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Gaelic and Identity: A Response to Iain MacKinnon

Timothy Currie Armstrong, Wilson McLeod, Rob Dunbar, Stuart Dunmore, Bernadette O'Rourke and Michelle Macleod

Abstract

This article responds to the recent special issue of *Scottish Affairs* on Gàidhealtachd Futures and in particular the article by Iain MacKinnon proposing that ancestry and ethnicity and indigeneity should become the principal elements in contemporary Gaelic identity. The editors of the special issue do not give an analytically meaningful presentation of the term Gàidhealtachd and MacKinnon fails to give a complete or balanced account of previous research on the question of Gaelic identity. There is considerable uncertainty about how the term Gael is understood today; many Gaelic speakers are reluctant to accept this label for themselves. MacKinnon's arguments concerning the role of ancestry in defining Gaelic identity are highly problematic in both analytical and political terms. His proposals concerning ethnicity and indigeneity are unsustainable, particularly in light of relevant legal standards, and amount to a strategic, ethical and legal dead end for the Gaelic revitalisation movement.

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Keywords: Gaelic, language, identity, ethnicity, indigeneity, essentialism

Introduction

This, the first of two articles responding to the special issue of *Scottish Affairs* on ‘Gàidhealtachd Futures’, seeks to dispel a number of misunderstandings and inaccurate characterisations of current research surrounding issues of Gaelic identity. The issue was profoundly deficient in several respects, and did the readers of *Scottish Affairs*, few of whom will have detailed knowledge of these matters, a serious disservice. Several contributions in the special issue had the effect of furthering a distinct agenda that the guest editors used to construct a misleading narrative that does not accurately or adequately represent current research in this area. Taken together, the articles by Oliver and MacKinnon (2021), MacKinnon (2021) and Ó Giollagáin and Caimbeul (2021) fail to engage seriously with critically important issues related to contemporary Gaelic identities. Contributions to the issue from Ezeji, McEwan-Fujita and McFadyen and Sandilands (2021) each contained important perspectives on Gaelic culture which the guest editors failed to engage with either in their introduction article, or subsequent commentaries. The guest editors also appeared to have chosen contributors in a manner that excluded all the main scholars active in the field of Gaelic sociolinguistics and policy, including all the early career researchers who completed doctorates within the inter-university Soillse project. This ensured that their biased narrative was largely unchallenged. This was then compounded by a system that allowed the guest editors to handpick their peer reviewers. It is also remarkable for an issue on ‘Gaidhealtachd Futures’ in a public affairs journal that there is no meaningful discussion of pressing socioeconomic matters such as employment, housing, immigration/outmigration, transport and infrastructure.

Building on analysis and recommendations in the controversial recent book by the Soillse project’s Islands Gaelic Research Project (IGRP) (Ó Giollagáin et al. 2020), which is critiqued in our second response article, MacKinnon’s chapter focuses on the identity of the ‘Gael’ in the Gaelic revitalisation movement. Identity is important to the success of language revitalisation movements because engagement with a language and its future often hinges on speakers making certain identity claims on that language. MacKinnon argues that Gaels should be defined as an indigenous, ancestral group in Scotland and granted membership in a proposed ‘ethnolinguistic assembly’. In this article we will refute much of MacKinnon’s essentialist argument, showing that indigeneity would be a strategic and legal dead-end for the Gaelic revitalisation movement and would be wholly unworkable in practice; it could also render the movement structurally racist.

Bechhofer & McCrone

In his analysis, MacKinnon fails to consider almost all of the research published on Gaelic and identity published over the last half century. Indeed, MacKinnon really only makes use of one set of data about Gaelic identity in his arguments, a quantitative survey conducted by Frank Bechhofer and David McCrone (2014). Bechhofer and McCrone surveyed people living in strongly Gaelic-speaking areas about their understandings of what makes a Gael: is it language, or ancestry, or place of birth, or place of residence or some combination of these traits? MacKinnon asserts that Bechhofer and McCrone's data show that there is a broad consensus on the core identity of the Gael: someone of Gaelic ancestry, who speaks Gaelic, and who lives in the Gàidhealtachd (2021: 217), and that other understandings of the identity are 'variants on the archetype' (2021: 224). But MacKinnon has committed a unit-of-analysis error in his interpretation of this study. He sees an overlap in different definitions of the Gael because he is treating these ideas as tractable objects independent of the people who hold them. If one person defines a Gael as anyone who speaks Gaelic, and another person defines a Gael as anyone with Gaelic ancestry, they may technically agree that a Gaelic speaker with Gaelic ancestry is a Gael, but they definitely do not agree on the fundamental question of what makes a Gael; in this case, is it language or ancestry? In this respect Bechhofer and McCrone were correct when they described Gaelic identity as 'open and fluid, rather than fixed and given' (2014: 127).

