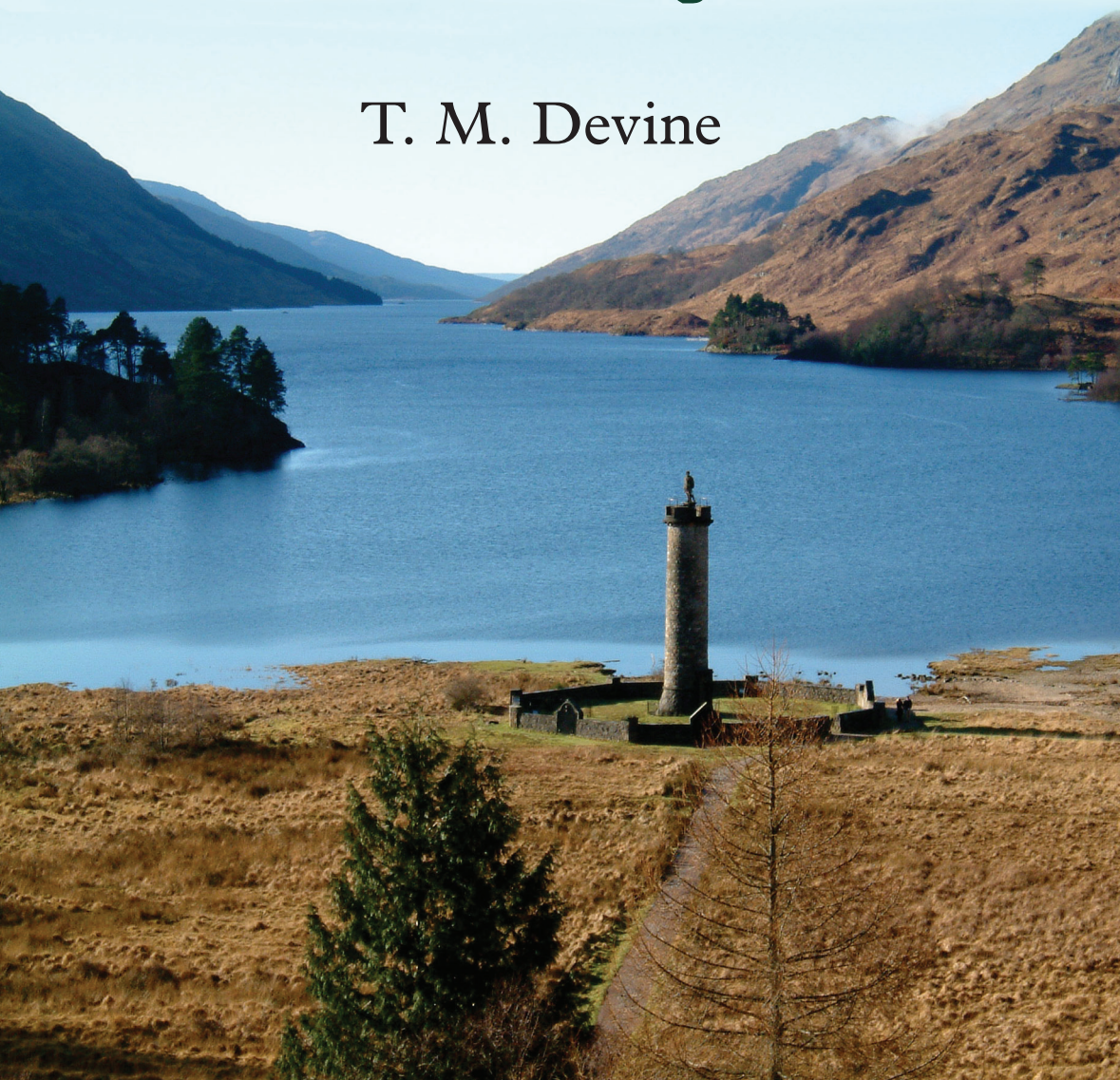# CLANSHIP TO CROFTERS' WAR

The social transformation of the Scottish Highlands

T. M. Devine

CLANSHIP TO CROFTERS' WAR

This important book charts the story of the people of the Scottish Highlands from before the '45 to the great crofters' rebellion in the 1880s – a powerful story of defeat, social dissolution, emigration, rebellion and cultural revival.

