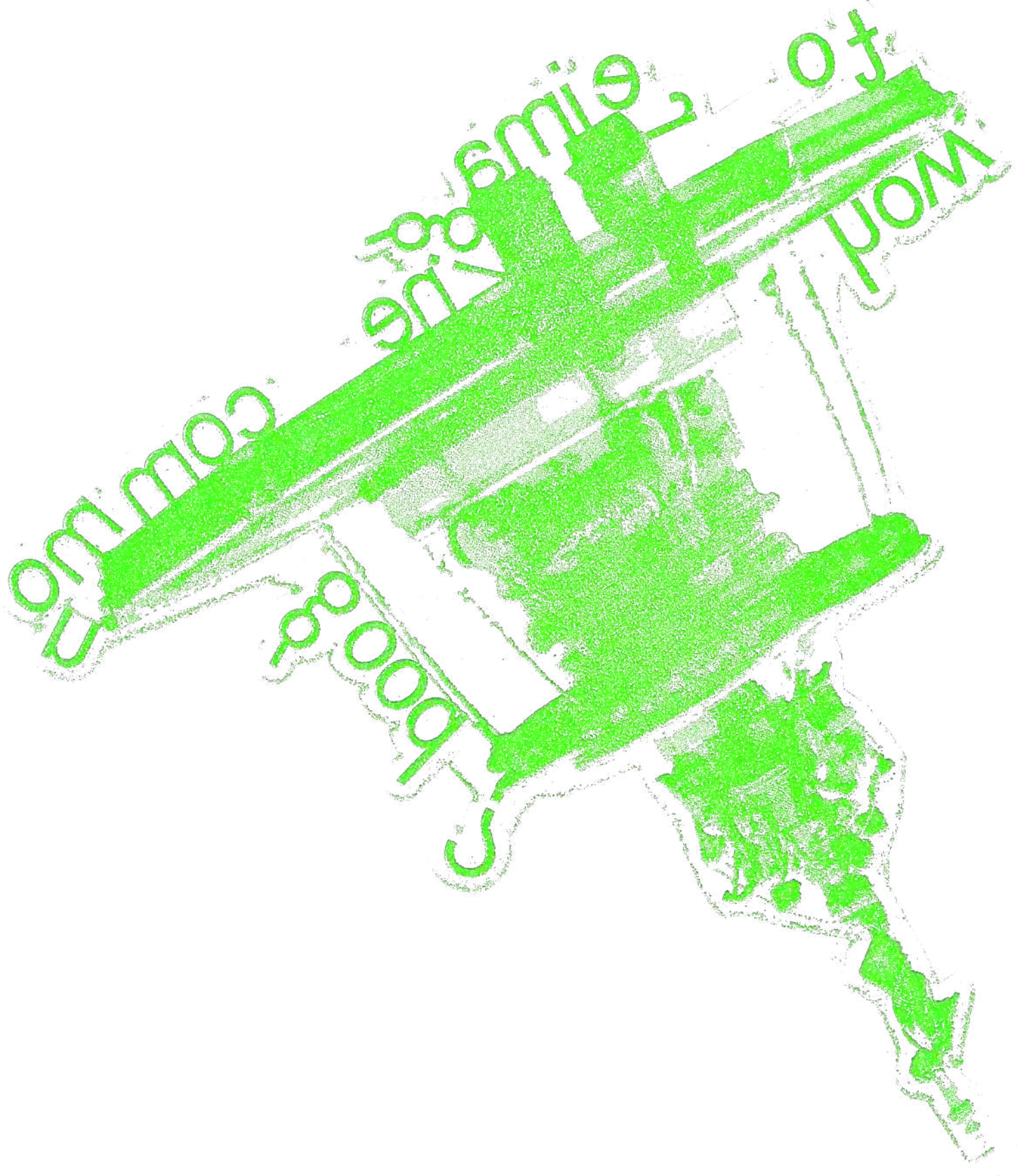




COMMON GOOD ZINE 3

HOW TO REIMAGINE
COMMON GOOD?

(STUDY RESOURCE)



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COLOPHON

INTRODUCTION

ZINE RESEARCH RESOURCE: A MATTER OF PRECEDENTS

A Matter of Precedents is a research resource that has evolved through multiple forms, such as an installation, a map, study walks, a website and three zines. You are looking at Zine Nr 3 at the moment.

In Summer 2022 a first iteration of the research resource was presented at Collective in the City Observatory Library, Edinburgh, titled *A Matter of Precedents*. It included a study board, a map of common good sites in Edinburgh (based on the 2018/19 and 2020/21 Edinburgh City Council Common Good Registers), and an audio collection of recorded interviews with those involved in the particular activation of the common good at the City Observatory reopened in 2018 under the custodianship of Collective, a contemporary art organisation. With manifold input by cultural workers who have encountered issues surrounding the common good in their own communities and work, the research resource attempts to demystify and expose some of the legal mechanisms and institutional processes around publicly owned items. In May, we – Annette Krauss, Alison Scott, and Frances Stacey – together with many collaborators engaged in two in-person walks to gather around and discuss other common good sites in the city. We walked and talked along two routes in central Edinburgh taking in a variety of sites, objects and spaces held in the common good, exploring and imagining

forms of custodianship, collective ownership, maintenance, and community use of these sites.

Here, in print, we are pleased to make available further aspects of the resource, launched in tandem with an online presentation where you can listen to the interviews made in the first part of the project *A Matter of Precedents*.

This print resource is formed of three zines. They act as records of the project, as a reader and an invitation for further study: holding transcripts of recorded conversations, online material, previously published articles, and two newly commissioned texts. Much of this gathers in printed form the contributions made for the display in the Library at Collective – whether that be audio interviews or material added to a study board – and contributions offered as part of the common good walks.

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CONTENT OF THE THREE ZINES

The three zines feature topics and items that closely follow the structure of the online resource, starting zine one which covers general notes on the common good in Scotland and materials that situate this in relationship to wider debates on commoning. Zine two unfolds material contextualising Collective's specific relationship to common good through their inhabitation of the City Observatory as a site held in common good. Zine Two is divided into

two chapters “Administrative Chores: The Labour of The Common Good”, gathering administrative-organisational material related to common good in Edinburgh, and “Common Good and Colonialism” exploring aspects of the relationship with colonial legacies. Zine three (that you are looking at right now) looks toward other struggles surrounding the common good and documents the Study Walks along common good sites in Edinburgh. The various angles from which this documentation takes place hopefully spur re-imaginings of common good in Scotland and offer avenues for further study.

All in all, the three zines attempt to share information on the common good in the spirit of open access and free distribution, and connect this particular form of Scottish commons to wider discourses and learning.

BACKGROUND INFORMATION ON THE RE-SEARCH PROJECT A MATTER OF PRECEDENTS

A Matter of Precedents examines the City Observatory’s status and designation as a ‘common good asset’. The ‘common good’ is a form of collective property, unique to Scotland, comprising buildings, land, structures, and monuments gifted to the people of a specific historic burgh. Categorised as ‘common good’, these items are today managed by local councils and their partners for the good of the people. This study is developed in dialogue with a number of

people involved in Collective's redevelopment of this site, alongside artists, cultural thinkers and others.

Developing on Annette's long-term research on the commons, *A Matter of Precedents* considers the specificity and lack of visibility of the Scottish commons, particularly in Edinburgh; and draws on Collective's journey to the City Observatory as a way to study the (imaginative) potential of the 'common good' as a particular legal, historically philanthropic, early capitalist anomaly entangled with colonial histories.

In the face of the increasing pressures of commercialisation and privatisation of public space in our cities, *A Matter of Precedents* seeks to understand the obligations, responsibilities, and restrictions around the use of common good items as opportunities for public agency.

Alongside this specific focus on the common good, the project takes an intersectional approach, considering the relevance of colonial, feminist, and educational histories in Edinburgh. It seeks to (un)learn from ongoing debates around colonial cultural heritage, and practices of reparative justice, while unpacking the philanthropic principles of educational Enlightenment projects. These convergences are explored through the input of different stakeholders, and with those participating in the walks, and now unfold in yet a different constellation, here, in the three zines.

Annette Krauss

Artist, educator, and writer Annette Krauss has been working with Collective in Edinburgh, Scotland over several years on *A Matter of Precedents*, a research project exploring the ‘common good’. Annette’s collaborative work is dedicated to practices of ‘unlearning’ and ‘commoning’, addressing questions of institutional responsibilities, feminism, and privilege.

Alison Scott

Alison Scott is a Scottish artist, writer and art-worker often working with other artists on collaborative and research-led projects. She has been assisting Annette closely with the research and production for *A Matter of Precedents*.

Recent projects in print, film and performance work through feminist approaches to weather, land, and the inherited environment.

Frances Stacey

Frances Stacey is a curator and producer who collaborates with artists, filmmakers, and others to develop new commissions, films, exhibitions, and pedagogical programmes. As a freelance producer she has supported the development of *A Matter of Precedents* with Annette and Alison, informed by experiences working with Collective from 2013 – 2020 and co-producing in the context of ongoing socio-political struggles.

AUDIO
TRANSCRIPTIONS
3

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(AMATTER OF
PRECEDENTS)

The following transcriptions are derived from the recorded conversations that were held during the project *A Matter of Precedents*. The conversations took place between the artist Annette Krauss and key people involved in Collective's activation of the City Observatory as common good, and with artists and researchers who have encountered issues surrounding the common good in their own work and communities.

The transcriptions were produced as working files for the audio installation in the library at Collective. They are summary transcriptions and in some cases word by word. Extracts from the recorded conversations can be accessed online

www.collective-edinburgh.art/aheld-in-common-good

Part 1 and 2 of the audio transcriptions can be accessed in Common Good Resource ZINE 1 and 2.

RE-IMAGINING COMMON GOOD IN SCOTLAND – LEARNING FROM OTHER STRUGGLES

[AUDIO-TRACK 10](#)

Part 1. Collective's activation of common good as a precedent;
in conversation with Kate Gray, former Director of Collective 13.8.2021 (3.20min)

01:11:26 (Kate)

At the time when all of this was being developed, I was going around at different places, saying, look at the common good, there is this thing in Scotland, no one is talking about it! Why don't all these cultural organisations take over common good properties, I don't understand this. Come on people.

I was also saying, we have this new model now to work in partnership with the City Council, as no small cultural organisation could take on all this risk alone. There is a new model here, you could do it this way. I was actively trying to tell people about it. But I felt like it wasn't fully understood.

(Annette)

When you say a model, did the Council document that? Is there somebody who documents this, makes a documentation of the model?

(Kate)

No, it's almost as if there is a precedent rather than a drawn up model.

I think what allowed it to happen is that Frank [Little] and I had a tremendous amount of trust in each other, and there were very few options available to Collective at that point.

There was a big responsibility to the survival of the organisation – and we need to acknowledge the then-Board, they allowed it to happen, and it was a leap of faith for them. As a charity Board they have responsibilities. It would be a hard thing to choose, if you had lots of options. I still remember taking the then-Chair [of the Board] up to Calton Hill to discuss it after the last stakeholder meeting, and they were dumbfounded, because there was another time before that, when I was talking to the City Council: I was talking to the properties manager – who was showing me semi-commercial properties outwith the city centre – and I said 'show me a property that's not commercial in the centre of Edinburgh'. Because if that is a category, then there must be something outside this category, and otherwise it would not be a category. 'Show me your non-commercial properties in the cen-

tre of Edinburgh'. He fell silent. I thought, obviously he knows there are some, but doesn't have the power to show them. I asked later, is the City Observatory a commercial property? By then I had had the conversation with Dorothy, and he was again completely silent. It obviously isn't. Working backwards it was like: 'You've given me the categories that I had to look at, and now I'm going to give you the solution, which is I will look at non-commercial property, which is the City Observatory. And now you are obliged to help me, even though you never offered that.' (1:17:47)

[AUDIO-TRACK 11](#)

Part 2. 'Common Good has not been tested so much'; in conversation with Frank Little, formerly Museum Services Manager at City of Edinburgh Council, 22.11.2021 (13.10min)

Present during conversation: Frank Little, Annette Krauss, Frances Stacey, Alison Scott

00:12.19

Frank asks Annette why she is doing this research.

Annette describes herself as an artist in the Netherlands and working in connection to projects on the commons. Describes meeting Kate and Fran during the process of moving to Calton Hill; became interested in the term Common Good, as a specific form of commons. In the particular case of Collective; she was thinking, is this a model for other organisations, or rather (as Kate says) 'a precedent'. In highly neoliberal times, how can we look at property differently? How does artistic, imaginative force change how we think about what is possible in these times?

Frank describes a conference on Calton Hill to discuss its future use – before Kate got involved – he notes that then no one suggested a contemporary art gallery, rather, that it be restored to original purpose, education space, a museum etc. The Council, however, believed it should rather be treated as being built in the past but reimagined in a new way for the future. Frank describes loving Kate's idea of a 'new kind of City Observatory'; and taking time to convince other people. They appealed to the council that it would be open 7 days a week, free, fully accessible to everyone. Judgement was made on how would it enhance rather than diminish the asset.

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Mentions Andy Wightman's book, *Who Owns Scotland?* as a point for research.

Describes how Common Good hasn't been tested that much. Describes the moral decisions of going to court of session (do we really need to?; will anyone really challenge it?; it costs a lot): coming to the conclusion that the property is held in trust by the council for the people so it was the right thing to do. This was challenged by the Astronomer Royal. (00:19:07)

00:06:28

Frank describes another aspect of the partnership approach between Council and Collective. It had to be appropriate for various parties: the vision of the Council, common good, and Collective. The Council still had a large stake in the site: they put £1.1 million into the project. Funds were secured from many other places. Describes it being about a collective approach for the appropriate use of historic buildings. (00:07:45)

00:30.23 (Annette)

To what extent are organisations held accountable to the Common Good?

(Frank)

Not within the Common Good so long as it is free and accessible. When funds are agreed, there are more criteria, but not within the Common Good. No conditions were put on Collective to meet the aims and aspirations of the council. (00:31:23)

00:36:58 (Frank)

In many ways, you could argue, I suppose, that Common Good conditions make it hard for councils to find the resources to maintain them. Frank describes how councils are trying not to run so many venues: but they can't simply put Common Good venues on the market, which he says is actually advantageous to finding an appropriate use. Most of the buildings held in Common Good in Edinburgh have historic, cultural value: he believes the best custodians for these are perhaps those in the creative industries (who understand the value of the asset as cultural and historic), which enables you to see the financial aspect of having less importance, less profit driven/ overtly commercial value system. (00: 38:40)

00:40:07 (Frank)

Do you think that Common Good is, at the moment, viewed as a legalistic term rather than something that should be embraced as an opportunity by the community?

Annette describes the issue as being about awareness, mobilising the community and imagination. Frank agrees it is not viewed as something of value: either is viewed as restrictive or an opportunity for the council, but not really understood as something for communities to embrace. (00:42:01)

[AUDIO-TRACK 12](#)

Part 3. Other common good precedents; in conversation with artist and researcher Simon Yuill, 18.8.2021 (13.30min)

13

(00:22.28)

Arts spaces and community groups making use of common good:

Simon describes how in some of the activist campaigns he has met with, some were going against capital, using common good as a 'monkey wrench' to break things. Discusses the case of the Independent Republic of the Canongate activist group in terms of property development happening on common good land. The money taken for the land wasn't going to common good funds, and the development would drive out a long standing working class community on a 'prime site' in Edinburgh. The campaigners found the link to common good and used it to block the planning. A hotel plan was subsequently abandoned and the community got the Council to give them the land to run a community school. Describes the Pollok Park common good case as similar: where the working class community was taking something originally given through philanthropy as their own. Using common good within the spirit of commoning – but turning it on its head.

Annette asks about lack of awareness of common good within the Council itself – is this the case, or is it strategic in order for Councils to sell off the common good assets?

Simon says it's probably both: bureaucratic oversight, and as councils move to a neo-liberal model (from being custodians of the city to being property developers). There has been a deliberate move – which he says is also the case in Glasgow, and is what was happening with the case of Waverley Market. Instead of using the common good as a way to generate money for communities, the council used it as a loophole to allow commercial development to happen cheaply.

Simon talks about how the Waverley Mall (formerly the Waverley Market) shopping centre has a trust who owns it that pays something like £1 a year for the land, but has a long term lease that enables them to build a physical building; and then all the profit from the rent of the shops goes to this company, rather than to the city. Could have been set up under community ownership, to house something more community orientated. (00:27:28)

00:29.08 (Annette)

I was wondering, how would you set up conversations around the common good, taking Collective as an example?

Simon talks about Collective as being not the first art space to be on common good land in Edinburgh: at the “Caltongate” site (Caltongate is a new name invented by the city planning department to separate the area from the existing Canongate community), there was the city bus depot and when it moved, there was an artist led space called Out Of The Blue there (who are now in Leith) who had a ‘peppercorn rent’ as they could justify a common good purpose. They got evicted when the property development began. The artist-led space didn’t know much about the common good, but the community group did. Simon learned from the community activists there was a bad relationship with the artist-run space, so they wouldn’t have been in conversation really. He says there were class differences, and a feeling that the artists were acting in self-interest and not really helping the community. So if Out Of The Blue had understood common good, this could have gone differently. Simon says there is nothing in common good law to compel councils to have to use the assets; if they haven’t been used for more than 40 years/ or a reasonable judgement in the eyes of a judge, they can be taken off the common good register. Describes cases where the council has done deliberate negligence. On the flip side, he says, if there is something (eg. an area of land) that has been used for 40 years uninterrupted and more for public good, it can be claimed as common good. (00:35:34)

00:43:29

Annette talks about complications in the research. Discusses her position from far away. How to initiate counter-speculations to urban transformation? What could be the potential for these common good items? How to find ways to use common good items differently?

BEQUESTS

Simon suggests looking at bequests, because of the philanthropic side, the bequests might place conditions of use. This was the case with the Pollok Free State: the bequest said Pollok Park was for the people of Glasgow to use for their own recreation. The proposal for the motorway, it was argued, was therefore contrary to the spirit of the bequest. By occupying the land, the people were therefore fulfilling the bequest, just in their own way and not in the way the person leaving the bequest might have thought of.

