *circa* 1800. A crofter, as tenant, rents a small piece of land, the in-bye land, for individual use from the landowner, and holds use rights in common to, frequently, large areas of common grazing (Hunter 1976). Subsequent to the Crofters Holdings (Scotland) Act 1886, crofters have had, among other things, security of tenure. Returns from the croft, as Hunter (1976, 3) points out, ‘usually meet only a part of [a crofting family’s] needs’ and thus additional sources of income are necessary to achieve an acceptable standard of living.

<sup>2</sup> The three estates involved in the proposed buy-out were resettled by the Government in the 1930s and 1940s. There are currently 52 crofting tenants, with a total population of 117 (CIB Services 2008, 2).

for the purchase of an estate, have repeatedly drawn attention to the economic, social, cultural and environmental opportunities or ‘openings’ that may be created through local, collective, land ownership. That prepared for the West Harris Crofting Trust is no exception. As an example, the study identifies the provision of affordable housing, a measure that could help to reverse the trend of outmigration of youth and the growing proportion of holiday homes which price houses out of the reach of local people (CIB Services 2008, 23). A second example concerns the potential of diversifying crofting activities – encouraging horticulture on the fertile machair, promoting the sale of sheep’s wool for house insulation, creating stock clubs to manage the common grazings, and planting trees (*ibid.*: 24). A third acknowledges the beauty of the land and its ecological value<sup>3</sup> and considers the potential for ‘sensitive tourism developments’ (*ibid.*: 23). As a fourth, the study suggests the development of a small hydro scheme, income from which could provide core funding for managing the estate and money for promoting developments such as housing (*ibid.*: 26). All examples require collective action for their realisation.

What makes the West Harris proposal to purchase the land and manage it collectively – and the other community buy-outs in the Outer Hebrides and elsewhere in the Highlands and Islands – of such significance is thus not simply the reversal of centuries of private, and until recently feudal, ownership. Obviously, any challenge to the constitution of class and the extraordinarily skewed distribution of land in Scotland (Callander 1998; Wightman 1996, 1999) is of substantial material importance. But at the same time that this re-making of a land to which there is historically-deep common claim (Hunter 1976; Devine 1994) in the name of collective rights disturbs norms of privatisation and enclosure, it also opens the land to new imaginings, to a different ‘politics of the possible’ (Moore et al. 2003, 42). My aim in this paper is to show that it is precisely through the disruption of those norms of property – of privatisation and enclosure – which lie at the core of the neoliberal agenda (Mansfield 2007) that the potential for a more socially just and sustainable politics is constituted. This politics centres on the re-making of a common claim to the land by keeping open to continuous resignification the meanings and practices of land and community.<sup>4</sup>

Michel Foucault’s (1979, 1985, 2007) theorisation of the norm and Judith Butler’s (2004) re-working of the norm with respect to the politics of gender provide one point of entry into the line of argument. Foucault’s (1985) thinking about ethics and J. K. Gibson-Graham’s (2003, 2006) research into processes of subjectivation or practices of the self provide the second. Both have to do with the creation of ‘a politics of possibility’ (Gibson-Graham 2006, xiv).

<sup>3</sup> The whole area is part of the South Lewis, Harris and North Uist National Scenic Area; the Lusken-tyre Banks and Saltings are designated as a Site of Special Scientific Interest (SSSI). An SSSI is so designated on account of their special value ‘for their plants, animals, habitat, geology, geomorphology, or combinations’ (Warren 2002, 186).

<sup>4</sup> This argument is developed more fully in a forthcoming book.

In 'What is Critique?', Foucault (2007, 66) writes about power that, rather than understanding power 'as domination, as mastery, as a fundamental given', it is necessary 'to think about it in such a way as to see how it is associated with a domain of possibility and consequently, of reversibility, of possible reversal'. Reversibility and a politics of new possibilities, to follow his line of argument, depend on unsettling 'the acceptability of a system' (Foucault 2007, 61), of 'rattl[ing]' the norms through which a system is constituted, 'display[ing] their instability, and ... open[ing them] to resignification' (Butler 2004, 27–28). Butler (2004, 28) traces these ideas in the context of the struggle over gender and what counts as human, over 'who will count as a viable subject within the sphere of politics'. 'How do drag, butch, femme, transgender, transsexual persons enter into the political field?', she asks (*ibid.*: 29). 'They make us question what is real, and what "must" be', she responds, 'but they also show us how the norms that govern contemporary notions of reality can be questioned and how new modes of reality can be instituted' (*ibid.*).

Gibson-Graham (2006, xx, xxii) take the idea of 'the political value of interruption' to 'queer' capitalism, directly to challenge the norms through which capitalism is repeatedly re-made and to re-think what is possible. In order to disrupt norms which limit what is imaginable, the authors focus on both a re-thinking of what counts as 'the economy' – 'a less capitalocentric, more inclusive, more differentiated language of economy' (*ibid.*: 2) – and on the idea of 'resubjectivation'. Resubjectivation, or what Foucault (1985, 28) refers to as 'modes of subjectivation' and 'practices of the self that support them' in his discussion of ethics, has to do with instituting 'new senses of self' (Gibson-Graham 2006, xxv) as people reposition themselves with reference to 'dominant discourses' and how, in turn, 'this influences their relationship to the possibility of identification with alternative discourses' (*ibid.*: 143). This process, Gibson-Graham (*ibid.*: 6) write, provides 'an important entry point for effecting changes in thinking and being in the world'. Their thesis is that 'the awakening of a communal subjectivity', together with 'a faint but discernible yearning for a communal (non-capitalist) economy', is central to the construction of a counterhegemonic politics (*ibid.*: 158).

The practice of crofting in the Outer Hebrides, however differentiated from historical land use practices, has at a minimum ensured the continuous re-working of a collective ethic vis à vis the land (Hunter 1976, 1991; Brown 2007). Thus, in pursuing the line of argument and theorisation identified above, I am concerned to examine not 'the awakening' of a collective subjectivity, but the re-working of an historically deep subjectivity that is now reconstituted through community land ownership. I show how this re-invention of a community subjectivity both disrupts processes of privatisation and enclosure – 'normative insistence[s]' (Massey 2000: 283) of neoliberal globalisation – and opens up the meanings of the land to new possibilities. This new politics relies on a resubjectivation of 'community'.