T. M. Devine argues that the Highlands in the eighteenth and nineteenth centuries saw the wholesale transformation of a society, at a pace without parallel anywhere else in Western Europe. Beginning with the decline of clanship before and after Bonnie Prince Charlie's Jacobite rebellion, he explores themes in the process of fundamental social change: the development of the crofting economy, the clearances, transatlantic emigration, the great Highland famine and the emergence of the 'new' Highland landed class. He juxtaposes the 'making of Highlandism', with its tartan paraphernalia, with the harsh realities of the crofting way of life and explores the vibrant and persistent Gaelic culture. Finally he offers a full-scale examination of the uprising which played a vital role in reasserting the Gaelic identity, the Crofters' War.

CLANSHIP TO CROFTERS' WAR

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of the Scottish Highlands

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The author in Auliston settlement, Morvern, Argyll which was cleared in the 1850s
T. M. Devine

Recruiting poster for the King's Own Scottish Borderers
© The Trustees of the National Museums of Scotland

A likeneſs notwithſtanding the Diſguiſe that any Perſon who Secures the Son of the Pretender is Intitled to a Reward of 30.000 £.

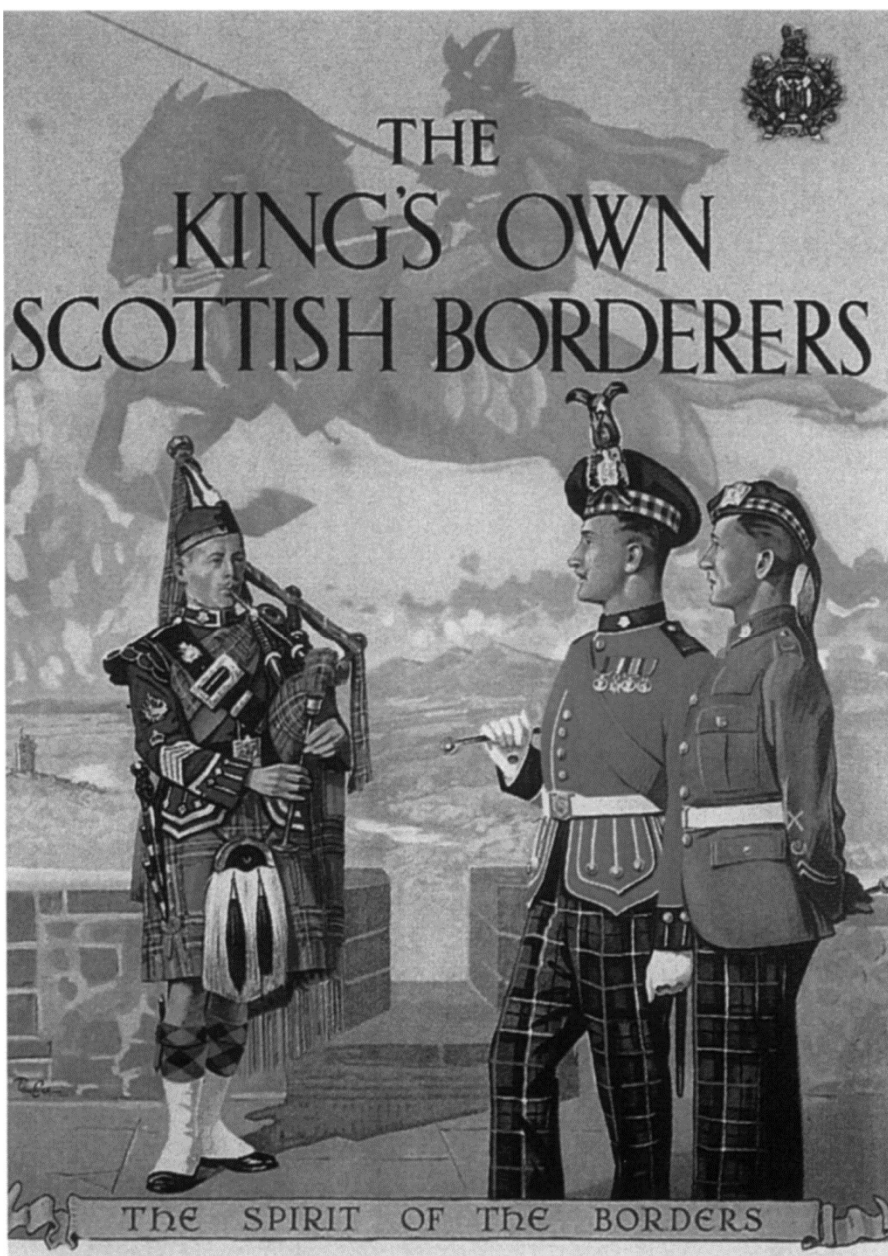Reward poster for Prince Charles Edward Stewart