Annette asks for clarification of the word in English. Simon describes ‘bequest’ as a ‘gift’ that comes with particular demands or in legal terms ‘burdens’. In the case of Pollok – the bequest was recorded in the council minutes and entered the council archive. Therefore activists could find the philanthropic mechanisms, and use these not necessarily in the way they were intended, but using them to make other things happen. He suggests this as a potential strategy for other sites.

00: 49:43

IN SEARCH FOR LAWYERS

Annette asks Simon if he would agree with Andy Wightman’s ‘4 dangers around common good’ (lack of awareness, shoddy accounting, disappearing assets, poor record-keeping) or would he see other things that add up to the common good not being activated in non-commercial ways.

Simon agrees, and says most lawyers aren't that interested in maintaining and acting upon it: it is largely viewed as an annoying anachronism, rather than something that could be made use of proactively. He says it would be interesting to find a lawyer who was interested in proactively using the common good to see what their take on it would be. The disputes end up in the law courts: and this is how people come to learn about it (through land ownership disputes and such), and the view tends to be, in the legal profession, that they would rather scrap it. Thinks that Andy Wightman's view is that the existing form of common good law should be reshaped to provide this kind of active, pro-community aspect to it, rather than be done away with. Hasn't come across any lawyers who wanted to use it proactively. (00:52:11)

AUDIO-TRACK 13

Part 4. The case of Union Terrace, Aberdeen; in conversation with artist and researcher Emma Balkind, 31.8.2021 (23.30min)

00:00:05

EMMA DISCUSSES HOW SHE FIRST LEARNT ABOUT COMMONS AND HER EXPERIENCE OF COMMON GOOD THROUGH HER WORK WITH PEACOCK VISUAL ARTS IN ABERDEEN

Emma recounts, in 2007 she graduated from university, and was volunteering in galleries etc. as things were not good with the economy and entry level jobs in the cultural industries at that time. She came back to Glasgow, then a job came up at Peacock Visual Arts, so she then moved to Aberdeen to work at Peacock in 2008. The idea for their future at that point was to build a large art centre in Union Terrace gardens, which is a common good piece of land in the centre of Aberdeen. Was going to be sunken into the landscape as the garden is structured around a Victorian viaduct, housed into this structure. She recalls the plan was all in hand, they had most of the funding and were about to break ground, and then Sir Ian Woods (at the time the 2nd richest man in Scotland), who made his fortune in the oil industry, had someone scrutinise the legal documents and worked out that one of the pieces of paperwork for using the land hadn't been signed off, and said 'I want to use the land instead'. This started a multiple, year long, chain of events, where it looked like Peacock ceased to exist in the midst of the move from the Scottish Art Council becoming Creative Scotland. Emma describes that Creative Scotland feels, and is, more part of the government, whereas SAC was able to act more independently as an arm's length organisation that received money which they could do what they wanted with. Creative Scotland is much more involved in the promotion of 'Scottish interests' through culture. Because of this gap in the changeover, Peacocks couldn't access their funding. This ultimately, to this day, has resulted in Peacock remaining in their current building which is not fit for purpose. Emma has been on the board there and knows they are still looking for a new building. Says this is all really complicated... (00:03:15)

00:06:58

EMMA DISCUSSES THE FINANCIAL STRAIN IN ABERDEEN CITY COUNCIL

With the common good and Aberdeen, it became clear that these spaces, although still there and still for everyone, are managed by the council and this is their vulnerability as the councils are more and more put under financial stress; and they don't have anyone to hold them accountable to the principles of the common good. In the case of Aberdeen – if you look up 'Union Terrace Aberdeen' – there were so many architectural proposals for the site. Some of them paved the space into a wind-swept square, others had New York style 'high-line' architectural elements, but ultimately all of them came down to enclosing that space and making it private. Emma says that's all the council was interested in – changing it significantly enough that it no longer had the characteristics of a common good site

and therefore no one would care about it in that way. Emma thinks that unfortunately for the Woods group, the financial circumstances of Aberdeen are often very dire. Some of that comes from expropriation via the oil industry, some of that comes from benign neglect, some from UK politics around the neo-liberal management of space. Ultimately what happened was the council changed a few times, and there were periods where Aberdeen City Council nearly went bankrupt. Woods was being promised large amounts of money to develop this site (Emma says even though it was fine as it was as a park).

CURRENT SITUATION IN ABERDEEN

Last time Emma went to Aberdeen, the steel structures that hold up the roads and the walkways of the viaduct around the gardens are in real need of repair. Still an issue about what kind of development is going to happen there. Describes how ultimately though there was a public outcry; there were groups of people who protest and try to save the garden, and for the moment they have remained pretty much untouched. For Emma, this was the prototype for trying to understand what a common good is and the dangers of what can happen with it. (00:11:05)

00:12:00

EMMA'S UNDERSTANDING OF THE COMMON GOOD

Common good is not just the object itself, or the space, or the thing. There is a slightly more complex financial instrument attached to it. From her understanding, Union Terrace gardens relates to a gift made to Aberdeen by Robert the Bruce, because (she thinks) Aberdeen looked after him while he was in exile. Describes the statue in Aberdeen city centre of Robert the Bruce on a horse holding the papers of the common good – essentially what he gave to the city was a set of hunting forests. At that time, hunting forests in Scotland weren't necessarily 'a forest' but were any natural space that had trees that people could use for hunting or for subsistence in some way. At that period of time we would still have been under feudalism, so if you wanted something it was owned by the King and it was up to him. From what Emma understands, Union Terrace gardens exists because of the common good funds that came from the land that was given to the people of Aberdeen, rather than the piece of land itself – so a 'knock on' from the gift. On those lands there was tenancy of some kind that brought in rent, and that rent funded common good items within Aberdeen: the land was given in common good to Aberdeen, and then they were able to add other common goods through rental income.

15

LINK TO COLLECTIVE

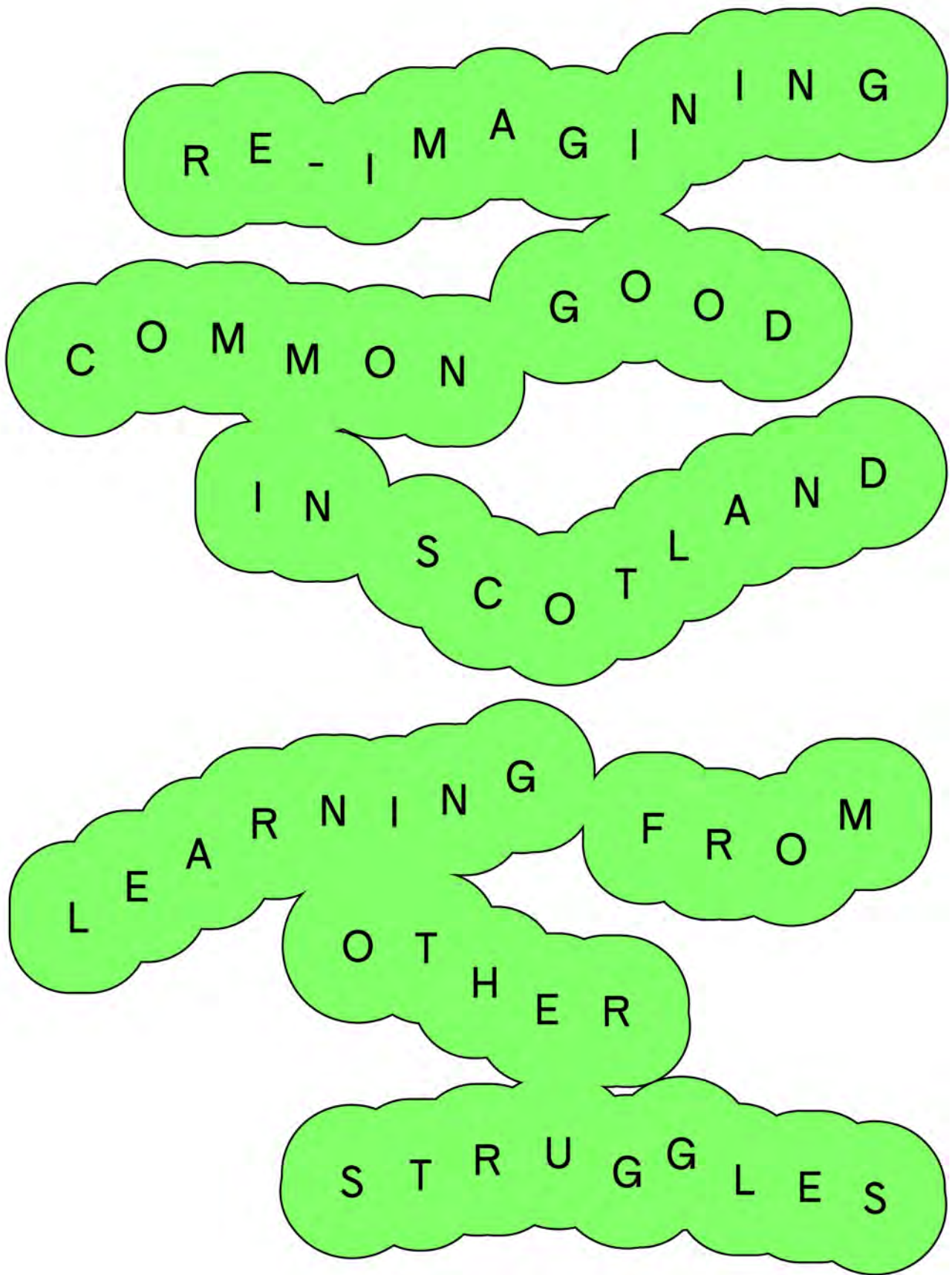
Emma supposes that (her) argument then would be that Collective – if it is giving back to people what is received through benefitting from the common good – would create further common spaces, and then would be operating in a similar shape of organisation. (00:15:26)

Kate Gray was artistic director and CEO of Collective, Edinburgh, from 2009 to 2022. Kate became Director having previously worked with Collective as lead artist on the One Mile Programme. She oversaw the contemporary art organisation's move to Calton Hill from its former location on Cockburn Street, including the major redevelopment of the City Observatory. Currently, Kate is Director of Enterprise and Public Value at BALTIC Centre for Contemporary Art, Gateshead.

Frank Little was formerly Museums and Galleries Manager for City of Edinburgh Council. Frank played a key role in supporting Collective's relocation to Calton Hill and its redevelopment of the City Observatory site.

Simon Yuill is an artist, researcher, and writer based in Glasgow whose work includes the use of interview and research processes, film, publishing and custom software systems.

Emma Balkind is a writer, researcher and educator currently training in Data Analysis. Previously, she was a Teaching Fellow in Visual Culture at Edinburgh College of Art at the University of Edinburgh where she was Course Leader for Year 3 and Masters elective 'What is the commons? Participation, objects and place in contemporary art'. Emma completed her PhD 'Estovers: Practice based research on the concept of the commons within contemporary art' with Glasgow School of Art in 2018.



- Press Clippings: Relating to the Canongate, Edinburgh, and Union Terrace Gardens, Aberdeen
- Grace Brown and Jonty Leibowitz: A report to the Scottish Land Commission, 2019: 'Opportunities'
- Andy Wightman, The Poor Had No Lawyers: Who Owns Scotland (and How They Got It), 2015. Chapter 23 'All Property of a Burgh: Scotland's common good' and Chapter 24 'Let for a Penny a Year: The strange case of the Edinburgh common good'
- Emma Balkind, 'Chapter 5: Notes towards a suggested commons syllabus' from 'Estovers: Practice based research on the concept of the commons within contemporary art'

PRESS CLIPPINGS ON THE CASE OF THE COMMON GOOD AND THE CANONGATE, EDINBURGH

ACCESSED VIA:

- Canongate Community Forum, Save Our Old Town Campaign Website, c2006
<https://www.eh8.org.uk/index.html>
- Save Our Old Town Poster, created by local artist David Hutchison, accessed via Independent Republic of the Canongate, Campaign Blog, 'SOOT meeting tonight 7pm, Wednesday, 20 May 2009'
<https://independentrepublicofthecanongate.blogspot.com/>
- Press clipping, Edinburgh Evening News, Joanna Vallely, accessed via Independent Republic of the Canongate, Campaign Blog, 'The Missing Millions?', Tuesday, 8 June 2010
<https://independentrepublicofthecanongate.blogspot.com/search?q=commor.+goc.+>
- Andy Wightman, 'Report on the Common Good of the City of Edinburgh', April 2006
http://www.andywightman.com/docs/edinburghcg_20060426.pdf
- Independent Republic of the Canongate, Campaign Blog articles, c2007-2011
'The Common Good of Scotland', Sunday, 13 January 2008
<https://independentrepublicofthecanongate.blogspot.com/2008/01/common-good-of-scotland.html> ; 'The Missing Millions?', Tuesday, 8 June 2010
<https://independentrepublicofthecanongate.blogspot.com/search?q=commor.+goc.+>

PRESS CLIPPINGS ON THE CASE OF THE COMMON GOOD AND UNION TERRACE GARDENS, ABERDEEN

ACCESSED VIA:

- The Guardian, Mike Shepherd, Scotland Blog, 'Union Terrace Gardens: Aberdeen saved from certain financial embarrassment', 27 August 2012
<https://www.theguardian.com/uk/scotland-blog/2012/aug/27/scotland-north-ern-ireland-extra-architecture>
- Friends of Union Terrace Gardens Blog, 2010-2016
<https://www.friendsofutg.co.uk/news.php>
- BBC News, 'Park project which was "fraught with problems" reopens', 22 December 2022
<https://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-64068076>



Canongate Community Forum

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Common Good

As one of 3 Common Good Petitioners SOOT campaigner Sally Richardson has been giving evidence to the Scottish Parliament's Local Government and Transport Committee. The final meeting of the current Local Government and Transport Committee was on Tuesday 27th of March at The Scottish Parliament.

The Committee at its meeting of **27 March** considered the Deputy Minister's response and confirmed its view that **EVERY local authority in Scotland should have a PUBLICLY available COMMON GOOD ASSET LIST** and that there should be a clear statement that **common good assets can only be used for certain functions.**

It was agreed that the committees work on the issue on the issue should be drawn to the attention of whichever successor committee has responsibility for local government in session 3 so it can decide whether to monitor the Executive's dealing with the issue or carry out further work on the subject.

ve-strategy.html



Alternative Strategy for Regeneration

Canongate Community Forum

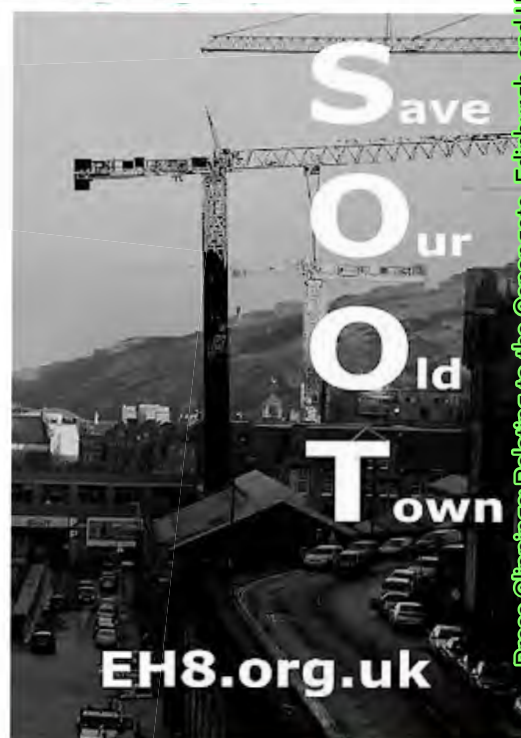
February 2006

This community plan has been prepared in response to the masterplan proposals which are currently being prepared by Mountgrange (Caltongate) Ltd, in discussion with the council.

We are residents of the Old Town of Edinburgh, who do not support the proposals and we ask our city council to consider the possible alternatives for the regeneration of our community, as well as the economic costs and benefits which any new development may bring.

The New Street area is in need of sustainable regeneration. We think this regeneration should reinforce and strengthen the historic urban structure and buildings as well as providing much needed local facilities for the existing community.

- [Community aims and objectives](#)
- [The alternative strategy for regenerating the Canongate](#)



© Poster created by local artist, **David Hutchison**

24 FRIDAY, JANUARY 20, 2006

Fight to block £180m scheme

'Common-good' land challenge to major scheme for Old Town

by JOANNA VALLEY

PROTESTERS are planning a legal challenge to a £180 million development in the Old Town. They claim the proposed Caltongate scheme, which includes offices, shops and a five-star hotel, would be built on land belonging to the people of Edinburgh. Critics have obtained a century old map which marks out land to be held in the "common good".

And they believe the council may not have had the right to sell the land on East Market Street to developer Mountgrange for £2.5m, or that the proceeds should go to the common-good fund.

The Canongate Community Forum is taking legal advice over whether the council's authority to sell the land was valid.

The forum is made up of people concerned about the impact of the massive development set to destroy listed flats to make way for offices, modern apartments and a five-star hotel.

Canongate resident Sally Richardson wrote to the council under the Freedom of Information

Act to ask whether any part of the land was held in the common good. She received a reply stating that the former garage/depot at East Market Street was held on the city's common-good account.

Ms Richardson has now written asking for confirmation that the rest of the land to be developed is also common-good land.

She said: "I sent a follow-up letter on January 12 asking the council specifically about areas they excluded in their first reply."

The Canongate residents have received the backing of expert in common-good land Andy Wightman, who wrote the report Common Good Land in Scotland: A

Review and Critique. He uncovered a survey from 1905 showing the common-good assets of the city encompassed all of the Old Town, the majority of the New Town, Leith Links, The Meadows, Bruntsfield Links and The Shore, as well as large areas of the Grange and the southside.

Mr Wightman said: "The whole of the site is clearly common-good land. When the sale was approved the council didn't know that so they followed the wrong procedures."

A council spokeswoman said: "We are aware that some local residents have concerns, although we understand that the general response has been positive."



