

THE UNIVERSITY OF CHICAGO

Indigenous Scotland

By

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The Scots are descended from Egyptian Pharaohs, or so the story goes. *Lebor Gabála Érean, The Book of the Taking of Ireland*, narrates the transcontinental migration of the Gaels over the centuries. Fifteen manuscripts have survived to the present day, which can be divided into five redactions.¹ In the second Redaction, Nel son of Feinius Farsaid was invited by Pharaoh Cincris to come to Egypt “for the greatness of his skill, his knowledge, and his learning: and Pharaoh granted him an estate, and his daughter, Scota her name, was bestowed.” Whether this was her name of that of her husband and his people that she took upon their marriage is open to interpretation.² From this union was born Gaedel Glas, the ancestor of all the Gaul. According to the First Redaction, Gaedel Glas’ son Sru and grandson Eber Scot led their people out of Egypt at the same time as the Israelite’s Exodus, seven hundred and seventy years after Noah and the Great Flood.³ Eber Scot took the kingship of Scythia and battled to maintain it for over nine hundred years.⁴ Eventually, they are driven back out to sea and during their sojourn, a druid predicts their ultimate settlement in Ireland, but states that none now alive would see their new land; rather, in a reflection of Moses’ predictions and the wandering of the Israelites through the desert for forty years, only their children will reach this new land.⁵ The Second Redaction also includes Scota as the wife of Mil, a descendent of Nel, who returned to Egypt after Scythia but before continuing onto Spain and later Ireland.⁶

There is a similar discrepancy between versions in regards to the creation of the Gaelic language. The Second Redaction claims that it was Rifath Scot, Gaedel Glas’ sixteen-times-

¹ *Lebor Gabála Érean: The Book of the Taking of Ireland, Part I*, ed. and trans. R.A. Stewart MacAlister (Dublin: Educational Company of Ireland, Ltd, 1938), ix-xi.

² *Lebor Gabála Érean, Part I*, 39.

³ *Lebor Gabála Érean: The Book of the Taking of Ireland, Part II*, ed. and trans. R.A. Stewart MacAlister (Dublin: Educational Company of Ireland, Ltd, 1939), 15.

⁴ *Lebor Gabála Érean, Part II*, 39.

⁵ *Lebor Gabála Érean, Part II*, 23.

⁶ *Lebor Gabála Érean, Part II*, 41-3.

great grandfather, who “brought the Scotie Language from the Tower, for he was one of the six principal chieftains who were at the building of the Tower of Nemrod.”⁷ By contrast, the First Redaction claims it was Feinius Farsaid who was present at the Tower of Babel and the dispersal of the languages,⁸ but “Gaedel Glas who fashioned the Gaelic language out of the seventy-two languages.”⁹ Later in that same Redaction it is asserted that Feinius remained at the Tower after the dispersal and

sent forth a man into every quarter of the world, to collect them to one place. And after he had assembled the school and collected the languages, Feinius Farsaid cut the language of the Gaedil out of the seventy-two languages, at the end of ten years after the dispersal of the Tower. And he imparted it to his son Nel: and Nel imparted it to his son Gaedil Glas and to his seed for ever: and from him (Gaedil) it is named.¹⁰

Regardless of who Scota married, whether that was her real name, and who created the Gaelic language, *Lebor Gabála Érean* chronicles the history, culture, and claims of the Celtic Gaels who resided in the British Isles. It was this rich narrative that the Barons of Scotland utilized in the Declaration of Arbroath in 1320. In their appeal for the Pope’s support against English subjugation, these nobles refer to this grand odyssey:

This nation having come from Scythia the greater, through the Tuscan Sea and the Hercules Pillars [the Strait of Gibraltar], and having for so many ages taken its residence in Spain in the midst of a most fierce people could never be brought in subjection by any people, how barbarous so ever . . . This kingdom hath been governed by an uninterrupted succession of 113 kings, all of our own native and royal stock, without the intervening of any stranger.¹¹

With this assertion, these elites claim a coherent community that predates their ancient arrival in the islands – they, like the Israelites, were led out of Egypt and eventually settled in what they

⁷ *Lebor Gabála Érean, Part I*, 37.

⁸ *Lebor Gabála Érean, Part II*, 9.

⁹ *Lebor Gabála Érean, Part II*, 13.

¹⁰ *Lebor Gabála Érean, Part II*, 53-5.

¹¹ “1320 Letter of Barons of Scotland to Pope John XXII otherwise called The Declaration of Arbroath,” in *Scottish Historical Documents*, ed. Gordon Donaldson (Edinburgh: Scottish Academic Press, 1970), 55-6).

consider to be their native land. They assert their early inhabitation of this place by referencing their connection to the land and cultural traditions that bind them to it, within the context of an exterior force attempting to violently assimilate them and relegate them to the margins of society. In this and many other instances in Scotland's history, the kingdom aligns with the experiences common in indigenous communities throughout the world.

By examining scholarly investigations concerning accepted indigenous communities, there are several attributes that stand out as common ground, both intrinsic to a people and based on external experiences. One element is that of "firstness" on the land; this can be problematic however, as "firstness" aligns with an external temporality, that of an outsider. Some scholars are now using "prior-ity." This term may not escape the prioritization of invaders' conceptions of time, but it does acknowledge that indigenous peoples rarely view themselves as the first occupants, but rather the last, or more recent. Of course, these concepts of "firstness" and "prior-ity" refer to a particular location and thus, imply a connection to land. Rather than focusing on occupation or continued control of the land – as many indigenous communities were forcibly relocated or coerced into doing – most scholars emphasize an emotional connection to or familiarity with the place. In addition, academic inquests often emphasize cultural attributes that not only confirm their connection to the land but also their long-term association with it; these can take the form of languages, spiritual activities, stories, artwork, and such that continually re-tether the people to their place. As well as the previously mentioned elements that exist within an indigenous community, there are several common experiences based on interactions with exterior entities. One such characteristic is attempts at assimilation, particularly religious conversion. It is important that most scholars recognize that successful assimilation does not negate indigeneity as this would require value judgements on authenticity. Further, most

indigenous communities experienced violent dispossession of their land that is held within their collective memory. However, it is also noteworthy that many indigenous people themselves performed such acts in establishing their occupation of the land; neither successful dispossession or executing such dispossession disqualify a community from indigeneity. Finally, as a result of violent dispossession, many indigenous communities find themselves marginalized in larger societies. This can be in the form of colonization, but it does not have to be.

While these six attributes are broad themes witnessed across a vast array of scholarship, they should not be interpreted as a check-list or rating scale of indigeneity. Rather, they are a useful analytic to explore new case studies and ask why certain groups which meet these generally agreed upon criteria are typically excluded from the categorization. Although first applied to peoples and communities in settler colonies such as Canada, the United States, and Australia, indigeneity has grown to transcend ethnicity, geo-political boundaries, and continents, now being used in reference to communities in Asia, Africa, and even Europe. And yet, Scotland does not comfortably fit in this intellectual box. Perhaps because they acted as colonizers, both alongside and independent of England. The Highland Regiments of the British Army, though not exclusively composed of Highlanders, provided four thousand of the twenty-four thousand British troops stationed in North America at the end of the Seven Year's War.¹² In addition to troops who settled in the colonies at the end of their service, many non-combatant Scots immigrated to North America, many intermarrying with Native tribes to establish and strengthen trade relationships.¹³ Pre-Union, Scotland launched its own colonial venture on the

¹² Trevor Royle, *Culloden: Scotland's Last Battle and the Forging of the British Empire* (London: Little, Brown, 2016), 260.

¹³ For a discussion of these relationships, see Colin Calloway, *White People, Indians, and Highlanders: Tribal Peoples and Colonial Encounters in Scotland and America*. Oxford: Oxford University Press, 2008.

isthmus of Panama, called the Darien scheme.¹⁴ Further, many of the later acts of marginalization toe the line between subjugation by an outside force and that by a class of elites, such that a Marxist or economic lens might prove as useful as an indigenous viewpoint.¹⁵

However, Scotland as a case study for indigeneity can also prove to be a fruitful endeavor. One of the challenges often faced in studying indigenous communities is the dearth of written sources. While oral and cultural sources are plentiful, they are often discounted by the academic community. Haunani-Kay Trask, a Hawaiian activist and scholar, experienced this first-hand when she participated in a panel on America's overthrow of the Hawaiian government in 1893. When another historian claimed that there was no record of Hawaiian opposition to the nation's annexation, she responded with a song addressed to their dethroned Queen, written the same year as the overthrow, and still sung at political gatherings. The white historian claimed "that this song, although beautiful, was not evidence of either opposition or of imperialism from the Hawaiian perspective. Many Hawaiians in the audience were shocked at his remarks, but . . . they are the standard response of the *haole* historian who has no respect for Native memory."¹⁶ Scotland does not have such an issue. As an established nation with a history intertwined with Europe, Scotland produced and maintains much of its history – from its own perspective – in a form legible to Western notions of history. This can also make the analysis tricky simply due to the extended contact between Scotland and England. Acculturation is bound to occur in such

¹⁴ For the place of the New Caledonia colony in Scottish history and the Atlantic World, see Julie Orr, *Scotland, Darien, and the Atlantic World, 1698-1700* (Edinburgh: Edinburgh University Press, 2018).

¹⁵ For arguments that the Jacobite Rebellion in 1745 was a clash of economic systems (i.e., dying feudalism vs. increasingly powerful capitalism, see George Pratt Insh, *The Scottish Jacobite Movement: a study in economic and social forces* (Edinburgh: Moray Press, 1952) and A.J. Youngson, *After the Forty-Five: the economic impact on the Scottish Highlands* (Edinburgh: Edinburgh University Press, 1973). For a rebuttal, arguing that capitalistic notions were already well-engrained in the clan-based Highlands, see T.M. Devine, *Clearance and Improvement: Land, Power and People in Scotland 1700-1900* (Edinburgh: John Donald, 2006).

¹⁶ Haunani-Kay Trask, *From a Native Daughter: Colonialism and Sovereignty in Hawaii* (Honolulu: University of Hawai'i Press, 1999), 118-20.

close physical proximity, meaning that while some cultural attributes remain starkly unique, such as the use of Gaelic, others blend in a common background, like religious institutions. Despite these challenges, an indigenous interpretation of Scotland can add substantially to existing scholarship by pushing boundaries of applicability, further exploring commonalities, and continuing to form connections between unique communities.

“Prior-ity”: Belonging where they are found

One attribute commonly ascribed to indigenous communities is a position as a land’s first known or recorded inhabitants. In their introduction to *The Routledge Companion to Global Indigenous History*, editors Ann McGrath and Lynette Russell explore common dictionary definitions of the term. The Cambridge Dictionary defines indigenous as “existing naturally or having always lived in a place; native.”¹⁷ This is applicable to aspects of the natural world apart from human communities. Ronald Niezen in his book, *The Origins of Indigenism*, explains that the term began to expand beyond plants and animals in the 1980s, at which point it began to refer to a “primordial identity” and lasting traditions and connections “from time immemorial.”¹⁸ However, it can also be given more flexibility: Emily Yeh in examining Tibetan uptake (or the lack thereof) of the discourse understands indigeneity to imply “firstness, nativeness or original or prior occupancy of a place.”¹⁹ Similarly, Maile Arvin defines it as an analytic to explore and advocate for a place’s “original or long-time inhabitants.”²⁰

¹⁷ Ann McGrath and Lynette Russell, “History’s Outsiders? Global Indigenous Histories,” in *The Routledge Companion to Global Indigenous History*, ed. Ann McGrath and Lynette Russell (London: Routledge, 2022), 5.

¹⁸ Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California, 2004), 3.

¹⁹ Emily T. Yeh, “Tibetan Indigeneity: Translations, Resemblances, and Uptake,” in *Indigenous Experience Today*, ed. Marisol de la Cadena and Orin Starn (Oxford: Berg, 2007), 69.

²⁰ Maile Arvin, “Analytics of Indigeneity,” in *Native Studies Keywords*, ed. Stephanie Nohelani Teves, Andrea Smith, and Michelle H. Raheja (Tucson: The University of Arizona Press, 2015), 121.