David Morier's famous painting depicting the battle of Culloden

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The author in Auliston settlement, Morvern, Argyll, which was cleared in the 1850s

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The maps were drawn by Peter Clapham

FOR MY BROTHER AND SISTER
JAMES AND JANE

PREFACE

The eighteenth and nineteenth centuries saw immense social changes throughout Europe. It was a period of enormous industrial expansion, accelerating growth in the towns and cities and rising population. To a greater or lesser extent, most European countries were affected by these developments, but few regions were transformed as rapidly or as completely in these years as the Scottish Highlands. There, within the space of a few generations, an ancient clan-based society collapsed and was replaced by one where modern economic and social priorities became dominant. Elsewhere in Britain, traditional rural structures were also subject to profound changes as agriculture became ever more responsive to the needs of burgeoning urban and industrial markets for more foods and raw materials. In the Highlands, however, this radical change of direction had a cataclysmic impact on the people of the region, and the social costs of the economic revolution were very high. Like the Irish, the Scottish Gaels suffered the trauma of famine, emigration and eviction and the breakup of traditional social connections and relationships in the nineteenth century.

This book studies the origins, nature and effects of that experience. It seeks to synthesise and interpret the important academic research which has been carried out on eighteenth and nineteenth century Highland history over the last few decades and which has produced new perspectives and insights on old themes. Part of the fascination of the subject, however, is the controversy which still rages among scholars on most of the major issues. Highland history is alive with debate and dispute, and I have not therefore attempted to write a 'balanced' if bloodless account but rather my own evaluation of the results of recent historical research in a manner which it is hoped can make it accessible to a wider readership. The transformation of Scottish Gaeldom is a story too extraordinary to be confined to a small circle of scholars. Chapters 5, 9, 12 and 13 are based on my own work and have appeared in somewhat different form elsewhere.

Much of the history of the Highlands has for long been shrouded in romance and myth through the ingenious efforts of Victorian writers who virtually invented a Gaelic past which fitted in with the assumptions and expectations of their readers. The revolution in Highland historiography of the last three decades has started to put together a much more compelling and fascinating story based on careful examination of contemporary documentary evidence and oral tradition. It is hoped that some of the excitement and interest of this new work comes across in the pages that follow.

Tom Devine
University of Strathclyde
March 1993

ACKNOWLEDGEMENTS

Highlands and Islands: districts counties and regions

NORTH

TONGUE
WICK
UIG
Loch Eisort
Loch Broom
TAIN
Moray Firth
RODEL
GAIRLOCH
DINGWALL
LOCHMADDY
KILMUIR
FORT GEORGE
DUNVEGAN
LOCHCARRON
INVERNESS
PORTREE
Loch Alsh
PLOCKTON
KEPPOCH
Loch Ness
LOCHBOISDALE
BERNERA
FORT AUGUSTUS
ABERDEEN
CASTLEBAY
Loch Sheil
RUTHVEN
Loch nam Vamh
GLENFINNAN
Loch Rannoch
KINLOCHMOIDART
FORT WILLIAM
STRUAN
BALLACHULISH
R. Tummel
TOBERMORY
LOCHALINE
Loch Lomond
DUNKELD
Loch Katrine
R. Tay
DUNDEE
OBAN
EASDALE
INVERARY
DOUNE
LUSS
STIRLING
Sound of Jura
Loch Fyne
DRYMEN
EDINBURGH
PRESTONPANS
GLASGOW
CAMPBELTOWN