This error aside, MacKinnon's use of Bechhofer and McCrone's study as his sole source of data and analysis of Gaelic identity for his argument is deeply problematic. Bechhofer and McCrone's study is important, but it is not without its limitations, and there are literally dozens of other works on Gaelic identity that MacKinnon should have presented in his article. Identity is one of the richest subjects of research in all of Gaelic scholarship. MacKinnon failed to discuss any other quantitative research, or critically, any of the wealth of in-depth qualitative research on Gaelic identity published over the last fifty years (e.g., work by Nancy Dorian, Sharon Macdonald, James Oliver, Konstanze Glaser, Alasdair MacCaluim, Emily McEwan-Fujita, Bernadette O'Rourke, Cassie Smith-Christmas, Stuart Dunmore, and many others). Specifically, Bechhofer and McCrone's study is problematic because, much like in MacKinnon's own analysis, the definition of the Gàidhealtachd in the study is very unclear. In a footnote, the authors define the Gàidhealtachd as 'the place of the Gael in linguistic and cultural terms, rather than, as in Ireland, the region where the language is spoken' (2014: 130). It is not at all clear what this means, and it is further complicated by the instructions given to interviewers, that if asked, they should explain that, '[the]

Gàidhealtachd means an area of Scotland where Gaelic is commonly spoken' (2014: 123). But this second definition in the survey was only a prompt: respondents could answer the question without the prompt based on their own understandings of the term Gàidhealtachd, and these understandings may well have varied, as may their awareness of the current position of the language in different areas. In addition, Bechhofer and McCrone's study was confined to areas with a high density of Gaelic speakers; other native Gaelic speakers living outside these areas were not included. Their data therefore understate the degree of uncertainty and contestation involved in these understandings and perceptions. Even so, Bechhofer and McCrone's conclusion that 'Gaelic identity should be considered as open and fluid, rather than fixed and given' is more persuasive than MacKinnon's attempted refutation thereof.

Defining, Locating and Conceptualising the Gàidhealtachd

Remarkably for a special issue on 'Gàidhealtachd Futures', the term Gàidhealtachd is never defined in the volume in any meaningful way. Although MacKinnon and some other contributors take a strongly territorial approach to issues of identity and belonging, there is a fundamental uncertainty throughout the issue concerning the location and boundaries of the territory in question. Aside from a very vague discussion in Oliver and MacKinnon's introduction (2021: 149–50), there is no attention to the semantics of the word over time or to the competing understandings of the term in circulation today. The term Gàidhealtachd is first attested in 1690 and it initially referred to people rather than a place: 'Gaeldom', in effect. As it came to develop territorial connotations in the eighteenth century, it corresponded to the area in which Gaelic was spoken at that time, which extended to Lomondside, two thirds of Perthshire, western Aberdeenshire and half of Caithness (McLeod 1999). The term *Seann Ghàidhealtachd* (old Gàidhealtachd) is sometimes used to convey this meaning (MacInnes 1989: 90). Over time, as a result of language shift, Gaelic went out of use in most of this former speech territory, so that the term Gàidhealtachd is often now used to correspond directly to the English term 'Highlands', without linguistic connotations. Indeed, just as the term 'Highlands and Islands' tends to limit the meaning of the term 'Highlands' to the mainland, so too is 'Gàidhealtachd' often distinguished from 'na h-Eileanan' (the Islands), with the odd implication that the Hebrides do not form part of the Gàidhealtachd. At the same time, in recent decades there has been 'a noticeable tendency to use Gàidhealtachd not only to denote the geographical "high land" of Scotland but to denote the communities in which Gaelic is still an everyday language' (MacInnes 1989: 90). By the older understanding, then,

Pitlochry and Helmsdale would be part of the Gàidhealtachd, but for the authors of the IGRP volume (Ó Giollagáin et al. 2020), all of the mainland and almost all of the Isle of Skye would lie outside it, as discussed in our second reply article.

These definitional issues have significant ramifications for language policy and development policy in relation to Gaelic; who and what is included? This significance extends not only to MacKinnon's hazy suggestion of a Gaelic ethnolinguistic assembly (critiqued below) but also to the undertaking in the SNP's 2021 manifesto to 'explore the creation of a recognised Gàidhealtachd to raise levels of language competence and the provision of more services through the medium of Gaelic and extend opportunities to use Gaelic in every-day settings and formal situations' (Scottish National Party 2021: 66). If the Gàidhealtachd is to be defined as an area where Gaelic continues to be spoken today, what level of Gaelic ability or use would be required for a given community's inclusion within this notional zone? Nowhere on the mainland today reaches even 20% density of Gaelic speakers. Nor do the islands of Islay and Mull (Mac an Tàilleir 2015: 16, 25).