Case studies drawn from the Outer Hebrides provide the evidence to examine, first, the re-storying of the land in terms of property as land is brought into

community ownership and, second, how the renarrativisation of the land is bound up with the building of a community subjectivity with respect to the economy, the practice of crofting, and 'nature'. With respect to the economy, the focus is on community-led wind farms, owing to the potential of this sector to reverse the economic fortunes of the islands. In examining crofting, discussion centres on two key concerns identified by the recent Committee of Inquiry on Crofting, namely, the growing free market in crofting tenancies and the issue of affordable housing. Finally, I consider how the re-working of nature contributes to the new political possibilities of community land ownership.<sup>5</sup>

## 2. Land/territory

In this part of the paper, I explore how community ownership opens up the meanings of the land and community in such a way that the political possibilities for disrupting ongoing processes of dispossession are created. Land, as with other forms of property to which Nicholas Blomley (2003, 122) refers, is not 'a static, pre-given entity'; it is always in process, always 'doing'. It 'relies upon enactments that are both practical and discursive' (Blomley 2004, 50). Its performance is thus bound up with people's everyday practices of managing or working the land and the narratives through which people re-constitute their individual and collective subject positions with community ownership. As I show, and as Katrina Brown (2007) has demonstrated in the context of crofting common grazings, the re-working of subject positions may at times be controversial.

In contrast to the more recent (2007) experiences of the Galson Estate Trust/Urras Oighreachd Ghabhsainn which I discuss later, the North Harris Trust's/Urras Ceann a 'Thuath na Hearadh's decision to purchase the land of the North Harris Estate in early 2003 proceeded in a non-confrontational manner. But, while that decision was taken prior to the passage of the Land Reform Act 2003, it nevertheless took place in the context of community consultation of the draft Land Reform Bill and in the knowledge that community rights, and specifically

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<sup>5</sup> Methodologically, the paper draws on extended ethnographic field work carried out on the Isle of Harris. While I have been involved in research on the island since 1995, the research on which this paper is based dates from 2002 when the North Harris Estate was placed on the market. This research, whose terms have been negotiated with the North Harris Trust, includes participation in Trust and community meetings and interviews with Trust directors, employees of the Trust and members of the Trust. Research has also included participation in such events as the annual gathering of the Scottish Crofting Foundation and community workshops set up by Community Energy Scotland, and interviews with Scottish Natural Heritage and the John Muir Trust, an environmental non-governmental organisation actively involved with the Trust. I have further engaged in the analysis of documents such as those produced for the purpose of applying for planning permission for wind farms, submitted to Comhairle nan Eilean Siar/ the Western Isles Council, by communities and corporations, policy statements produced by Scottish Natural Heritage and articles and letters to the editor of two local newspapers, *The Stornoway Gazette* and *The West Highland Free Press*. Congruent with the theoretical approach identified in the paper, I have employed Foucauldian discourse analysis as a critical research method (for example, see Waitt 2005).

crofting community rights, to land were central to the proposed legislation. If nothing else, the proposed legislation provided the legitimating legal discourse within which negotiations took place.

From all accounts, the relationship between the North Harris Trust, instituted as a company limited by guarantee to take forward the community's decision to bid for the land, and the seller, Jonathan Bulmer, who placed the 55,000 acre estate on the market in April 2002, was cordial. It is widely acknowledged that, on his instruction, his sales agents, Knight Frank, allowed time for a subsequent second bid for the land when the first failed – owing to the community's decision to exclude from the offer of purchase the castle of Amhuinnsuidhe and the seller's insistence that the sale must include both land and castle, even if each was the subject of a legally separate bid (Mackenzie 2006a; Hunter 2007).<sup>6</sup>

In retrospect, the decision of the residents of the North Harris Estate to excise the castle from the land of the estate may be seen as a defining moment in the re-constitution of the community and the re-working of the meanings of the land. The critical question, as I have discussed elsewhere (Mackenzie 2006a), was framed locally in terms of metaphor: was the castle of Amhuinnsuidhe 'the jewel in the crown', as some insisted, or 'the thorn in the side', as others proffered? To proceed with an offer on the basis of separating the castle from the land, as the community decided at a meeting on 9 September 2002 following the release of the feasibility study (Graeme Scott and Co. 2002), made visible the challenge to a class-informed configuration of the estate (Mackenzie 2006a). Legally, it removed the class-based distinction between the private owner of the land and the crofting tenants and other residents. In the process, categories of ownership shifted. Rather than a simple reversal whereby crofters who had worked the land as tenants now became owners, they remained tenants of the land under crofting tenure (20,000 acres), as stipulated under the terms of crofting legislation, but now simultaneously occupied the potentially contradictory category of owner of the entire 55,000 acre estate (MacAskill 2004). Further complicating this relationship between crofter as tenant and owner of the land was the definition of a 'crofting community' in whose name ownership was to be legally vested.

As in the case of the later purchase of the South Uist Estate by Storax Uibhist in 2006 and of the Galson Estate in 2007, in line with land reform legislation, and required as a condition for financial support from such public bodies as the Scottish Land Fund and the Community Land Unit of Highlands and Islands Enterprise, a crofting community was defined in terms of place rather than interest. Thus, for example, the bye-laws of the North Harris Trust make clear that all residents of the estate aged 18 or over (in the case of Galson and South Uist the age requirement is 16 or over) are eligible to be members, whether they are crofters or not. Residency requires that a person resides on the estate for a minimum of nine months a year, exceptions being allowed only for those in full time occupation outwith

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<sup>6</sup> Following a ballot indicating strong community support, the adjacent Loch Seaforth Estate of 7500 acres was added to the North Harris Estate in February 2006, bringing the total estate to 62,500 acres.

the estate or employed in the armed forces or the merchant navy. Crofters who actively work their land and are registered with the Crofters' Commission but who live elsewhere are also eligible to be members. The significance of this definition of community through the rules of membership has to do with opening up rights to the land to those who had previously lacked such rights, the re-definition of crofters' rights such that they were both tenants of the estate (as they were prior to community ownership and insofar as this concerned the land under crofting tenure) and owners of the entire estate (together with non-crofters), and excludes those whose only claim to locality is as owners of holiday homes. At the same time, then, that there was a reversal of the norms of private ownership, there was what Butler (2004, 216) in a very different context has called a questioning of the 'coherence of categories'. Fixed notions of property are destabilised and new claims are actualised 'through overlap, layering, and movement' (Blomley 2004, 155).