A problem with the idea of “firstness” is that, by necessity, it relies on the temporality of an external other. The 1982 Working Group on Indigenous Population by the United Nations defined Indigenous populations in part as “the existing descendants of the people who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world.”²¹ Thus, this seemingly intrinsic attribute relies on an exterior understanding of time. Mary Louise Pratt instead utilized the concept of “prior-ity.” She explains that “although party A (the indigenous) are marked as having “prior-ity” in relation to party B (the invaders), what in fact has priority is B’s (the invader’s) temporality. It is only with reference to B’s temporality that A was “already” there. Until B arrived bearing a different temporal frame, A was mostly likely not the first subject on the scene, but the “last,” that is, the most recently arrived.”²² The concept of “firstness” as it relates to a community is thus deeply flawed because this is not how the community actually sees itself.

In addition, both “first” and “last” are debatable as descriptors, especially when scholars such as Jeremy Waldron recognizes that some indigenous groups occupy territories by right of conquest and as such, they are open to the same moral ambiguity as colonizers.²³ Indeed, colonizers themselves utilize this framework to assert their own claim as the most recent inhabitants – what they have done and claimed is just another repetitious step in the long history of a place, a history of claims and violence. James Clifford therefore envisions as indigenous those who have “undeniably deep roots in a familiar place.”²⁴ Similarly, McGrath and Russell

²¹ E/CN.4/Sub.2/L.566, para. 34.

²² Mary Louise Pratt, “Afterward: Indigeneity Today,” in *Indigenous Experience Today*, ed. Marisol de la Cadena and Orin Starn (Oxford: Berg, 2007), 398.

²³ Jeremy Waldron, “Indigeneity? First Peoples and last occupancy,” *New Zealand Journal of Public and International Law* 1 (2003): 72.

²⁴ James Clifford, “Varieties of Indigenous Experience: Diasporas, Homelands, Sovereignties,” in *Indigenous Experience Today*, ed. Marisol de la Cadena and Orin Starn (Oxford: Berg, 2007), 198.

utilized a second definition in their introduction, this from the Collins English Dictionary: people who “belong where they are found.”²⁵ The editors’ own definition indicates “people who have been associated with a discrete area of land,” implying that one does not need to be the first, last, or even the only occupants in order to be indigenous, as communities can have overlapping claims in a single locale.²⁶

G.N. Devy, in his introduction to *Indigeneity and Nation*, also utilized the term “association” to detract from a strict understanding of “firstness.” This allows for scholars to explore indigeneity “despite pre-historic migrations.”²⁷ The phrasing here is suspect, implying that history has a beginning or that non-written history, the crux of memory in many indigenous cultures, somehow does not “count” as history. Robert Cribb, for instance, argues for the indigeneity of Asian communities such as the Majing and Shanyue in modern China, or the Emishi in Japan, despite their experiences being distinctly different from those in North America and Australasia. He argues that “few if any of the communities we might now call ‘first peoples’ were necessarily first in the lands they occupied” as they fled the incursions of empires’ frontiers.²⁸ Cribb also notes how this flexibility was exploited by European colonial powers which were involving themselves in the continent; they could justify their own incursions under the guise of protecting smaller, “truly original inhabitants” and argue that the existing, majority communities had no real claim on their territories.²⁹ Both European interlopers and existing Asian communities had the same claim when compared with those who had been displaced long before.

²⁵ McGrath, 5.

²⁶ McGrath, 5.

²⁷ G.N. Devy, “Introduction,” *Indigeneity and Nation*, ed. G.N. Devy and Geoffrey V. Davis (London: Routledge, 2021), 1.

²⁸ Robert Cribb, “Indigenous Peoples in Asia: A long history,” in *Routledge Companion to Global Indigenous History*, ed. Ann McGrath and Lynette Russell (London: Routledge, 2022), 90.

²⁹ Cribb, 96.

Though actual, unequivocal “firstness” opens up indigeneity to an exterior chronology and distracting numerical emphasis, a conception of “prior-ity” allows for more nuanced understanding. Indigeneity is often viewed and defined in relation to another, outside force, but it is also grounded in an identity that includes a long-term association to a place.

This flexibility in the scholarly understanding of “firstness” can allow us to see the early history of Scotland in an indigenous light. The first surviving, written records of the islands come from the Roman invasion in AD 77/78. Julius Caesar himself wrote his first-hand account, *Commentarii de Bello Gallico* (*Commentaries on the Gallic War*), that chronicles his exploits across the continent and the English Channel beginning in 58 B.C. and ending with his return to Rome eight years later. Caesar sails to Britain twice; once in 55 B.C. and again in 54 B.C.³⁰ Other Roman generals and armies made their way west to quell the Gaels and Celts, eventually incorporating a large part of the island into the empire as the province of Britannia. Publius Cornelius Tacitus, noted chronicler of the Roman Empire, recorded his father-in-law’s, Julius Agricola’s, tenure as governor of the island from AD 77/78-83/84.³¹ Agricola’s won a victory against the Caledonians at the Battle of Mons Graupius, somewhere in northern Scotland, but by the reign of Emperor Hadrian, 117-138, the frontier had receded, now marked by what is known to posterity as Hadrian’s Wall. The early Roman expansion constantly ran up against the pre-existing peoples on the Britannic frontier – Gaels and Celts, tribes of Caledonians and Picts – and they could never exert their complete control over what would one day become Scotland.

³⁰ Julius Caesar, *Caesar: Selections from his Commentarii de Bello Gallico*, ed. Donald E. Sprague and Bridget S. Buchholz (Mundelein: Bolchazy-Carducci Publishers, Inc., 2012), 47 & 79.

³¹ Publius Cornelius Tacitus, *Agricola*, ed. A.J. Woodman with C.S. Kraus (Cambridge: Cambridge University Press, 2014), 2.

Although perhaps considered the original or naturally existing people of the northern lands by the Romans, it is important to note that the Celtic culture that so defines the modern Highlands is itself a product of migrations. An account from Ireland centuries later posits the connection between the Scottish nation and its westward neighbor. Giraldus Cambrensis claims “the northern part of the island of Britain also is called Scotland, because a nation originally sprung from [the Irish] is understood to inhabit that land. And this is shown even to the present day by their affinity both in language and in culture, also both in arms and in customs.”³² Despite this early migration – indeed, other acceptedly indigenous peoples have been shaped by such processes as well – few can doubt that the inhabitants of the Scottish nation can find their roots in this place.

Like many societies across the world, the island of Great Britain underwent centuries of warfare, acculturation, and assimilation before it arrived at its current array of modern nation-states. However, while pre-Columbian America experienced such interactions between neighbors as well as invaders from across oceans, peoples inhabiting modern Scotland primarily engaged with each other and neighboring polities. Written chronicles and annals record the various interactions among these different peoples. Tigernach’s *Annals* recalls not only the death of Scotland’s king, Gabran, son of Domangart, in c.a. 559 but also the “Flight of the Scots before Brude, Maelchon’s son, king of the Picts.”³³ Both the Scots and the Picts resided in the modern nation-state of Scotland and there were a variety of other communities and kingdoms that engaged with one another. In 603, the Scottish king Aidan was defeated by Æthelfrith, the King

³² “Giraldus Cambrensis, *Topographia Hibernica*. Opera, vol. v, p. 147,” *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 1.

³³ “Tigernach, *Annals*; in *Revue Celtique*, vol. xvii, pg. 142,” *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 21

of the Northumbrians.³⁴ Four decades later, Oswiu, Æthelfrith's son, not only controlled Northumbria but had "for the most part subdued the nations also of the Picts and Scots, which hold the northern territories of Britain, and made them tributary."³⁵ In the ninth century, the Scots' kingdom continued in conflict with that of the Picts: after King Alpin was killed in Galloway in 841, "the kingdom of the Scots was transferred to the kingdom of the Picts."³⁶ However, Alpin's son, Kenneth, quickly sought to reclaim the territory. According to the *Chronicle of the Canons of Huntingdon*, Kenneth not only restored his father's Scottish lands, but those of the Picts, thus becoming "the first of the Scots to obtain the monarchy of the whole of Albania, which is now called Scotia; and he first reigned in it over the Scots."³⁷ The name Alba, referring to the early union of the Pictish and Scottish kingdoms, remains the Scottish Gaelic term for Scotland today. Another source, part of the *Chronicle of Melrose*, asserts that Kenneth's title as first king was "not because he was [the first], but because he first established the Scottish laws, which they call the Laws of Mac-Alpin."³⁸ By this time, it is clear that the communities in northern Britain had begun to coalesce into a distinct entity, coming under the power of a single ruler, living under a singular legal code, and eventually, envisioning themselves to be part of a unified social structure.

³⁴ "Chronicle of Holyrood, p. 9," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 123.

³⁵ "Chronicle of Holyrood, p. 11," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 175.

³⁶ "Chronicle of Dalriata, versions DFI; Skene's Picts and Scots, pp. 149, 172, 288," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 270.

³⁷ "Chronicle of the Canons of Huntingdon; Skene's Picts and Scots, p. 209," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 271.

³⁸ "Prose and Verse Chronicles, inserted in the Chronicle of Melrose, pp. 16, 223-225, s.a. 843," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 270.

Of course, the Scottish kingdom not only fought to establish itself from within, but also to defend its borders from without. Prudentius of Troyes' *Annals* records that in 847, "The [Irish] Scots, after being attacked by the Northmen for very many years, were rendered tributary; and [the Northmen] took possession, without resistance, of the islands that lie all around, and dwelt there."³⁹ The next year, the Scots were able to repel the Vikings from the territories.⁴⁰ They also had to defend themselves from polities like Norway. According to *Historia Norwegiae*, in the reign of Harold Fairhair, pirates of the royal family established themselves on the norther Hebrides islands. From there, they "went in summer-time working tyranny upon the English and the Scots, sometimes also upon the Irish, so that they took under their rule, from England, Northumbria; from Scotland, Caithness; from Ireland, Dublin, and the other sea-side towns."⁴¹ King Harold himself sailed south, expelling Viking settlements from Shetland, the Orkneys, and the Hebrides after they refused to pay a levy to him, before plundering and raiding in Scotland proper.⁴²

The Scottish kingdom also allied itself with political entities. After defeating the pagan Scandinavians, the Lady of Mercia, Æthelflæd, sister to King Edward of Wessex, "by her own wisdom made a treaty with the men of Scotland and with the Britons, that whenever the same race [the Scandinavians] should come against her they would rise to assist her: while if [the Scandinavians] came against them, she should rise [to assist] them."⁴³ As the lands to the south consolidated into England, the two kingdoms constantly engaged with one another. Multiple

³⁹ "Prudentius of Troyes, *Annales*, s.a. 844; M.G.H., *Scriptores* vol. i, p. 433," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 277.

⁴⁰ "Prudentius of Troyes, *Annales*, s.a. 844; M.G.H., *Scriptores* vol. i, p. 433," 277.

⁴¹ "Historia Norwegiae; Storm's *Monumenta Historica Norvegiae*, pp. 87-90," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 331.

⁴² "Historia Norwegiae; Storm's *Monumenta Historica Norvegiae*, pp. 87-90," 332-3.

⁴³ "Duald Mac-Firbis, Fragment III, pp. 244-246," *Early Sources of Scottish History: A.D. 500 to 1286, Volume One*, coll. and trans. Alan Orr Anderson (Edinburgh: Oliver and Boyd, 1922), 402.

times in the later centuries, the two forged and re-forged their relationship. After his capture while raiding England, King William of Scotland “was forced to accept Henry II [of England] as feudal overlord of Scotland and to subject the Scottish Church to the English” in the Treaty of Falaise in 1174.⁴⁴ A decade and a half later, Henry’s son Richard Coeur-de-Lion sold those rights back to Scotland in order to finance another crusade to the Holy Land, though William remained nominally as a liegeman.⁴⁵

In a 1320 letter to Pope John XXII, proclaiming their sovereignty and requesting support against any further attempts to subsume their country, nobles of Scotland asserted their long-time residence in their homeland. They claim their ancestors

having removed from these parts [i.e. mainland Europe], above 1,200 years after the coming of the Israelites out of Egypt, did by many victories and much toil obtain these parts in the West which they still possess, having expelled the Britons and entirely rooted out the Picts, notwithstanding of the frequent assaults and invasion they met with from the Norwegians, Danes, and English; and these parts and possessions they have always retained free from all manner of servitude and subjection, as ancient histories do witness.