It is remarkable too that the issue never explores wider understandings of the term Gàidhealtachd that take in different kinds of territories, or that extend beyond the territorial. For example, four Irish towns well outside the established Gaeltacht, together with part of West Belfast, have received formal recognition within the framework of the *Gaeltacht Act 2012*.¹ This may or may not suggest a useful way forward in Scotland, but it is remarkable that the special issue overlooks this dimension almost entirely. Similarly, given the way in which information and communication technology has profoundly affected the nature of interpersonal communication and indeed the basic nature of contemporary social life, there is surely scope to consider the extent to which the Gàidhealtachd concept might be understood in terms of participation, action and affinity irrespective of physical location. Again, such a line of enquiry might not necessarily prove productive, but it seems bizarre to exclude it from consideration altogether.

Uncertainties Concerning Contemporary Gaelic Identity

¹ The editors' introduction gives a brief nod in this direction, noting how Gaelic 'has become more socially and digitally dispersed across global engagements' (Oliver and MacKinnon 2021: 150) but the issue never engages with these issues in any depth.

MacKinnon's presentation of recent scholarship and commentary on questions of Gaelic identity is incomplete and misleading in several respects. As discussed above, a swathe of key research findings are omitted from the discussion, presumably because they would undermine his argument. Since at least the early 1990s, it has been clear that there is an increasing divergence between Gaelic language ability and claimed identity as a 'Gael'. Writing in 1994, the prominent Gaelic academic and poet Donald MacAulay observed as follows:

An added complexity has arisen which separates out the ethnic and the linguistic components [of Gaelic identity]. Many people have learned the Gaelic language who do not belong to the Gaelic community. They pass the linguistic test, however. On the other hand many young members of the Gaelic community fail to learn the Gaelic language, and so they do not fulfil the linguistic criterion. And, meantime, we have traditional speakers. (MacAulay 1994: 43)

MacAulay reports that as far back as the early 1990s 'politically correct attitudes' were already in place that would lead learners of Gaelic to dissociate themselves from the label 'Gael'. Since that time, the number of 'new speakers' of Gaelic has increased very considerably (partly through adult education, but particularly as a result of expanding Gaelic-medium primary and secondary education (GME) throughout the country), and so it is no surprise to see that a flow of research studies have demonstrated increasing uncertainty as to the operative significance of the term 'Gael' and increasing reluctance on the part of many speakers to apply the term to themselves (e.g., Dunmore 2019; Glaser 2007). MacKinnon fails to cite any of these studies and thus gives the readership of *Scottish Affairs* a seriously distorted picture. Particularly egregious is his omission of the work of Dunmore (e.g., 2019, 2021) and colleagues (McLeod et al. 2014; Nance et al. 2016), which demonstrates ever more clearly the widespread reluctance of many young speakers to identify with the 'Gael' label, and the extent to which competing, incompatible understandings of the term's meaning are in circulation.

In particular, the lack of association with the label that a majority of former GME students profess in Dunmore's research (2017, 2019) is a significant issue in respect of developing students' identities and solidarity with the wider Gaelic community. Widespread ambivalence around the label 'Gael' was reported not only in urban and Lowland areas, but crucially, was also frequently conveyed by speakers from Gaelic communities in the Western

Isles (Dunmore 2019: 123-5). In turn, young people's use of Gaelic after leaving school was generally limited, irrespective of their geographical origin or present location, partly as a consequence of their lack of identification with the wider Gaelic community (Dunmore 2017, 2019). Participants used labels such as 'Scot', 'Islander' or 'Leòdhasach/Eileanach' with notably greater frequency than 'Gael' throughout both the quantitative and qualitative analyses that Dunmore (2019) presents; this finding was repeated in the survey of secondary school pupils in the Western Isles conducted as part of the IGRP study (Ó Giollagáin et al. 2020: 210).

Increased Gaelic language learning (whether as an L1 or L2) in the crucial domains of home and school, in both rural communities and cities, will clearly remain a crucial objective to securing a future for Gaelic in Scotland. This is of course equally true for many other minority languages internationally. Discourses such as that propounded by MacKinnon which privilege an ethnocentric and ancestry-based conception of Gael(ic) identity will likely only serve to compound the dynamic of Gaelic disuse among young people, along with their general alienation from the wider speaker group. This has the effect of undermining policy to maintain a viable community of linguistically proficient Gaelic speakers both in the Western Isles, and throughout the rest of Scotland.