RESEARCH: Land expert Andy Wightman on East Market Street

Report on the Common Good of the City of Edinburgh April 2006

by Andy Wightman

andywightman@caledonia.org.uk

East Market St/Cranston St

This site is in the process of being sold as part of the Caltongate development and part (at least) of the site - the former garage/depot on East Market Street - is a Common Good asset. From the Reports to Council it is evident that this sale (and others) were embarked upon as part of a capital generation programme connected with the Fit for the Future Project. At no point does any strategic view appear to have been taken of this or other Common Good properties in terms of the prudential administration of the Common Good Fund. Indeed the Council does not have a Common Good Committee that would, in normal circumstances take such decisions.

The property was identified as a common good asset in 2002 (6) but by 2005 had disappeared from the Common Good asset register (as presented to me by the Council in July 2005 - See Annex C). At the meetings of the Council in June and November 2005 (at which the decision was taken to sell the land), no mention was made of the fact that part of the site was Common Good and it was reported to Council that the proceeds of the sale

would represent a "Capital Receipt" (7). This was misleading since a proportion of the sale proceeds belonged to the Common Good Fund.

Only after questioning in late 2005 did Council officials admit that the property was held on Common Good and that 35% of the proceeds would be credited to the Fund. It is worth noting that the sale of this one property will approximately double the value of the Common Good Fund. However, it has been decided to spend the proceeds on defraying the costs of the new Headquarters (8).

The Council has a fiduciary duty to steward the assets of the Common Good and to invest them wisely (9). Defraying costs of other capital projects returns nothing to the Common Good Fund. This decision is thus of doubtful probity and legality and appears to represent a poor investment decision. Indeed it appears to represent no investment at all since the capital receipt is to be used to defray costs rather than to be invested as part of the capital of the CGF and produce an annual revenue to the Fund. On the basis that the Common Good Fund will be credited with a sum of £1.82 million, one would expect an annual return to the Fund of £100,000 or so at a yield of around 5%.

Independent Republic of the Canongate

The Independent Republic of the Canongate - tells the stories behind the PR spin of the developers, the architects, politicians and council officials here in Edinburgh, the UK and the world

Sunday, 13 January 2008

The Common Good of Scotland

23 days to go.....



Well, there is nothing to report from today's press. So today, I will focus on The Common Good A brief introduction -

"Visit any town in Scotland and you will come across names such as Market Muir, Market Street, Muirton, Links, and Green. These all denote forms of common land such as all burghs in Scotland owned at one time. The property of the burgh was known as the common good since it was to be used for the common good of the inhabitants.

And this property still exists. It still belongs to the people and forms an important part of their cultural heritage.

It is also a significant resource for regenerating local communities. **But since 1975 when Town Councils were abolished**, this land has been subsumed within new local authority structures and assets that should have been carefully stewarded for the benefit of the inhabitants of the former burghs have, instead, been lost, neglected, and in many cases misappropriated.

The total reported value in the accounts of local authorities stands at just over £181 million But given the missing assets, inaccurate accounting and lost receipts the **total is probably in the region of £2 billion.**

In Edinburgh, millions of pounds have gone missing and, incredibly, the former Waverley Market(now Princes Mall) in Princes Street, a common good asset worth over £40 million is leased on a 206 year lease for 1p per year!

Citizens are beginning to wake up to this hidden wealth. At the same time, communities are being empowered to take ownership and control of land and property and to fashion a more prosperous and sustainable future for themselves. However, much of

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this has been achieved through the allocation of money from the Lottery.

For many communities its not necessary to seek opportunities on the open market or to seek financial support from the Lottery in order to build up their asset base since common good assets already exist and **could form the basis for building a multi-million property portfolio that could deliver housing, leisure and much needed community facilities."**

Readfullarticle by Common Good Expert Andy Wightman

It is important to note that Common Good Assets not only includes heritable land and buildings but **moveables such as paintings, books, jewellery, furniture, monuments, weaponry and fishing rights..this list is not complete**

I first got involved in The Common Good when I met Common Good Expert Andy Wightman in 2005, shortly after the first Caltongate Masterplan was unveiled. Following on from this I learned that part of the proposed land sale by the council to the developers Mountgrange includes Common Good.



© Copyright : Andy Wightman

Above is East Market Street, Jeffrey St above it, with the spine of the Royal Mile visible in front of Arthurs Seat. Highlighted in red is the property on East Market Street that developers Mountgrange want to buy from the council. The building furthest to the left is The Canongate Venture, then the Former Vegetable Market (which is Common Good) and then the Market Street Arches.

When I knew this building was held on the Common Good Account of the Council, I became one of **threepetitioners** to The Scottish Parliament, calling on greater protection for Scotland's Common Good.

Homes Not Hotels

To demolish or not to demolish

The Battle for Edinburgh's Heart

Labels: *andy wightman, Coin Street Community Builders, common good, Common Good Day Scotland*

Tuesday, 8 June 2010

The Missing Millions??

The Scottish Review online today is this article by Common Good Petitioner David Harvie -

"The 1850s and 60s were momentous decades in Glasgow. In the 1840s, the city had suffered a cholera epidemic and the poverty-stricken citizens had been provoked into large-scale bread riots. But Glasgow picked itself up and dusted itself down, and a powerful drive of civic optimism took over. Employment rose as the city council intervened to order advances in its infrastructure. Improved water supplies, public parks, wide streets and better sewage, drainage and housing were all priority developments. A Glasgow Police Act of 1866 was a positive influence, as was the City Improvement Act of the same year, which led to huge developments in housing and health. The prosperity was not instant, nor yet for everyone. Bad housing and health were still endemic, and while there seemed to be plenty of work, the 'hire and fire' ethos was still the norm. Many workers were forced to move from farm to factory to construction site to shipyard in the constant effort to maintain a position on the treadmill of 'cheap, plentiful labour'. The city serviced an enormous army of people who arrived from the Highlands and Islands, Ireland and elsewhere; all were anxious to prosper – one Scot in five lived in Glasgow. Nevertheless, the city's drive for self-improvement was to have enormous success and led to a world-wide reputation for municipal organisation. Glasgow's citizens recognised and cherished something of enormous value that we have lost since these harsher days – a genuine sense of civic pride that was rooted in the Scots tradition of The Common Good. This is an ancient and uniquely Scottish concept confirming the continuing public ownership of assets, both heritable and moveable, which has been lamentably mismanaged and compromised by many of Scotland's local authorities in recent decades. The property of Scotland's Common Good funds is legally held by statute in trusteeship by local councillors on behalf of the local population; such property must by

law be registered, accounted and valued separately from all other local authority accounts; it is not to be equated as 'belonging to the council' – it belongs to the local communities. Councils, while holding legal title, are constrained in how the property is administered and disposed of, since it is held in trust for the residents of the former burghs. Unfortunately, there are conflicting attitudes pervading the issue. In 1914, Glasgow's town clerk, noting the city's 'parental view of its duty to the community', confirmed the opinion of the commissioners on municipal corporations in Scotland of 1835, when they stated that 'the common property is truly an estate held in trust by the community'. Recently however, the City of Glasgow's director of finance boldly told the city council that, 'the common good is seen as corporate property of the council'. But Lord Drummond Young, in the Court of Session in 2003 pointed out that 'the town council or other local authority is regarded in law as simply the manager of the property, as representing the community' [Lord Drummond Young in Andrew Wilson and Others v Inverclyde Council 2003]. Some Common Good funds are well-endowed; others ought to be. Seven hundred years ago Robert The Bruce granted rights to Aberdeen over his favourite hunting-grounds; today, that gift alone is worth £35 million. Inverness had similar historical donations now worth £25 million – and bringing in an annual income of nearly £2 million. It is sadly likely, however, that some councils have transferred assets to other accounts (possibly resulting in inappropriate or even illegal disposal) or otherwise 'lost' them. Record-keeping has been poor, thus making legitimate inquiry difficult. Glasgow has recently revealed an astonishing lack of heritable common good assets (buildings, land, parks, municipal undertakings, etc), with no mention of all kinds of assets recorded in the past, and no moveable assets whatsoever (regalia, furniture, works of art, books and all manner of gifts and deposits). In response to FoI inquiries by Mary E Mackenzie, the city council is blocking further information on the bizarre grounds that just to search their title deeds would cost in excess of £4 million.

In 1914, John Lindsay the then town clerk of Glasgow listed many of the estate lands, docks and harbours, properties, rights, bonds and other assets within the Common Good. The list contains some lucrative surprises, such as the entire municipal transport undertaking – declared to be an asset of the Common Good by an Act of Parliament in 1909. Lindsay noted that the total value of Common Good assets was over £6.5 million (at 1914 values); what can have happened in the intervening years to prevent the significant increase in that value? No doubt some physical assets will have disappeared or been legitimately disposed of, but what happened to their value? The thing to remember is that £6.5 million in 1914 is worth several hundred million pounds at today's values, and should have been increasing over the period. The question therefore remains: what has happened to the accumulated value of many hundred million pounds worth of assets belonging to the common good? In the early 1900s, a visiting American professor of civic administration, described Glasgow as 'in many ways the most aggressively efficient city in Great Britain'. Frederic Clemson Howe was a Cleveland lawyer who became a progressive reformer in the fields of municipal planning, taxation and democratic control. He had visited and studied in detail numerous European cities, and Glasgow came as a puzzling but satisfying revelation to him. He was deeply impressed by the fact that the city had regained control of all of its civic services from the stranglehold of an unregulated private sector. This popular move – so at odds with our own experiences of ALEOs ('arm's-length organisations' such as Culture and Sport Glasgow) and other managerial sleight of hand – was achieved not only without a whiff of corruption, but with laudable evidence of efficiency, democratic openness and modest financial profit. For Howe, transparency and accountability were paramount, and the outcome received his unreserved response: 'Enthusiasm and interest, devotion and pride – these are the characteristics of Glasgow citizenship. I have talked with the heads of the city departments, with a score of town councillors, with police officers and fire officials, with clerks, bathhouse custodians, and conductors on the tram-cars – with all sorts of men, Tories and Liberals, Radicals and Socialists, from the Lord Provost down to the cab-driver. And this is the only citizenship I have been able to find.' ['The British City – The Beginnings of Democracy' by Frederic Clemson Howe, New York, 1907, p.163-4]

Andy Wightman and James Perman, who have conducted the most prodigious research into these issues, concluded that 'the estimated value of the common good assets that should be held on behalf of communities to generate wealth and community benefit might easily stand at around £1.8 billion'. ['Common Good Land in Scotland – a Review and Critique' 2005, p.23] The total value they could identify from Scottish council figures was one tenth of that estimate. When it comes to much of the property that is held in our disparate Common Good accounts, it is often local individuals and organisations that have most knowledge, interest and concern for its protection. Many of these people today have to take the financial risk of facing their local authority across courtrooms in order to try to protect what they regard as rightfully theirs. Were the entire accounting system to be completely overhauled and improved, and recompense made for past mismanagement, there would be hugely beneficial outcomes for civic pride and revitalisation. That would surely placate the disturbed ghost of the progressive Frederic Clemson Howe – and not least the people of Scotland.

David Harvie was one of three individuals who represented petitions on Common Good Assets in the Scottish Parliament in 2009 [Petitions 875, 896 and 961]

See Scottish Commons for timeline on the petitions progress to date

and see Common Good Watch on latest news

Posted by **sooty** at **08:44**



The Scotland blog

Union Terrace Gardens: 'Aberdeen saved from certain financial embarrassment'

Last week's narrow defeat for the City Gardens scheme left Aberdeen bitterly divided but protest leader Mike Shepherd argues the city needs to heal the divisions and regenerate its historic Victorian gardens

Mike Shepherd

Mon 27 Aug 2012 22.46 BST

Last Wednesday, Aberdeen council **rejected the City Garden project**, the controversial plan to replace a Victorian park in the centre of Aberdeen with a modern park and buildings. The existing park, Union Terrace Gardens, had been designed by the architects who also built many of the granite buildings for which Aberdeen is famous.

The project had been **controversial from the start**. It had been proposed by local oil tycoon Sir Ian Wood, who had promised to invest £50 million in the scheme providing his strict conditions for the basic design of the new park was met. He had also asked for £70 million of public money to part-fund his project.

The City Garden proposal effectively put an end to existing plans to build an art centre in the park even though it had only been given planning permission months before. Sir Ian Wood's project thus not only enraged the local arts community but also upset the heritage lobby who saw an important city centre landmark obliterated by the plans.

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The controversy was further inflamed when the Scottish government funded a public consultation that resulted in the rejection of the City Gardens. Over fifty local businessmen wrote to Aberdeen council persuading them to ignore the result, which they did. The outrage that followed culminated in a series of demonstrations outside the council buildings and the formation of a campaign group "[The Friends of Union Terrace Gardens](#)".

After the consultation vote was rejected, there ensued three years of wrangling, demonstrations and a determination to trip up the progress of the scheme through the council by impeding the procedural mechanism at every turn.

The council organised a second vote in an attempt to try and move things along. The referendum resulted this time in a narrow victory for the City Gardens. However, this failed to calm the issue. The rules of the referendum limited campaign groups to £8,000 spending. Unconstrained by these rules, the city's businessmen spent a very large sum of money on a PR blitz of radio adverts and glossy campaign literature in what proved to be a very one-sided campaign.

A sting in the tail ensued. The local council elections were held one month later. The Labour group had campaigned on a promise to stop the project. Massive tactical voting gave Labour the largest number of seats, enough to form a coalition with the independents and conservatives.

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After last Wednesday's vote, the City Gardens [is almost certainly dead](#). Sir Ian Wood has informed the chief executive of the council that he has withdrawn his offer of £50 million funding. This has almost certainly saved Aberdeen council from financial embarrassment. The business case for council borrowing was very poor, there was a shortfall of £15 million of promised private investment and there wasn't even any detailed final costings provided for the project.

The focus now lands on what will happen next for the city. The campaign in favour of the City Gardens had focused on its economic benefits. The proposed modern park, it was said, would make Aberdeen city centre a more attractive place. It was claimed that this would have had the benefit of attracting energy professionals here that would otherwise have been persuaded to move to oil cities such as Dubai or Kuala Lumpur.

I find this argument unconvincing. Many oil professionals stay in Aberdeen long term. There used to be a saying amongst oil company managers:

You can't get the beggars to come up here, and once you do, you can't get them out again.

I'm the chairman of the [Friends of Union Terrace Gardens](#) campaign group, but I'm also an oilman myself with over thirty years industry experience. I find it bizarre that discussions about anchoring energy companies in Aberdeen have revolved about the attractiveness of a city centre park or otherwise.

In my opinion, the public money earmarked for the City Garden project would have been better used to fund an energy research centre in the city, both to find ways to improve recovery from oil fields and in managing a transition from oil to a local industry based on

renewable energy. It is astonishing that there is no major energy research facility in Aberdeen given the vast amount of money that North Sea oil contributes to the exchequer.

There is much bridge building to be done given the anger raging in the city at the moment. What we hope to do now as a campaign group is to offer to work with the council, raising money, applying for various heritage grants and generally running events in the newly saved Union Terrace Gardens. A similar model exists in Aberdeen, the Friends of Duthie Park have raised millions for the restoration of another Victorian park in the south of the city.

Union Terrace Gardens has survived for the enjoyment of future generations. Also saved is something very special. There are seven ancient elm trees in the gardens. These are amongst the last surviving mature elm trees in northern Europe; the ravages of Dutch Elm disease largely bypassed Aberdeen.

Friends of Union Terrace Gardens

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Park project which was 'fraught with problems' reopens

22 December 2022



The gardens, while not complete, reopened on Thursday

The regeneration of Aberdeen's historic Union Terrace Gardens could end up costing more than £30m, the council co-leader has told BBC Scotland.

Alex Nicoll said the refurbishment project had been "fraught with problems" and costs were expected to rise.

The gardens originally opened in 1879 and have been undergoing redevelopment since 2019.

Although not yet complete, they reopened on Thursday afternoon.

The main lawn will be turfed at a later stage due to the winter weather and the likelihood of frost and rain in the coming months.



BBC North East Scot
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"It looks a bit half-finished."

BBC Scotland understands that Union Terrace Gardens in Aberdeen will re-open tomorrow.

It's been closed since 2019. At the moment there's no lawn, which will be put in place next year.

Here's what people in Aberdeen think of the redevelopment.

The turfing of the central lawn may take place after February's Spectra light festival, elements of which will take place in the gardens.

The project was expected to be completed last year, but was put back to 2022 following delays, caused in part by the pandemic. A so-called soft opening of a section of the gardens had been scheduled for April but was cancelled.

- [Reopening of city's historic gardens cancelled](#)
- [Transformation of historic gardens begins](#)
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The council run is currently run by a joint SNP and Liberal Democrat administration; the project was passed during the previous Labour, Conservative and independent coalition.

Mr Nicoll, of the SNP, described it as a "very long journey".

He said: "A lot of the delays have been beyond the council's control, and beyond even contractor control.

"But it's good that we did actually manage to meet the Christmas deadline, albeit a little bit finer than we would have wanted."



[Read the full conversation on Twitter](#)

'A lot of merit'

Speaking about the cost of redevelopment, Mr Nicoll said: "I think the figure is actually going to be closer or even north of £30m.

"I think it's a project that has a lot of merit to it, but I wouldn't have been the first person to vote to spend £30m for a park to become - a park.

"Hopefully the people of Aberdeen will actually go out and use the gardens and see a much higher footfall passing through there, and the rest of the city centre round about will benefit from that."

The council said the refurbishment had improved wheelchair access and included new amenities such as a play area for children, toilets and cafes, as well as restoring historic features.

Plans to breathe new life into the gardens first received the council's backing in 2007.

The following year, businessman Sir Ian Wood said he would contribute up to £50m towards a rival scheme to raise the gardens and develop a new street-level square.

Those plans were eventually rejected in 2012, when backing was instead given to proposals to improve the gardens.

Fresh plans for a revitalisation of the historic park were unveiled in December 2016, then given approval in 2018.

Work began on the site the following year.