This kingdom hath been governed by an uninterrupted succession of 113 kings, all of our own native and royal stock, without the intervening of any stranger.⁴⁶

While recognizing that they are not the first inhabitants of the northern regions, we can see that these Scottish Barons seek to establish their claim upon their homeland. For thousands of years, their ancestors have dwelt upon this land. They have what Pratt referred to as a “prior-ity” in relation to their English neighbors, who they almost certainly viewed (in some cases, continue to view to this day) as invaders. That this contact was sustained over time, rather than the result of a sudden imposition, does not detract from the conflict between cultures. Cribb makes a similar assertion with regards to indigenous peoples in Asia, whose incorporation into larger polities was

⁴⁴ “1174 Treaty of Falaise,” in *Scottish Historical Documents*, ed. by Gordon Donaldson (Edinburgh: Scottish Academic Press, 1970), 27.

⁴⁵ “1189 Quitclaim of Canterbury,” in *Scottish Historical Documents*, ed. by Gordon Donaldson (Edinburgh: Scottish Academic Press, 1970), 29.

⁴⁶ “1320 Letter of Barons of Scotland to Pope John XXII otherwise called The Declaration of Arbroath,” 55-6.

“marked by much longer periods of prior contact” which could result in cultural adoption.⁴⁷

Likewise, the warfare and assimilation amongst the Picts, the Caledonian tribes, the Irish Scots who crossed Irish Muir Éireann, and the Gaels of the continent that eventually coalesced does not negate the association with the land that modern Celts and Scottish citizens feel today. As Waldron said, the doctrine of firstness is undermined by the conquests that indigenous people themselves performed over others. Perhaps the Scots cannot be considered “the first” but are indeed “the last” until the English began their attempts at invasion. Given their geographic embeddedness in the Western world, the temporality normally external to indigenous communities is in fact internal to the Scots. The “first” occupants may not survive explicitly to present times in name, but Scots can trace a long association from those inhabitants to themselves.

Land Connection: A Familiar Place

The concepts of “firstness” and “prior-ity” must of course refer to a place and thus a connection to the land. Many of the previously mentioned scholars linked their understanding of indigeneity of land. The UN’s Working Group used the phrase “inhabited the present territory of a country.”⁴⁸ McGrath and Russell included “associated with a discrete area of land in a particular locality.”⁴⁹ Niezen called for recognitions of “primary attachments to land.”⁵⁰ The former also expands his definition in reflection of his focus on the international movement to protect the rights of “first peoples.” These include those communities that are “strongly attached to regions that were recently, and in a few instances still are, the world’s last “wild” places and

⁴⁷ Cribb, 86-7.

⁴⁸ E/CN.4/Sub.2/L.566, para. 34.

⁴⁹ McGrath, 5.

⁵⁰ Niezen, 3.

that maintain an “unbroken ancestry” that, despite its priority, does not protect the people from broader state and industrial powers. Additionally, these territories are often at risk of exploitation by extractive industries.⁵¹ Similarly, Brendon Nicholls emphasizes a “custodial attachment to the land.”⁵² This emphasis on environmental stewardship seems to draw a distinction between indigenous understandings of land ownership and capitalist views.

However, most scholars tend to have a more affective understanding of this connection to land. Yeh expanded her “firstness” definition of indigenous to include also “attachment to a particular territory or homeland.”⁵³ This is particularly salient for the author, as her focus is on a people who do not commonly assert a status as indigenous: Tibetans. Part of the reason that this uptake as not occurred is because the goals of the international indigenous rights movement do not align with those of Tibet’s people; Yeh argues that “the current trend in the transnational indigenous movement is precisely for indigenous peoples to speak to and even represent the larger nation-state of which they are a part,” while Tibetans refuse to recognize that their place can be properly called China at all.⁵⁴ This invasion or liberation, depending on who tells the story, only occurred in 1951, after thousands of years of their own history.⁵⁵ Many would in fact like to cede from the dominant state. As such, Tibetans often do not use the term “indigenous” when asserting their sovereignty and right to self-determination. Instead, they use a term from their own language: *sa skye rdo skyes*, or “born of this rock and soil.”⁵⁶ This emphasizes their connection with the land, tracing a lineage to the very ground they inhabit. Although not useful as an analytic – and even damaging as a tool in their cause – Yeh acknowledges the irony that a

⁵¹ Niezen, 4-5.

⁵² Brendon Nicholls, “Indigeneity in Southern Africa,” in *Indigeneity and Nation*, ed. G.N. Devy and Geoffrey V. Davis (London: Routledge, 2021), 10.

⁵³ Yeh, 69.

⁵⁴ Yeh, 79.

⁵⁵ Yeh, 77.

⁵⁶ Yeh, 70.

chapter about Tibet in a volume about indigenous experiences seems natural.⁵⁷ This is in part due to the alignment between the two understandings of land connection.

Similarly, in their introduction to that same volume, Marisol de la Cadena and Orin Starn emphasize a “rootedness” to the land in their understanding of indigeneity, as well as “connections to an intimately known landscape.”⁵⁸ This moves beyond mere occupation or control over a given territory by making an individual’s or a community’s emotional connection to that place the focus of interpretation. James Clifford, exploring indigenous experiences of diaspora, homeland, and sovereignty, describes his subjects as those with “undeniably deep roots in a familiar place.”⁵⁹ Familiarity may seem to be a quotidian concept, but it describes well the feelings of many indigenous communities, particularly those who no longer reside on their ancestral lands. Drawing on Jewish diasporic experiences, James Weiner emphasized the imagery of a homeland in what he claims would constitute “propriety rights to country” despite no actual residence.⁶⁰ Colin Calloway even discusses diaspora as a means of survival in the particular case of the Abenaki “disappearance” as the tribe chose to disperse to safer spaces in Maine as well as Canada, rather than risk complete destruction at the hands of white settlers in Vermont.⁶¹ Thus, Clifford identifies that First Nations, Aboriginal, and other Indigenous people often experience “the feeling that one has never left one’s deep ancestral home . . . , both as a

⁵⁷ Yeh, 69.

⁵⁸ Cadena, Marisol de la and Orin Starn, “Introduction,” in *Indigenous Experience Today*, ed. Marisol de la Cadena and Orin Starn (Oxford: Berg, 2007), 14.

⁵⁹ Clifford, 198.

⁶⁰ James Weiner, “Diaspora, materialism, tradition: Anthropological issues in the recent High Court appeal of the Yorta Yorta,” in *Land, rights, laws: Issues of native title 2*, iss. 6, ed. Jessica Weir (Canberra: Australian Institute of Aboriginal and Torres Straits Islander Studies, 2000), 10.

⁶¹ Colin Calloway, *The Western Abenakis of Vermont, 1600-1800: War, migration, and the survival of an Indian People* (Norman: University of Oklahoma Press, 1990), 201.

lived reality and as a redemptive political myth.”⁶² The mental, physical, or political association with a land is a deep part of what constitutes indigeneity.

Scottish connections to the land are often expressed in bardic traditions, through poetry and song. Donald John MacDonald is considered one of the greatest modern storytellers and poets of Scotland, and a worthy successor to the bardic traditions of old. Apart from his time serving in the British Army during World War II and as a prisoner of war in Germany, MacDonald spent his life as a crofter on the island of South Uist.⁶³ After returning from the war, MacDonald won the Bardic Crown at the Glasgow Mod of 1948 for his poem, *Moladh Uibhist*.⁶⁴ One of the bard’s earlier compositions, “Uist and Barra” showcases the Highlanders’ conception of roots in their homeland. On Uist, an island of the Outer Hebrides, stands a castle of Clan Donald, which he calls a “Monument to the birthright of our race.”⁶⁵ This claiming of the isle, of the land, as a birthright foregrounds the understanding of the land as an inheritance, bequeathed from the islanders’ ancestors. He goes on to list other notable figures and occasions on the islands, including as the birthplace of Flora MacDonald, who famously helped Charles Stuart escape Scotland following the 1745 Jacobite defeat at Culloden Moor, and the battle of Tronnga. MacDonald then briefly explores Barra, an island south of Uist, which he describes as the “Fertile land of MacNeil.”⁶⁶ This is the ancestral seat of the MacNeil clan, a once powerful community. The poet reminisces of a time when “Nobles from all regions/Enjoyed MacNeil’s

⁶² Clifford, 212.

⁶³ Bill Innes, “Introduction,” in *Chì Mi: Bàrdachd Dhòmhnaiill Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. by Bill Innes (Edinburgh: Birlinn, 2001), vii.

⁶⁴ Innes, x.

⁶⁵ Donald John MacDonald, “18. Uist and Barra,” in *Chì Mi: Bàrdachd Dhòmhnaiill Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. by Bill Innes (Edinburgh: Birlinn, 2001), 69.

⁶⁶ MacDonald, “18. Uist and Barra,” 70.

victories with him at his hearth.”⁶⁷ Not only was this the land of the MacNeils, at the height of their power, but it continues to be clan lands, at least in the estimation of a twentieth-century bard.

Many Scottish claims to land are a result of major dislocations following the 1745 Jacobite Rebellion and subsequent clearances of the Highlands and Islands over the next century. They rely heavily on diasporic images of home. Mary MacPherson was particularly critical of clan leaders and landlords who removed their tenants to make room for profitable sheep, though she herself remained in Scotland for her entire life. In her melody “Eilean A’ Cheo – The Isle of Mist” the protagonist has been gone for more than forty years, yet still wishes to return to “My native Highland home.” The singer calls upon others to join in remembrance of,

How thousands of our people
From hill and glen were torn,
And far across the ocean
From their loved isle were born.⁶⁸

Another anonymous author wrote “An Gaidheal ‘S A Leannan – The Gael and his sweetheart,” in which the lovers will soon be leaving the shores of Scotland “since our glens are deserts dreary.” Rather than teeming with life, their land is unable to support its people. Others who have gone before them have kept the trappings of their culture, “those who wore the kilt and feather.” Once again, a songwriter describes the pain of leaving “our native Highlands” as they search for richer lands. And while they may cross the ocean, the singer promises that “we’ll ne’er forget the heather.”⁶⁹ A third song, “Moladh na Lanndaidh” or “The Praise of Islay,” repeats the conception of the traveler as leaving their native soil:

⁶⁷ MacDonald, “18. Uist and Barra,” 70.

⁶⁸ Mary MacPherson, “54.–Eilean A’ Cheo–The Isle of Mist,” in *The Celtic Lyre: Gaelic Songs with English Translations*, edited by Henry Whyte (Edinburgh: J. Gran, 1910).

⁶⁹ “24. –An Gaidheal ‘S A Leannan–The Gael and His Sweetheart,” in *The Celtic Lyre: Gaelic Songs with English Translations*, ed. by Henry Whyte (Edinburgh: J. Gran, 1910).

O, my Island! O, my Isle!
 O, my dear, my native soil!
 Nought from thee my heart can wile
 That's wed with love to Islay.⁷⁰

Despite their forced and coerced evictions and a sundering of their natal ties to land, Scots and their diasporic community continue to lay claim to their homelands; to the Highlands and Islands; mountains and glens of their land.