The context of Nova Scotia is usefully discussed in McEwan-Fujita's article in the special issue, and it is thus frustrating that the author's own substantial contributions to research on Gaelic identities (e.g., McEwan-Fujita 2020) are neither engaged with nor cited in the guest editors' superficial commentaries on the issue. As Dunmore (2021) has suggested, essentialised interpretations of the label Gael, which privilege ancestry over language and culture in the Nova Scotia context, are potentially alienating for Gaelic learners and users in the province with a more hybrid and compound cultural identity. Inclusivity in contemporary Gaelic communities will be key to ensuring viable and enduring populations of speakers, and to raising new generations of Gaelic speakers in homes, schools and neighbourhoods in the Western Isles, the urban Lowlands, Halifax or Cape Breton Island.

In light of many Gaelic users' lack of identification with the Gael label as it is understood at present, we note the potential of inclusive categories of Gaelic affinity which emphasise language ability and language use, such as *muinntir na Gàidhlig* and *luchd na Gàidhlig* (people of the Gaelic language), as discussed by McLeod (2014). This position was attacked in MacKinnon's article, but it is clear that MacKinnon does not distinguish adequately between analytical presentation and normative claims: how we can account for the increasing use of such labels in practice versus arguing that they *should* be adopted.

MacKinnon makes the scurrilous assertion that McLeod provided no evidence for his claim that language-based labels are used in preference to *Gàidheil* in some contexts and ‘may in fact be advancing more an aspirational ideological position than an evidence-based reality’ (2021: 224). In fact, the report cited by McLeod included a specific discussion of focus group participants’ view that the term *coimhearsnachd na Gàidhlig* (Gaelic language community) was more ‘inclusive’ (McLeod, O’Rourke and Dunmore 2014: 27). In any event, it is extraordinary that anyone with knowledge of contemporary Gaelic usage would question the frequency with which such language-based terms are now used, sometimes in contradistinction to *Gàidheil* (Gael). For example, the *National Gaelic Language Plan 2018-2023* (Bòrd na Gàidhlig 2018) uses *luchd-labhairt na Gàidhlig* (Gaelic speakers) 17 times, *luchd na Gàidhlig* 4 times and *Gàidheil* only once, while the Scottish Parliamentary Corporate Body’s Gaelic Plan for 2018-2023 (Buidheann Chorporra Pàrlamaid na h-Alba 2018) uses *luchd-labhairt na Gàidhlig* 20 times and *Gàidheil* not at all.

Throughout his article, MacKinnon’s insistence on defending an ancestral definition of the Gael leads him down some very strange and dark roads. He indulges in several hyperbolic hypotheticals that never should have made it through the editing/review process, arguing that adopting a linguistic definition of the Gael would require us to censor the online folklore archive, Tobar an Dualchais/Kist o Riches (p. 220), or would render the Gaelic rock band Runrig ‘ideologically suspect’ (p. 221). The anti-foreigner dog-whistle he indulges in on p. 222 is particularly troubling and betrays the strategic, ethical and legal problems with his proposals. Such rhetoric is clearly unsuitable for publication in a reputable journal like *Scottish Affairs*, and one wonders how it made its way into print.

This regard for the potential for racism in the Gaelic revitalisation movement is not simply an academic concern, but a real issue on the ground. Current research being undertaken by Dunmore as part of an AHRC-funded project at the University of Sussex examines the experiences of people of colour who have recently been involved in GME (either as teachers, students, or parents of former pupils). A preliminary finding of this analysis is a general sense of alienation from traditional Gaelic culture due to the effects of structural racism in Scotland. GME students and parents have repeatedly emphasised that people of colour in urban Gaelic communities face distressing challenges stemming from structural racism in these contexts. Whilst structural racism is by no means unique to Gaelic Scotland, being a wider characteristic of Scottish, British and various other education systems, it has specific consequences in this context for young people’s cultural identities and self-esteem. Again, the ethnocentric and ancestry-defined conception of Gael(ic) identity that

MacKinnon advocates can only serve to exacerbate the negative experiences that children and parents of colour in GME currently encounter in Scotland. Cass Ezeji's heartfelt contribution to the special issue (2021) alludes to some of these issues, and the alienation from the contemporary Gaelic mainstream she felt as a GME student and young musician.

Conversely, the view that one can be a Gael without being able to speak Gaelic is commonly held, but there is no consensus about what characteristics are required: ancestry, place of upbringing, or perhaps traditional cultural markers other than Gaelic ability. Of course, if the Gael is defined in essentialist terms by some combination of ancestry and rural cultural practices such as peat-cutting and crofting, this would exclude most Gaelic speakers today, including many living in island Gaelic communities (cf. Glaser 2007).