As a further indicator of the dismantling of fixed boundaries of ownership and belonging, it is important to recognise the contribution that the community trusts' structure of governance makes to the re-working of a collective subjectivity. As required by the land reform legislation, community trusts are constituted as companies limited by guarantee, with bye-laws which stipulate that elections of directors must be held on an annual basis. In the case of the North Harris Trust, the nine directors, representing six geographically defined constituencies, are re-elected or replaced every three years, three directors having to stand for re-election, on a rotational basis, every year. Five directors are elected from crofting townships and four from Tairbeart, the largest settlement in North Harris. While crofters continue to hold the majority of directorships, this does not mean that there is 'one voice' heard at the meetings. Crofters may be differentiated along several social axes including age, gender, 'localness', 'social standing' and 'religious status', as Sharon Macdonald's (1997) research on the Isle of Skye demonstrates.

What this means in the context of the argument I am making here is that the structure of governance of the community trusts, together with membership practices, provides a site where 'community' may be re-worked. The community trusts provide a place where the meanings of the land, the central marker of identity in the Highlands and Islands (Hunter 1976, 1991; Devine 1994; Hutchinson 2003; Mackenzie 2006a), are re-negotiated. Historically-resonant collective rights, *dùthchas* – literally, an inherited and inalienable right (Devine 1994, 11) – are re-cast through the rules of membership and legal structure of the land owning body as both 'inherited and evolving' (Nash 2002, 39) and any essentialising configurations of belonging may thereby be disturbed. Through membership in community trusts and the re-establishment of rights in common to the land, the possibility for people to re-work their individual and collective subjectivities is created. No immobile history is conjured through this claim to a collective right. The right is shown to be contingent, its meanings opened up or mobilised through a community trust.

One example of how deeply immersed in conflict a claim to the land can be, in this case due to division among the members of the land owning trust, is found in the case of Storás Uibhist (for example, *WHFP*, 4 May 2007: 3). Here, the creation of a collective subjectivity and of a community economy is far from being a foregone conclusion. Since the inception of Storás, both have been the subject of ongoing and acrimonious dispute. Nowhere is this clearer than in the confrontations between the grazings committee and the trust's leadership over the golf course at Askernish. Considered by John Garrity of *Sports Illustrated*, a leading sports writer, as 'the finest in the world', the golf course was originally designed by nineteenth century 'golf pioneer' 'Old' Tom Morris (*WHFP*, 6 July 2007: 3). Viewed by the leadership of the community trust as vitally significant to the local economy (*WHFP*, 29 August 2008: 23), its planned expansion from a nine to an 18 hole course onto land to which crofters hold grazing rights pitted the majority of the membership of the grazings committee against the leadership.<sup>7</sup> The latter argued that the expansion had been agreed by the previous owners of the estate; the former requested that work on the extension be stopped until an agreement on their grazing rights to the machair had been settled. On account of the continuation of the extension and the opening of the expanded course on 22 August 2008, the grazings committee took their case to the Scottish Land Court. To the relief of both sides, a negotiated agreement was finally reached in May 2009, just before the case was to be heard by the court (*WHFP*, 15 May 2009: 1, 3).

A further example of how contentious the exercise of a common claim to the land can be and how the meaning of 'community' and a collective subjectivity is constantly negotiated is demonstrated by the experience of the Galson Estate Trust's purchase of the 52,000 acre Galson Estate. In this case, in September 2004, by which time the trust had been incorporated as a company limited by guarantee in order to progress the community's wish to purchase the land, the owners, the Graham and MacRae families, had not placed the estate on the market. With substantial community backing – a ballot showed 85% to be in favour, 72% of those eligible voting – the community had decided to apply to the Scottish Ministers to buy the land under the provisions of Part 3 of the Land Reform Act (Urras 2008, 1), in other words as a 'hostile' bid. In so doing, Galson became the first community trust to apply to use the legislation in this way (Urras Oighreachd Ghabhsainn/Galson Estate Trust 2008). The earlier words of Tory list Member of the Scottish Parliament for the Highlands and Islands, Jamie McGrigor, at the time when the possibility of community purchase was first mooted, captured the climate of opposition to just such a move. In an interview, he likened the proposed buy-out to what was happening

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<sup>7</sup> Of 11 shareholders, 7 opposed the extension to the golf course (Information provided by the Grazings Clerk, 9 October 2008, on the occasion of a visit to Askernish for members of the Scottish Crofting Foundation at the end of its annual gathering. The author was present at the event).

in Zimbabwe and referred to the then Land Reform Bill as having ‘communist tendencies’ (cited in Watson 2002).

Fuelling the conflict was the agreement between the owners of the Galson Estate and AMEC, which corporation, together with British Energy, was behind Lewis Wind Power and the proposal to build a 234-turbine wind farm on land belonging to three estates – Galson in the north, Barvas in the south and west, and the Stornoway Trust land (already in community ownership [Hutchinson 2003]) in the south and east. This agreement had been reached without prior consultation with the community (*WHFP*, 10 September 2004: 2). Were this initiative to go ahead, the Galson Trust believed that their options to purchase the land would be materially compromised, not least because of the expected substantial increase in the purchase value of the estate (*Stornoway Gazette* 23 June 2005: 3). By June 2005, such was the strength of feeling – expressed in a ballot showing that 83% of residents opposed the wind farm – that the community decided to have no further dealings with Lewis Wind Power (*ibid.*). It was only following this breakdown in communication, and the application to the Scottish Ministers to purchase the common grazings, that the land owners entered into negotiations with the community trust for the sale of the land. A so-called ‘amicable’ settlement was reached, as part of which the landlords were to receive 17.5% of what they would have received had they remained owners, if the scheme proposed by Lewis Wind Power were to go ahead (*WHFP*, 19 January 2007: 7). The estate came into community ownership on 12 January 2007.<sup>8</sup>

### 3. Building a community subjectivity I. An economy

Re-storying the land through community ownership and building a community subjectivity by re-working the meanings of the land disturb the norms of a capitalocentric imaginary that depends on practices of privatisation and enclosure. Re-establishing rights in common to property is thus, as James McCarthy (2005) has argued, counterhegemonic. But while land ownership in and of itself has certainly been pronounced as sufficient in measuring the success of the land reform movement by those with a sense of the righting of historical wrongs or of contemporary social justice, there is also an acute and widespread awareness of the need to reverse current economic trends which have led to ongoing outmigration, particularly of youth on completion of secondary education, limited possibilities for (particularly) skilled employment, and the erosion of cultural distinctiveness, including the everyday use of Gaelic in the Outer Hebrides. For these reasons, reversing current norms through building more community-centric economies is integral to the aspirations of all community trusts.

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<sup>8</sup> This is the date when the New Year used to be celebrated in the islands (Agnes Rennie, Vice-Chair of the Galson Trust, cited in the *WHFP*, 22 December 2006: 11). The Galson Trust has now (2009) received planning permission for its own 3-turbine wind farm.

