 CHAPTER 2

The Nature of the Highland Problem

In the final quarter of the nineteenth century, William Forbes Skene published his great survey of the ‘Celtic’ era in Scottish history. His work was based upon the assertion that, from the earliest periods of recorded history, Scotland had been predominantly Gaelic in character. From the mid-twelfth century, however, this identity had, according to Skene, begun to shift:

Though the connection between Scotland with her Celtic population and Lothian with her Anglic inhabitants was at first but slender, her monarchs indentified themselves more and more with their Teutonic subjects, with whom the Celtic tribes maintained an ineffectual struggle, and gradually retreated before their increasing power and colonisation, till they became confined to the mountains and western islands.1

Simplistic as this characterisation may seem, Skene’s notion of an unending struggle between the ‘Teutonic’ Lowlands and the Highland rump of ‘Celtic’ Scotland underpins one of the most enduring motifs of Scottish historiography. The resulting ‘Highland Problem’ is a ubiquitous concept, and is often used as a blanket characterisation of the Highlands’ place within the Scottish and British polities throughout the medieval and early-modern periods. Yet it is a fluid and ill-defined construct, revealing little about the true state of the Highlands, at the same time as masking the need for more in-depth analysis. This chapter will seek to explore the reality of the ‘Highland problem’ during the Restoration by focusing on two themes. Firstly, it will consider the general issue of lawlessness, with particular reference to banditry and animal theft. Secondly, the challenge of clanship, and the related issue of feuding, will be assessed.

The Perception of Lawlessness

The supposed emergence of a general and endemic problem of lawlessness is much the most prominent theme in the historiography of the Highlands, and not just during the Restoration. In broad terms, Michael Fry argues that

1 W.F. Skene, Celtic Scotland: A History of Ancient Alban, 3 vols (Edinburgh, 1876–90), i, 17.
the years after 1660 “the Gaels destroyed law and order in the Highlands” and “the glens became havens of impunity”. Fry’s argument is that this explosion of lawlessness was occasioned by the removal of the stringent government structures imposed under the Commonwealth, and this idea of an exuberant release from unwelcome scrutiny is very widespread. Caroline Bingham’s assertion that “change towards a more peaceful society was halted [after 1660] and the martial character of clanship reasserted” is perhaps rather amorphous, but other historians, including Stevenson, Hopkins and Lenman, have, after more sustained discussion, reached broadly similar conclusions. The most recent re-statement of the ‘Highland problem’ has been offered by Maurice Lee. For him there were two main challenges. The first concerned Lochaber, whose uncertain jurisdictional status allowed the Camerons of Lochiel to wreak perpetual havoc. The second concerned caterans, “robber bands of men mostly from broken clans” who systematically plundered the cattle trade. There has, however, been a revisionist drive led above all by Macinnes. He argues that clanship’s association with ritualistic violence, especially cattle raiding, declined in the course of the seventeenth century, leaving only a few families associated with it by the Restoration. For Macinnes, indeed, notions of Highland lawlessness were cynical inventions on the part central government. Authority had after 1660 been “left in the hands of political opportunists” who “deliberately created a climate of disorder to sanction the raising of regiments”, largely because the outfitting and running of militia units was “a lucrative form of private enterprise” for the ruling aristocracy. Although Macinnes concedes that it was in fact the covenanters of southern Scotland who bore the brunt of this policy, he argues that it was deliberately applied to the Highland theatre as well. Moreover, he sees it as the guiding principle of Highland governance until at least the late 1670s. Notwithstanding such correctives, the general thrust of the historiography remains that the Highlands after 1660 really were a wild and lawless place, and one which was consistently beyond the authorities’ control.

It certainly is the case that there developed in Restoration Scotland a pervasive public discourse regarding the lawlessness of Highland society. Central government led the chorus. The Privy Council complaining as early as 1661 that some “perverse and obstinat offenders” within the Highlands “dare yet adventure to trouble the peace of the kingdom by committing theifts, robberies,