Cultural Traditions: Where Are Your Stories?⁷¹

In 1998, a disagreement between government officials and a Gitksan community occurred in northwest Canada. The former laid claim to the land, but the First Nation peoples could not understand how they could make such an assertion. An elder eventually asked, “If this is your land . . . , where are your stories?” before launching into a story Gitksan, their Indigenous language. Although the Canadian officials and many of the elder’s Gitksan companions did not understand the language, the meaning was clear: this people maintained their connection to the land through their own traditions.⁷² Indeed, these traditions can not only confirm indigenous peoples’ connection to land, but also emphasize their long-term association or “firstness.” According to Paulette Steeves, “many oral traditions of Indigenous people speak to their community’s genesis, telling in vivid details how their people have been here forever.” These traditions go beyond oral histories to also include ceremonies, rituals, and the naming of the land

⁷⁰ “Moladh Na Lanndaigh (The Praise of Islay),” trans. Thomas Pattison, in *The Minstrelsy of the Scottish Highlands: A Collection of Highland Melodies, with Gaelic and English Words*, ed. by Alfred Moffat (London: Bayley & Ferguson, 1907), 108-109.

⁷¹ For a splendid comparison of cultural traits shared by Highland Scots and Native Americans in the eighteenth and nineteenth centuries as seen by English and European colonizers, see Colin Calloway, *White People, Indians, and Highlanders*

⁷² J. Edward Chamberlin, *If This Is Your Land, Where Are Your Stories?* (Toronto: Knopf Canada, 2010), 1.

and its features.⁷³ McGrath and Russell similarly expand traditions to include a people's language, dance, and song because these attributes can also embed "clues to ancient histories" within them.⁷⁴ Languages often include a people's knowledge of the natural world, including resources and medicines. Similarly, rituals, artwork, dances, songs, and stories can also maintain scientific knowledge as well as remembrances and interpretations of natural events.⁷⁵

Many scholars similarly emphasize cultural distinctions as a defining attribute of indigeneity. The UN Working Group emphasized that these traditions have in modern times. Their definition of indigenous includes those "who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part."⁷⁶ Thus, indigenous peoples are living apart from the dominant society. In their exploration of Indigeneity as part of *Native Studies Keywords*, the volume's editors emphasized a historical continuity to define the term. In addition to current occupation of ancestral lands and a lineage that can be traced back to original occupants, they see language and cultural forms of association as potential proof of that continuity.⁷⁷ Thus, cultural traditions are not only rooted in the past – confirming a "prior-ity" and connection to the land – but also continues through the present, informing a people's ways of living and existing in the modern world.

Michael Cepek confirms this in his exploration of the Cofán people of South America. The author specifically examines the place of Randy Borman, a man of Euro-American descent,

⁷³ Paulette Steeves, "Singing to Ancestors: Respecting and re-telling stories women through ancient ancestral lands" in *The Routledge Companion to Global Indigenous History*, ed. Ann McGrath and Lynette Russell (London: Routledge, 2002), 183.

⁷⁴ McGrath, 10.

⁷⁵ McGrath, 10.

⁷⁶ E/CN.4/Sub.2/L.566, para. 34.

⁷⁷ "Indigeneity," in *Native Studies Keywords*, ed. Stephanie Nohelani Teves, Andrea Smith, and Michelle H. Raheja (Tucson: The University of Arizona Press, 2015), 111.

as the community's primary political representative.⁷⁸ Despite his ethnic distinction, Borman was raised in a Cofán village, married a Cofán woman with whom he raised Cofán-identifying children, identifies himself as Cofán, advocates on behalf of the community, and, perhaps most importantly, is considered Cofán by other Cofán people.⁷⁹ Cepek defends Cofán identification as indigenous – and therefore Randy Borman's – in part because of their cultural attributes. Not only do they meet the criteria of the area's earliest recorded inhabitants, but they also use the A'ingae language as their primary means of communication as well as continue to maintain their rich shamanic practices. In addition, Cofán myths reference cultural and natural features of the land, continually tethering themselves to the landscape.⁸⁰ These cultural traditions, part of a historical continuity, help define indigenous people as such.

These assertions rely on an understanding of indigeneity that is primarily culturally rather than racially or genetically defined. Through this, recent claims to indigeneity from within Scotland have attempted to assert themselves. In 2008, the Scottish Crofting Foundation published materials making such a claim, that crofters constitute the indigenous people of the Highlands and Island of Scotland. The SCF emphasized that since they define indigeneity culturally, anyone who “has chosen to adopt and promote elements of the traditional culture of the Highlands and Islands” should be considered indigenous. This, they argued, is actually in accordance with Highland traditions, whereby “The bonds of milk [nurture/culture] are stronger than the bonds of blood [nature/race].”⁸¹ One of the major cultural attributes that the SCF points

⁷⁸ Michael Cepek, “A White Face for the Cofán Nation? Randy Borman and the Ambivalence of Indigeneity,” in *Performing Indigeneity: Global Histories and Contemporary Experiences*, ed. Laura R. Graham and H. Glenn Penny (Lincoln: University of Nebraska Press, 2014), 83.

⁷⁹ Cepek, 83-4.

⁸⁰ Cepek, 83.

⁸¹ Iain MacKinnon, “Crofters: Indigenous People of the Highland & Islands. Parallels between Highland Crofters and Norwegian Sami & some Political Implications of Indigenous Status” (Scottish Crofting Foundation, 2008), 2.

to is the continued importance of the Gaelic language in the Highlands. Although the United Kingdom claims that no indigenous peoples reside within its borders – and ratifying UN legislation protecting indigenous rights is therefore moot – the UK did recognize Gaelic as an indigenous language when it ratified the European Charter on Regional and Minority Languages in 2001. Thus, the UK claims an indigenous language without recognizing an indigenous people.⁸²

The Gaelic language has long been an important cultural attribute of northern Scotland. Following the 1745 Jacobite rebellion, it was targeted as a means of subduing the population and forcing further assimilation. In addition to outlawing the Gaelic language, the British also banned the wearing of tartan as well as abolishing heritable jurisdictions. This last is especially salient as it gave clan chiefs and their heirs jurisdiction over clan lands, rather than centralized courts. Without this clause, chieftains lost their ability to protect their clan's people from other clans, the Scottish government, and the English, undermining their prestige and the loyalty of the clan. Preserving this system of justice was an important tenant of the 1707 Act of Union between Scotland and England, as it attempted to maintain the former's sovereignty. This question of sovereignty is integral to the indigenous studies field. Lenape scholar Joanne Barker explored the history of sovereignty beginning in theological debates in early east Asia and Europe. Overtime, the theological understanding gave way to one that stressed a King's authority as inherited from God.⁸³ Contemporary indigenous scholars and activists argue that “sovereignty emanates from the unique identity and culture of peoples and is therefore an

⁸² MacKinnon, 2.

⁸³ Joanne Barker, “For Whom Sovereignty Matters,” in *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, ed. Joanne Barker (Lincoln: University of Nebraska Press, 2005), 1-2.

inherent and inalienable right of peoples to the qualities customarily associated with nations.”⁸⁴ By refusing to enter into treaties with indigenous peoples or abjuring them once signed, colonists attempted to prevent their access to sovereignty and undermine their independent status.

Yet, the Gaelic language survived both outlawing and clearances. Almost a hundred years after Culloden, at the height of the Highland Clearances, ten families from the crofting township of Lorgill on the Island of Skye were forced to vacate their land immediately. They were told to proceed to Loch Snizort where they would board a ship bound for Nova Scotia, where they would receive land grants courtesy of the government emigration schemes; those more than seventy years old or without family to support them would be sent to a poor house instead. In a newspaper article published in remembrance years later, the writer claimed “I have met some of these brave Skyemen’s descendants in many parts of Canada, and none of them forgot their mother tongue, the Gaelic language.”⁸⁵ Despite the trials and tribulations suffered by Scots both at home and abroad, they sought to maintain their own distinctive language.

John Campbell, a poet of the late 1800s from Ledaig, wrote a song in which he expresses his love of the landscape, people, history, and language of his home, aptly named “Is Toigh Leam a’ Ghaidhealtachd” or “I Love the Highlands.” Of the latter he says,

And dear is the Gaelic – its music and song
 Oft cheered our sad hearts, wrung by grief or by wrong;
 The accents we lisped, as in childhood we strayed;
 Shall ne’er be forgot till in dust we are laid.⁸⁶

⁸⁴ Barker, “For Whom Sovereignty Matters,” 3.

⁸⁵ “Historical Episodes in the History of Skye: The Lorgill Eviction,” High Life Highland. Accessed June 11, 2023. <https://www.highlifehighland.com/archives-service/learning-and-outreach/resources-for-teachers-2/clearances-resource-pack/clearances-documents/>

⁸⁶ John Campbell, “16.–Is Toigh Leam A’ Ghaidhealtachd–I Love the Highlands,” trans. Findlay MacRae, in *The Celtic Lyre: Gaelic Songs with English Translations*, ed. Henry Whyte (Edinburgh: J. Gran, 1910).

A song composed by M. MacLeod of Govan also asserts Gaelic's historical and continued importance to Scottish communities; in "Eilean an Fhraoich" or "The Isle of Heather" the reminiscing singer proclaims that,

Here Gaelic was spoken
In ages gone by,
And here it will live
Till the ocean runs dry.⁸⁷

Additionally, the modern Bard John MacDonald expresses his call to defend Gaelic language, culture, and freedoms in his work, "The Fiery Cross." Once used to summon the clan warrior to battle, the fiery cross is now used as imagery in a different type of war:

It is a messenger of the rights of justice
To your nation: raise awareness
Of it for our customs, our ways and our language;
Light it, let its rays of hope reach every Gaelic home.⁸⁸

In order to save his culture from further assimilation, MacDonald emphasizes the importance of continuing to teach the language so that the next generation has the Gaelic as well:

The language of our country – yes, our birthright –
Blow into the mouths of the young
With every breath: beget life in the language;
Inject fully the needle of our tradition into the new-born babe.⁸⁹

Teaching the Gaelic is an important part of preserving Highland and Island heritage.

John MacDonald also uses his talents to retell the legends of his people. "The Seal" tells of how those animals came to be; once human, they were bewitched by their enemies and exiled to the water. On feast-nights, they were able to shed their sealskins and frolic along the beach in

⁸⁷ M. MacLeod, "52.–Eilean An Fhraoich–The Isle of the Heather," trans. Henry Whyte, in *The Celtic Lyre: Gaelic Songs with English Translations*, ed. Henry Whyte (Edinburgh: J. Gran, 1910).

⁸⁸ Donald John MacDonald, "55. The Fiery Cross," in *Chì Mi: Bàrdachd Dhòmhnail Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. by Bill Innes (Edinburgh: Birlinn, 2001), 229.

⁸⁹ MacDonald, 229.

their human form.⁹⁰ Stories such as these not only helped inform a decidedly unique outlook, but also established a mythical lineage shared by both man and beast, binding the Scottish people to their fellow inhabitants.

Assimilation: Asymmetrical and Unsolicited

In addition to attributes intrinsic to a community such as “prior-ity,” connection to land, and continued cultural traditions, many indigenous peoples share common experiences as a result of outside forces, such as assimilation; often this includes religious conversions. In addition to her understanding of shifting temporalities, Mary Louise Pratt also establishes a schema for structuring and understanding encounters between indigenous and invading peoples. The elements she emphasizes include an “unsolicited encounter,” whereby the former are on the receiving end and are not the seekers, as well as dispossession. This schema includes the attribute of asymmetrical proselytization as part of her understanding. The outsider not only condemns the encounteree’s religion, but manifest an “entitlement to convert” the encounteree to their own religious understanding.⁹¹ This entitlement comes as a result of a belief in one’s own superiority as well as the means to exercise it. Very rarely- if at all – does the encounteree attempt to engage in these conversions from their perspective, making the exchange decidedly one-sided. Devy expands this understanding in his generalized narrative of indigenous experiences to include aspects of assimilation. He asserts that the colonial experience includes a people “coming in clash with a radically different framework of justice, ethics and spirituality.”⁹² This clash was thus not merely over religious beliefs, but beliefs of right and wrong, ways of

⁹⁰ Donald John MacDonald, “66. The Seal,” in *Chì Mi: Bàrdachd Dhòmhmaill Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. by Bill Innes (Edinburgh: Birlinn, 2001), 271.

⁹¹ Pratt, 401.