Ethnicity and the Law

In contrast to such an open cultural identity, MacKinnon defends an explicitly ethnic definition of Gaelic identity: i.e., an identity that conflates ancestry and culture, and also possibly place of origin. This is problematic not only in terms of social theory but also the relevant legal frameworks. A central problem is that in law, both domestic and international, and therefore in public policy, both the recognition of groups based on ethnic identity and defining membership of such groups have proved difficult. In a minority language revitalisation context, this issue has generally been avoided in the UK and in international law and policy, partly because of such definitional difficulties.

In legal and public policy terms, the concept most relevant to these discussions is the international legal concept of 'minority' or 'national minority'. At present, there are several international instruments in which the concept appears, but only one instrument specifically directed at the protection of minorities, the Council of Europe's *Framework Convention for the Protection of National Minorities* (Framework Convention). What is most notable about all of these instruments is that none actually defines what is a 'minority' or a 'national minority'.

Under the Framework Convention, which the UK has ratified and therefore applies in Scotland, it is up to states themselves how to apply the term. In its first report in relation to the Framework Convention, the UK noted that the term 'national minority' is not a legally defined term within the UK, and that its report (and therefore its application of the treaty) was based on the *Race Relations Act 1976* (now superseded by the *Equality Act 2010*, which has, however, maintained key definitions in the 1976 act). In the final report of the Independent Review of Hate Crime Legislation in Scotland, Lord Bracadale expressed the view that 'there

is a fairly strong argument that Gaelic speaking Gaels belong to an “ethnic group” within the meaning of the current race aggravation’ (which draws on the concept of ‘racial group’ as set out in the *Equality Act 2010*) (Scottish Government 2018: 52). However, the question of who could be treated as a ‘Gael’ for these purposes is less clear. In the context of the *Equality Act 2010*, determining whether a person actually belongs to a racial group is usually not necessary; the act protects people from discrimination based on characteristics such as race, and the protection would apply if a person were discriminated against based on the perception on the part of the person committing an act of discrimination that the person is a member of the racial group.

Where, however, being a member of a minority ethnic group is necessary in order for the person to receive some benefit, such as a public service, or a grant, or participation in a deliberative body, or access to a form of education created to support such a group, the question of group membership becomes more challenging and potentially contentious. Since the various human rights and minority rights instruments do not define the concept ‘minority’ or ‘national minority’, they also do not define how membership in such a group should be determined.

The treaty body created under the Framework Convention to oversee its implementation, the Advisory Committee, has, however, considered such questions at length, not only in their monitoring work but in a special Thematic Commentary issued in 2016. The Advisory Committee emphasised the fundamental principle of ‘free self-identification’, based on Article 3 of the treaty. According to the Advisory Committee, this means that ‘every person must have the right to identify freely as a member of a specific group, or to choose not to do so’ (Advisory Committee 2016). They also note that the Framework Convention’s Explanatory Report points out, however, that the choice of the individual is not to be arbitrary but must be linked to some objective criteria. The Advisory Committee also states, however, that they have intentionally refrained from interpreting what such objective criteria may be, and continue as follows:

Self-identification begins with the free decision of the individual which, if no justification exists to the contrary, is to be the basis of any personal identification. In the view of the Advisory Committee, a person’s free self-identification may only be questioned in rare cases, such as when it is not based on good faith. Identification with a national minority that is motivated solely by the wish to gain particular advantages or benefits, for instance, may run counter to the principles and purposes of

the Framework Convention, in particular if such action diminishes the intended benefits and rights available to persons belonging to national minorities.

Significantly, the Advisory Committee noted that the principle of free self-identification extends to multiple affiliations—that is, affiliations with other minorities or, indeed, with the majority. They continue:

Persons belonging to national minorities should never be obliged to choose between preserving their minority identity or claiming the majority culture, as both options must be fully available to them. This implies that practices by which an individual affiliates with a particular minority should not be seen as exclusive, as he or she may simultaneously identify with other minorities or with the majority. In some instances, such a choice may be the consequence of previous assimilation processes into the majority or into another dominant minority. However, this must not be used as an argument against the rights of persons belonging to national minorities to self-identify freely and to claim minority protection.

These considerations have obvious implications for the conduct of Gaelic language policy in Scotland, particularly given that the Framework Convention is a legally binding international obligation. Any definition of minority group membership which would potentially exclude a significant number of people who actually speak and are committed to using the language is self-evidently problematic from a minority language revitalisation perspective, but is also one that is clearly at odds with the approaches suggested by the most important international instruments of relevance.