Working with renewable sources of energy, particularly the wind, is recognised by each community trust as a key means of turning the tide of the islands' economic fortunes and of building 'different (non-capitalist) economic possibilities' (Gibson-Graham 2006, 127). And, at the moment, with the exception of a proposal by Scottish and Southern Energy for a wind farm in South Lewis,<sup>9</sup> the initiative lies at the level of these individual communities. In April 2008, the Scottish Government rejected Lewis Wind Power's proposal for a 234-turbine wind farm on the grounds that the location of the wind farm on Barvas Moor, North Lewis – a site with multiple European environmental protection designations<sup>10</sup> – would contravene European law (*The Herald*, 21 April 2008). Following a public local inquiry, the Government's decision with respect to Beinn Mhor Power on the Eisgen Estate, South Lewis, owned by an individual, Nicholas Oppenheim, for a wind farm with 39 turbines, is still awaited (*WHFP*, 24 July 2009: 9). Both projects had been supported by the Comhairle nan Eilean Siar/Western Isles Council despite substantial local opposition, particularly pronounced in the case of Lewis Wind Power (over 80% of those in the affected communities voting against the proposal), evidence that a capitalocentric imaginary – and a 'big bang' approach<sup>11</sup> to resolving the islands' economic woes – continues to be in play. As had been the case of the Comhairle's deliberations about a proposed superquarry at Lingerbay, South Harris, ten years earlier (Cowell and Owens 1998; Mackenzie 1998), the two large-scale proposals for wind farms on Lewis had drawn on a discursive repertoire that, centrally, pitted jobs against the environment, and, in this case, also drew on the legitimating discourses of the threat of global warming, 'national' renewable energy targets, and a commitment to the Kyoto Protocol (Mackenzie 2006b).

In opposing these two large-scale projects on Lewis, community trusts in the Outer Hebrides are not simply part of a broadly-based social movement which opposes the industrialisation of rural spaces by large-scale corporate interests (see Woods 2003) or, in the case of Eisgen, those of a wealthy individual. Their objective is not to 'protect the "unspoiled" views and "tranquility" of the post-productive countryside as a new common' (van der Horst and Vermeylen 2008, 13). Rather, they aim to create a new commons, an energy commons, which can be managed to further the collective interest. Each crofting community trading company expects to appropriate the surplus communally, in a manner that parallels in several respects the operations of the Mondragón 'community economy' in the

<sup>9</sup> The majority of residents (104 of the 162 who responded to a survey carried out by the local community council) of Paicr, Isle of Lewis, opposed the 57-turbine wind farm proposed by Scottish and Southern Energy. Reasons given for the opposition included the lack of information about community benefits and no pledge to draw on local labour in the planning application (*WHFP*, 7 September 2007: 15).

<sup>10</sup> Barvas Moor, which includes the Lewis Peatlands, is subject to an EU Bird Directive and an EU Habitats Directive.

<sup>11</sup> The phrase was used by former Member of Parliament for the Western Isles, Calum MacDonald (2005, 13), in reference to the two projects.

Basque country, Spain (Gibson-Graham 2006, 124), and to distribute it to build a more sustainable and socially just future. The process of working the wind to build a community economy is still in its early stages. At present, the North Harris Trading Company is unique in having received planning permission for a three-turbine wind farm at Monan, a site close to a small working quarry and the main road that leads north to Lewis and in having secured an agreement with Scottish and Southern Energy to sell electricity to the national grid. For these reasons and because it demonstrates something of the controversies in which the 'becoming' of an energy commons can become entangled, it is the subject of analysis in this section of the paper.<sup>12</sup>

With strong community support (over 90% of those surveyed were in favour), the North Harris Trading Company lodged its application for a small-scale wind farm with the Comhairle in May 2006. As a wholly owned subsidiary of a community trust that owned the land on which the wind farm was to be built, there was congruence between the (new) property regime and a proposal to work a new energy commons (see Mackenzie 2006b; van der Horst and Vermeylen 2008). Thus, the application did not have to deal with the renegotiation of property rights as, for example, had been the case with Lewis Wind Power. But, as deliberations of the Comhairle's Environmental Services Committee which was considering the case of the wind farm in North Harris in March 2007 showed, the proposal was up against another means of effecting enclosure, through regulation (see van der Horst and Vermeylen 2008, 12), in this case of 'nature' (Mackenzie 2009).

Scottish Natural Heritage, the statutory conservation authority in Scotland, registered an objection to the proposed wind farm on two grounds. The first, withdrawn once the trading company had provided further information in the form of an Ornithological Survey and Assessment Report (North Harris Trust 2006), concerned the possible adverse affect on golden eagles, 'the qualifying interest' for the Special Protection Area located near, but not including, the site of the proposed wind farm. The second, and sustained, objection was raised on the grounds of 'visual amenity' (letter from D. MacLennan, SNH Area Manager for the Western Isles and Rum, to the Comhairle, 12 December 2006).<sup>13</sup> In this regard, the site at Monan had the misfortune not only of being located within the South Lewis, Isle of Harris and North Uist National Scenic Area, but within sight of An Cliseam, the highest hill in the Outer Hebrides, itself 'regulated' by several environmental protection designations of national, UK and EU provenance. The proposed location was also 'on the southern periphery of an area of search for wild land' (letter from D. MacLennan to the Comhairle, 1 November 2006). Owing to this sustained objection on the basis of landscape and visual impact, the

<sup>12</sup> Proposals by the Galson Estate Trust, communities of Point, Tolsta and Shawbost on the Isle of Lewis and Storás Uibhist received planning permission from the Comhairle in mid-2009 but at present lack a means of selling electricity to the grid.

<sup>13</sup> The letters cited here are located in the planning documents pertaining to the North Harris Trust's application for a wind farm at Monan held by the Comhairle.

Comhairle was legally required to refer the matter to the Scottish Government. Following a delay caused by elections in May 2007, the new Government called a public local enquiry.

Following weeks of vocal criticism of Scottish Natural Heritage, that body withdrew its objection in September 2007,

having taken due account of the strong support from the local community and Comhairle nan Eilean Siar; the potential socio-economic benefits that this proposal could bring to the local community; and the role this proposal could play in sustaining a viable community in Harris (letter dated 5 September 2007, to government officials, cited in *The WHFP*, 14 September 2007: 3).