KEY

Waterways

TOWNS, SETTLEMENTS

Highlands and Islands: towns, settlements and waterways

1

CLANSHIP

I

The conventional and familiar division of Scotland into 'Highlands' and 'Lowlands' is a comparatively recent development. Before the later fourteenth century there was apparently little consciousness of the 'Highlanders' as a people with a distinctive language, customs, dress and social structure. The inhabitants of the north of Scotland and the Western Isles did not yet possess a special identity, and Gaelic was still spoken widely in districts as far south as Fife in the east and Galloway in the west. The state did not govern in terms of Highlanders and Lowlanders and the charters of William the Lyon (1156–1214) described his subjects simply as 'French, English, Scots, Welsh and Gallovidian'. In the twelfth and thirteenth centuries royal authority was making its presence felt throughout the land and even, from the 1230s, penetrating the remotest areas of the north-western seaboard and outer isles. The most effective instrument for this systematic extension of state power was the creation of a loyal class of feudal landed families who acknowledged royal supremacy. A by-product of the development of feudalism was the acquisition of landed property, especially in the north-east, by Anglo-Norman families. The entire process suggested the development of a unitary kingdom with little in the way of racial or cultural distinctions. Yet, before long, the first perceptions of Scotland as a country split between the Highlands and the Lowlands were beginning to emerge.

The first and most famous enunciation of Scotland as a land of two cultures came from the pen of the Aberdeen chronicler, John of Fordun, in 1380. Fordun drew several distinctions, one of which was linguistic. He noted that two languages were spoken by the Scots, 'the Scottish and the Teutonic', the latter being associated with 'the seaboard and the plains' while the former was the speech of 'the highlands and outlying islands'. The two peoples also differed profoundly in behaviour. The 'people of the coast' were 'of domestic and civilized habits, trusty, patient and

urbane . . . affable and peaceful, devout in Divine worship' and were also 'decent in their attire'. The Highlanders on the other hand were beyond the pale of civilisation and Fordun denounced them bitterly. They were 'a savage and untamed nation, rude and independent, given to raping . . . exceedingly cruel'. In addition, they were unsightly in dress'.[1]

After Fordun most medieval Scottish chroniclers, such as Andrew Wyntoun, Walter Bower and John Major, continued to draw these distinctions between the 'wild Scots' and the 'domestic Scots'. But in Fordun there was already encapsulated all the elements which for centuries thereafter distinguished the Highlander in the Lowland mind. The differences in both speech and dress were clear but even more significant, however, was the perceived savagery and lawlessness of the Highlander. He was a figure of menace who did not share the 'domestic' and 'civilised' virtues of the Lowland people. 'Wyld wykkd Helandmen', as Wyntoun described them, were viewed as racially and culturally inferior to other Scots and were seen as a threat to the more peace-loving inhabitants of the rest of the country. Above all, Fordun seemed to imply, Highlanders were a different race, who as he put it, were hostile to 'the English people and language'.[2]

The accuracy of Fordun's remarks is not really the important issue. Their significance, and those of later commentators, is rather that they reveal a quite remarkable transformation in the Lowland cultural perception of the society of northern Scotland. The Highlanders were for the first time revealed as a separate people with a distinct identity who were also regarded as less 'civilised' than the inhabitants of other areas of the country. It was a belief which endured for several centuries and was to have an enormous impact on Highland history.

The new perception originated in a variety of cultural, social and political changes. In the fourteenth century the inexorable advance of English speech in the south and east meant that Gaelic was no longer the language of most Scots. Instead it became especially associated with the Highlands and Islands and the east coast area north of Inverness. A correlation seemed to develop between the geographical division of the high and low country and the linguistic divide between Gaelic and English. Moreover, the retreat of Gaelic came to an end at the Highland line. Over the subsequent four centuries there was little further erosion of the language in the upland and insular heartlands of northern Scotland. The later Middle Ages also experienced a resurgence in Gaelic culture, particularly associated with the 'Lordship of the Isles', in the fourteenth and fifteenth centuries. The continued strength of the language within its new geographical focus led to an even sharper awareness of the cultural division developing in Scottish society and, at the same time, the association of Gaelic with the Highland people served to enhance the belief

that they were culturally inferior to other Scots. English was not simply expanding territorially in much of Scotland, it was also increasingly the language of the aristocracy, court and government by the early fifteenth century: 'or much of the Middle Ages, vernacular English and Gaelic had probably had equally low status after official Latin and aristocratic French, but once English was the establishment language, Gaelic alone may have seemed second rate.'[3]