⁹² Devy, 1.

seeing and interacting with the world, land use, and many more cultural and societal standards. Niezen similarly includes in his definition of “first peoples” as those whose “beliefs and rituals are imposed upon by those who would convert them (or selfishly acquire their knowledge).”⁹³ This adds an additional nuance to our understanding of assimilation in the scope of indigeneity as it showcases the extractive nature of the indigenous-invader encounter posited earlier by Pratt: while conversion and assimilation may put the encounterer in a place of superiority, it does not necessarily completely discount the indigenous way of life, but rather selectively uses those systems and beliefs for their own purposes.

The process of assimilation can place emphasis on originality or authenticity that can be used to unfairly reject claims to indigeneity. Its success is somewhat inevitable, so authenticity should not be the yardstick by which we measure indigeneity. Joanne Barker analyzes this double-bind of authenticity in the case of Native Americans in her book, *Native Acts*. She begins by describing personal experiences when her identity was questioned based on other’s preconceived notions: family members asking “how much Indian” she was, advisors positing that her scholarly focus is an attempt to legitimize her own identity, and a hair stylist who claims she “did not look like an Indian.”⁹⁴ Because Barker does not meet whatever standards for Native Americans that they had set in their minds, they questioned her status as indigenous. This plays out on a broader scale as well. Barker notes that many Native legal discourses juxtapose rights of the group and rights of the individual as being drawn from “traditional values” and “Western ideologies” respectively.⁹⁵ Thus, when Native people disagree with tribal governments for “advancing racist, sexist, homophobic, or extremely conservative religious perspectives” these

⁹³ Niezen, 5.

⁹⁴ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011), 2.

⁹⁵ Barker, *Native Acts*, 14.

activists are “dismissed as anti-Indian and anti-sovereignty.”⁹⁶ Thus, the yardstick of authenticity is not only problematic between indigenous and settler societies, but also within indigenous groups. Those who do not meet expectations for “authentic” have their identity and allegiance questioned.

Pratt noted in her schema that indigeneity does not disappear if conversion succeeds.⁹⁷ Cribb makes similar claims in his examination of indigeneity in Asia. Because encounters did not result from the sudden juxtaposition of societies and were instead long periods of sustained contact, smaller communities “adopted selectively in the service of their own political, cultural, and social agendas.”⁹⁸ This cultural transmission thus left the people partially acculturated. Although these relationships were also built upon imperial expansions, the form of contact allowed for the indigenous encounterers to “themselves selectively adopted technology and culture from what were to become settler metropolises.”⁹⁹ This also implies that these metropolises did not start out as such – it was only over time that they asymmetric nature of the exchange manifested itself. Thus, assimilation can muddy the waters in our understanding of indigeneity. Anna Tsing, in her exploration of the “promising contradictions”¹⁰⁰ of the global indigenous movement, uses the Sámi of Norway as an example. Norwegians initially resisted Sámi claims to indigeneity in part because of the sustained contact and presumed assimilation and incorporation between the two parties. Further, Sámi claims were contested by other indigenous people, particularly Native Americans at the 1974 preparatory meeting in Guyana for the World

⁹⁶ Barker, *Native Acts*, 14.

⁹⁷ Pratt, 401.

⁹⁸ Cribb, 90.

⁹⁹ Cribb, 87.

¹⁰⁰ Anna Tsing, “Indigenous Voice,” in *Indigenous Experience Today*, edited by Marisol de la Cadena and Orin Starn (Oxford: Berg, 2007), 33.

Council of Indigenous People.¹⁰¹ Attempts at assimilation are thus both an indicator of indigeneity as well as a potential obstacle.

In many ways, the Scottish people have more in common with the aforementioned indigenous Asian and Sámi peoples than with other indigenous peoples. I am choosing to focus on administrative or governmental assimilation efforts, rather than cultural attributes, as these were covered earlier. In many ways, the Scottish and English identities coalesced out of many of the same initial people. As previous explored, the island was home to the Picts, Caledonians, Mercians, Gaels, and many more kingdoms and tribes that would over centuries create the distinct nation-states we recognize today. Clashes of culture and religion were less pronounced as the geographic proximity allowed for each to selectively adopt and incorporate attributes of other societies. Over time and as larger and more distinct cultures formed in different parts of the British Isles, cultural sharing became increasingly asymmetrical and more indicative of the skewed assimilation posited by scholars of indigeneity and colonization.

Given the geographic layout, it is understandable that the Scottish Lowlands, the country's southern half and therefore the part bordering England, developed a distinctly different culture than that of the northern Highlands and Islands of the country. In addition, by the 1600s, the Scottish and English kingdoms were ruled by a single sovereign, though the crowns were nominally separate. James Charles Stuart inherited the former crown upon the abdication of his mother, Mary Queen of Scots, when he was thirteen months old, becoming James VI of Scotland, and the latter upon the death of his first cousin twice removed, Elizabeth I of England, by which he became James I of England in March of 1603. This ascension was made possible

¹⁰¹ Tsing, 50-1.

almost exactly one hundred years earlier when James IV of Scotland married the eldest daughter of Henry VII of England in August 1503. This union was dynastic – two Crowns sharing a single monarch rather than a formal joining of two countries, meaning each still had their own Parliament, the Scottish based in Edinburgh and the English in Westminster, which would resist or support the monarch as they saw fit.

One of the most well-known actions to force assimilation in northern Scotland towards a decidedly more English-hue was the 1609 Statutes of Iona. Julian Goodare argues that this was the result of the Edinburgh government's increasing desire to control the Highlands and Islands rather than merely cope with them.¹⁰² Beginning in 1596, a series of military expedition and colonization efforts were directly at bringing the Highlands to heel. In addition, there were several sets of regulations for the Isles, of which the 1609 is merely the best known. The Privy Council's initial plan focused on negotiations with Angus MacDonald of Dunivaig on Islay and Hector Maclean of Duart on Mull and would have resulted in a complete demolition of clan power in the region – they would have been demilitarized, their lands reallocated by the crown, they would lose their rights to adjudicate disputes on their lands, and, essentially, their Gaelic culture replaced by a Lowland one.¹⁰³ The goals were eventually reduced and Lord Ochiltree was instructed to obtain obedience and payment of royal rents from the chiefs. After capturing a total of nine chiefs through trickery, Lord Ochiltree transported them to the Lowlands, where they were incarcerated until terms could be negotiated. They were held in this imprisonment, away from their lands and people, for almost a year before the signing the Bands and Statutes of Iona.¹⁰⁴

¹⁰² Julian Goodare, "The Statutes of Iona in Context," *The Scottish Historical Review* 77, no. 203 part 1 (1998): 32.

¹⁰³ Goodare, 35.

¹⁰⁴ Goodare, 36-38.

The sixth stipulation of the Statutes of Iona is perhaps the best known as it required every man who possessed at least sixty cattle, not just the recalcitrant chiefs, to send at least their eldest son (or eldest daughter if they had no sons), to the Lowlands to be educated until they “may be found able sufficientlie to speik, reid and wryte Inglische.”¹⁰⁵ Furthermore, the chiefs were no longer allowed to entertain wandering bards; these “vagaboundis, bairdis, juglouris, or suche lyke” were to be apprehended and expelled from the Islands.¹⁰⁶ Additionally, all residents were prohibited from carrying hagbuts (a now obsolete, long-barreled firearm) or pistols as well as hunting deer, hares, and birds within the regions controlled by these chiefs.¹⁰⁷ The first stipulation is perhaps the most clear in terms of its attempts to assimilate. Given the clear cultural and linguistic distinctions between the Gaedhelatachd, Highlands, and the Galldachd, Lowlands, the forced migrations of the next generation of leaders would have resulted in clear shifts in the social makeup of the Western Islands. Furthermore, the bardic traditions of the Highlands and Islands held the cultural memories of the people and community – they asserted the clan’s priority on the land through fables and stories and mythical beings, reinforced the importance of Gaelic by their usage of it, and claimed common ancestral linkages amongst clan members. Through the destruction of what made the Highlands the Highlands, the English and their Scottish allies sought to bring the Northern regions into alignment with the English-adjacent Lowlands and integrate it culturally into a broader, British ethos.

Following the 1745 Jacobite Rebellion, attempts to formally assimilate the Highlands became more pronounced. Though the 1707 Acts of Union had officially combined all the governmental functions of the two nations, including the Parliaments, the revolt was an attempt

¹⁰⁵ “1609 Statutes of Iona,” in *Scottish Historical Documents*, ed. Gordon Donaldson (Edinburgh: Scottish Academic Press, 1970), 174.

¹⁰⁶ “1609 Statutes of Iona,” 175.

¹⁰⁷ “1609 Statutes of Iona,” 174.

to reinstate the Stuarts on the throne after James II/VII was deposed by his daughter and son-in-law, William and Mary, during the Glorious Revolution of 1688. To end the possibility of further rebellions once and for all, the British government attempted to break the spirit of the Highlanders and finally assimilate them. In August 1746, four months after the final battle at Culloden, the Act of Proscription came into effect. The earlier outlawing of weapons by the Statutes of Iona had been repeated in the 1715 Disarming Act and again in 1725. In 1746, not only were more severe punishments included, but they were more rigorously enforced. The first offence triggered a fine of fifteen pounds sterling and imprisonment until the fine was paid; should it not be, the offender or his heirs would be conscripted in the British Army. Repeat offenders would be transported to a plantation abroad and subjected to seven years of labor, essentially indentured servitude.¹⁰⁸ In addition, the Act abolished the wearing of the Highland dress: no man or boy in Scotland “shall, on any pretext whatsoever, wear or put on the clothes commonly called Highland Clothes (that is to say) the plaid, philibeg, or little kilt, trowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the highland garb; and that no tartan, or partly-coloured plaid or stuff shall be used for great coats, or for upper coats.”¹⁰⁹ The one exception was for the Highland Regiments serving in his majesty’s army. Like the disarming portion of the act, the first offense was punished by six months imprisonment and the second was transportation to a foreign plantation for seven years.¹¹⁰ Additionally, the British Parliament passed the Heritable Jurisdiction Act the same year under the guise of “rendering the Union of the Two Kingdoms more complete.”¹¹¹ As part of the Act of Union in 1707, clan chiefs

¹⁰⁸ *Abolition and Proscription of the Highland Dress* 19 Geo 2. c. 39, s. 17, 1746.

¹⁰⁹ *Abolition and Proscription of the Highland Dress* 19 Geo 2. c. 39, s. 17, 1746.

¹¹⁰ *Abolition and Proscription of the Highland Dress* 19 Geo 2. c. 39, s. 17, 1746.

¹¹¹ *Heritable Jurisdictions (Scotland) Act 1746* c. 43, available at: <https://www.legislation.gov.uk/apgb/Geo2/20/43/introduction> (Accessed 27 June 2023).

and their heirs were allowed to retain their legal jurisdiction over their land. This meant that the British government – and by extension, the king – did not have jurisdiction via the royal courts in these areas. Clan chiefs could adjudicate disputes and were expected to enforce British law, but there was limited means to actually do so if the chief chose not to cooperate. Not only did the Act mean that Scots were now directly subject to British law, but it undermined the authority of clan chiefs to their ultimate destruction. Without final jurisdiction over the clan's people, their power waned and the ties that bound the chief to his people, the clan to their land, dissipated.

Violent Dispossession: Memory and Loss

Another experiential attribute shared by many indigenous people is that of violence and dispossession. Clifford argued that “people who identify as first nations, aboriginal, or tribal share histories of having been invaded and dispossessed within fairly recent memory.” This ties back to his previous diasporic understandings of land tenure as communities may continue to identify themselves with their ancestral homes.¹¹² Although “fairly recent memory” is a woefully vague timeline, this emphasizes events that remain within cultural and communal memory. Thus, it can be interpreted to exclude violent events that occurred historically and are held in written or archeological records, but not held within the memory of the dispossessed people. For instance, although the conquests over Caledonians over Caledonians, Picts, and Irish Scots to build the kingdom of Scotland are historical facts and scholars have records of these encounters, there is not a “Pictish memory” that survives to hold this act of dispossession. This can also further ground Pratt's emphasis on the temporality of “party A” or the indigenous. Until

¹¹² Clifford, 212.

an encounter with a different temporality, indigenous people were not in fact “the first” but rather “the last.”