This move then paved the way for the Government to reverse its decision to require an inquiry. The Comhairle gave planning permission in February 2008, since which time the trading company has been involved in fund raising to supplement the significant award from the Big Lottery (£900,000) for the purchase of the turbines and in ongoing negotiations with a prospective supplier. Here, the company faces the ongoing challenges of finding a supplier confident that their turbines will perform reliably at a site known for its turbulence (it is surrounded by hills) and in a market where demand for turbines is such that small-scale initiatives are out-‘classed’ by mega-projects that demand both more and bigger turbines.

It is in this context that the work of Community Energy Scotland (formerly the Highlands and Islands Community Energy Company [HICEC]) is so significant. Speaking of the company’s work, Alistair Macleod, the North Harris Trust’s development manager, is quoted as saying that, ‘it would have been almost impossible for us to get to this stage without HICEC’ (Russell 2008, 11). He continued, ‘what they have done over the last three or four years is to give us a lot of financial help for the risk part of the work – the various landscaping, ornithological and civil engineering studies we had to carry out. They also gave us a huge amount of officer help’ (*ibid.*). The assistance has included a data base which helps communities to carry out the preparatory studies needed in applications for planning permission and expertise in procuring turbines (*ibid.*). It has also involved supporting the networking of communities in the process of establishing a wind farm through workshops to which community members are invited. One example is provided by the North Harris Trust’s hosting a conference entitled, *Community Energy: leading from the Edge*, in April 2006. Its objective was both to promote informed discussion about different forms of renewable energy and to foster the sharing of experience among community members. In the case of North Harris, the trading company has consulted on an ongoing basis with similar proposals in Papa Westray (Shetland), Melness, and Tiree. More recently, on the basis of its experience, the North Harris Trading Company has been consulted by those taking forward applications for community-owned wind farms elsewhere in the Outer Hebrides – Galson, Point, Tolsta and Shawbost in Lewis and Storas Uibhist.

Several points may be drawn from the experience of the North Harris Trust with respect to the argument in this part of the paper. First, as was the case with the proposals of Lewis Wind Power and Beinn Mhor Power, the building of a community economy through the generation of renewable energy from the wind is about the working of a commons and the production of a commodity, electricity, for sale to the national grid. But by allying themselves with a collective rather than corporate or individual ethic, the North Harris Trust and other community trusts disrupt the norms of processes of commodification, ensuring that surplus would be distributed not to globally dispersed shareholders or an individual's bank accounts but according to the priorities of a community-owned trust. In this sense, whereas corporate working of the wind has the potential to subvert a community's aspirations of land ownership, as the Galson Estate Trust feared at one point, by creating a new commons, a community owned and managed wind farm serves to re-enforce rights held in common to the land.

Second, as part of this process, through their own practices and through the relationships built up with other communities, the land-owning trusts re-position themselves with respect to the economy. In Gibson-Graham's (2006, 158) words, they re-create 'a communal subjectivity'. The words of David Cameron, Chair of the North Harris Trading Company, spoken with respect to the proposal for a wind farm at Monan, capture precisely what this means: 'We could have gone with something much larger and lost control ..., but here the community retains control. The big thing is that we can do something [with the money from selling electricity to the grid]' ... (interview with author, 20 June 2005). On an island which has seen the collapse of fish stocks and the vagaries of employment in the Norwegian-dominated fish farming business, the drop in the price of lamb, and the growing number of holiday homes which are pricing local housing out of reach of, particularly, youth, the realisation of measures which have the potential to build local collective capacity, a community economy, are part and parcel of 'the becoming of ethical communal subjects' (Gibson-Graham 2006, 125).

#### 4. Building a community subjectivity 2. Crofting

Historically, in the Highlands and Islands, crofting has provided the discursive space through which a communal subjectivity has been negotiated. Forged historically through resistance to the Clearances of the eighteenth and nineteenth centuries (Hunter 1976; Devine 1994), crofting relies on the everyday working of a strong, collective bond to the land. Whether through the management of common grazings for the pasturing of sheep and occasionally cattle, the gathering, dipping and shearing of sheep, or the more recent pooling of machinery for cultivating the land, as examples, crofting's everyday practices have provided and continue to provide the grist for the daily re-working of a collective subjectivity and the means through which people, at least in part, position themselves in 'a diverse economy' where economic practice is not solely defined through the market (Gibson-Graham 2006, 59–68).

It is on the basis of such practices that Jim Hunter (1991, 20), in *The Claim of Crofting*, argues that, far from being an anachronism from a by-gone era, crofting 'has a great deal to offer' to a contemporary rethinking of rural livelihoods. In addition to fostering a diversified rural economy, it contributes to population retention through occupational pluralism, it ensures the maintenance of a highly valued natural heritage – including the management of biodiversity through the practice of non-intensive, low input agriculture – and it supports the distinctive cultural heritage of the Gaidhealtachd.

For many in the Highlands and Islands, the practice of crofting, together with a collective claim to the land, has come under threat from the growing free market in croft tenancies, a move endorsed by the Crofting Reform Bill introduced by the then Scottish Executive in 2006 and eventually substantially reduced in scope on account of the vehement opposition of the many crofters who recognised the implications of a free market for the future of crofting. Reflecting on the contents of this proposed legislation, the editor of the *West Highland Free Press (WHFP)*, 16 May 2008: 13) commented that, 'It is difficult to overstate how far the pendulum has swung ... within the past 18 months', a period which has seen the 'destructive intent' of this prospective piece of legislation give way 'to the proposals of the Shucksmith Report'. 'The descent towards the death of crofting tenure through regulatory neglect and insidious undermining is at an end', proclaimed the Editor (*ibid.*). 'Instead, the value of the system has been reasserted' (*ibid.*).

The Committee of Inquiry on Crofting which produced what is now frequently referred to as the Shucksmith Report (after the name of its chair, Mark Shucksmith) was established as a direct response to the disastrous attempt at reforming crofting through the legislation introduced in 2006. The Committee's remit was to produce 'a vision for the future of crofting' on the basis of assessing the degree to which crofting contributes to meeting the claims identified above: 'sustaining and enhancing the population; improving economic vitality; safeguarding landscape and biodiversity; and sustaining cultural diversity' (Committee of Inquiry 2008, 3). For these benefits of crofting to be realised, the Report goes on to suggest, 'an appropriate balance between individual and wider interests must be struck; (*ibid.*: 19). 'Ultimately', the Report (*ibid.*) continues, 'unless wider interests, especially those of future generations, are given precedence over individual interests, crofting will disappear and the potential benefits of its contribution to sustainable rural development will be lost'. In recognising that the community's rights to the land outweigh those of the individual, the Committee acknowledges an ethic 'rooted deep in Highland culture', writes Iain MacKinnon (2008, 17). '[I]t was for this reason', he continues, 'that Brian Wilson [former Member of Parliament and prominent advocate for land reform], when welcoming the Shucksmith Report, appealed for future legislation based on it to incentivise the move toward community ownership of land in crofting areas' (*ibid.*).