It is difficult to believe, however, that language differences alone can account for the crystallisation of new attitudes towards Highland society in the later fourteenth century. It is significant, for instance, that both Fordun and later commentators placed considerable stress on the savagery of the Highlanders. They were identified as violent, cruel and 'untamed', quite different from the more peace-loving and 'civilised' inhabitants of the plains. Highland society was seen as a threat, menacing the more stable areas of the country. In part this may have been because two of the main contemporary institutions associated with law and order, the Christian Church and the burghs, were less well developed in the Highlands than elsewhere in Scotland. But the fears of Highland barbarism first became apparent at a particular period in the later fourteenth century and must have been influenced by contemporary developments. In addition, even Fordun admitted that the people of the Highlands and Islands were not innately barbarous and indeed, he stressed that, 'if properly governed', they were 'faithful and obedient to their king and country and easily made to submit to law'.[4] The implication was that the Highlands had become anarchic as a result of a failure in control by the state which can be traced to the collapse in the fourteenth century of the attempt by central government effectively to absorb the north of Scotland as an integrated and loyal part of the kingdom.

In the thirteenth century royal power was extended even into the remotest parts of the western Highlands by a combination of military force and the creation of a dependent elite of feudal landowners of both Gaelic and Anglo-French origin. In return for formal grants of land through charters, these families promised to uphold the power of the crown in their territories. The feudal contract was commonplace elsewhere in Scotland and was a potentially effective instrument for national unity and organisational cohesion. Unfortunately, however, in the century after the death of Robert the Bruce in 1329, 'feudalism collapsed as a vehicle for unity and became instead a vehicle of faction'.[5] A succession of misfortunes befell the institution of monarchy which alone could provide the political and administrative backbone of the feudal system. David II (1329–71) and James I (1406–37) were imprisoned in England for almost thirty years, while Robert II (1371–90) and Robert III (1390–1406) were notorious incompetents. Warfare with England, which fluctuated in

intensity from the 1330s, compounded the difficulties of governance. In the western Highlands the structure of local authority was further weakened as several major families died out in the male line, so disrupting a key element in the system of administrative control which had developed in the thirteenth century.

Out of the resulting upheavals there emerged two new power groupings, each of which was manifestly independent from the Scottish state and pursued territorial ambitions outside its immediate sphere of influence by force of arms. The first was the MacDonald Lordship of the Isles which at the height of its power included all the Hebrides, except Bute and Arran, together with Kintyre, Lochaber and Morvern in the mainland. In addition, it sought to expand eastwards towards the regions of Ross and Moray. The Lordship brought stability to the Western Isles and over the 150 years of its existence created the context for a veritable golden age of Gaelic culture. But its very success made it appear menacing to the rest of Scotland, especially since the MacDonald Lords had considerable expansionist ambitions. The Lordship was almost a state within a state, an independent kingdom which, though deeply imbued with feudal influences from the Lowlands, seemed an overtly Gaelic institution with a distinctive culture. It probably helped to shape lowland perceptions of the western Highlands and Islands as an alien world. In addition, when the Lordship collapsed in the later fifteenth century, due to internal discord and forfeiture by James IV in 1493, a period of turmoil ensued which endured until the early seventeenth century. It was this cycle of violence more than any other which imprinted the Highland reputation for lawlessness in the Lowland mind.