However, this does not mean that because they did not survive into the modern world, the Picts could not be considered indigenous. This logic would also preclude commonly accepted communities from the categorization of indigenous, including the Mesoamerican Aztec civilization, the Banda people who were massacred by Dutch traders in the Spice Islands,¹¹³ and many First Nation and Native American tribes as well. Indeed, while the people that this violence was enacted upon no longer exist as a distinct group, the memory lives on within the broader culture. The 1620 massacre of Banda’s people lives on in the culture of the region, even in the island’s inhabitants were exterminated. The Aztecs remain a cultural point of pride in South and Central America, a powerful rejoinder to the Western world’s exclusive claim to civilization. And while specific tribes may have been eliminated in North America, there remain others who hold their memory within their own. Additionally, violent dispossession is but one signal of potential indigenous characterization – its presence or absence is not intended to be a clear-cut definition in either direction.

McGrath and Russell similarly emphasize violence as a shared experience among indigenous peoples. Their summary of this “pattern of violence” is worth quoting at length:

Well-armed invaders arrived on Indigenous lands; they implemented takeovers by means of large-scale military operations and warfare. Various colonial states routinely condoned murders and acts of violence by frontiersmen and women, the ordinary civilians. . . In some colonising nations, tens of thousands of Indigenous peoples – women and children included – were targeted and killed in cold blood. Women were raped, tortured, and subjected to ongoing sexual exploitation. Massacres were carried out and frequently covered up. Large-scale warfare, guerrilla warfare, poisonings, murders, state-endorsed executions, starvation, and disease led to shocking death tolls. Coloniser states also sought to exploit rivalries and to turn Indigenous Nations against each other; indigenous police forces were deployed against other Indigenous groups. Indigenous

¹¹³ Pieter C. Emmer and Jos J.L. Gommans, *The Dutch Overseas Empire, 1600-1800* (Cambridge: Cambridge University Press, 2020), 276.

people fought back, waging both short and sustained campaigns, and although there were many wins, the larger European populations and forces eventually gained control. Overall, these imperial and colonial takeovers constituted a reign of terror.¹¹⁴

Note that this understanding of violence includes both explicitly physical acts – massacres, warfare, and the like – as well as implicit ones, such as starvation and disease. As a result of this massive loss of life, exterior forces are more easily able to gain control over land and its resources. Accordingly, the editors note that indigenous also “implies acts of dispossession or sublimation.”¹¹⁵ Therefore, this implies that there is a goal to the violence: to gain access to the land and resources of the indigenous people and aim them to more productive pursuits. The UN Working Group similarly emphasizes violent experiences as an attribute of indigeneity, indicating populations who encountered persons from another part of the world who “overcame them and, by conquest, settlement, or other means, reduced them to a non-dominant or colonial condition.”¹¹⁶

Pratt’s previous mentioned schema of encounters between indigenous and invaders extrapolates on these violent encounters. Although she mentions conquest as part of the act of dispossession, she also emphasizes the impact that dispossession has: “losing control of one’s land base and being obliged to sell one’s labor.” Then, “the encounterers conscript the surplus labor of the encounterees and exploit it for their own enrichment.”¹¹⁷ Thus, acts of violence not only lead to a loss of land, but to radical alterations to indigenous communities’ ways of life. G.N. Devy makes similar assertions, claiming that part of the general narrative of indigenous includes breaks in long-standing traditions that cause them to lose control over their natural

¹¹⁴ McGrath, 3.

¹¹⁵ McGrath, 5.

¹¹⁶ E/CN.4/Sub.2/L.566, para. 34.

¹¹⁷ Pratt, 401.

resources and their connection to land on their own terms.¹¹⁸ Lucinda Aberdeen, Katherine Ellinghaus, Kella Robinson, and Judi Wickes emphasize the need to control indigenous peoples that caused such violence in their examination of removals and exemptions in Australia. Accordingly, European efforts included “removing them [indigenous peoples] from desirable tracts of land and forcing them to reside in places convenient to settlers.”¹¹⁹ In many ways, this dispossession continues to the present time through politics. Brendon Nicholls structures his own understanding of modern indigenous character as a relation to threat to these communities: “incursions into their former lands, mining, militarization and deforestation, among others.”¹²⁰ Thus, dispossession and violence are not merely historical experiences; even communities or parts of a community that retained a hold over their ancestral lands are still at risk for or currently experiencing dispossession.

Within the boundaries of the ancient kingdom and modern nation of Scotland, perhaps no time was more known for violence than the 1745 Jacobite Rebellion. After this final abortive attempt to return the Stuart line to the throne, the Hanover regime determined that any further flame of rebellion needed to be snuffed out. The British Army took a “salt the earth” approach to the northern reaches of the realm as they pursued their goal. According to Murray Pittock, the size of Charles Stuarts’ army is routinely underestimated as part of a myth that makes the rising peripheral and romanticizes the fading Gaidhealtachd world. He estimates that the Jacobites raised approximately seventy percent of Scotland’s capacity and that on the high-side, thirteen to

¹¹⁸ Devy, 1.

¹¹⁹ Lucinda Aberdeen, Katherine Ellinghaus, Kella Robinson, and Judi Wickes, “‘Because of Her, We Can’: Gender and diaspora in Australian exemption policies” in *The Routledge Companion to Global Indigenous History*, ed. Ann McGrath and Lynette Russell (London: Routledge, 2002), 399.

¹²⁰ Nicholls, 9.

fourteen thousand men “reached the theatre of war.”¹²¹ When the two armies at last met on Drummoissie Muir in April 1746, the result was quick and brutal. Estimates range from fifteen hundred to two thousand Jacobite soldiers were killed in under an hour, while only three hundred were killed or wounded for the government forces. W.A. Speck describes the battlefield as a “national catharsis” at which the British soldiers took revenge for rumors of the rebel’s atrocities at previous battles, let out their frustrations at having their lives so disrupted by war, and further dehumanize these strange and savage northerners.¹²² Indeed, the Duke of Cumberland’s nickname “The Butcher” comes from directly after the battle, as the prince ordered no quarter be given to the fleeing rebels.¹²³

Furthermore, the government took steps to assimilate the Scottish Highlands into the Kingdom of Great Britain more fully, passing a series of legislation that curtailed the traditional power of chiefs and outlawed key attributes of Highland culture, such as tartans and the Gaelic language. This destruction of clan authority is commonly attributed as the cause of the Highland Clearances. In many ways, this process was already underway. Many scholars including George Insh¹²⁴ and A.J. Youngson¹²⁵ still utilize a clanship versus capitalism model; however, T.M. Devine takes direct issue with the clash of market forces understanding of the Forty-Five. Instead, he argues that when examining individuals, it’s clear that the two forces mixed and many Highland chiefs who supported the Jacobite cause were already involved in commercial

¹²¹ Murray Pittock, *The Myth of the Jacobite Clans: The Jacobite Army in 1745* (Edinburgh: Edinburgh University Press Ltd, 2009), 77 & 80.

¹²² W.A. Speck, *The Butcher: The Duke of Cumberland and the Suppression of the 45* (Oxford: Basil Blackwell, 1981), 147.

¹²³ This was, apparently, ordered in the belief that Lord George Murray of the Jacobite army had issued a similar order, found on the battlefield. However, this has proven to be a rather poor forgery or at least, an unofficial version of the orders. For more information, see Speck, 149.

¹²⁴ George Pratt Insh, *The Scottish Jacobite Movement: a study in economic and social forces* (Edinburgh: Moray Press, 1952).

¹²⁵ A.J. Youngson, *After the Forty-Five: the economic impact on the Scottish Highlands* (Edinburgh: Edinburgh University Press, 1973).

and colonial endeavors at the time of the uprising: For instance, members of the Cameron clan had land assets both in America and as Caribbean plantations; they felled their forests to supply the timber industry; and those truly well-off invested in the Edinburgh money market. Similarly, the Duke of Perth, one of Prince Charles' staunchest supporters, had already begun agriculturally improving the Drummond lands by the time he came out for the Stuarts.¹²⁶

Yet, in the decades following the rebellion thousands of Highlanders left their shores. Alexander Irvine published an inquiry into the causes of this mass exodus in 1802. He notes that due to the abolition of hereditary jurisdictions, "the power of the chiefs declined, and the attachment of their retainers lost its force."¹²⁷ He further explains that, "the attachment of the clans to their leaders was founded upon a principle which no enemy could vanquish, no temptation impair. Indissoluble, like the ivy which entwines the oak, they had the same fortune, enjoyed the serenity of sunshine, or braved the tempests together. So long as this principle of union retained its energy, the idea of emigration had no room to exist."¹²⁸ While he goes on to posit that the common Highlander emigrates because he is "no longer flattered, caressed, and feasted,"¹²⁹ implying that the exodus is a result of hurt pride more than other factors, it is crucial to note that the severed ties that bound the clansman to the chief had previously also bound the chief to his clansman. Irvine does note that the new breed of landlord "enlarges his farms, to make way for a mode of agriculture or pasturage, which he conceives more advantageous. He removes the former occupants, and admits a person of more understanding, and more efficient capital; he makes a provision for those who may be dispossessed, by offering them a small

¹²⁶ T.M. Devine, *Clearance and Improvement: Land, Power, and People in Scotland 1700-1900* (Edinburgh: John Donald, 2006), 168.

¹²⁷ Alexander Irvine, *An Inquiry into the Causes and Effects of Emigration from the Highlands and Western Islands of Scotland, with Observations on the Means to be Employed for Preventing it* (Edinburgh: Mundell & Son, for Peter Hill, 1802), 6.

¹²⁸ Irvine, 6-7.

¹²⁹ Irvine, 7.

tenement; but pride and irritation scorn to accept his provision. Emigration is then the sole remedy."¹³⁰ Despite the dispossession of the land traditional occupants, Irvine argues that these actions ultimately promote the public good. While claiming that emigrants leave their homeland as a result of insult and wounded pride, the writer does, almost begrudgingly, recognize that the Highlanders no longer have access to their natal land.

The Highland Clearances are complicated in this regard as it was often Highlanders themselves who were performing the dispossession, particularly clan chiefs and newer landowners. However, there was a distinct disconnect between the culture of these elites and the culture of the average inhabitants. This is particularly clear in the case of Reginald George MacDonald, the last chief of Clan Ranald in South Uist and Benbecula. James Stewart Jr. argues that due to external forces, MacDonald was forced “to grow up totally alienated from the language and culture of his MacDonald ancestors and the Gaels on his estate. Moreover, this alienation was forced on him by others against his well-documented wishes.”¹³¹ His mother and a trust formed at the death of his father chose to have him educated at Eton and Oxford alongside English nobility, where he became more aligned with English culture, habits, and expectations. Additionally, Stewart notes that from the meeting minutes of the trust, there appeared to be an unspoken but intentional policy to separate young MacDonald from his estate and tenants. At least twice before he came of age, MacDonald expressed his intent to visit his Island estate and was denied.¹³² The author acknowledges that “whether the trustees intended to separate Reginald George from the culture of his ancestors or whether this situation grew naturally out of

¹³⁰ Irvine, 34.

¹³¹ James A. Stewart, Jr, “The Jaws of Sheep: The 1851 Hebridean Clearances of Gordon of Cluny,” *Proceedings of the Harvard Celtic Colloquium* 18/19 (1998/1999): 208.

¹³² Stewart, 208-9.

their own attitudes and the climate of the times, the effects were the same.”¹³³ His personal debts and irresponsible spending eventually forced MacDonald to sell his ancestral claim to Colonel George Gordon of Cluny, who carried out one of Scotland’s most brutal series of clearances in the Outer Hebrideans in the 1850s. Long before the people of Clan MacDonald were severed from their land, their chief had been culturally, emotionally, and physically cut off from them.