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More on this story



Historic gardens to re-open to public on Thursday

21 December 2022



Historic gardens set to re-open before Christmas

30 November 2022



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26 April 2022



SCOTTISH LAND COMMISSION
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DELIVERING GREATER BENEFIT FROM COMMON GOOD LAND AND BUILDINGS

A report to the Scottish Land Commission
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GRACE BROWN AND JONTY LEIBOWITZ: A REPORT TO THE SCOTTISH LAND COMMISSION, 2019: "OPPORTUNITIES".

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Annotations by Alison Scott.



SCOTTISH LAND COMMISSION
COMHISÈAN FÈARAINN NA H AILEA

Delivering Greater Benefit from Common Good Land and Buildings

Authors: Grace Brown (Centre for Local Economic Strategies)
Jonty Leibowitz (Centre for Local Economic Strategies)

Grace Brown and Jonty Leibowitz: A report to the Scottish Land Commission, 2018: 'Opportunities'.

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This report should be cited as:

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See
line
2

Grace Brown and Jonty Leibowitz: A report to the Scottish Land Commission, 2019: ‘Opportunities’.

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4 Opportunities

4.1 Discussion

If the status of Common Good in Scotland has been in steady decline for decades (or even, centuries), then developments in recent years represent a welcome opportunity to reverse this. It is clear from both the Literature and Practice Reviews that the Scottish Government, local authorities, and local citizens are all now putting more thought into how the Common Good can be updated for the twenty-first century.

Most notably, the statutory requirements of Community Empowerment (Scotland) Act to establish and maintain a register of all Common Good assets in the area is forcing authorities to pay more heed to Common Good. However, creating a baseline inventory should be viewed as a minimum requirement for any transparent public service and significant challenges remain if this process is going to be a success across Scotland.

The Empowerment Act does not offer a strategic discussion and framework for the more fundamental question about whether Common Good is a useful concept in modern Scotland. While the current legislative frame has helped local authorities collect better registers for their assets, engage local communities in deeper consultation, and see the status of Common Good rise back up the agenda; what is missing from this approach is a more strategic, socially-minded analysis of the role of Common Good.

If Common Good is considered to be useful – in that it utilises the productivity of Scottish land and assets in a sustainable and accountable way for the benefit of people and place – then what does a truly modern, progressive form of Common Good look like?

4.1.1 Framing the recommendations

The recommendations are framed by the view that it is vital to go beyond the administrative questions set in motion since the Community Empowerment Act, and instead reassert the predominant role the Common Good can, and should play in ensuring that Scotland's land is productive, sustainable, and transparent.

Asking more fundamental questions about the purpose of the Common Good is also in line with the strategic remit of the Scottish Land Commission, and the wider land reform agenda in Scotland. In particular, the recommendations are framed by the vision for the productive use of Common Good land and assets, as set out by the Land Reform Review Group in 2014:

The Review Group considers that Common Good land should be recognised more clearly as one of Scotland's oldest and most enduring forms of community land ownership, and something which plays an important part in the historic, cultural and economic heritage of Scotland's towns and cities. A reformed system of Common Good Funds would safeguard that heritage, while enabling Common Good lands to play a

CEC since making their register have no one clearly responsible for CG – this is just the 1st step.

including environment?
hen

Commons!

yes!

how does it serve us now?

more progressive role in the public interest in urban areas and as part of that, become a valuable part of revitalising community land ownership in urban Scotland.¹⁵

4.1.2 A spectrum of three approaches to Common Good

Given the context of renewed interest in land reform across Scotland in the second decade of the 21st century, there are three distinct options that could be taken at this juncture.

4.2 Option 1 – Abolish the Common Good.

Somewhat surprisingly, a number of participants interviewed suggested scrapping Common Good as a categorisation entirely. It was reported that the management of Common Good land is potentially hindered due to both a lack of awareness and understanding as to what it is, and also the complicated legal processes that apply to the management of Common Good assets – as the example of the lengthy and costly process to build a school on Edinburgh's Portobello Park demonstrates. By managing Common Good land and assets in the same way as other local authority land, issues of alienability could be negated, and land could have a more productive use, both for authorities and communities who wish to have more access to assets.

If the reason for Common Good in the first place was to ensure that assets were held in perpetuity for local citizens, then it could be argued that the Community Empowerment Act has set Scotland down a road in which it is no longer necessary to specifically categorise the Common Good as a unique form of classification, given that the intent of the Act is to ensure that every publicly-held asset in Scotland is subject to democratic accountability.

The case for abolition is particularly strong with regards to ensuring the productive usage of Scotland's land and building assets. The review found that local authority officers (especially in planning departments) are more cautious with utilising Common Good assets than other assets owned by the local authority, which in turn means that these resources do not go as far in providing economic and community development as they could. It is likely that a number of high profile cases (e.g. Portobello Park) have increased the 'fear-factor' within local authorities and local communities. As argued by Wightman & Perman:

Most communities (and councils) only wake up to the reality of the situation when faced with a potential sale and there follows a rapid scrambling around to recover something

(CG only surfaces during a crisis)

¹⁵ 'The Land of Scotland and the Common Good' - Report of the Land Reform Group (SG, 2014)

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falling behind council owned assets

- Substituting CG into councils entirely

ie. it has the same core goals

- currently hesitancy re management difficulties are certainly potential

of their forgotten history. The fight is fought and then everyone forgets about the topic until the next time.¹⁶

in how we interpret this word...

However, it is likely that the abolition of the Common Good is not the best course of action for Scotland because it would cause the loss of an important legal and cultural tradition that is at the cornerstone of the relationship between the people of Scotland and its land. The principle that assets are held by the community, rather than simply by the state on behalf of the community, is a fundamental one. Thus, Common Good should be updated for modern usage. As one interview described: "there has to be a compromise that recognises the tradition and the community benefit aspect of the issue but ensures that the principle of the Common Good is maintained."

→ cultural awareness
→ it's not visible in the day-to-day

→ core difference in the meaning of this

The second key reason that it is not recommended that Common Good should be abolished is that **Common Good can be a useful frame through which the Scottish Government can drive forward the land reform agenda.** As previously stated, ensuring the democratic ownership of land across Scotland has recently become a key priority for the Scottish Government, as enshrined through the provisions of the Community Empowerment Act. Common Good can complement this process because it is in effect a deeply historic version of community-ownership, with deeper roots and centuries of precedent and lessons to be learnt.

specific historic commons

4.3 Option 2 – 'Community Empowerment approach'

The second option is to continue with the work as set out in the Community Empowerment Act of 2015. As found in the Practice Review, the Act provided a statutory responsibility for local authorities to 'get to grips' with Common Good, specifically through establishing a register of Common Good assets, and engaging in a long-overdue community consultation.

The review found that progress has indeed been made in these areas, but that local authorities need further guidance and support to intensify their efforts and achieve greater results. This is clearly important, as being aware of what assets are held is useful for both local authorities and community groups and can prevent the assets falling into disrepair.

→ public and council's own awareness

However, the extent to which local authorities are keeping up with this new requirement varies. Best practice should be shared, building on the guidance provided, with authorities more advanced in their journeys sharing advice and expertise to authority areas which have made less progress in this regard.

→ councils need to share + transparent about progress / difficulties

¹⁶ Wightman & Perman (2005), pg. 32-33

Similarly, further work should be done around community consultation. Communities hold banks of expert knowledge that run deep and can often be vital wells of information to draw on in registering, and ensuring that all Common Good land and assets are properly recorded.

The review found that areas where registration had been most successful were areas which had appointed a specific Common Good Fund Officer (such as the Highlands).

Therefore it is recommended that a permanent post be created in each local authority in order to ensure that Common Good is better managed into the future.

Within Option 2, it is recommended that:

- Resource is provided for each Local Authority to appoint a Common Good Fund Officer. It would be this officer's duty to drive forward the registration and consultation process;
- A national Common Good Best Practice Working Group for Common Good Fund Officers from Scotland's 32 local authorities is created, to share ideas and lessons;
- A review is undertaken in to the role Common Good Funds could play in economic development in local places; and
- A judicial review of the alienable/inalienable distinction could give local authorities more freedom to utilise Common Good assets in a productive manner, especially if 'inalienability' was abolished as a form of categorisation.

4.4 Option 3 – A new Common Good (Scotland) Act

If Option 2 is followed through, local authorities would be strengthened in their efforts to understand the full scope of Common Good in their localities. This would mean a full register of assets held, democratic mechanisms for the usage and disposal of these assets, and a better grasp of how these assets can be strategically safeguarded and deployed to benefit the community.

However, under this process the Common Good is still inherently a legal anachronism, in that it largely only continues to exist because of the precedent set by the Common Good Act 1491, and it is now too deeply-entrenched to be easily abolished by the Scottish Government. Common Good would continue to be a form of legal categorisation that mainly lives through inherited law and practice, rather than one that is an alive and meaningful form of categorisation in the twenty-first century. The story of the Common Good over the long term would arguably still be one of gradual decline, in which communal local resources used to play an important part of Scottish civic and cultural life, but have now been relegated to small plots of land and the resolution of minor, often petty, disputes. Many assets will even continue to be undervalued, underused, and

!!!
v. interesting
to find out
more...

How to
MAKE IT

ALIVE
+
MEANINGFUL

how to
reclaim
this import-
ance? how
to reclaim
resources?

with
privatisation
commercial-
isation
etc.

akin to the enclosures of the commons

to what extent have they been able to exercise control?

recommending the Common Good

unaccounted for, on the grounds that local authorities would lack sufficient resource to ever restore the Common Good Funds to their former glory.

links to discussions on colonialism - former glory was built unjustly - should it be restored anyway, too much weighty heritage eg. monuments

Is this the right future for the Common Good in Scotland? To answer this, it is worth going back to the original provision of the Common Good Act 1491. The purpose of the Act at the time was to protect local resources from the corrupt practices of local sheriffs and magistrates. Holding resources 'for the behoof of the community' was a mechanism to ensure that decisions were taken at the most local level possible, and that communities could exercise democratic power over their own land and buildings. In this sense, Common Good can be seen as the 'original' form of community empowerment in Scotland, in that it has always been a process by which communities can exercise democratic control over the resources and assets that they own.

The original intention of subsequent Common Good law was to protect local communities from the corrupt practices of Burgh Councils and other distant forms of local authority, who might use their statutory powers to take over the control of Common Good lands and assets. The idea was that resources should be accountable to the hyper-local level, with decisions being made on the individual street in a small town, rather than in a remote District or Town Council. Since the 1990s, local authorities have taken on the management of the Common Good, and the Community Empowerment Act 2015 clearly places even more emphasis on the role that local authorities should play. Local authorities can and should play an important role in the management of the Common Good - and the recommendations set out in Option 2 would accentuate the role the local authority can play.

original intent: protect the people from corrupt councils

40

Yet in order to truly restore the vibrancy of the Common Good to people and place across Scotland, it is necessary to go beyond empowering local authorities to exercise more control over these assets, but instead seek ways to ensure that the management, ownership, and governance of the Common Good is redistributed down to the lowest level. This would require a process 'recommending' the Common Good, in which Scotland returns to the original purpose of the 1491 legislation, and fits it into a modern context.

'return', but changed

In order to 'recommon' the Common Good, a new Common Good (Scotland) Act should be written; a new statutory framework to modernise Common Good law and replace the original Act of 1491. The purpose of this Act would be to go beyond the local authority focus offered by the Community Empowerment legislation, and instead provide formal mechanisms for the residents of former Burghs to exercise direct democratic control over Common Good assets.

how to go beyond councils -> control to communities

It is recommended that a new Common Good (Scotland) Act should include the following provisions;

- an explicit statement that the purpose of the Act is to uphold the concept of the Common Good in accordance with the original Act of 1491, and that the Scottish

essential!

Government considers Common Good a legitimate and necessary legal frame through which to make Scotland's land more productive, accountable, and sustainable;

- provides a clear definition of the Common Good, which should consider the current imprecision on the distinction between alienable and inalienable land;
- gives the residents of former burghs the right to exert control over Common Good assets and Common Good Funds through a local 'Common Good Council';

Local
Common
Good
Council!
Who?
How?

The purpose of the third provision would be to allow residents on a local level to exercise direct control of Common Good assets by effectively restoring the direct control Town Councils held before their abolition in 1975. This would reduce the likelihood of protracted conflicts between the local authority and local residents, and rather than forcing local communities into a long arbitration process, handing the power of 'recall' back to the local level would allow communities to exercise clear democratic control.

This would also apply to Common Good Funds. Residents of the former Burghs could, if they so wished, take on the direct management of Common Good Funds from the local authorities. This process would require democratic insight from a combination of community groups and third-party regulators, such as independent charities.

4.5 Options

The table below demonstrates the strength of each of the three options.

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	1	2	3
1. Clear definition of Common Good	✓	✓	✓
2. Right to exert control over Common Good assets and Common Good Funds		✓	✓
3. Allow residents on a local level to exercise direct control of Common Good assets			✓

4.6 Conclusion

This report should function to start a conversation across Scotland about how the Scottish Land Commission can drive forward the Common Good agenda.

The renewed focus on questions of landownership and democratic accountability in Scotland means that Common Good should be leading the way in terms of reform, rather than lagging behind. In the landmark 2014 paper 'The Land of Scotland and the Common Good', the Scottish Government acknowledged that the very purpose of land policy across Scotland should be to provide for the "Common Good of the people of Scotland". Common Good (the actual form of categorisation, rather than the abstract concept) should therefore be at the heart of efforts to ensure that Scotland's land and assets work for the people.

This report has set out how this process can be driven forward, arguing that empowering local authorities, through the Community Empowerment Act for example, has been a good start, but that this approach alone is insufficient to the task of making the most from Common Good assets for all. Instead, it is time to 'recommon' the Common Good by developing a comprehensive vision for the role these assets should play in local communities across Scotland. To do so will require both changes at a national level, for example a Common Good Act, but will also require thought and practice at a local level.

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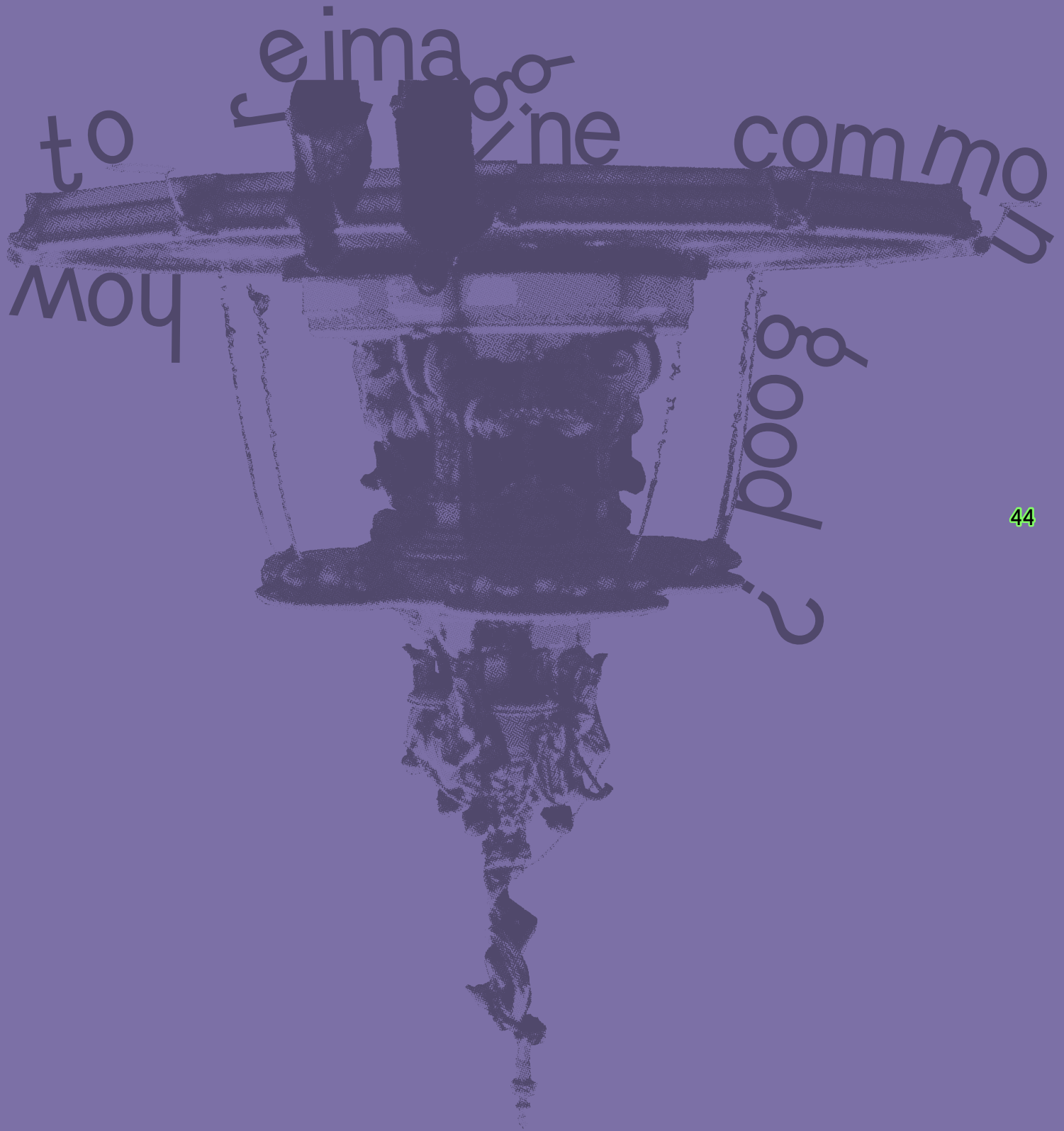
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Matter of Precedents, Upside down image of The Ross Fountain with text reading *How to reimagine common good?*. Design in collaboration with Benjamin Fallon,³ Romulus Studio, 2022



'utterly magnificent' *The Sunday Herald*

The Poor Had No Lawyers

WHO OWNS SCOTLAND

(And How They Got It)

45

Andy Wightman, *The Poor Had No Lawyers: Who Owns Scotland (and How They Got It)*, Chapter 23 and Chapter 24

Andy Wightman, *The Poor Had No Lawyers: Who Owns Scotland (and How They Got It)*,
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Chapter 23 'All Property of a Burgh: Scotland's common good' and Chapter 24
'Let for a Penny a Year: The strange case of the Edinburgh common good'

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All Property of a Burgh

Scotland's common good

I grew up and went to school in Kinross. Then, it was the county town of Kinross-shire and a burgh. There was an annual agricultural show and a lively folk festival. My father travelled to work in Edinburgh on the train and I remember being one of the first people to walk along the then unopened concrete M90 motorway. There was a fine town hall and library (now in a state of dereliction – see Plate 11). I now realise that the town I grew up in was a special place partly on account of its sense of civic identity and that was down to the fact that we governed ourselves through an elected town council.