The rise of MacDonald power in the west in the fourteenth century had produced a degree of regional stability. In the north east, however, the collapse of royal authority led to disorder and faction. The power of the state in eastern Inverness, Moray and Nairn had depended upon the co-operation and support of three leading families and their kindred, the Randolphs (created earls of Moray), the Murrays and the earls of Ross. The Randolphs were pivotal and held the entire province of Moray as lords of regality giving them, *inter alia,* complete criminal jurisdiction in the region. In the later fourteenth century, all these families died out in the senior male line and a struggle for power began. Alexander Stewart, third son of Robert II, and self-styled 'Wolf of Badenoch', was triumphant and became the dominant force in the area, but rather than maintaining law and order he used violence to extend his influence on a systematic basis. His chosen instruments were the tribal hosts of the upland districts or, as the chronicler described them, 'wyld wykked helend-men', and his most notorious act of plunder, the destruction of the town of Elgin in 1390, with its churches, manses, books, charters and other valuables. Stewart had in a sense become a bandit chief using armed gangs to pursue

his ambitions relentlessly. It is significant that his reign of terror coincides in both time and place with some of the early recorded perceptions of Highland barbarism and lawlessness. John of Fordun, for instance, was writing from Aberdeen, in the north east, in 1380, precisely at the time when the Wolf of Badenoch, and other lords who also used bands of Highland warriors to carry out plundering expeditions, were at their most active. It was therefore not surprising that it was in this frontier zone between the upland areas and the more stable districts to the south that the Highlanders first achieved their reputation as men of violence.

II

Strangely, however, fourteenth century chroniclers who noted differences in culture, dress, speech and social behaviour between the Highlands and the Lowlands failed to comment on clanship as a distinguishing characteristic. During the Wars of Independence against England, soldiers from the Highlands fought on the Scottish side but were not given clan affiliations. In contemporary accounts of the Battle of Bannockburn (1314) the lists of the Scottish forces make no reference to any clan, but this is hardly surprising as the essence of the clan was a real or assumed kin relationship between chief, ruling families, cadet branches and followers. In the medieval and for much of the early modern period, however, such kin-based groupings were not unique to the Highlands. They were to be found throughout Scotland and were especially strong in areas such as the Borders and the north east where state authority was often at its weakest. It was common for noblemen and greater lairds to surround themselves with networks of lesser gentlemen who bore their name and promised loyalty and service in return for protection. Social structures throughout Scotland were designed for defence and security and the martial ethos was not confined to the Highlands. One illustration of this is that clan ruling families in Gaeldom and Lowland magnates both used the system of 'bonds of manrent' to extend their influence and create further networks of loyalty and military solidarity. These contracts created 'effective' rather than real kin with each party agreeing to act together as though they indeed had family ties.[6]

The penetration of feudal structures into the Highlands also blurred the distinction between clanship and social systems elsewhere in Scotland and many of the greatest clan chiefs were feudal lords as well as tribal leaders. This can be best illustrated from the history of the Lordship of the Isles. Successive heads of the MacDonald dynasty practised primogeniture, issued feudal charters to major landowners in the lordship and employed feudal rules in marital contracts. Feudal structures also reinforced the authority which clan elites derived from kinship and

traditional connections. In feudal theory the monarch was regarded as the owner of all land in the kingdom which he divided among his most significant followers through formal charters in return for specific obligations. These charter holders could then parcel out their estates among dependants through the process of 'subinfeudation'. Feudal forms of tenure, such as the *wadset* (pledge of lands in security for a debt) and the *feu farm* (a type of tenure by which the possessor held the land for a perpetual fixed payment and other obligations), were both heritable and gave their holders the opportunity to establish landed families in perpetuity. They also confirmed in law the ownership of land as the possession of the ruling family. In the feudal tradition, the notion of clan lands was therefore a legal nonsense. Highland elites like their counterparts in other parts of Scotland from the later Middle Ages possessed land by crown charters which gave them virtually absolute control over their territories. Property was vested in the ruling family and not surprisingly, when estate rentals became available from the sixteenth century, most Highlanders are listed as tenants or undertenants of these proprietors, holding land at will or by agreement from feudal superiors.