However rosy a picture was painted by Alexander Irvine, that landlords were merely doing what was best in the grand scheme of a changing world and that common folk were themselves choosing to remove themselves from the land, there were certainly many more examples of eviction. Schemes of emigration became popular in the mid-1800s as a solution to famine and desolation in the Scottish Highlands during its own potato famine as well as problems in other parts of the British Empire. The Highland and Island Emigration society sought to provide funding in order to send as many Scots as possible to Australia. Sir Charles Trevelyan, the chair of the Society, posited the plan as such: free passages would be granted to those eligible. All emigrants would be required to sell all their worldly possessions to outfit themselves with bedding, utensils, and other necessities for the journey and, if not eligible for the grant, passage aboard the ship. If unable to afford the cost, the society would advance the remaining balance as a loan to the emigrants, to be repaid through work found in Australia. Landowners whose tenants took advantage of the opportunity would be charged by the Society one-third of the advance paid to each of the emigrating tenants.¹³⁴ It was this last point that garnered the most criticism, as it allowed for landlords to exploit the scheme. With enough

¹³³ Stewart, 209.

¹³⁴ *Emigration from the Highlands and Islands of Scotland* (Melbourne: John Ferres, Government Printer, 1852) 11. Accessed June 11, 2023. <http://www.migration.amdigital.co.uk/Documents/Details/udc-am00253-00077>

pressure applied to their existing tenants, they could easily make way for more profitable ventures, particularly sheep.

The Lorgill Eviction on the Isle of Skye in August 1830 was previously explored as an example of the Scottish diaspora holding onto their customs, including the Gaelic language, as they left their native land. Indeed, this crofting township was expelled from their homes with little warning. The factor, sheriff, four policemen, and local minister called a meeting of the families and ordered them to vacate their homes; though they could take their personal baggage, they could not bring any stock with them – this was the property of the landowner. Passage to Nova Scotia had already been arranged for those able to work and with family to support them. If one was over seventy years of age or without a family, they would immediately be sent to the poorhouse.¹³⁵ A member of one family, the MacCrimmons, composed a song on their journey to Canada entitled “The Lorgill Crofters’ Farewell to Skye.” In it, they express their mourning and anger at the callousness with which they were disinherited:

From Borreraig hills to Snizort shores MacCrimmon's bagpipe sounds
 The Lorgill crofters are on the march, to Canada they are bound
 They are forced to leave their natives homes and cross the stormy seas,
 And search for homes on foreign shores or die among the trees.

The old and weak are left behind, to shelter where they can;
 The poor-house gate is opened wide to let them all get in
 The day will come when greedy hounds will sweat for all their sins
 And tyrant bold no longer hold the crofter by the chin.

No more we see the peaty reek arising from the glen,
 No more we hear the bark of dogs, for all is at an end.¹³⁶

¹³⁵ “Historical Episodes in the History of Skye: The Lorgill Eviction.”

¹³⁶ “Historical Episodes in the History of Skye: The Lorgill Eviction.”

Many others captured these experiences in songs and poetry. Published in the early 1800s, “Fuadach nan Gaidheal – The Dispersion of the Highlanders” captures the continuing sense of loss:

I mourn for the Highlands,
now drear and forsaken,
The land of my fathers,
the gallant and brave;

To make room for the sportsman
their lands were all taken,
And they had to seek out
new homes o’re the wave.

Oh, shame on the tyrants
who brought desolation,
Who banished the brave
and put sheep in their place . . .

The clansmen are gone –
But their deeds live in story –
Like chaff in the wind,
They were borne far away.¹³⁷

Similarly, Mary MacPherson expresses her dismay at the loss of her people, encouraging her listeners to,

Come join me in singing
The woes that us befell;
How thousands of our people
From hill and glen were torn,
And far across the ocean
From their loved isle were borne¹³⁸

In all these poetic examples, there is a notable lack of choice. The Highlanders were borne away, seemingly through no decisions of their own. Other individuals – the clan chiefs and

¹³⁷ Henry Whyte, “46.–Fuadach Nan Gaidheal–The Dispersion of the Highlanders,” in *The Celtic Lyre: Gaelic Songs with English Translations*, ed. by Henry Whyte (Edinburgh: J. Gran, 1910).

¹³⁸ Mary MacPherson, “46.–Fuadach Nan Gaidheal–The Dispersion of the Highlanders,” trans. Robert Ferguson in *The Celtic Lyre: Gaelic Songs with English Translations*, ed. Henry Whyte (Edinburgh: J. Gran, 1910).

landlords – are responsible, choosing the divest them of their livelihood. In some cases, such as in Lorgill, passage abroad had already been prepared for the disinherited Highlanders.

Marginalization: On the Edge of Society

As a result of violent dispossession, many indigenous societies find themselves marginalized in the societies that surround them. This can, but is not required to, be in the form of colonization. The UN Working Group’s definition includes those peoples who have, by the conquest and settlement, been reduced to a “non-dominant or colonial condition.”¹³⁹ The editors of *Native Studies Keywords*, while exploring distinctions between indigenous peoples and racial minorities, claim that the former rejected designation of the latter because racial minorities lack the right to self-determination under international law. Rather, indigenous peoples claimed a “right to name and define themselves in light of their colonial history of being defined by others.”¹⁴⁰ Here in particular, it appears that a colonial condition is an important attribute: without the word “colonial,” the above sentence could very easily be used in reference to racial and ethnic minorities. They too have found themselves on the margins of modern societies and subjected to dominant notions and definitions of themselves. Other scholars similarly emphasize a colonial experience. Arvin argues that indigeneity “refers to the historical and contemporary effects of colonial and anticolonial demands and desires” as they relate to territory and displacement.¹⁴¹ She views indigeneity as separate from but related to raciality and coloniality and these connections as analytical spaces.¹⁴² G.N. Devy similarly centers his general narrative

¹³⁹ E/CN.4/Sub.2/L.566, para. 34.

¹⁴⁰ “Indigeneity,” 109.

¹⁴¹ Arvin, 121.

¹⁴² Arvin, 121.

of indigeneity as “a colonial experience that hammered a break in the long-standing traditions of the Indigenous.”¹⁴³

Other scholars place less of an emphasis on a particularly colonial experience. Although Yeh says that indigenous often implies a history of colonization, she also includes “marginalization within a culturally or ethnically different wider society” as part of her definition.¹⁴⁴ Dorothy Hodgson, in her examination of Maasai claims to indigeneity, complicates marginalization and historical narratives. According to her, “complicated stories of historical injustice are condensed in cultural signifiers that, merely by their association with Indigeneity, imply a shared past of oppression and marginalization.”¹⁴⁵ This “masks the complexities of history, social change, and power which have produced their contemporary struggles and situations.”¹⁴⁶ As such, it can be difficult to parse out marginalization as a result of indigeneity as distinct from marginalization in general. While marginalization is an attribute of indigeneity, it can also be the result of other reason, meaning it is not a defining factor on its own.

This marginalization has been experienced by the Scots – particularly of the northern regions – for centuries. In 1851, surveys of the Highlands and Islands by the Royal Academy of Physicians recorded the observations and experiences of doctors stationed in various locales. It was approximately five years after the start of the Highland potato famine that resulted in the forced emigration schemes previously discussed. In response to the question of how the medical man’s position has improved in recent years, James Howie, serving in Ardshealach and Arkaroll

¹⁴³ Devy, 1.

¹⁴⁴ Yeh, 69.

¹⁴⁵ Dorothy Hodgson, “Culture Claims: Being Maasai at the United Nations,” in *Performing Indigeneity: Global History and Contemporary Experiences*, ed. Laura R. Graham and H. Glenn Penny (Lincoln: University of Nebraska Press, 2014), 76.

¹⁴⁶ Hodgson, 76.

on the western coast of Scotland responded “When I settled here [seven years ago] the people had some money to pay for medical attendance and medicine and were as willing to pay as others in the same situation in life, but some the failure of the potato crop they are reduced to such poverty that they are unable to pay their rents and have great difficulty in [procuring] even the necessities of life and in nineteen cases out of twenty I am not paid for my professional services.”¹⁴⁷ Similarly, Hector MacColl of Tobermory, Mull claimed that “The greatest hardship I have to encounter in this locality, is that I am often called away many miles to attend a small crofter or Cottar¹ who cannot pay me for my trouble. I have to hire a horse, give medicine to such party during their illness & never expect to be refunded.”¹⁴⁸

It is also helpful to note that many physicians indicate that the conditions of the roads leave much to be desired. While John MacKellar in Clachan, Argyll indicated that the roads were “Kept in tolerable repair”¹⁴⁹ and Hector MacColl says they were “much improved of late,”¹⁵⁰ others were not so generous. William Mackintosh in Stronsay, Orkney called the roads “Extremely bad,”¹⁵¹ John MacDonald of Kylespaible in North Uist “Good except in the moor land districts,”¹⁵² George Garson of Stromness, Orkney says they are “Bad generally beyond four miles from the town.”¹⁵³ Howie was more expansive: “The Government roads are good but I have to make by far the greater number of my visits when they are of no use to me – the other

¹⁴⁷ RCP/COL/4/8/217. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0522-0523.html>

¹⁴⁸ RCP/COL/4/8/221. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0530-0531.html>

¹⁴⁹ RCP/COL/4/8/205. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0496-0498.html>

¹⁵⁰ RCP/COL/4/8/221. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0530-0531.html>

¹⁵¹ RCP/COL/4/8/254. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0599-0600.html>

¹⁵² RCP/COL/4/8/244. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0579-0580.html>

¹⁵³ RCP/COL/4/8/251. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0593-0594.html>

roads are mere tracts over the roughest country.”¹⁵⁴ While the decline in prosperity was a result of the famine and acute situation, easily dismissible as acts of nature beyond any government’s control, the derelict roads were less so. Indeed, these conditions could indicate a long-term disregard for the economic, social, and medical well-being of Highland and Island inhabitants.

Now, the parish of Stromness where George Garson practiced was a seaport on the Orkney Islands: with its harbor easily accessible and most of its inhabitants engaged in fishing, the lack of roads may not have been as economically hampering as parts further inland, who had to bring their goods to the seaside harbors, or for coastal mainland settlements that eventually passed these goods onto market further afield. For the latter locations, the lackluster roads could limit the financial gains and improvements to livelihood to those in residence. They are also indicative of a long-term undermining and marginalization as the roads would have been long-term investments in the society of the Highlands. A road building program in the Scottish Highlands was initially launched after the Jacobite Rebellion of 1715 and intended to link British military fortifications and allow for the army to quickly suppress any additional rebellions. Ironically, these roads helped Charles Stuart’s army rapidly progress southward into England during the ’45. Rather than provide access to markets and ease travel in northern Scotland – in other words, incorporate the region into the British social, cultural, and economic system – roads were used to bring order to the region and repress any lingering stirrings against the Hanovers and Union with England.

¹⁵⁴ RCP/COL/4/8/217. Accessed 12 June 2023. Available at <https://www.rcpe.ac.uk/remotearruralremedies/db/HISD0522-0523.html>

The experience of being on the margins of society has also been recorded in poetry, particularly that of John MacDonald. After World War II, there was a great shortage of whiskey in the country and people had to substitute with other liquors.¹⁵⁵ MacDonald claims,

They're exporting it from the country
 Importing poison in its place,
 And I am offered by dregs
 When every drunkard is sated
 With it fully.¹⁵⁶

Although the barley was grown and malted in Scotland, it was being sold abroad for profits. Highlanders like MacDonald were always the last consideration and received whatever remained at the bottom of the barrel. Earlier in the piece, he informs the reader who “they” are, as he proclaims whiskey the drink of the Gaels from a time,

Before Scotland of the dark bens
 Was put under the rule of the rabble
 Who took the food from our mouths
 Before a tooth could indent it
 With a bite.¹⁵⁷

It is because of the English that not only has whiskey been taken from them, but basic sustenance as well.