Speak to any councillor from most local authorities about Common Good Funds and they may raise their eyes, draw their breath or mutter mild obscenities. Mention it at a public meeting and you will probably trigger an animated discussion. Pore over any number of local newspapers in Ayr, the Borders, Fife or Angus and you will read the occasional story about how the fund is being spent – or misspent. Visit any town in Scotland and you will come across names such as Market Muir, Market Street, Muirton, Links and Green. These all denote forms of common land such as all burghs in Scotland owned at one time. And this property still exists. It still belongs to the people and forms an important part of their cultural heritage. It is also a significant resource for regenerating local communities. But, since 1975, this land has been subsumed within the new local authority structures and assets that should have been carefully stewarded for the benefit of the inhabitants of the former burghs have, instead, been lost, neglected and, in many cases, misappropriated.

Burghs in Scotland were established by feudal charters which gave them powers and land. As early as 1491, legislation was passed to provide protection for the Common Good Funds but, as we saw in Chapter 8, the funds were seriously depleted by municipal corruption. On 15 May 1975, town councils, which had been in place for centuries, were abolished by the Local Government (Scotland) Act 1973 and replaced by a system of district and regional councils. These, in turn, were replaced by the current unitary authorities in 1996. However, although the town councils were wound up, their Common Good Funds were to be preserved for the benefit of the inhabitants of the burgh. That duty now falls to Scotland's thirty-two local authorities. Moreover, the burghs themselves were not abolished. Burgh charters remain live legal documents which confer legal powers and still represent the founding

title to much heritable property. A recent Court of Session case involving moorings in Rothesay, for example, was founded on rights conferred in its royal charter.

Common Good Funds are the assets and income of the former burghs of Scotland (see Appendix for a full list of such burghs). They represent a substantial portfolio of land, property and investments and, by law, continue to exist for the common good of the inhabitants of the former burghs. This property and the funds associated with it are an important part of the cultural heritage of many towns across Scotland and provide significant resources for the economic, social and environmental development of these communities.

Robin Callander describes the common property of burghs as follows:

the property rights and privileges of use held by the burgh or its feuars were the burgh commons. These did not represent a single type of common land, but might encompass the full range of Scottish commons: commonties, common mosses, runrig lands and common hill land, greens and loans. These areas and other rights, like fishing privileges, were not always held exclusively by the burgh, but might also be shared in common with the owners of land outside the burgh's boundaries.¹

Today, clues to the existence of such land is found in place names such as Burgh Muir and Market Muir but, until recently, many people had forgotten about common good or they regarded it as of historic interest only. The situation is further confused by the complex legal situation surrounding common good. Indeed, the only time most members of the public are likely to have been made aware of common good property is when a dispute has arisen and court proceedings have begun as happened in Port Seton (1997), Musselburgh (1982) and Burntisland (1993). In the south of Scotland, however, there is still an awareness of the burgh commons since they are central to the common ridings ceremonies. These have their origins in the very real need for burghs to inspect their boundaries to check that no neighbouring landowner had encroached upon them.²

In recent years, however, the increasing number of cases arising around Scotland has awoken communities to their common heritage. Typically these have related to plans to sell off land in towns and campaigns have been mounted to stop them. During 2004, I began receiving phone calls from people in places such as Ayr, Musselburgh, Oban, Cupar, Kinross and Peebles. They told me of their concerns about land sales, about record keeping in local government and about financial irregularities. I decided to investigate further and, in April 2005, I wrote to all of Scotland's thirty-two local authorities asking them to provide me with details of all land and property held in Common Good Funds. Together with James Perman, a chartered accountant from Largs who had spent years investigating common good in his hometown, we published a report with our findings in November 2005.³

What we discovered was a poor understanding of what common good was,

poor record keeping and financial irregularities. Of Scotland's thirty-two councils, eleven supplied no information, failed to reply or denied they had any common good. Those that did reply supplied information that was often patchy and incomplete. What we also uncovered were some very dodgy deals reminiscent of the kinds of maladministration that was uncovered by the 1833 report of the Municipal Corporations Inquiry (see Chapter 8).

In June 2003, the journalist Bob Shields reminisced about the office of Secretary of State for Scotland which had just been abolished as a full-time post.

It looks like I'll never be the Secretary of State for Scotland

It's not the kind of job most schoolboys would fantasise about. But then most schoolboys didn't walk from Ayr's Belmont housing estate to Ayr beach, every sunny day of the holidays. The route took you from one of Scotland's newest council estates past some of the oldest and most elegant homes *douce* Ayr had to offer.

Bouncing our ball down a street called Chappelpark Road, me and my pals were stunned into silence when a sleek, chauffeur-driven black Rolls-Royce, pennants flying from both wings, slipped past us then turned into a gravel driveway and out of sight.

Convinced we had seen The Queen, we couldn't wait to tell our parents of our exciting experience. So imagine my disappointment when my report of this royal sighting didn't even merit my dad diverting his concentration from the Sporting Life.

'That would be Wullie going home for his tea,' he said from behind the racing pages.

'Who's Wullie?'

'Wullie Ross. He's the Secretary of State for Scotland.'

Of course, I hadn't a clue what that meant. But I ran round to tell my pals our royal sighting wasn't royal after all.

There was much debate about what a Secretary of State for Scotland actually did. But we reckoned he probably got to see Ayr United for nothing. Maybe even free pies. A chauffeur-driven Rolls AND free admission to Somerset Park? That was good enough for me.⁴

We do not know whether Willie Ross was given free admission to Ayr United games or whether he enjoyed free pies. We do know, however, that Willie got free common good land. In a deed recorded in the Register of Sasines for the County of Ayr on 19 March 1953, the provost, magistrates and councillors of the

royal burgh of Ayr sold 'one rood, one square pole and fourteen and thirty-nine decimal or one hundredth square yards or thereby' of land to 'Major William Ross, Member of Parliament for the Kilmarnock Division of Ayrshire'.

The deed was signed by Willie Ross and witnessed by Malcolm MacPherson, MP for Stirling and Falkirk, and Willie Hamilton, MP for West Fife. On behalf of the provost, magistrates and councillors of the royal burgh of Ayr, the deed was signed at a meeting held at Ayr on 9 March 1953 by Councillor Adam Hart, Councillor Andrew Young Crawford and Town Clerk Robert Cunningham Brown and sealed with the Common Seal of the royal burgh of Ayr.

The quarter acre plot of land at what is now 10 Chapelpark Road formed part of a 16-acre parcel of land purchased by the Council in 1947 which was – and the remaining portions which form Corsehill Park are – common good land for the benefit of the inhabitants of the royal burgh of Ayr.

Willie's plot was sold by feu disposition. The provost, magistrates and councillors conveyed the land under the following feu burdens:

- there should be erected within 18 months of entry a private dwelling of not less value than £3000 with details to be approved by the Council, and to be maintained as a private dwelling and used for no other purpose
- the Council bind themselves to ensure that other feus granted and fronting onto Chapelpark Road would contain the same £3000 condition
- there shall be erected boundary walls four and a half inches thick and five feet high with nine inch butts at ten feet centres

In consideration of the feu, Willie Ross might have been expected to pay a sum of money – he was not. The only financial consideration was a £15 annual feu duty.

Never mind free pies – this transaction, therefore, amounted to a free gift of common good land owned by the burgh to Willie Ross upon which to build the elegant home at the end of the gravel driveway into which the young Bob Shields observed the 'sleek, chauffeur-driven black Rolls-Royce, pennants flying from both wings' make its dignified entrance.

One of the problems in discussing common good is the confusion and lack of clarity as to what exactly it is. Its historical origins are clear but, even in 1975 when the town councils were abolished, it was obvious that not everyone knew what was and what was not common good or kept appropriate records. Further reform of local government in 1996 compounded the confusion and, with the turnover of staff in the intervening years, much knowledge and understanding has inevitably been lost.⁵

For many years, the question was rather confused by the fact that the leading legal case on the topic was not actually about the definition of common good but about whether such land could be sold and, specifically, whether land owned by a burgh was inalienable. The case involved the Market Muir, a large area of open ground currently situated behind the County Buildings in Market Street,

Forfar. Under the terms of the burgh charter, markets were authorised on the land for eight particular days. For the rest of the year, the inhabitants of the town had used it for all sorts of games and pastimes including shinty, cricket, football and quoits. The Town Council, however, wished to lease the ground for a more regular agricultural market which would deny the public the right to enjoy such pastimes and a local doctor, Dr Murray, took out an interdict against the magistrates. In 1893, Lord McLaren upheld Dr Murray's complaint and concluded that common good land could not be alienated where it had been dedicated to a particular use by the burgh's charter, had been dedicated to that use by the Town Council or where evidence could be shown that the public had made use of the land since time immemorial.

The resolution of this question has unfortunately led many people to mistakenly believe that this case was about what defines common good when, in fact, it only settled the question of common good that could not be alienated. The question of definition was settled fifty years later in Banff.

Duff House is a fine Georgian mansion house in Banff designed by William Adam for the Earl of Fife. In 1906, the Duke of Fife wrote:

I propose to ask the towns of Banff and Macduff to accept from me as a free gift the mansion of Duff House and that portion of the park immediately surrounding it, covering an area of about one hundred and forty acres. This would include the gardens, stables, two lodges and the rod fishing along the land comprised in the gift. I offer this gift with absolutely no restrictions as to the manner in which it is to be developed and managed, as I am convinced that the corporations of the two towns will know how to act for their material advantage, as well as for the recreation and well-being of the community.⁶

The house was conveyed in 1907 and, in 1909, the property was leased to a company called Duff House Ltd who assigned the lease, in 1913, to Duff House Sanatorium Ltd who, in 1931, changed their name to Ruthin Castle Ltd. By 1940, the business was making a loss and the company was wanting a way out of their ninety-nine-year lease. They found it by reference to the Town Councils (Scotland) Act 1900 which stated that '[a]ll feus, alienations or tacks for more than five years of any heritable property of the burgh, or vested in the Council, so far as forming part of the common good' were to be made by public roup. No such auction had taken place in 1909, however, as the Councils had simply entered into a private bargain with their predecessors. Ruthin Castle Ltd, therefore, argued that their lease was null and void and wrote to the Councils renouncing their lease on these grounds. The Town Councils, reluctant to see their tenant walk away from their ninety-nine-year commitment, argued that the house was not common good and that the provisions of the 1900 act did not therefore apply. In the court action that followed, the Court of Session initially upheld the Councils' view that it was not common good but Ruthin Castle Ltd appealed and were successful. Lord Wark concluded, 'There was in the end no

dispute between the parties that all property of a royal burgh or a burgh of barony not acquired under statutory powers or held under special trusts forms part of the common good.⁷

This was an important ruling and, in the absence of any contrary decision by the House of Lords or the UK Supreme Court, remains the highest judicial authority on the question of what defines common good. It has been most recently cited in another Court of Session opinion in the case of the harbour in Greenock. Lord Drummond Young noted that:

Common good is a category of property held by burghs prior to 1975, and by the various forms of local authority that have existed since that date. In its original form, it comprised all property of a royal burgh or a burgh of barony not acquired under statutory powers or held under special trusts. It was thus the ordinary property of a burgh, held for the general purposes of the community. It is owned by the community, and the town council or other local authority is regarded in law as simply the manager of the property, as representing the community. Typically, the common good included public buildings such as churches and the municipal chambers, the streets of the burgh, public open spaces and markets. It might also include lands, houses and other forms of property. In a coastal burgh, the harbour would typically form part of the common good. In this connection, it should be recalled that the burghs of Scotland were commercial in origin; that applied both to the older royal burghs and to the more recent burghs of barony created by private landowners, of which Greenock was an example. Consequently commercial property such as markets and harbours was an important part of the common good.⁸

So there we have it and, lest there be any doubt, Lord Wark's comments formed the gist of a Scottish Parliamentary written answer in 2006:

Campbell Martin (West of Scotland) (Ind): To ask the Scottish Executive what constitutes a common good asset and how such assets differ from property or land owned by a local authority.

Mr Tom McCabe: The Common Good originated as revenues from properties belonging to the early Burghs of Scotland. The Common Good, as these revenues were then termed, is of great antiquity and there is no equivalent in English local government although the term remains current in Scotland. Essentially, the Common Good denoted all property of a Burgh not acquired under statutory powers or held under special trusts.⁹

The way to establish whether property falls within the definition is to examine the title deeds. If the land has been gifted or sold to the Town Council before 1975 then it is common good. The only two exceptions are if it was acquired using statutory powers or if it was held in a special trust. This will

usually be obvious from the title which will reveal whether the Council is using powers under any of a variety of acts to do with housing, sanitation, water or education, for example. If the property is held by a trust, then this too should be immediately obvious.

Having dealt with the question of definitions, the next issue that arises is how local authorities account for the common good in their burghs. From the annual accounts of a local authority, it should be possible to find out how much any Common Good Fund is worth and how it has been managed in any year. Many accounts do reveal this information but, of Scotland's 196 burghs, only 132 featured in the 2005 accounts of Scotland's thirty-two councils. The number rose to 144 in 2009 (see table on next page). The quality of reporting varies considerably and, on examining some of the accounts published by Scotland's local authorities, one might be forgiven for thinking that matters are still pretty unclear. Take the burgh of Hamilton, for example.

The Hamilton Ahead initiative is a major regeneration project being carried out in Hamilton town centre. Over 80 per cent of the finance for the project is being obtained from the sale of land held in the Hamilton Common Good Fund. As at 31 March 2009, a cumulative total of £53,618,000 had been generated from the sale of land held in the Hamilton Common Good Fund account. But the total assets of the Hamilton Common Good Fund stood at £3,159,000 on 31 March 2009 including £2,823,000 of fixed assets. There is thus a discrepancy of around £50,795,000 between the receipts from land sales and the fixed assets value of the Common Good Fund.

The land sales receipts have been spent redeveloping Hamilton town centre and so the value of the redevelopment should be included in the value of the Common Good Fund. It would be very wrong to sell £53 million worth of land from the fund and not end up with at or around that figure in the redeveloped value. In 2005, I asked the Deputy Chief Executive of the Council, Mr Archibald Strang, for an explanation. He stated in a letter of 13 October 2005 that:

The Hamilton Ahead initiative uses the sale of Hamilton Common Good assets as a source of funding to finance developments that provide benefit in line with the principle of the Common Good Fund. However, as these assets are managed or maintained by other resources of South Lanarkshire Council, they appear on the balance sheet of the Council and not the Common Good Fund.¹⁰

But you can't do this. The assets of the Hamilton Common Good Fund, the proceeds of the sale of Common Good assets and the assets acquired using the Common Good Fund belong – legally – to the Hamilton Common Good Fund.

Interestingly, the list of common good assets provided by the Council did include the retail park, the Asda superstore and the cinema which are all part of the redevelopment and which are leased on long leases by the fund. But they

don't appear in the accounts – why not? If I were an inhabitant of Hamilton, I'd want to know what happened to all this money. The good citizens of Hamilton should be told who authorised this raid on their common wealth.

Across Scotland, similar stories of misappropriation can be told and, although reporting has improved in recent years, in too many cases it still remains unclear what assets are held and how much they are worth. Parliamentary petitions have prompted debate in Parliament¹¹ which has resulted in guidance being issued by the Scottish Government to the effect that, '[f]or councils to fully maximise the potential of their assets, they must hold accurate records of the assets they are responsible for. This would include those assets held for the Common Good.'¹²

The Local Authority (Scotland) Accounts Advisory Committee then published revised accounting guidelines in December 2007.¹³ These required all councils to have published full inventories of all assets of Common Good Funds by 31 March 2009. So I wrote to all of Scotland's councils in May 2009 and asked them again to provide me with a list of all the heritable and moveable assets held by the Common Good Funds they administer.

The results are an improvement on 2005.¹⁴

	2005	2009
Common Good Funds	132	144
£ value reported	£1.42 billion	£2.5 billion
No. land assets reported	766	1,610

The figures above show that there was an increase in the number of reported Common Good Funds from 132 in 2005 to 144 in 2009. The reported value of the Funds rose from £1.42 billion to £2.5 billion and the total number of individual property assets rose from 766 to 1,610.

There remain ongoing problems, however. Many councils are only beginning to get to grips with constructing an asset register. Fife Council, for example, which administers twenty-five Common Good Funds, was criticised in an audit report for not having a complete and comprehensive record of all assets and for failing to ensure that all the rental income was received. Like other councils, it is working to improve matters. But this is just the beginning of what needs to be done.

Common good assets form a central part of the history, heritage, culture and identity of communities across Scotland. Over many decades, however, their significance has been lost, their status diminished, their role forgotten and their fate increasingly insecure. We should be aiming to expand the portfolio of such property to promote regeneration in Scotland's towns and cities. It is now apparent that thirty years after the abolition of town councils, Scotland's towns and villages have lost much of their identity, cohesion and self-belief. Common good assets can play a part in recovering civic identity and prosperity.

It is self-evident that those best positioned to take a view on the best interests

of the inhabitants of a burgh are the inhabitants themselves. This should be done through open, transparent and democratic debate and yet they have no such avenue to do so. Instead the local authority determines this question. This is no longer sustainable.

There are literally hundreds of millions of pounds floating about in the form of previously unaccounted for assets, undervalued assets and underused assets. This wealth belongs to local people and not to the Council. It should be used to begin a process of civic renewal and physical regeneration, to deliver wealth and prosperity and to give back to towns across Scotland some self-respect, belief and power to improve the welfare of their community.