Indigeneity: a Dead End for Gaelic

This brings us to MacKinnon's principal proposal, expanding on a proposal articulated in the IGRP book, that the Gaelic revitalisation movement be built around Gaels formally understood as an indigenous group and organised as members of an 'ethnolinguistic assembly' with responsibility for defining the boundaries of this group and administering Gaelic and other development funds in the Highlands and Islands. Here we will argue that this proposal is a strategic, ethical and legal dead end for the Gaelic revitalisation movement. Internationally, indigeneity as a concept is sharply contested (see Gausset *et al.* 2011 for a useful review of these debates), but particularly in a European context, indigeneity is

exceedingly problematic. In a white paper MacKinnon wrote for the Scottish Crofting Foundation in 2008, ‘Crofters: indigenous people of the Highlands and Islands’, he compares Highland crofters to the Sámi people of Northern Europe, but even in the case of the Sámi, the only group in Europe that is generally recognised as indigenous, this status has been deeply contentious (Valkonen et al. 2017), with claims and counter-claims from different groups seeking recognition, to the extent that ‘the Finnish state has frozen almost all legislative improvements relating to the Sámi’s situation because the question of who the Sámi ... are has become too unclear’ (Valkonen & Valkonen quoted in Skey 2018). If indigeneity is problematic in the case of the Sámi people, it is altogether unworkable for speakers of a national European language like Gaelic.

In its colloquial, everyday sense, ‘indigenous’ simply means native to a particular place; however, if we are to use the term to inform public policy debates, it must be borne in mind that the term ‘indigenous’ has taken on a particular, specialist, technical meaning, especially in international law—it is not a term recognised in UK domestic law or public policy. With regard to indigenous peoples in international law, there are a relatively small number of international instruments of relevance, and only two, International Labour Organisation (ILO) Treaty No. 169, the Indigenous and Tribal Peoples’ Convention of 1989, and the earlier ILO Treaty No. 107, the Indigenous and Tribal Populations’ Convention of 1957 (which ILO Convention No. 169 was meant to replace), create binding legal obligations. Significantly, the UK has not signed or ratified either treaty. The other instrument of importance is the United Nations General Assembly Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007. While the UK, with 142 other states, voted to adopt the UNDRIP, unlike a treaty, it does not create legally binding obligations for states, though it is of political significance.

As with the concept of ‘minority’ or ‘national minority’, there is no single definition of what constitutes an ‘indigenous people’. Although ILO Convention No. 169 does not define the terms ‘indigenous peoples’ or ‘tribal peoples’, it does state that the convention applies to:

- a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

It is far from clear whether Scottish Gaels would constitute an ‘indigenous people’ either within the sense conveyed in ILO Convention No. 169 or based on other definitions that have been mooted, such as that of Jose R. Martinez Cobo (1981), the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. ILO Convention No. 169 also makes reference to the concept of self-identification, though the concept differs somewhat from that discussed in the context of national minorities. Article 1 provides the following: ‘Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.’ This seems to suggest that it is ultimately up to groups themselves to determine whether they are indigenous or not.

Leaving aside the complex question of whether Gaels actually meet these descriptions of ‘indigenous peoples’, we again confront challenging issues regarding who actually would form part of the group and, crucially, who would be entitled to speak on their behalf. Would all Gaelic speakers be considered part of the indigenous people, or only some, and if only some, which ones? There do not appear at present to be any representative bodies who could be considered to speak on behalf of ‘the Gaels’, and those organisations with significant memberships, such as An Comunn Gàidhealach or the Scottish Crofters’ Foundation, have a rather diverse membership with varying degrees of connectedness to the Gaelic language and culture.

This issue relates closely to that of who is entitled to be considered a member of an indigenous people. Martínez Cobo suggested the following:

On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) *and is recognized and accepted by these populations as one of its members* (acceptance by the group). This preserves for these communities the sovereign right and power to decide who belongs to them, without external interference (Martínez Cobo 1981).

Here we see the principle of self-identification, in a form that is apparently similar to the principle as understood by the Advisory Committee of the Framework Convention (see above), supplemented, however, by a second requirement, of recognition and acceptance by the group. Once again, in a Gaelic context, which group of people or body would perform this role? Article 9 of the UNDRIP provides the following: ‘Indigenous peoples and individuals have the right to belong to an indigenous community or nation, *in accordance with the traditions and customs of the community or nation concerned*. No discrimination of any kind may arise from the exercise of such a right’ (emphasis added). In a Gaelic context, it is not obvious what the traditions and customs of the community are as regards membership of the group.