My intention in this part of the paper is not to offer a critique of the Report. I wish only to identify specific elements that demonstrate ways in which a community subjectivity, which has always underpinned crofting, are supported

through the Report's proposals. In the Report, these are not tied explicitly to the issue of crofting community land ownership; in fact the possibilities of community ownership are puzzlingly neglected. Given the overall thrust of the Report towards the empowerment of crofters, 'the local mobilisation of people' and the devolution of power towards communities (Committee of Inquiry 2008, 57), this silence seems all the more perplexing. The focus is rather on the more general point of community capacity building as exemplified by the LEADER programme<sup>14</sup> and Iomairt aig an Oir/Initiative at the Edge.<sup>15</sup> As I go on to show with respect to housing, however, some of the recommendations may most readily be implemented through community land owning bodies. Housing is chosen for analysis here as the issue is central to the reconfiguration of the balance between the individual and wider (community) interest and thus to the building of a community subjectivity.

Viewing the greatest threat to the wider interest as coming from the growing free market in croft tenancies, attributed to ineffective regulation, the Shucksmith Report recommends a number of measures which would privilege the collective rather than individual interest. These include ensuring that the croft is worked, that a crofter resides in the community, and that 'sales, assignments and decrofting applications should be regulated in the wider crofting interest' (Committee of Inquiry 2008, 8). The Committee recommends changes in the governance of crofting which, *inter alia*, with respect to regulation and enforcement, would mean the replacement of the Crofters' Commission by a new body, the Federation of Crofting Boards, comprising seven to ten elected Local Crofting Boards, and the creation of an executive servicing the Federation. Together with other measures, the Committee considered that thereby 'greater local accountability and ownership' of the regulatory process would be fostered (*ibid.*: 11). Perhaps unsurprisingly, after initial widespread support, these recommendations gave rise to heated debate (for example, *WHFP*, 11 July 2008: 13; 18 July 2008: 15; 25 July 2008: 3; 1 August 2008: 17; 29 August 2008, 2. Also, see Scottish Government 2008b), which has continued into the period of public consultation of the new draft Crofting Reform Bill introduced in 2009 (see, for example, Macleod 2009a, 13; 2009b, 13). In both contexts, debate has centred, in the words of the Scottish Crofting Foundation (cited in Macleod 2009b, 13), on the balance between the 'regulation' of crofting, which aims to ensure the broader interest and includes the issue of subdividing croft land and selling it for housing, and 'incentive', which addresses crofters' concerns about the 'viability' of crofting.

<sup>14</sup> LEADER is the acronym for *Liaison Entre Actions de Développement de l'Économie Rurale*. It is an EU Community programme which has supported new ideas with respect to rural development since 1990.

<sup>15</sup> Initiative at the Edge was established in 1998. It supports 'a community-led, multi-agency approach to achieving a sustainable future' in what are deemed to be particularly economically and socially fragile areas of the Highlands and Islands. It has a National Steering Group and is supported by the Scottish Government (2008a, Initiative at the Edge, 10 March, <http://www.initiative-at-the-edge.org.uk>, accessed 18 September 2009).

In the Shucksmith Report, congruent with recommendations which address the deep concern for the growing free market in crofts and which has also given rise to considerable controversy, the Committee addresses the key issue of housing. Against a background of rapid rises in house prices and the increasingly unaffordability of housing in the Highlands and Islands – a doubling of rural house prices over the past five years and a sharper rise than urban houses (Committee of Inquiry 2008, 50, citing *The Herald*, 25 August 2007 and 5 January 2008) – the Committee makes the following recommendation. I quote at length to demonstrate the radical nature of the proposals which touch directly on an ethic of community subjectivity:

all croft houses will be tied to occupancy (i.e. residency) through a real burden [a condition attached to a property right], which will be deemed to be included in the conveyancing when next assigned or purchased. This would run with the land in perpetuity. Decrofting the house site or purchasing the landlord's interest in future will not extinguish this burden. Crofters may apply to the Local Crofting Board to have the burden (i.e. the residency requirement) removed; the Crofting Board would set out rules on this reflecting the wider public interest. ... The burden, where not removed, must be rigorously enforced by the Local Crofting Board (Paragraph 3.14.3, Committee of Inquiry 2008, 64).

The Government's response, amidst a widely divided and increasingly vociferous crofting community, was to replace 'a burden' with 'an occupancy condition':

The Scottish Government recognises the problems faced by crofting communities as a result of absenteeism, neglect and speculation of croft land resulting from an external demand for second homes. However, it does not agree that the proposed burden is the best approach to addressing these problems. It believes that it is only necessary to consider an occupancy condition where land has been decrofted (or resumed by the landlord). Such an occupancy condition would require any house on land that has been decrofted, or that is subsequently built on land that is decrofted, to be used as a permanent place of residence. The enforcement of this condition would not be a matter for the crofting regulator, but for the relevant local authority (Paragraph 61, Scottish Government 2008, 15).

While the stated intent of the proposed legislation remains the tilting of matters to do with governance towards the wider interest and the precise ways in which the ideas are to be implemented awaits the re-drafting of the Crofting Reform Bill introduced in 2009, there has been fear in some quarters that the Committee's recommendations could be effectively 'neutered' and that legislation would be more of 'a damp, administrative squib' than 'anything that can be described as a blueprint for the future of crofting' (*WHFP*, 10 October 2008: 15).

The vital importance of addressing the matter of the availability of affordable housing in order to ensure the sustainability of crofting communities was recognised immediately by community trusts engaged in owning and managing the land. The necessity of ensuring affordable housing was central to Gigha's plans as it was on Eigg and on both islands has led to the formation of construction companies (Wilson 2007, 3); it is part of the rationale for the West of Harris community buy-out. On the three estates that comprise the West Harris Crofting Trust, of the 89 houses, 41% are either holiday homes or self-catering cottages (CIB Services 2008, 2). The Feasibility Study for the proposed buy-out makes absolutely clear that the present situation is unsustainable: 'young people cannot afford to purchase or build houses due to the demand for houses and house sites for holiday homes. Community ownership will give decision making to the people who have the greatest stake in the community, enabling them to release land and create new crofts for affordable housing to retain and attract young families back to the townships' (*ibid.*).