But social relationships in the Highlands did not become wholly contractual or legalistic until the eighteenth century. In most areas, and especially along the western seaboard and throughout the islands, blood, kin, personal loyalty and traditional allegiance still counted for more than feudal charters. The Scottish state had neither the military resources or the political will until the seventeenth century to try to establish effective government in a region of scattered settlement, poor communications and difficult terrain. In addition, two important institutions which made for more stable administration in much of the Lowlands, the church and the burghs, had less impact in the Highlands than elsewhere. Social control within the region continued to be exercised by dominant clans and their allies, and after the disintegration of the MacDonald empire in the later fifteenth century more than a century of intermittent warfare ensued over much of the western districts of Gaeldom which powerfully strengthened clan bonds and loyalties. While life in the Lowlands was gradually becoming more stable, the militaristic nature of Highland society seemed to become more pronounced.

The inner core of the clan consisted of the chiefs and their leading gentry, the *fine,* or clan elite, who tended for the most part by the sixteenth century to hold their lands under crown charters. The lesser clan gentry, *doine-uaisle*, was composed of leaseholders or tacksmen, *fir-tacsa,* who managed and supervised the townships worked by clansmen. Along the western seaboard and throughout much of the Hebrides, the lesser gentry were split between the *fir-tasca* and the *buannachan,* or household men. The latter were the warrior class of the clan whose basic function

was the defence and protection of clan territories, and also the main source of supply of Highland mercenaries to Ireland. Native Irish chiefs, especially in the north of the country, faced with continuous English attempts throughout the sixteenth century to impose supremacy, obtained considerable mercenary assistance from their kindred among the Scottish clans. This was a profitable business for the clan elites of the west because the Irish paid for the military service of the *buannachan* in both food and money and, there was an obvious incentive therefore to maximise the fighting strength of their clans. One English estimate of the 1590s suggested that there was a military class of well over 6,000 men in the Western Isles, quite distinct from those clansmen who were usually employed in 'labouring of the ground'. Mercenary service was also a means of employing younger sons of the clan gentry who were unlikely to succeed to land or leases in their own right. The existence of the class of *buannachan* helped to limit downward social mobility from the elite while at the same time perpetuating and intensifying the martial ethos of the clans.

The dominant families liked to trace their origin from a heroic figure of antiquity in order to give prestige, status and legitimacy to their position while at the same time providing the ordinary clansmen with a common sense of identity with the elite. Most of these pedigrees were created and recreated with scant regard for historical accuracy. It was a pragmatic business designed to enhance family pride, accommodate changing alliances and absorb other clans. Among the common ancestors claimed by the MacGregors was Pope Gregory the Great while the Campbells included King Arthur among their 'name-fathers'.

The reality was more prosaic. The Grants, for instance, who were probably of Anglo-Norman stock, did not become prominent until after the marriage in the fifteenth century of Iain Ruadh (Red John) to Matilda, the heiress of Glencairnie which allowed the acquisition of lands in Moray and Inverness. Thereafter Grant expansion relied heavily on the family's close association with the Gordons, earls of Huntly, which allowed consolidation and extension of their landed interest and clan power in the central Highlands. The McKenzies became important when they gave assistance to the crown in its attempt to subdue the Lords of the Isles. After its forfeiture, the head *of* the family received a crown charter in 1476 for the lands of Strathconnan and Strathgarve in central Ross-shire and thereafter the MacKenzies increased their powers until they became second only to the mighty Campbells in influence by the later seventeenth century. The McNeills had a pedigree which went back to Niall, a Knapdale warlord of the eleventh century, but they seem only to have emerged as a significant entity in the turmoil which followed the Norwegian ceding of the Western Isles to the Scottish crown in 1246 and the beginning of the Wars of

Independence with England. At that time they became established in Barra, but through their association with Alexander MacDonald, Lord of the Isles, obtained Boisdale in South Uist by charter and by the middle decades of the fifteenth century they were also esconsed in Gigha and in part of Knapdale on the Argyll mainland.