For this to happen, town councils need to be restored. Scotland, like the rest of the UK, is poorly represented at the local level. If you travel through Belgium, the Netherlands or Germany, you'll see that local democracy is evident in well-maintained town halls, civic identity and real power for citizens.

In 2008, I cycled through Europe and stopped in the beautiful town of Wittenberg, home to one of the most influential political figures in Europe – Martin Luther. The Reformation that he inspired was motivated by the avarice, greed and corruption of the Church but Luther's revolution was as much political and economic as it was theological. In the wonderful Luther Museum I was astonished and delighted to see, in a corner of one of the rooms, a beautiful large wooden chest with a complex array of locking mechanisms (see Plate 2). In 1522, a Wittenberg church order established the common chest into which went the expropriated ecclesiastical endowments of the old church together with the tithes. The proceeds were used to finance a welfare system that gave interest-free loans to artisans, provided for poor orphans and supported the education and training of poor children. It is hard to comprehend how radical an idea this was five hundred years ago. The idea spread rapidly so that, by 1523, common chests had been established in, among other places, Augsburg, Strasbourg, Regensburg and Nuremberg.

At about the same time, the residents of Edinburgh, Jedburgh, Fraserburgh and Musselburgh were being systematically defrauded by corruption and nepotism leading in many cases to bankruptcy.

We now have the opportunity to reverse centuries of decline in the civic life of Scotland's 196 burghs by returning to them their property and real powers to better the lives of their citizens. The Common Good Fund is there for the common good of the inhabitants of the burgh. There are no other statutory restrictions on it. It is a free fund which could be used to build wealth and prosperity in a new municipal enlightenment. Let's say goodbye to the property speculators and developers who have blighted so many towns, to the centralised politics of unitary authorities and to the despair and decay of the past. It's time for Scotland's burghs to be given back to the people.

Let for a Penny a Year

The strange case of the Edinburgh common good

Having carried out a wide-ranging investigation of common good land across Scotland and been involved in advising communities in places such as Musselburgh and Ayr, I decided to take a closer look at my hometown of Edinburgh. A number of people had alerted me to irregularities in the Common Good Fund and initial correspondence with the Council reinforced doubts about record keeping and probity. In February 2006, a report on the Common Good Fund was due to come before the Executive Committee of the Council. I contacted my Local Councillor Michael White and we met to discuss the issues. At that time, he served on the Scrutiny Committee which was entitled to 'call in' any decisions made by the Executive for further scrutiny. We agreed that this was the best course of action in relation to the February report and I agreed to submit a report outlining my concerns. The Scrutiny Committee met on 27 April and I highlighted a range of problems including the facts that the fund assets had not been properly recorded or accounted for in the past twenty-five years, the management and administration was flawed and the residents of the city were losing out since the fund had ceased distributing any grants some years earlier. One of the most serious concerns was over the Waverley Market.

The Waverley Market is a site of 1.68 acres at the east end of Princes Street in Edinburgh just beside the Balmoral Hotel. The former market site is now occupied by the Princes Mall shopping centre. The story of how this, the most valuable asset of the City of Edinburgh Common Good Fund, has been administered and managed is a tale of confusion, incompetence and betrayal of the rights of the citizens of the city.¹

In 1766, with finance from the Common Good Fund, the Town Council purchased 34 acres of land to the north of the Nor Loch from the Trustees of Heriot's Hospital. This was to be the site of Edinburgh's New Town. The Waverley Market developed as a fruit and vegetable market on the site of what is now Waverley Station and moved north to its current position after the railway was constructed in 1844. There, the market flourished until it relocated again in 1938 to what is now the Fruitmarket Gallery on Market Street. From 1938, the Waverley Market was used as a venue for a wide variety of events. It hosted cattle shows, dog shows, car shows and Ideal Home shows. In 1972, the Offshore Theatre Company premiered *The Great Northern Welly Boot Show* with Billy Connolly at the Edinburgh Festival Fringe. The old market was

demolished in 1973 and the site then lay undeveloped until 1982, whilst being rented to the Chamber of Commerce for use as a car park.

By 1979, plans were well advanced to develop a shopping centre on the site and the favoured option was for a leaseback arrangement whereby the Council would lease the site to a developer for a period of 125 years. The developer would then construct the shopping centre and lease it back to the Council once it was complete. The Council would then sublease the individual retail units. Under this arrangement, the developer paid for the construction of the centre but received a rent of 6.5 per cent of these costs from the leaseback to the Council. Any rental yields the Council received over and above this would be shared, with the Council retaining the first £1.4 million and the remainder being split equally between the parties.

In March 1982, a 125-year lease was granted by the City of Edinburgh District Council to Reed Publishing Pension Trustees Ltd and Reed Pension Trusts Ltd who built the new shopping centre. In April 1988, the centre was complete and the Council leased back the new shopping centre. In November 1989, after most of the units had been let, the Council agreed to extend its principal lease to Reed from 125 years to 206 years and, at the same time, both Reed and the Council sold their respective interests to Letinvest plc and Speciality Shops plc. The rather complicated leaseback deal was now at an end and in its place was a much simpler arrangement. The Common Good Fund still owned the ground and Letinvest and Speciality Shops leased the site now with a shopping centre built upon it. In 1990, the Council reported in the Notes to the Balance Sheet that:

Following the sale of the Waverley Market Complex, the free proceeds after repayment of debt, were utilised by the Council in creating a Property Development Fund which, together with the interest thereon, amounted at the end of the year to £4,249,744.

But the deal had its critics, with Councillor Donald Gorrie commenting that the 'whole Waverley Market story was one of continued blunders'. It had, in fact made a £900,000 loss since the Council had already written off accumulated debts for the site.²

In 1998 the lease was sold for £21.3 million to Scottish Metropolitan Property plc. In 2005, it was then sold again – first for £40.5 million to Continental Shelf 274 Ltd and PM Limited Partnership and then for £37.6 million to PPG Metro Ltd, a company owned by the Scottish businessman David Murray. The annual rental roll stood at £2.3 million.

At this stage, it is worth remembering that, throughout the development of the Waverley Market, the Council freely admitted that the site was an asset of the Common Good Fund. In 1982, the Notes to the Common Good Accounts reported that:

A major property owned by the Common Good Fund is the Waverley Market Site on Princes Street and since this is now being redeveloped as a speciality

shopping centre there is no longer any rent income from its use as a temporary car park.

The development was also promoted as lucrative. In a report from November 1979, the director of estates wrote that:

Even on the most pessimistic view possible . . . net income to the Council will be not less than £500,000 per annum with growth linked directly to the increasing values in Princes Street. It is appropriate to draw to the Committee's attention the fact that the site is held on the Common Good Account which enables the District Council to make more flexible use of any funds engendered than would normally be the case.³

In the Council's own Financial Appraisal, prepared in 1981, the value attributable to the site is 50 per cent of the realisable development value. In other words, whatever the value of the completed shopping centre, half of it was attributable to the location value of the site which was owned by the Common Good Fund. The Common Good Fund, as the owners of the solum or site, would, had things been organised differently, have received half of the £37.5 million paid for the leasehold interest by David Murray and be in line for some 50 per cent or so of the annual rental income – £2.3 million in 2005. One might assume, therefore, that the Common Good Fund would receive a significant boost from the Princes Mall development. As already noted, the Council secured over £4.2 million from the sale of its leaseback interest in 1989. But this was credited to a property development fund and not to the Common Good. The capital was used to invest in other land and property across Edinburgh which should be held by the Common Good Fund but is not.

And what about the lease of the site to PPG Metro? Well, since 1982 when the lease was signed, the Common Good Fund of the City of Edinburgh has received the grand total of 23p for one of the most valuable pieces of real estate in Edinburgh since the site is let for a rent of 1p per year (if asked). By the end of the lease in 2188, the Common Good Fund will have earned £2.60 (if asked) and precisely nothing if not asked. As a result of this incompetency, the Common Good Fund lost both the revenue and the capital value inherent in perhaps its most valuable asset.⁴

In 2005, the Council continued to include the Waverley Market in the accounts as an asset of the Common Good Fund. Following my revelations in 2006, however, the Council's response was to claim in 2008 that:

Waverley Market ceased to be an asset of the Common Good and its inclusion on the asset register and balance sheet of the Fund in 2005 was an error. Acts of the Council in 1937 and 1938 transferred the fruit and vegetable market from Waverley Market to premises in East Market Street. In effect the then Council substituted the East Market Street premises for the Waverley Market premises, and with it the common good status. Accordingly Waverley Market

ceased to be part of the common good at the time of the transfer of the fruit and vegetable market to East Market Street.⁵

The Council are claiming here that the inclusion of Waverley Market as a common good asset in 2005 'was an error'. This is based upon the claim that the 1937 and 1938 acts transferring the market functions to East Market Street resulted in the transfer of the common good status. This is a fairy story. In 1983, an exchange of letters between the Director of Administration and the Director of Finance in relation to VAT liability for the shopping centre construction confirmed that the site was common good. The letters confirm that the site was freed from any statutory market obligations in 1933 but that the loss of these rights had no impact on the common good status since that was derived from the fact that the land had been purchased by the Common Good Fund in 1766. The Director of Administration even suggests that forthcoming private legislation could be used to remove the site from the common good as had been done with the markets and slaughterhouses in 1967.

The Waverley Market is part of the Edinburgh Common Good Fund because it was acquired by the Common Good Fund as part of the land assembly of the First New Town in the late eighteenth century. Nothing that has transpired since alters that.

It was intriguing to note that, in a survey of common good assets I undertook in 2009, the City of Edinburgh Council provided me with a spreadsheet containing the details of 120 parcels of land and property in the Common Good Fund. Imagine my surprise when there, in line 95, are the words 'Waverley Bridge – 1.68 acres – value £1'.⁶ So it is part of the Common Good Fund after all! In which case, what's happened to all the money?

A final twist in this particular tale is that, in December 2006, the Scottish Law Commission published a report and a draft bill designed to provide for the compulsory and automatic conversion of all leases of over 175 years' duration (which still have over a hundred years left to run) to full ownership.⁷ David Murray's company has a lease of 206 years in duration – although it was originally 125 years, it was extended to 206 in 1989 – with 178 years left to run. At the time of writing, a bill was before the Scottish Parliament to implement these recommendations. If they pass into law unaltered, a private company will have successfully appropriated Edinburgh's most valuable common good asset for which it is currently paying a rent of 1p per year.

The Common Good Fund of the Royal Burgh of the City of Edinburgh dates back to the days of the founding charters of the Canongate, Holyrood and Edinburgh itself. Over the centuries it survived corruption, nepotism and bankruptcy. It financed the land acquisition of the New Town – Princes Street, George Street and all the other public spaces in the New Town belong to the Common Good Fund. Until 2007, annual grants were made to community groups to help finance the installation of disabled facilities. The history of the

Common Good Fund in the twentieth century is a history of decline. In 1904, the annual income of the fund was around £2 million at today's prices but, in 2009, it made a loss of £510,000.

The campaign to recover the millions of pounds that rightly belong to the citizens of the Royal Burgh of Edinburgh goes on.

Chapter 6: Notes towards a suggested commons syllabus

Citation is when you bring your people along with you.

Sensing the Commons, (Berlant 2015)

In the chapter 6, the notes towards a suggested syllabus presents the syllabus as an extension of my practice of discursive curation which is related to the methodology of the Estover. I describe how it has developed from my knowledge of the Goldsmiths course on the commons in the department of Visual Cultures. It considers themes which have been present within the thesis so far such as ecology, creative commons and FLOSS alongside additional reading lists which I have drawn from in order to relate my practice to that of other commons scholars.

This short reading list acts as a set of notes towards a suggested commons syllabus for the understanding of the commons as it relates to contemporary art and culture. The form of a reading list as a basic syllabus is prevalent within commons projects as a means to further spread its precepts. I believe that rather than continue this process only as a grassroots project, more syllabi on the commons should be created to breach the gap between the various topics of study across the arts, humanities and sciences which relate to the commons. It is also obvious that the commons in art is a project still under development, so I believe it is important to keep documenting it in order to understand and encourage its further development.

The purpose of this embryonic syllabus is similar to that of the previous chapters, in that it is drawing together existing knowledge on the topic for the benefit of the reader. I see this as an extension of my practice as a curator of discursive events, and an extension of the methodology of Estovers in this thesis. By giving over this knowledge in an accessible format, I hope to encourage an open engagement with the concept of the commons within contemporary art. While I believe it would be antithetical for this information, as a commons project, to only exist within the framework of the academy, this thesis has allowed me the time to gather an appropriate set of readings which I believe is of critical value for further research in this field.

Chapter 6: Notes towards a suggested commons syllabus

In 2014, I found that Dr. Nadja Millner-Larsen at Goldsmiths was running an undergraduate unit in *Forming the Commons*, which I believe was the first Visual Cultures course to present a project of this type. I define this list as a variation on what is available across the many different commons reading lists online, from a set of texts which I found particularly useful in creating a basis for my own understanding of the commons from which I have written this thesis. By offering this list, I hope to be able to direct people in a similar line of study to my own, thereby passing on valuable information as to my trajectory and allowing other researchers to continue the work I have done if they so wish.

These notes begin in a roughly chronological manner with some discussion of commons definitions, and some texts on historical commons and ecological commons. They move on to discussion of the public and the common, to creative commons and FLOSS and then to some political philosophy relating the commons to communism, protest and contemporary art. It then considers education as it relates to the common, the subject's relation to 'the common', expanding into notions of libidinal commons and precarity. I have also included other commons projects, and reading lists or courses which cover aspects of a similar content.

Commons for beginners

What are some good, not-too-technical definitions of the commons that can be used to draw someone's attention to this important subject and that include the idea of the activities of 'commoning'?— Quora

<http://www.quora.com/What-are-some-good-not-too-technical-definitions-of-the-commons-that-can-be-used-to-draw-someones-attention-to-this-important-subject-and-that-include-the-idea-of-the-activities-of-commoning>

Commons — Wikipedia

The commons is the cultural and natural resources accessible to all members of a society, including natural materials such as air, water, and a habitable earth. These resources are held in common, not owned privately.

<https://en.wikipedia.org/wiki/Commons>

The Commoner journal

http://www.commoner.org.uk/?page_id=31

Historical Commons

Hardin, G. (1969). "The Tragedy of the Commons." *Ekistics* 27(160): 168-170.

Federici, S. (2004) *Caliban and the Witch: Women, The Body, and Primitive Accumulation*. United Kingdom: Autonomedia

Linebaugh, P. (2008) 'The Magna Carta Manifesto', in *The Magna Carta Manifesto: Liberties and Commons for All*. Berkeley: University of California Press

Wightman, A. (2013) *The poor had no lawyers: who owns Scotland and how they got it*. United Kingdom: Birlinn.

— Particularly Chapter 22 'Three Score Men with Clubs and Staves: The struggle to protect common land' which describes the difference between commons, common good etc in Scotland.

Video: Andy Wightman - Conquest, Colonialism and the Commons (2014)

<http://www.andywightman.com/archives/3852>

Ecological Commons

Ostrom, E. 1990. *Governing the commons : the evolution of institutions for collective action*, Cambridge, Cambridge University Press.

— Chapter 1: Reflections on the Commons

Mies, M. and V. Bennholdt-Thomsen (2001). "Defending, Reclaiming and Reinventing the Commons." *Canadian Journal of Development Studies / Revue canadienne d'études du développement* 22(4): 997-1023.

http://commoningtimes.org/texts/mies_benholdt_defending_reinventing.pdf

Illich, I. (1983). "Silence is a Commons: Computers Are Doing to Communication What Fences Did to Pastures and Cars Did to Streets." *CoEvolution Quarterly*, Winter.

<http://www.preservenet.com/theory/Illich/Silence.html>

Documentary: The Gleaners and I, Agnès Varda (2000)

<http://vimeo.com/37089032>

The Public and the Common

Arendt, H. (1999) *The Human Condition*. 1st edn. United States: University of Chicago Press.

— Chapter 11: The Public and Private Realm

Barthes, R. (2013) *How to Live Together: Novelistic Simulations of Some Everyday Spaces*.

Condorelli, C. (2009) *Life Always Escapes*. e-flux issue 10.

<http://www.celinecondorelli.eu/texts/life-always-escapes/>

Video: "The Commons as the Survival of "The Public""

<http://www.formerwest.org/ResearchSeminars/OtherSurvivalisms/Video>

Creative Commons and FLOSS (New millenium = new commons)

Levine, P. (2011). Collective Action, Civic Engagement, and the Knowledge Commons. In E. Ostrom and C. Hess (Eds.), *Understanding Knowledge as a Commons: From Theory to Practice* (pp. 247–275). Cambridge, MA: MIT Press.

Lessig, L. (2002) *The Future of Ideas: The Fate of the Commons in a Connected World*. New York: Knopf Doubleday Publishing Group

— Chapter 2: Building Blocks: "Commons" and "Layers"

Chapter 6: Notes towards a suggested commons syllabus

Berry, D. M. (2006) *Copy, Rip, Burn: The Politics of Open Source*. Pluto Press.
— P26-28, and Chapter 3: The Concept of the Commons

Documentary: The Internet's Own Boy: The Story of Aaron Swartz
<https://www.youtube.com/watch?v=vXr-2hwTk58>

New Enclosures

“The New Enclosures,” *Midnight Notes* 10 (Fall 1990)
<http://www.midnightnotes.org/pdfnewenc1.pdf>

Klein, N. (2001) Reclaiming the Commons. *New Left Review*, 9, 8.
<http://newleftreview.org/II/9/naomi-klein-reclaiming-the-commons>

Zizek, S. (2009) *First As Tragedy, Then As Farce*. London: Verso Books.
— The New Enclosure of the Commons-Socialism or Communism? P86-104

Hoedemakers, C., Loacker, B. and Pedersen, M. (2012) ‘The commons and their im/possibilities’, *ephemera*, 12(4), pp. 378–385.
<http://www.ephemerajournal.org/contribution/commons-and-their-impossibilities>

Commons and Communism

Dean, J. (2012) *The communist horizon*. London: Verso Books.