If such concepts are to guide public policy in Scotland, and in particular if the constitution of a group and its membership are accompanied by access to a variety of benefits, such as the right to vote in decision-making bodies, the right to gain access to grants and other forms of support, the ability to access certain public services, and so forth, these extremely difficult questions would need to be answered with considerable precision. Up to now, they have not been, and it is difficult to see on what basis they could be. From a language policy perspective, there is the danger that people who actually speak Gaelic and use it as their preferred means of communication might be excluded from the group; whereas others who do not speak the language, or have any real commitment to it, could be included. Given that, as has already been noted, the UK has neither signed nor ratified ILO Convention No. 169 - the Scottish Crofting Foundation paper is confused on this, as it claims that the UK has ‘signed up to UN legislation on indigenous rights’ - and that the UNDRIP does not create any binding obligations - and as the Scottish Crofting Foundation paper also recognises, the UK does not itself accept that it has any indigenous peoples within its borders - it is difficult to see what practical benefits, if any, could come out of any protracted consideration of the issue of whether Gaels are an ‘indigenous people’. Conversely, it is quite easy to see some of the practical difficulties, including diverting attention away from pressing issues which need urgent attention, and creating difficult, divisive, and probably unresolvable questions about who is a member of this indigenous group, the ‘Gaels’.

One other rather important point of confusion in the Scottish Crofting Foundation paper relates to the European Charter. After acknowledging that the UK government does not accept that there are any indigenous peoples, the paper makes this claim: ‘Yet, in 2001 the UK ratified the European Charter on Regional and Minority Languages which recognised Gaelic, among others, as an indigenous language of the UK.’ The European Charter was

created to provide support for languages such as Gaelic. Most of these languages and their communities of speakers are, in the colloquial, everyday sense, indigenous to the countries in which they are spoken. However, of the many languages it covers in those states which have ratified the treaty, only one group, the Sámi languages, are associated with a group that is generally recognised as ‘indigenous’ in the technical sense of the word that we have been discussing here. In fact, neither the European Charter itself nor its Explanatory Report make reference to the term ‘indigenous’ at all. The Explanatory Report does use another word with much the same meaning, ‘autochthonous’. This is likely because the drafters of the European Charter recognised that the term ‘indigenous’ was already used in international law and had acquired a specialist technical meaning, and that they felt that another term was necessary, thereby making clear that the groups to which the European Charter would not, by and large, be considered to be ‘indigenous’ groups in the specialist sense discussed earlier.

Further, it should be recognised that the need to classify membership of a Gaelic community has not preoccupied policy-makers or, crucially, activists themselves. This may be partly to do with the fact that, generally, the great majority of those involved in Gaelic development have been native speakers. Only in the last twenty years or so has this changed very much, in considerable measure due to GME; numbers of adult learners who have come to fluency have always been comparatively small (McLeod, O’Rourke and Dunmore 2014; McLeod 2020: 220-22, 312-13). Given the demographic context, there has been a considerable emphasis on school education as a means of the production of Gaelic speakers. In policy terms, much less has been done in relation to supporting intergenerational transmission in the home, and in many ways, adult learners have been largely overlooked in policy terms; the only organisation which focuses on their needs, Clì Gàidhlig, was never very well-funded, and ceased to exist many years ago. For the overwhelming majority of activists - again, most of whom have been native speakers - increasing numbers of Gaelic speakers and increasing the opportunities to use the language have been the focus.

An equally important historical and ideological problem with building the Gaelic revitalisation movement around ‘Gaels’ constituted as an indigenous group in the Highlands and Islands is that Gaelic is often understood as not just the language of the northwest of the country, but as a national language that belongs to everyone in Scotland (McLeod 2020: 36-40). The idea that Scotland was *ab antiquo* a Gaelic polity is not new, dates to at least the 14th century (Kidd 1994; MacGregor 2009), and even today, many Scots across the country claim Gaelic as part of their cultural heritage, even if they may not speak the language. In 2013 O’Hanlon *et al.* published research showing that 76% of Scots saw the Gaelic language

as being an important part of Scottish heritage (rather than as part of Highland heritage alone), and 24% felt that Gaelic was an important part of their own heritage. Twenty-four percent of Scots is approximately 1.3 million people, many more than live in the Highlands and Islands, and many, many more than have any ability in Gaelic. Marginalising most of these people with a narrow understanding of Gaelic identity would be a strategic and ethical catastrophe for the Gaelic revitalisation movement. Indeed, Bòrd na Gàidhlig recognizes these cultural connections with Gaelic throughout Scotland in its *2018–2023 National Gaelic Language Plan*, with the first of its four key messages, quite directly, that: ‘Gaelic belongs to all of Scotland’ (Bòrd na Gàidhlig 2018: 6)