As the larger clans extended their territory through conquest, marriage and the acquisition of crown charters, effective control of the new lands became difficult, especially since large areas could be obtained very quickly in time of war. The strategic response to this problem, set within the context of a kin-based society, was to lease or make life-grants to members of the ruling family and establish new lines of descent and cadet branches of the main clan. Once consolidated, these kin groups would then infiltrate the existing landed hierarchy of the newly acquired territories and steadily replace the native elites with their own kindred. This was widespread practice among such imperialistic clans as the MacDonalds in the heyday of the Lordship of the Isles and the Campbells and McKenzies in the seventeenth century. As Clan Donald expansion accelerated in the Western Isles, members of the *fine* were settled in different districts; eventually no less than seventeen different branches, or *sliochden,* became established. Each was linked with a particular part of the Clan Donald empire, such as Glencoe, Ardnamurchan, Sleat and Knoydart. Even these sub-hierarchies split into further branches controlling smaller areas: from the MacDonalds of Clanranald, for example, there developed the cadets of Knoydart, Glengarry, Morar and Kinlochmoidart. There was a similar dynamic in other clans. Five branches of the Frasers were documented in 1650, but by 1745 there were thirty. The Clan Donachy or Robertson is noted as being in possession of lands in Strowan, Perthshire, in 1451, and each of the twenty-four branches of the clan became divided and controlled a sub-area within the broader district.

This description of clan evolution makes nonsense of any claim that the clans were united through ties of blood. The territorial possessions of many clans were often in a state of constant flux as small kinship groups were overwhelmed and absorbed by the expansion of greater rivals, and it was inevitable that in such cases there were changes of allegiance and that individuals adopted the identity of locally dominant clans for sound reasons of security and survival. In addition, it was common for weaker units to develop close alliances with the stronger. For instance, the MacRaes and MacLennans followed the MacKenzies and the MacColls, the Stewarts of Appin. The blood ties between the ruling families and the ordinary clansmen were largely mythical but the assumption of consanguinity, suggested in the very word *clann,* i.e. children, gave an emotional bond which helped to cement social cohesion within clanship. A clan therefore did not consist of those of the same kindred or surname, because surnames did not become at all common until the

seventeenth century when clanship was already in decline. Rather it was made up of those who followed the same chief whatever their own lineage.

Clan structures were inherently unstable and constantly under threat from changing circumstances. In the early seventeenth century the crown determined on the forcible removal of the *fine* of Clan Donald South from Islay, Kintyre and Jura. As a result the heads of the MacBraynes, MacKays and MacEacherns, formerly loyal to the MacDonalds, bound themselves to become 'dewtiful kinsmen and obedient tennentis' to the Campbells of Cawdor.[7] The kin-based society was itself very volatile. As one scholar has put it, '. . . consequent upon the weakening of the ruling family a province becomes wide open either to a takeover by the kindred within its bounds or to inroads by powerful neighbours'.[8] Weakness or incapacity among the *fine* could precipitate aggression and conquest of clan territory by expansionist forces in the locality. One of the main reasons for the successful expropriation of several clans, such as the Clan Leod and Clan Donald South, by the government of James VI in the early seventeenth century was open dissent among their *fine*. The penetration of feudalism into Gaeldom created other causes of dispute without ensuring enforcement of central justice or sound government and, as seen above, chiefs increasingly sought to give a legal basis to their territorial acquisitions by securing charters of possession. However, these often exacerbated social conflict at the local level. Rebellion could mean forfeiture by the crown of a chief s lands and encourage clans more loyal to the king to annex them. In addition, chiefs who held their territory directly from a great lord rather than the crown were sometimes faced with divided loyalties especially if lands were held from more than one superior. It was also common for clansmen to give their loyalties to the chiefs who were not their landlords. Out of this conflict of interest and allegiance between clanship and feudalism there developed some notorious and enduring feuds such as that between Clan Mackintosh and the earls of Huntly in Badenoch.

It was against this background of endemic insecurity and constant rivalry punctuated by episodes of outright violence and aggression that many aspects of clan society can be understood. Self-evidently military preparedness was axiomatic and Martin Martin writing in the later seventeenth century recalled how courage and prowess in war were the vital qualities of a chief. In the Western Isles, he described how it was common for the young heirs to the chiefdoms to demonstrate a 'publick specimen of their valour' before they could be accepted by their people. This was carried out by the chieftain and other members of the *fine* of the clan undertaking 'a desperate Incursion upon some Neighbour or other that they were in Feud with' and to 'bring by open force the Cattle they found in the Lands they attack'd or to die in the Attempt'.[9] The militarism of the western clans was also