Magun, A. (2005) ‘Res omnium – Res nullus / Common thing – Nobody’s thing’, *Chto Delat? Newspaper*, 9.
<http://chtodelat.org/b8-newspapers/12-66/res-omnium-res-nullus-common-thing-nobodys-thing/>

Video: The Common in Communism - Michael Hardt at EGS (2009)
https://www.youtube.com/watch?v=Q_Ey5ioS4GU
http://seminaire.samizdat.net/IMG/pdf/Microsoft_Word_-_Michael_Hardt.pdf

Occupy (Wall Street)

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Harvey, D. (2011) *The Party of Wall Street Meets its Nemesis*.
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<http://d13.documenta.de/#/programs/the-kassel-programs/and-and-and/commoning-in-kassel/>

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Chapter 6: Notes towards a suggested commons syllabus

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Reading lists & courses on the commons:

A COMMON(S) COURSE: Commoning the City & Withdrawing from the Community of Money

<http://16beavergroup.org/common/>

Beyond Good & Evil Commons

http://16beavergroup.org/silvia_george_david/

How To Work Together

<http://howtoworktogether.org>

Bollier 'The Commons Rising' Amherst

<http://bollier.org/commons-resources/commons-course-syllabus>

'Forming the Commons' Goldsmiths - Course developed by Dr. Nadja Millner-Larsen

<https://learn.gold.ac.uk/course/info.php?id=3466>

Reading List: <http://readinglists.gold.ac.uk/lists/360B213A-F0AC-02A3-0D1E-916DDEA853E3.html>

Economy of Crisis Capitalism and Ecology of the Commons (Dec 2012) Zagreb

<http://commons.mi2.hr/?lang=en>

Peter Linebaugh

<http://www.onthecommons.org/magazine/commons-101>

e-flux journal, issue 17 "In Search of the Postcapitalist Self"

<http://www.e-flux.com/issues/17-june-august-2010/>

Monoskop

<http://monoskop.org/Commons>

Local Projects

If the City Were A Commons, Dundee

<http://onsiteprojects.wordpress.com/if-the-city-were-a-commons/>

The Dundee Commons Festival

<https://dundeecommonsfestival.wordpress.com>

The Farmhouse Project, Govan

<http://www.inthecommongood.org/wp-content/uploads/2014/11/Farmhouse1-PAR.pdf>

‘Public cultures and the Commons’ reading group, Lumsden and Dublin

SSW and GradCAM (Graduate School of Creative Arts and Media, Ireland) seminar series on Rural / Urban Culture, Connectivity and Contestation.

<http://www.absolutearts.com/artsnews/2011/02/07/artspublish/2348910266.html>

PhD Theses on the commons

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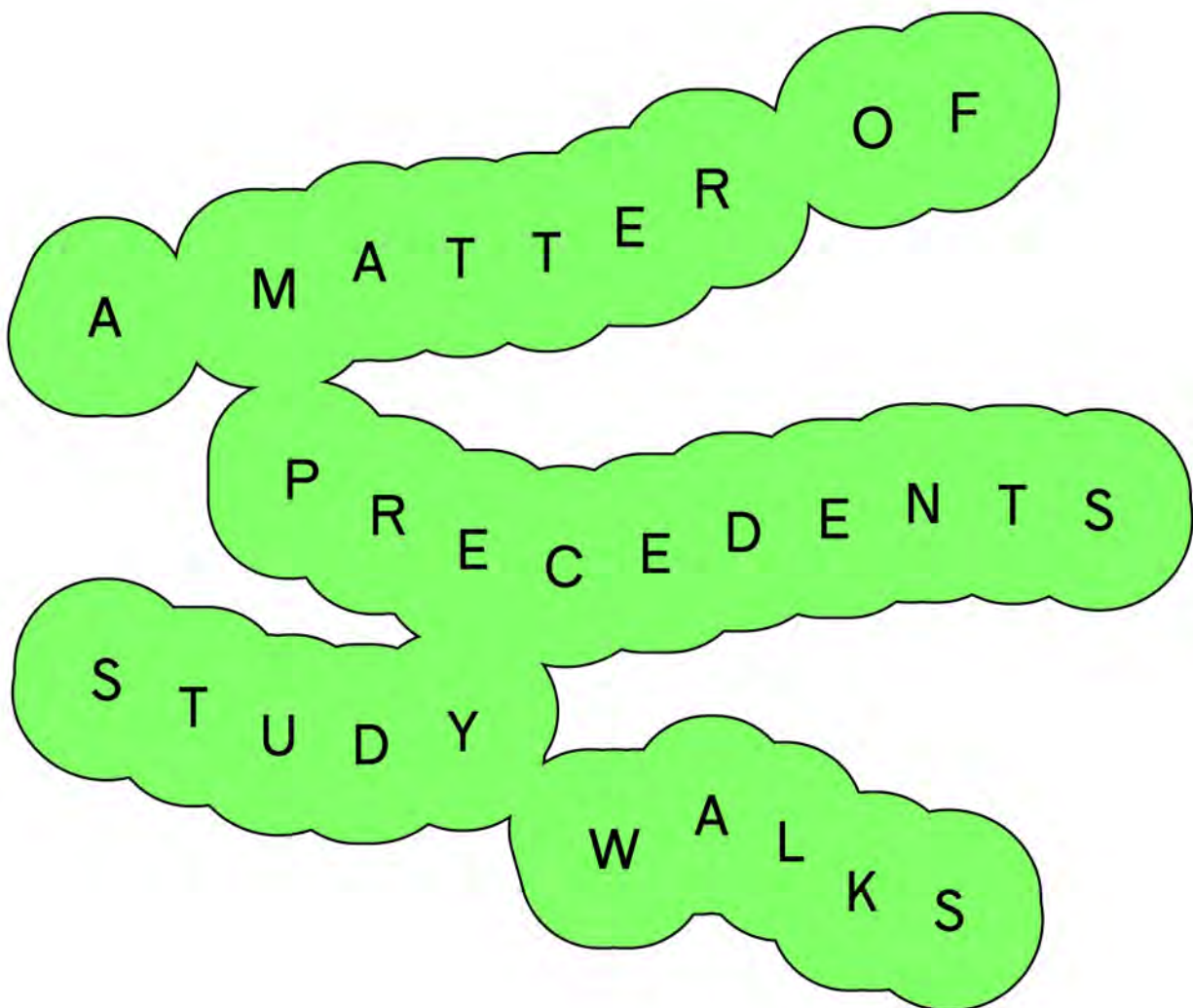
<http://eprints.mdx.ac.uk/15146/1/SBallThesis.pdf>

PhD projects on the commons (ongoing)

Dimitriou, Orsalia - PhD candidate in Visual Cultures, Goldsmiths. University of London.

Blog: <https://studiosynthetica.wordpress.com>

Documentary: Avaton <https://vimeo.com/16935954>



- Study Walks: The Invitation
- Study Walks: Documentation
- Exercise: What do you see? What do you hear? (From Walk 1: Wellheads, Water and the Commons)
- Planning the Routes (Google map and drawing)
- Jane Goldman, Here too there was fruit
- Nat Raha, Witness Report: The Trouble with the Common Good in Edinburgh: Racial Capitalism, Slavery, and Reparative Animations
- Research Collages including extracts from Thomas Hunter and Robert Paton's Report on the Common Good of the City of Edinburgh
- Alison Scott, Witness Report: From the inside out
- Extract from City of Edinburgh Council Monuments Catalogue detailing Thomas Guthrie statue.



Join artist Annette Krauss and collaborators for two events to gather around and discuss common good sites in Edinburgh.

About this event

The common good is a specific form of collective property unique to Scotland comprising buildings, parks, structures, objects, and monuments gifted to the people of a specific area, in this case Edinburgh. Categorised as 'common good', these items are today managed by local councils and their partners for the good of the people. In the face of increasing commercialisation and privatisation of public space in our cities, common good items can be activated collectively and are opportunities for public agency.

No prior knowledge of the common good is necessary to take part in the walks. We welcome you to reflect and think aloud with a small group, exploring two routes in central Edinburgh and a variety of sites, spaces and objects held in the common good or today privatised.

Together we will unpack and learn about this 'quirk' of public ownership – the contradictions and potentials revolving around specific common good sites, re-imagining forms of custodianship, maintenance, and community use.

We will use simple strategies for sharing ideas with prompts from collaborators, including writer and researcher Emma Balkind, former Director of Collective Kate Gray, former Cultural Venues Manager at City of Edinburgh Council Frank Little, producer artist and researcher Simon Yuill.

Walk 1: Wellheads, Water and the Commons

Wednesday 1 June, 5.30pm

Meet at the Netherbow Wellhead (also known as John Knox's House Well and Fountain Well), 45/1 High Street at 5.15pm.

The estimated event time is 2-hours, with a walking distance of approximately 0.5 miles, mostly uphill.

The event will end outside the Writers' Museum, housed in Lady Stair's House at the Lawnmarket on the Royal Mile.

Date and time

Wed, 1 June 2022
17:30 – 19:30 BST

Location

Netherbow Wellhead (John Knox's House Well / Fountain Well)
45/1 High Street
Edinburgh
EH1 1SW
[View map](#)



JUN 02

Annette Krauss | Walk 2: On Disappearing and Reappearing Common Good Items

Part of the [Annette Krauss Walking Tours](#) collection

by [Collective](#)
190 followers [Follow](#)

Free

[Register](#)

Join artist Annette Krauss and collaborators for two events to gather around and discuss common good sites in Edinburgh.

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Walk 2: On Disappearing and Reappearing Common Good Items

Thursday 2 June, 2.30pm

Meet in Princes Street Gardens at the Ross Fountain at 2.15pm.

The estimated event time is 2-hours, with a walking distance of approximately 1-mile.

The event will end outside Queen Elizabeth House, 1 Sibbald Walk, Edinburgh EH8.

Date and time

Thu, 2 June 2022
14:30 – 16:30 BST

Location

Ross Fountain
Princes Street Gardens
Edinburgh
EH1 2EU
[View map](#)



A Selected Documentation, two common good study walks in Edinburgh

During the walks participants were invited to reflect and think aloud about common good, exploring a variety of sites, spaces and objects currently held in the common good or today privatised in central Edinburgh. Together we unpacked and learnt about this 'quirk' of public ownership – the contradictions and potentials of specific common good sites, re-imagining forms of custodianship, maintenance, and community use.

Contributions were made by Emma Balkind, Jane Goldman, Annette Krauss, Alison Scott, Frances Stacey, Simon Yuill. Thanks to everyone who participated, contributed and made these walks possible.



Image: Preparing for the walks in front of the common good site City Observatory (Collective) at Calton Hill, research team Frances Stacey, Annette Krauss, Alison Scott.

Part of Study Board
at Collective Library
July, August 2022



Walk 1:

Wellheads, Water and the Commons

Wednesday 1 June, 5.30 - 8pm

Stages of walk 1:

- Netherbow Wellhead (45/1 High Street)
- Canongate Well (172 High Street)
- City Chambers (High Street)
- Mercat Cross (High Street)
- Parliament Square Well (High Street)
- Witches Well (Castlehill)
- Lady's Stair House / Writers Museum (Lawnmarket)

Walk 2:

On Disappearing and Reappearing Common Good Items

Thursday 2 June, 2.30 - 5pm

Stages of walk 2:

- Ross Fountain (Princes Street Gardens, west)
- Statue of Thomas Guthrie (Princes Street Gardens, west)
- Ross Band Stand (Princes Street Gardens, west)
- Gardener's Cottage (Princes Street Gardens, west)
- Floral Clock (Exit, Princess Street Garden, west)
- Scott Monument (Princess Street Garden, east)
- Waverley Mall, site of former Waverley Market (Exit, Waverley Bridge)
- Waverley Station (Exit, Market Street)
- Shoemaker Square (Sibbald Walk)



Common Good Site *Netherbow Wellhead*

Also known as John Knox's House Well and Fountain Well, 45/1 High Street; listed on the common good map under 'monument' number 21. During the walk we attended to water as commons, the historical watersystem along the wellheads (since 1675) and their relationship to common good in Edinburgh.



Image right: Netherbow Wellhead (also known as John Knox's House Well and Fountain Well). Alison Scott introducing some notes on the historical water system in Edinburgh.

Image left: In front of John Knox House where Black abolitionist Amanda Berry Smith advocated the end of slavery in the US and Britain's involvement in it.

Question for the walks:
How to study common good intersectionally?



Common Good Site *The Cross Well*

High Street 172; also known and listed on the common good map under 'monument' as Canongate Well. During the tour we walked along the old water system in Edinburgh. Water was piped from Comiston Spring uphill into Castlehill reservoir. From there water would flow back down hill to the wells.



Image: Research team (Frances Stacey, Annette Krauss, Alison Scott) introduced the research on common good in Edinburgh, and explained the specifics of the tour and the common good map that Annette holds in her hand.



Common Good Site - a map of Edinburgh's common good sites

Based on the 2018/19 and 2020/21 Edinburgh City Council Common Good Registers. The map follows the categorisation of the Common Good Registers into 'Land', 'Structure', 'Monument', and 'Building'. Map design by Benjamin Fallon / Romulus Studio.



Image: This map together with the walks, and a range of interviews with cultural workers about common good issues were part of a research resource presented in Collective's library (City Observatory, Edinburgh) from 1 June till 5 September 2022. The resource offers a fledgling framework that connects to a legacy of research on the common good in Scotland and imagines future uses for other items.



Common Good Site *Mercat Cross*, and City Chambers

High Street 192; historical market center for people to exchange news, strangers to meet, but also for public punishment, eg. witchtrials.

City Chambers (opposite the Mercat Cross), some remarks on moveable common good items, many of which are collected at City Chambers.



Image left: Researcher and writer Emma Balkind elaborates on water as commons, and commons in relation to unrecognised, alternative knowledge by women who were persecuted for their witchcraft.

Image right: Exercising common good collectively. What do you see? What do you hear?

Other sites for the walk "Wellheads, Water, and the Commons" included the Parliament Square Well (also known as Lawnmarket Wellhead, listed on the common good map under 'structure' number 2); and the Witches Wellhead. The latter not being held in common good.



Common Good Site *Lady Stair's House*

Also known as *The Writer's Museum*, listed on the common good map under 'building' as number 6. One of few buildings in Edinburgh that are held in common good.



Image: The first walk ended in the courtyard in front of the Writer's Museum (also known as Lady's Stair House). The group reflected on the potential of the collective walk and study along different common good sites with the focus on water, wellheads and the commons.



Common Good Site

Statue of Thomas Guthrie

Princess Street Garden, listed on the common good map under 'structure' number 34. Some remarks on the role of Thomas Guthrie (1803-1873) as preacher (free church), educator (ragged school/ settlement movement), philanthropists, in their entanglement with colonialism.



Image left: Group gathers around the Thomas Guthrie Statue. Opposite of the Thomas Guthrie statue, in composed eyesight, the Dr. Thomas Chalmers statue that has just recently entered the common good register (in 2020/2021). Chalmers was protagonist of the free church movement and decisive in averting Frederick Douglass' abolition and reparation campaign "Send Back the Money" In Scotland.

Questions for the walks: Under which conditions does a statue enter the common good register? How to do commoning with a statue? How to study common good intersectionally?

Image right: Sign post for the walks.



Common Good Site *Ross Band Stand*

Princess Street Garden. Listed on the common good map under 'structure' as number 26. Some remarks on the festivalisation of Edinburgh, fenced off common good sites, and their entanglement with neoliberal council management.



Images: Gathering at the top of the Ross Band Stand, exchanging on what people remember growing up with the Band Stand in Edinburgh, ranging from spontaneous concerts in the 1980s when Punk groups used the freely accessible stage, to completely fenced off situations during major events in the current day . Some remarks on one of the few council reports on common good in Edinburgh from 1905, in which Princess Street Garden is already listed as common good land (now in map listed under 'land' as number 37 and 38.)

Further common good sites on the walk in Princess Street Garden:
Gardener's Cottage, listed under 'building', number 5; Floral Clock, listed under 'structure', number 11; B
urns Monument, listed under 'monument', number 2.



Common Good Site *Waverley Market*

Disappeared as common good site between 2015-2017, sold off for 1£ to real estate developers. Therefore no longer in the Edinburgh City Council Common Good Registers.



Images: Jane Goldman reciting her poem *HERE TOO THERE WAS FRUIT*; from *Writer's Shift*, Edinburgh: Fruitmarket 2022.

"[...]
i-i want to acknowledge
we stand here on common land common land
yes this mall is built on common land

the city has leased out the solus or site
since nineteen eighty-two to a string
of companies who bought and sold

the lease for millions yes millions
starting with reed publishing pension
trustees limited and reed pension trusts
[...]

a penny a year (if asked)
when in twenty-one eighty-eight the lease
runs out the common
good fund will have earned two pounds sixty
[...]"



Common Good Site *Waverley Station*

Disappeared as common good site around 1900, sold off to the railway, therefore no longer in the Edinburgh City Council Common Good Registers. Mentioned in the Edinburgh Council Report 1905 (reviewable at the National Library of Scotland, Edinburgh).