One option for land owning community trusts is to become a Rural Housing Body and, under the conditions of the Title Conditions (Scotland) Act 2003, to find ways of ensuring local affordability, including the possibility of introducing a Rural Housing Burden (Young 2004). At present, the Highland Small Communities Housing Trust (HSCHT), which sells land to those eligible for a Rural Home Ownership Grant<sup>16</sup>, is the most active here. The HSCHT attaches a rural housing burden to a plot that they sell, giving them the right to buy back the plot and any house subsequently built on it at 'a restricted price' (Logie 2007, 34). In establishing 'resale formulae', the HSCHT is concerned to balance the owner's right for a 'fair return on their investment' with their objective of ensuring that the house remains affordable for future buyers (*ibid.*: 35). A formula based on 'shared equity' has recently replaced one calculated on the basis of 'inflation and replacement value' (*ibid.*). While it is not necessary to be a community land owning trust in order to qualify as a rural housing body, community land owning bodies have a particular incentive to follow this route given how integral to community sustainability they recognise the provision of affordable housing to be.

Following the example of the Eigg Heritage Trust and Gigha Heritage Trust, the North Harris Trust, also a rural housing body, is at present looking into the matter of placing a burden on some of the land it is considering for sale. For example, having negotiated with the Aird Asaig Grazings Committee for the release of common grazing land, the Trust is now in the process of selling three fully serviced lots at Bun Abhainn Eadarra. Residency requirements and a rural housing burden are being considered in order to ensure that the housing remains locally affordable and is not converted into holiday homes. The Trust is also

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<sup>16</sup> A Rural Home Ownership Grant is administered by Communities Scotland 'to help people living in rural areas to become homeowners. ... [It] fills the gap between the maximum level of mortgage an applicant can raise, combined with their savings and the cost of a modest starter home' (Logie 2007, 36).

negotiating with Taighe Innse Galle, the Hebridean Housing Agency, to build eight affordable housing units on adjacent sites.<sup>17</sup>

Such action by rural housing bodies does not foreclose the parcelling of croft land and its sale as house plots on the free market by individual crofters. Such regulation awaits new crofting legislation. But community trusts' building of affordable housing, as carried out on Eigg and Gigha and as proposed by the North Harris Trust and the West Harris Crofting Trust, it may be argued, is part and parcel of the process of building a collective subjectivity. Here, the values of an 'alternative market' which relies on 'community agreement' (Gibson-Graham 2006, 61) – an integral part of a diverse economy – displace the norms of the property market in housing and create new, more socially just, political possibilities.

### 5. Building a community subjectivity 3. Nature

In this part of the paper, I examine how the political possibilities of community ownership and the building of a community subjectivity are extended through a re-working of 'nature'. Focusing on the North Harris Trust, the central theme is that the trust's re-working of nature – whether through the creation of 'native woodland', the management of environmentally protected areas, or a proposal for a national park, as examples – 'undoes' a norm of nature as ontologically separate from culture. It conceives nature as bound up with political, social, cultural and economic process (see Braun and Castree 1998; Castree 2001; Braun 2002). Conceptually, I develop the idea of a working wild to demonstrate how current action on the land disrupts the binary culture/nature. The trust loosens the idea of the 'wild' from its moorings in colonial prescription and class interest and privileges crofters' claim of sustainable stewardship of the land (see Hunter 1991). It opens up the meanings of nature and the wild to new configurations and by this means renegotiates a community subjectivity.

The first instance concerns the North Harris Trust's major initiatives in planting 'native' woodland on its estate.<sup>18</sup> Particularly where riparian plantings are planned,<sup>19</sup> the woodlands are caught up in discourses not just of 'the wild' and what counts as 'native', but of global agendas of biodiversity and rarity. As an example, certain burns (small streams) on the North Harris Estate are home not only to the wild salmon whose fishing continues to provide income for the owner of Amhuinnsuidhe Castle (severed, together with the fishings, from the estate at the time of community purchase), but also to the globally rare, and threatened,

<sup>17</sup> The Trust does own land which is not under crofting tenure, but this land lies at some distance from a road and thus would be prohibitively expensive to service.

<sup>18</sup> For discussion of the contested and contingent notion of 'native' with respect to trees and plants, see Warren 2007; more generally regarding the history of native woodland, Smout 2003; Smout et al. 2005.

<sup>19</sup> These include the planting of woodland beside burns to which the owner of the Amhuinnsuidhe Castle Estate holds fishing rights and take place with his cooperation.

freshwater pearl mussel whose life cycle, as glochidia, is linked to that of the salmon (see Sime 2003). At the same time, the planting of native woodland is caught up in discourses of local knowledge, including the unexpected 'discovery' of considerable biodiversity in the seeds of native trees growing in geos, narrow clefts in the cliffs, that lead down to Loch Seaforth. By recalling a wooded landscape of the past, to which there were collective rights (Hunter 1995, 58–62), the seeds disrupt a discourse that would conjure a tree-less wilderness as an 'original' landscape, a discourse that undergirds the claims of a wealthy land-owning class (Mackenzie 2006b, 391, 395). Part and parcel of the creation of a counter discourse of land and landscape, the seeds and the recent plantings of native woodland disturb a land cast as empty of people and valued only as a site for 'elite blood sports' (Lorimer 2000) or for extra-local conservationist interests. The planting of native woodland and the future use of seedlings grown from seeds of very local provenance become thus part of the process of decolonising the land. The move re-builds a subjectivity where people, through a community trust, re-position themselves as part of, rather than separate from, a nature that has for millennia been caught up in social practice.

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

The Agreement is certainly framed in terms of the conservation objectives of an SSSI. It defines nature specifically in terms of ecological interest, its scientific lexicon classifying and counting species and 'landscape character'. In this regard, it could be argued that, discursively, it privileges national or global rather than local meanings of nature and contributes to a way of seeing the Highlands as 'wilderness' (see MacDonald 1998). But by negotiating with the North Harris Trust and agreeing to their management of the land – conditional on the trust's agreement that no changes take place without their prior written consent, as required by statute – Scottish Natural Heritage troubles the binary nature/culture and renders the 'wild' as contingent. The Agreement proposes a more 'social model of conservation' than that construed by conservation's colonial legacy (Toogood 2003, 163; also, Mather 1993). The 'wild', rather than being something 'out there'

to be separated from people, is re-defined through community management as another way in which the land is 'worked'. It is an approach, as Mark Toogood (2003, 163) makes clear, that fits 'the self-definition of Highland culture and ... political aspirations for community control and management'. It is congruent with crofters' historical claim to sustainable stewardship of the land (Hunter 1991).