MacDonald also sees himself and his fellow crofters as marginalized in his homeland. His poem, “The Seaweed Gatherer” explores the hard labor crofters like him endure to make a living. As he collects the seaweed to fertilize his crops, he expresses the difficulties they face:

What hardship for me and people here,
 Cold and thirsty making a living –
 And all I cultivate till the crop is ripe
 Will not pay my rent, though it's hard for me

How sad to report that my countrymen

¹⁵⁵ Donald John MacDonald, “14. To Whiskey,” in *Chì Mi: Bàrdachd Dhòmhnail Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. Bill Innes (Edinburgh: Birlinn, 2001), 49.

¹⁵⁶ MacDonald, “14. To Whiskey,” 51.

¹⁵⁷ MacDonald, “14. To Whiskey,” 49.

Suffer death and oppression at the fists of rogues –
 And renowned Scotland that proved her glory
 Defrauded by the misers who grasp her helm

Though my teeth should blunt for want of food
 I cannot cast a net to fish Loch Roag –
 While every bailiff and earl in Christendom
 Can fish to heart's content under my nose.¹⁵⁸

Although the crofters toil all day, they cannot afford rent on their farms. They are kept at a barely subsistence level, living on the edge of survival.

It is also worth noting that in the final stanza quoted above, MacDonald notes that while he and his peers are not allowed to fish in the Loch, even as they starve, the elites are allowed to do so. This is echoed in Alistair McIntosh's recollection of his childhood on the Isle of Lewis in 1960s and 70s. Although his father was a doctor, his family also tended to a croft.¹⁵⁹ At no point was crofting intended to be a sole means of survival in the Highlands and Islands of Scotland. Sometimes, this was by design as landlords could entice tenants with the promise of land while also extracting their labor in local fisheries and weaving factories, playing on supposed feelings of fellowship and ties of clan. However, given his father's prominence in the community and friendship with the elites in the area, McIntosh asserts that "If I had one foot in crofting culture, the other was in the world of the laird's lodge – 'the big house.'"¹⁶⁰ By virtue of his friendship with Miss Jessie Thorneycroft, McIntosh's father was granted the honor of being allowed to fish from her loch.¹⁶¹ The author recalls being invited to dine with Thorneycroft at

¹⁵⁸ Donald John MacDonald, "22. The Seaweed Gatherer," in *Chì Mi: Bàrdachd Dhòmhaill Iain Dhonnchaid (I See: the poetry of Donald John MacDonald)*, ed. and trans. Bill Innes (Edinburgh: Birlinn, 2001), 83.

¹⁵⁹ Alastair McIntosh, *Soil and Soul: People versus Corporate Power* (London: Aurum Press, 2004), 8.

¹⁶⁰ McIntosh, 9.

¹⁶¹ McIntosh, 11.

Eisken estate, along with the Stornoway Sheriff and his family, whose “job [it was] to punish anybody caught netting Jessie’s salmon or popping off a stag.”¹⁶²

It is in part due to this history of marginalization that Highland and Island crofters issued a claim to indigeneity. To bolster their claim, the Scottish Crofting Foundation drew parallels to another indigenous community, the Sámi of Norway. In particular, the SCF notes that both people were subjected to internal colonization. While many recognized indigenous people such as Australian Aboriginals and Native Americans were invaded by external aggressors, “the Sami (like Highlanders) found themselves inside the boundaries of newly formed, aggressive and acquisitive nation states, which soon took steps to try and wipe out their way of life.”¹⁶³ When the Sámi violently rejected a dam proposal that would have flooded one of their villages, they garnered enough domestic awareness and international support that the Norwegian government and Sámi activists founded the Sámi Parliament.¹⁶⁴ According to Ole Henrik Magga, the Parliament’s first president, the Norwegian government claimed that though they wished to include the perspective of the Sámi in their decision-making, they could not be sure who truly spoke for them; in response, the Sámi called for an elected body to represent and fight for the people. Now the parliament plays an advisory role in policy formations at the national level as well as takes responsibility for Sámi programs originally run by the government, such as educational materials published in Sámi.¹⁶⁵

The SCF used the Sámi Parliament as a model for their calls to democratize the Crofters Commission, the government entity based in Inverness that supposedly advocates for crofting communities in Edinburgh. This is not a new issue, as the now-defunct Scottish Crofters Union

¹⁶² McIntosh, 10.

¹⁶³ MacKinnon, 2.

¹⁶⁴ MacKinnon, 5.

¹⁶⁵ MacKinnon, 5.

discussed pursuing indigenous status as early as the 1990s; they believed that this recognition might allow crofters to develop policy rather than react to legislation pursued by Westminster, which may intentionally or not be damaging to crofting interests.¹⁶⁶ The SCF claims that the Commission's hands are tied politically, making it unable to fulfill its mandate to promote crofters, their communities, and their interests. They asked, "How can the Crofters Commission be expected to promote the interests of crofters against the repeated attacks of the Edinburgh based civil service when the Crofters Commission is currently mandated by those same civil servants who choose, for example, to regard **East Lothian** as a less favoured area than **Harris**? [emphasis original]"¹⁶⁷ The example just given refers to the Less Favoured Areas Support Scheme whereby the Scottish Executive's Environment and Rural Affairs Department determined that East Lothian, an area of fertile land east of Edinburgh, would be granted more financial support per hectare than Harris, a rocky and inhospitable island in the Southern Hebrides.¹⁶⁸ By advocating for and being granted a Sámi-Parliament-like institution to properly engage on their behalf with the UK government, to be a true representative of Scottish Crofters, the SCF sought to undo centuries living on the outskirts of British society: never having their needs fully met, reacting to legislation that directly impacts their livelihood, and not having a seat at their own table.

Indigenous Scotland?

Although indigeneity is intended to unite disparate peoples and communities with common experiences, it is often encountered and defined in continuing settler colonial settings,

¹⁶⁶ MacKinnon, 5.

¹⁶⁷ MacKinnon, 7.

¹⁶⁸ MacKinnon, 6.

such as the United States, Canada, and Australia as well as more recently in Hawaii and Palestine. While the term's usage has been steadily growing over the past decades, how far it can be stretched remains to be seen. There is a delicate balance in applying the term; as Maile Arvin noted, one can cross a line to where "*everyone is indigenous, and thus no one is indigenous* [emphasis original]."¹⁶⁹ She also points to the possibility of erasure, of playing down the historical nature of the term as bad-faith actors can claim that "we all *used to be* indigenous, but now we are all *just human* [emphasis original]."¹⁷⁰ Rather than facing the consequences of history, acknowledging the legitimate claims to self-determination and sovereignty of indigenous people on the global stage, it is in the best interests of the continuing settler societies to either reject the label of indigenous outright, ignoring such claims, or embrace the categorization to the point of dilution, rendering it functionally obsolete.

While potentially useful in the latter option of the settler colonial agenda, the exploration of Scottish indigeneity also has the potential to bolster scholarly understandings of indigeneity by opening the definition to newer frontiers. An indigenous people in Europe is not an entirely novel phenomenon; this paper, indeed groups in Scotland as well, has made use of the Sámi people of Norway, Sweden, Finland, and Russia as an example but a growing number of communities have claimed an indigenous minority status or been recognized as such by scholars, including Catalans¹⁷¹ and Basques¹⁷² of Spain and Southern France as well as Crimean Tatars¹⁷³

¹⁶⁹ Arvin, 119.

¹⁷⁰ Arvin, 119.

¹⁷¹ See Susan M. DiGiacomo, "Emergent indigeneity in the first world: the case of Catalonia," Abstract, paper presented at Indigenous, autochthonous and national identities? Strategic representations, political struggles and epistemological issues, August 2008.

¹⁷² See Mariel Aquino, "'It Has a Way of Getting in Your Blood When You're Basque': Basque Shepherders, Race, and Labor, 1880-1959," *Western Historical Quarterly* 50, no. 4 (Winter 2019): 391-413.

¹⁷³ Crimean Tatars were recognized as an indigenous people of Ukraine in 2014, though Russian continues to deny them this status. See "Crimean Tatars," World Directory of Minorities and Indigenous Peoples, July 13, 2022. <https://minorityrights.org/minorities/crimean-tatars/>

in Ukraine. Nor is an indigenous Scottish identity negated by to their prolonged contact with settler metropolises, as Robert Cribb explored relation to indigenous peoples in Asia. Yet, there is something unsettling about calling the Scottish people indigenous. They do not quite fit the intellectual mold that has been crafted for the identity.

In some ways, Scotland is the perfect example of a colonized and invaded community. After all, they became fully subsumed within the United Kingdom. Although there were several setbacks, primarily from the Jacobites, it seems that there was a balance struck: there were no official attempts to settle the Highlands and Islands and replace the inhabitants with English citizens. Nor was Scotland considered a colony of the British Empire as occurred in North America, Australasia, and Africa in the nineteenth century. It was accepted as a part of Britain and the United Kingdom, while its distinctiveness was not fully erased.

In other ways, Scotland perhaps stands as a success story in history of indigenous people. Nearly three-hundred years after the Acts of Union dissolved the Parliaments of Scotland and English, replacing them with the Parliament of Great Britain (and later, when Ireland was allowed representation, the Parliament of the United Kingdom), Scotland once again was in control of its own legislation. The Scottish Parliament reconvened in 1999 after a referendum two years earlier, by which the country electorate voted resoundingly in favor of re-establishing the assembly. Although the Parliament of the United Kingdom retained certain rights of legislation, in the last decade it remitted its rights over taxation and welfare. Additionally, Scotland continues to grapple with its legacy with the United Kingdom, as in 2014 when a referendum to withdraw from the Union completely was narrowly rejected by Scottish voters; a second referendum is slated for fall 2023, in the continuing aftermath of the UK's difficult and messy withdrawal from the European Union in 2020. In many ways, this is a goal beyond the

wildest dreams of most indigenous peoples, to fully secede from the states that colonized their lands and reclaim their authority. While some communities, for instance, the Tibetans examined by Emily Yeh, certainly seek to throw off the yoke of their oppressors completely, most would happily accept a real and tangible role within the larger government and control over the issues that directly impact their own people, such as the Sámi Parliament in Norway.

Yet, Scotland does not only have a role to play in history as the victim of oppression, but also the oppressors. In a last-ditch effort to avoid a union with England, Scotland established a colony on the isthmus of modern Panama, called New Caledonia. Twice the settlement at Darien was abandoned and with the Company of Scotland finally receding from its claim in 1700, the Union became almost inevitable.¹⁷⁴ After the destruction of the Jacobite Army and purging of the Highlands, many Scots chose to align themselves with the British Army, turning around to serve in the Americas, the Caribbean, and India in the decades that followed.¹⁷⁵ Many may have simply not had the fight to rebel against the mighty kingdom to the south, others found themselves making the best of their situation after being deported abroad en lieu of hanging following the Rising. In the centuries of expansion and retraction of the British Empire and the establishment of the British Commonwealth, Scotland and her people have always been there, acting on behalf of empire – as soldiers, religious leaders, merchants, government representatives, and settlers.

Furthermore, there is the question of Scotland itself. The Scottish Crofting Foundations claim to indigeneity rests particularly on the Gaelic culture of the northwest Highlands and Western Isles, acknowledging that a second indigenous culture of the Highlands and Islands exists in the northeast and north, respectively. Although the Lowlands certainly developed a

¹⁷⁴ See Orr.

¹⁷⁵ See Royle, and Calloway, *White People, Indians, and Highlanders*.

distinctive regional culture, is it enough to constitute a complete separation? Can the Highlands and Island claim indigeneity while relegating the Lowlands in the position of settlers? Some would certainly say yes, but this could be interpreted as an assertion that only the authentic can claim an indigenous status. Given the drastic changes that have occurred over the centuries in the northern Isle, it is very possible that that same argument could be used to exclude not only modern Highlanders, but earlier clan-based communities as well.

There is not currently an answer to the question of Scottish and perhaps it never shall be fully settled. However, the exercise has proven to be fertile ground for exploration by scholars. As seen in the SCF claims, an identification with the indigenous rights movement may prove fruitful in their attempt to address the marginalization of small tenant farmers and right-the-wrongs of the Highland clearances. However, such claims also pose the risk of undermining all the gains that have been made in recent years.

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