There are also, of course, real problems of an ancestry-based definition of Gael in relation to prevailing ‘civic nationalist’ notions of Scottishness, which emphasise residence and social participation regardless of origins. Research indicates that there is substantial deviation from this civic nationalist understanding in the general Scottish population, emphasising matters like place of birth and (sometimes) accent in English – including sometimes clearly racist understandings in relation to skin colour (e.g., Bond and Rosie 2006). Should we really be adding another ancestry-based identity to this mix? Further, MacKinnon fails to specify how much ancestry would be required, what criteria and evidence would be used to determine the ‘Gaelicness’ of the relevant ancestor(s), or who would make these determinations. This kind of vagueness is quite unacceptable in relation to a quasi-legal classification. Among other things, there could be a tendency to allow marginal claims, not only in terms of family history but also geographical connection. Consider, for instance, this very reasonable hypothetical: if a woman born in 1920 in an area where Gaelic was spoken 100 years ago but no longer (e.g., mid-Argyll) moved to England in 1938, could her grandchild born in England in 1985 claim ‘Gael’ identity, despite never having visited Scotland and not having a word of Gaelic?

There would also be a tendency to lead to variable, arbitrary take-up: it is certain that only a small proportion of people with such distant connections would choose to assert their Gaelic connection. This would mean that claiming Gael identity would effectively be a matter of unpredictable individual choice. If by doing so one could gain access to an ‘ethnolinguistic assembly’ with control over decision-making and budgets this becomes highly problematic. Conversely, are fluent, active Gaelic speakers, but without Gaelic ancestry, including those residing in Gaelic areas, to be locked out of the process? Is this conscionable either in normative terms or practical political terms? Is it strategically wise in terms of effective language development/community development? By the same token, if an ‘ethnolinguistic

assembly' is to be granted meaningful powers, what role will there be for Gàidhealtachd residents who do not claim Gaelic identity (now a significant proportion of the population in the strongest Gaelic-speaking areas)? And other than ancestry, what other indicators of Gaelicness might be required to justify 'Gael' status? Would it be reduced to a stereotyped core based on crofting, peat-cutting and so on, even if in Gaelic areas fewer and fewer people would fit these criteria? Again, is a definition that excludes a large proportion of current residents acceptable in political terms, or strategically wise in terms of language development and community development?

And what of speakers outside of the Highlands and Islands? MacKinnon mentions Gaelic learners in his article, often in a way that is intended to rhetorically delegitimise the authenticity of various speakers or speaker-groups. Many readers, when they hear the word 'learner' may think first of adult learners, but as discussed above, adult learners are still very much a marginal group in the Gaelic world. Most proficient Gaelic 'learners' these days are children currently in GME or young people who have come through the GME system. What about children without Gaelic ancestry who have nevertheless been immersed in Gaelic through GME from an early age, who, as such, do not remember learning it and presumably would not regard themselves in any sense as interlopers benefitting from what Ó Giollagáin et al. (2020) have characterised as an L2 bias in Gaelic language development policy? Ezeji's (2021) article speaks to this theme, and young people of colour in Dunmore's ongoing research (discussed above) often feel unable to associate with Gaelic culture and its community because of the colour of their skin, and the assumption that they are 'learners' with no connection to Gaelic or claim to its culture, in spite of having developed high levels of ability in the language and wishing to make use of it.

As discussed above, the position that one can be Gael without speaking Gaelic is also commonly held, but this group presents a particular challenge for any ethnolinguistic assembly. Would a crofter born and raised in the Western Isles and of Gaelic ancestry but unable to speak Gaelic be excluded from the assembly? Or if this group was included, how would they be accommodated without the work of the assembly inevitably being conducted in English, further exacerbating the language shift away from Gaelic in these communities? MacKinnon's article fails to discuss or even acknowledge this fundamental problem.

Conclusion

In this article we have argued that the considerable complexity of Gaelic identities in contemporary Scotland, and significant research literature produced over the past two

decades, are largely omitted from the guest editors' commentaries in the recent *Scottish Affairs* special issue. In particular, MacKinnon's (2021) controversial suggestions for a recalibration of Gaelic identity and community along the lines of an ethnocentric and essentialist conception of minority language and culture contrast starkly with the present state of knowledge around the reality of contemporary Gael(ic) identities. The glaring omissions contained in MacKinnon's article appear to have been motivated by an attempt to exclude the voices of researchers and academics whose analyses would clearly challenge the flawed narrative and arguments he presents. In large part, essentialist narratives of this kind have been encouraged and amplified by the controversial and problematic arguments advanced in the *IGRP* volume (Ó Giollagáin et al. 2020), and we have suggested that the flaws and dangers inherent to such ethnocentric discourses are manifold.

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