Exploring further the political possibilities afforded through community land ownership, the North Harris Trust's leadership of an island-wide initiative to have the Isle of Harris designated as Scotland's third national park (following Loch Lomond and the Trossachs National Park and the Cairngorms National Park), provides a third example of the renegotiation of the boundary between 'culture' and 'nature'. In a news release dated 12 March 2008, the trust laid out its rationale for a feasibility study to look into the matter:

- It would allow the community to decide its own future – Proposals that Harris be considered for national park status have been made previously by outside bodies. It would therefore appear better for the community to investigate the issue and come to its own opinion.
- A national land park could bring significant job opportunities and could create considerable economic benefits e.g. Cairngorms national park employs over 60 people directly and has a turnover of several million pounds per year.
- It could offer greater outdoor recreational opportunities and facilities for locals and visitors.
- It could give a positive return to the numerous European and UK environmental designations which are already in place over the island.
- It could raise the area's profile and encourage more visitors to come to the island.

This rationale for designation as a national park, as David Cameron, then one of the directors of the North Harris Trust, noted in a memo to the trust's board (14 January 2008) was congruent with the objectives of the National Parks (Scotland) Act 2000 and with the 'strategic themes' of the Cairngorms Authority (available in the North Harris Trust files, Tarbert, Harris). Particularly significant in the Act, and evident in the themes identified by the Cairngorms Authority, is that an objective of promoting the sustainable economic and social development of communities in the designated area sits alongside the objectives of conserving the 'natural' and 'cultural' heritage. While such an objective does not preclude the emergence of conflicts that pit 'nature' against 'culture', it does suggest an opening for a more contingent working of these categories. As in the case of the planting of native woodland and of the management agreement with Scottish Natural Heritage, the initiative would reposition people *vis à vis* nature. Present conservation designations such as those of SSSI would, of course, remain, but local people would, as in the case of the other national parks, be part and parcel of the negotiations of the meanings of the land, of nature and of the wild.

There is substantial support on the island for this course of action. Following the positive recommendations of a feasibility study commissioned by the Isle of Harris National Park Study Group (Bryden et al. 2008), created to take forward the initiative, a ballot, carried out in February 2009, indicated that 731 residents voted in favour of a motion to pursue national park status for the island, 311 voted against, and 1 ballot paper was spoilt. The turnout was 71.6% of those eligible to vote (Duncan MacPherson, Land Manager, North Harris Trust, on behalf of the Isle of Harris National Park Study Group, personal communication with author). The proposal is now under discussion with members of the Scottish Government.

## 6. Conclusion

Drawing from Foucault's and Butler's theorisation of the norm and the political possibilities that may be created when norms are disrupted and from Foucault's and Gibson-Graham's work on resubjectivation, I have focused in this paper on the ways through which the meanings of property and nature are opened to resignification when land in the Outer Hebrides is brought into community ownership. Clearly, the process has not been underway for long but, I would suggest, there is sufficient evidence to show how this resignification of land and nature interrupts neoliberal norms of privatisation and enclosure and provides a moment where a counterdiscourse centred on a collective subjectivity becomes visible.

In the case of property, the example of the North Harris Trust demonstrates how, through the 'enactment' (Blomley 2004, 50) of community rights of land ownership, people re-position themselves *vis à vis* the land and each other. The practices of governance of the community trust, as a company limited by guarantee, and the bye-laws which define membership in terms of place rather than interest, are critical here. Together, they mobilise a discursive space where categories of belonging are rendered less coherent (Butler 2004, 216), where, for example, crofters negotiate what it means simultaneously to occupy the subject position of tenant of an estate on the one hand and, on the other, together with non-crofters, that of an owner. That this complicating and destabilising of the boundaries between tenant and owner can lead to conflict is evident in the case of Storas Uibhist. But I have also shown how, through the co-constitution of land and community with collective land ownership, however, contested this process may at times be, what was once a 'place of impossibilities' [Blomley (2004, 62) here cites the words of an activist in Vancouver's Downtown Eastside] becomes instead a place of possibilities.

I have traced these possibilities with respect to the economy, the practice of crofting, and the re-storying of nature, showing how, through each, a community subjectivity is, or has the potential to be, built. One example of this concerns working with the wind and creating an energy commons where surplus is invested in the collective rather than corporate interest. As a source of renewable energy, the wind is still commodified – as it would be in a corporate initiative – but the norms

of commodification are disrupted. '[T]he surplus is appropriated and distributed by the community' (Gibson-Graham 2006, 123), not the corporation accountable to its distant shareholders or a wealthy individual. Through this means, places where community land ownership is underway become sites where a community economic ethic and subjectivity are or may be constituted.

Crofting, as part of building a diverse economy has, historically, been central to this process of creating a collective economic, as well as social and cultural, subjectivity. The everyday practices of sheep rearing, including the management of the common grazings, are, *inter alia*, evidence of this. But, as I have demonstrated, the wider interests that have long underpinned crofting have come under recent threat, for example through the growing marketization of croft tenancies and the accompanying process of converting or building housing stock for holiday homes or self-catering units. Both have led to an acute shortage of affordable housing. The Committee of Inquiry on Crofting recognised the centrality of these issues to the future sustainability of crofting, and the need to balance the wider interest with that of the individual, as has been the case with land-owning community trusts. While regulation of the market in the tenancies of crofts awaits the outcome of the re-drafting of the new Crofting Reform Bill (2009), subsequent to the recently concluded period of public consultation, it is evident from the actions of several community trusts that the provision of affordable housing is a key priority. On the grounds that such initiatives support the wider, collective, interest, I have argued that they disturb the norms of the property market and support the building of a collective subjectivity with the promise that it holds of more socially just possibilities.

Through an examination of such ongoing practices of the North Harris Trust as the planting of 'native' woodland, a management agreement with Scottish Natural Heritage, and the proposal for an island-wide national park, I have also shown how disturbing norms of nature – as ontologically separate from 'culture' – further contributes, or has the potential to contribute, to the constitution of a collective subjectivity. In each case, the 'wild' is invoked, not as an original category bound to colonial (conservationist) prescription or class privilege, but as one more way through which the land is or might be 'worked'. As with respect to property, the radical potential of this 'undoing' of the norm of nature in terms of creating a place of possibilities rests on keeping open its meanings to continual resignification, of seeing it as contingent, constantly performed and continually produced through the everyday material and discursive practices of a land-owning community.

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