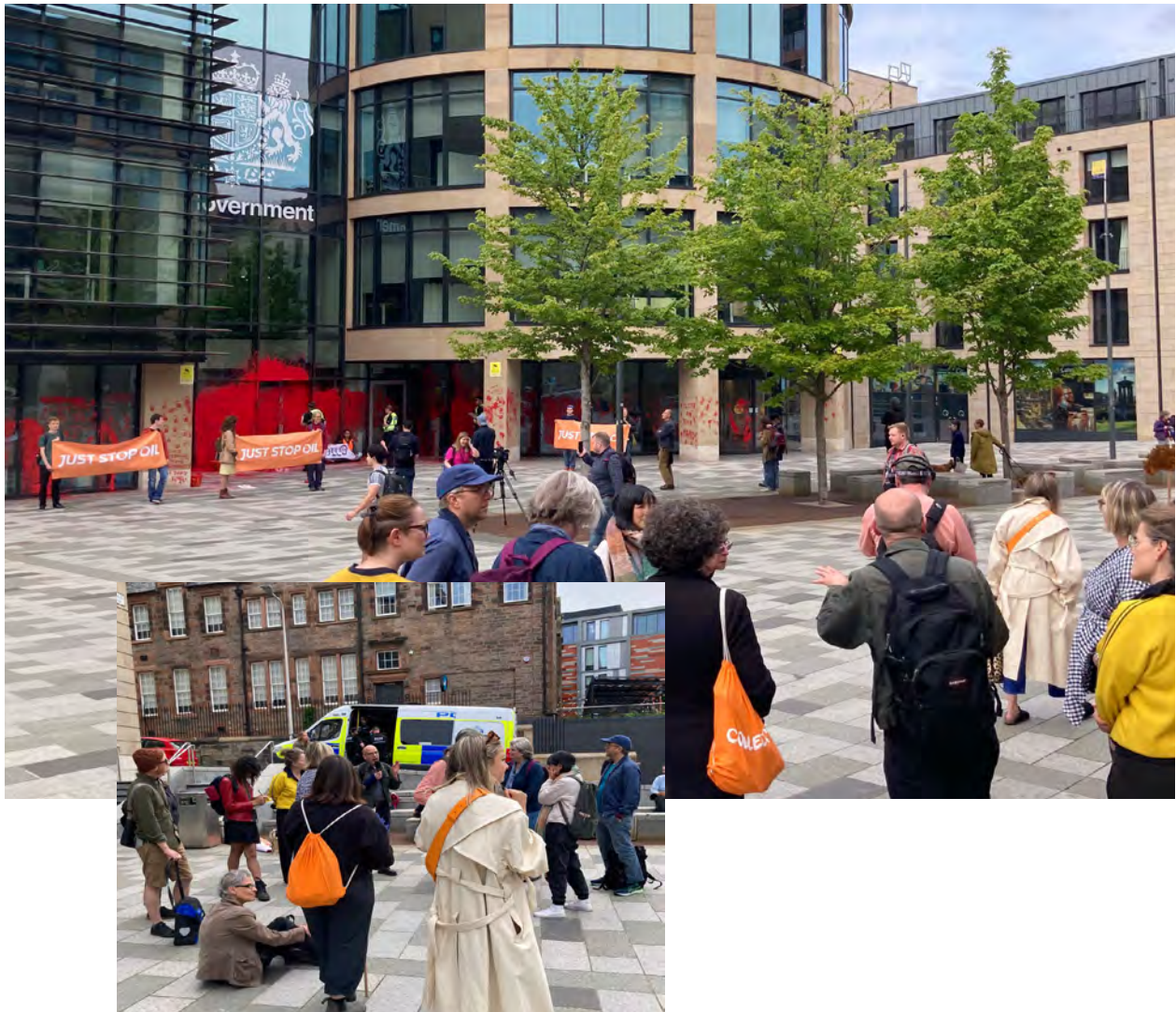


Image: Walk through Waverley Mall and the Station, crossing from Princess Street Garden to Market Street. In front of the image right, Nat Raha who agreed to write their impressions of the walks in a witness report.



Common Good Site *Caltongate / Canongate*

Disappeared as common good site around 2008, sold off to real estate developers. Therefore no longer in the Edinburgh City Council Common Good Registers.



Images: The second walk ended at the Shoemakers Square between Canongate and New Street, where we witnessed and stood in solidarity with Just Stop Oil activists in front of the Queen Elizabeth House, the UK Government's headquarters protesting newly contracted oil drilling. Connected to this very location, researcher and writer Simon Yuill shared with us a history of housing struggle led by working class activist groups embedded in the local community in the Canongate, campaigning for Independent Republic of the Canongate since the 1990s.

PRIVATE
LAND

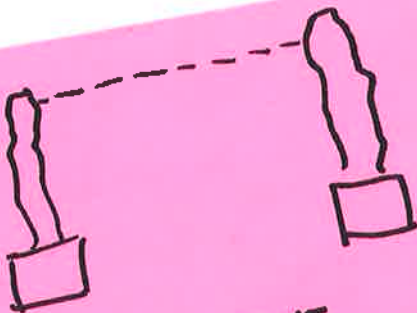
LOOKS
PUBLIC

PUBLIC
LAND

LOOKS
PRIVATE

GATES & BARRIERS
MONETISATION

THE WAYS OF
CONTROLLING WHO
TO CAN ACCESS



STATUE EYE
CONTACT

2015 Empowerment

2003 Land Reform

2017 Community
and Townships
Act

Middle or
ambiguity of
common good is
opportunity -
both for communities &
authorities

THOMAS GUTHRIE
"ragged school"
and
"settlement movement"

you can not
change use of
C.g. unless through
court

What to build
around
a statue?



I LOOK AT THE
STATUE, AND IT
LOOKS AT ME - EYE
TO EYE

COMMONING

QUEERING

..... relational
maintenance maintenance
city

COMMONS — LAND
— TIME

LOCAL VS
SYNCHRONISED



Crossing
time zones

Commonhood +
Philanthropy -
gifts from whom?
"worst Xmas present
ever": responsibilities
of custodians

exploiting
ambiguity
countermeasures

Commons
and
Solidarity

COMMONING

CO - ...

rethinking power sharing
to maintenance

Punks picnic +
improptu gigs. -
different ways
city is taken &
used by communities

Do you know

Tahl Kammer

He was on the OTCDT
and taught Architecture
at ESKA (now at Cardiff)

?

Categories
as articulate
of power
relations (?)

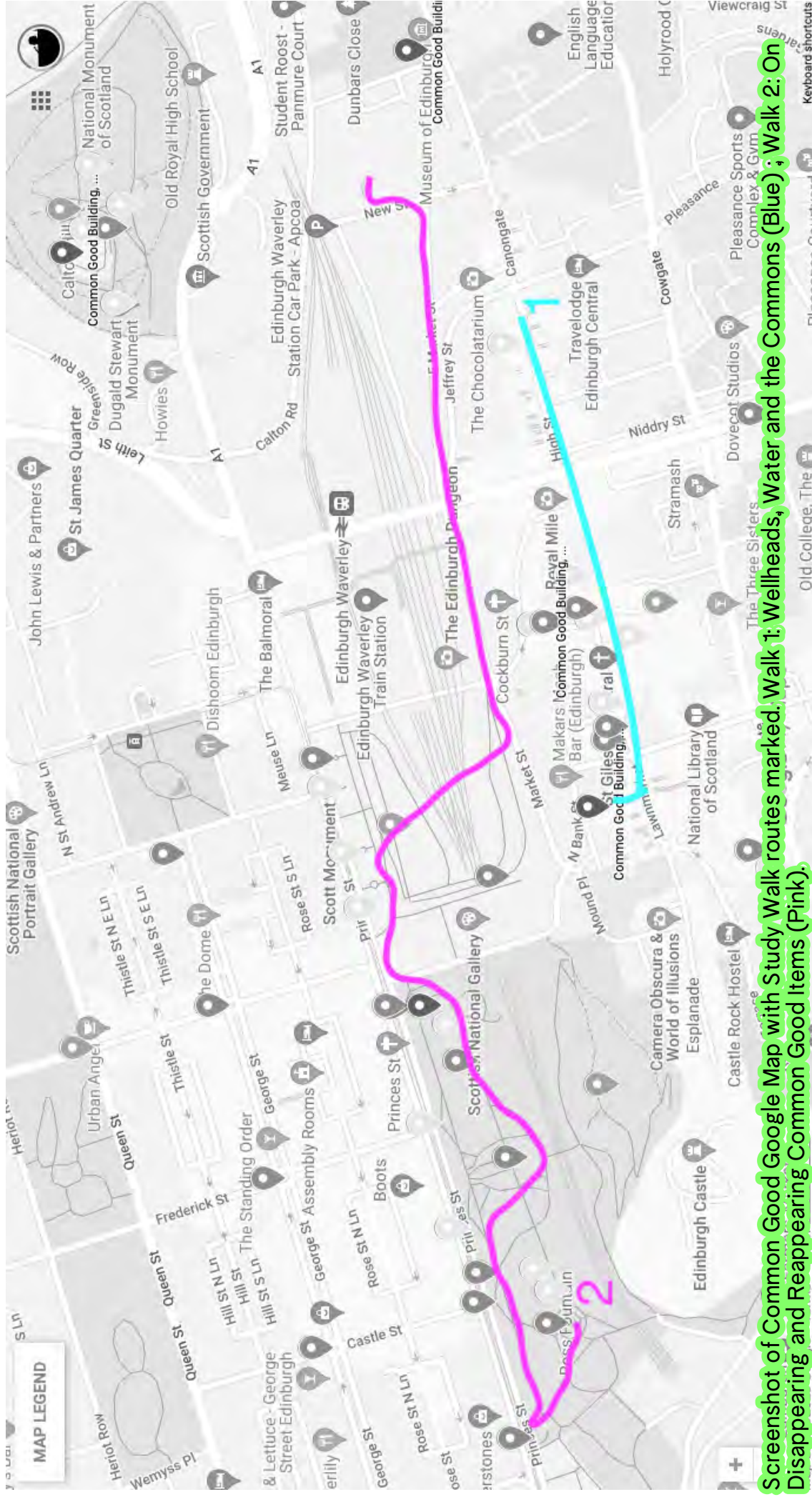
transit
time

synchronize
railway

market drive
time
(arrow)

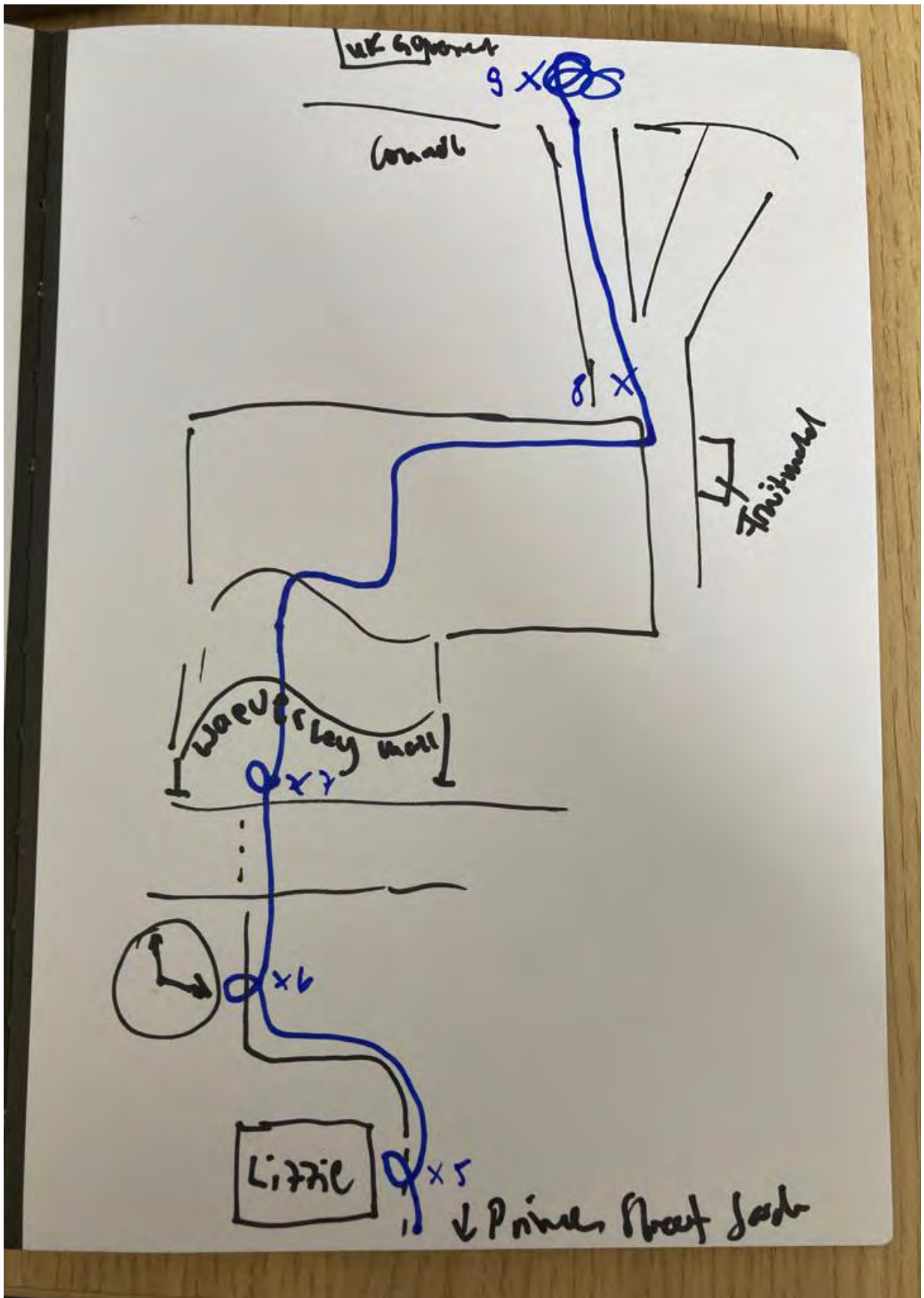
counter-
mandating

Cal Grand
Lawyer for ~~democrat~~
asix



Screenshot of Common Good Google Map with Study Walk routes marked. Walk 1: Wellheads, Water and the Commons (Blue); Walk 2: On Disappearing and Reappearing Common Good Items (Pink).

The Common Good Google Map is a map of Edinburgh's Common Good sites, based on the 2018, 2019 and 2020 Edinburgh City Council Common Good Registers. Made as part of 'A Matter of Precedents' a project with Annette Krauss for Collective's Constellations Programme. Available at: <https://www.google.com/maps/@55.95325, -3.18827, 15z/data=!3m1!1e3!3m2!1s0x487620000000000000:0x487620000000000000>



Jane Goldman

Jane Goldman, 'Here too there were fruit'

Previous page: Kate Livingstone, *Common Sunlight*, 2021
Ink and acrylic on paper, 42 x 60 cm
Title taken from Jane Goldman's poem 'HERE TOO THERE WAS FRUIT'

HERE TOO THERE WAS FRUIT

i-i want to acknowledge we stand
here on common land common land
bought by this city's common good fund

in seventeen seventy-six common
good funds bought land for the new town
yes the land here beneath the fruitmarket

gallery before it was a fruit market this land
became the common land where we stand
including the land here beneath this mall

yes this mall is built on common land
the station is built on common land
market street is built on common land

visit any town in scotland any town
look for market street market muir names
that denote common land in any town

in feudal times the common good funds
were protected in every scottish town
we stand here on common land

bought by the town council from the trustees
of heriot's hospital the common good fund
was and is a free fund to be used

for the common good of the inhabitants
of the burgh a free fund to be used
to build common wealth and prosperity

in a new enlightenment city a new
enlightenment city hardly are those words out
when a vast image (out of the scott

monument) troubles my sight what could
a new enlightenment city be
that is not served by a station named

for a piece of unionist fiction penned
by the ghastly incumbent of that vast
silly neo-gothic necrolatic stone edifice that looms

over common good funded common
land lurching towards bankruptcy i-i
saw it at its finest in the nineteen

nineties wrapped in scaffold and tarpaulin
truly it looked gorgeous for the only
time so sonsy so cubistic it was alive

about to fly away its tarpaulin
wings sunning themselves in
our common sunlight or flip-flapping

in our common dreich or raging in
our common rains iced by common snows
howling in our common bitter winds

the first fruit fruitmarket stood where
the station now stands the second fruit
fruitmarket stood here on this spot where

this fruitmarket pop-up shop pops up
that second fruit fruitmarket fruited for
ninety-four years until nineteen thirty-

eight then the third fruit fruitmarket opened
on market street and this site of the second
fruit fruitmarket then hosted cattle shows

dog shows car shows the ideal home shows
and the great north welly boot fringe show
starring billy connolly in the year before

it was demolished and became a car park
in nineteen seventy-three for ten years
still common good fund funded common land

i-i want to acknowledge we stand
here on common land common land
yes this mall is built on common land

Jane Goldman, "Here too there were fruit"

the city has leased out the solus or site
since nineteen eighty-two to a string
of companies who bought and sold

the lease for millions yes millions
starting with reed publishing pension
trustees limited and reed pension trusts

limited letinvest plc
and speciality shops plc
scottish metropolitan plc

continental shelf two seven four
plc then pm limited partnership
sold it in two thousand and five for

thirty-seven million quid to david
murray's ppg metro limited
the annual rent roll then stood at

two point three million andy wightman
says the common good fund of the city
of edinburgh lets the site for a rent of

a penny a year (if asked) when in twenty-one
eighty-eight the lease runs out the common
good fund will have earned two pounds sixty

(if asked) and precisely nothing (if not asked)
the lease on the waverley mall is now owned
says google by the investment group trade

hold tradehold supported by billionaire
christo wiese has restructured itself into
a property company with an unusual mix

of uk south african and namibian assets
the joint ceo friedrich esterhuyse
said the company that has invested

in more than fourteen billion rands worth
of property can now pay dividends regularly
and can offer shareholders exposure to

a defensive mix of uk commercial
properties and a strong portfolio of
industrial properties in south africa and

namibia south africa and namibia
hardly are those words out when a vast
image of multinational global corporate

exploitation expropriation and centuries
of scotland's wealth built on transatlantic
slavery again troubles my sight

namibia means vast land vast land
namibia is not our vast land
namibia's expropriated wealth

(i-i want to ask) should not should it
underpin our common good funded
common land i-i ask this in a poem

made for the fruitmarket gallery made
crossing the first and between the third
and second sites of local fruit

fruitmarkets built on common land fruit
fruitmarkets rebuilt as the fruitmarket
gallery and the fruitmarket pop-up

it's the twentieth of november twenty-
nineteen i-i want to acknowledge
we stand here on common land

funded by common good funds
here now there is art here now
is poetry here too there was fruit

THE TROUBLE WITH THE COMMON GOOD IN EDINBURGH: RACIAL CAPITALISM, SLAVERY, AND REPARATIVE ANIMATIONS

INTRODUCTION

The concerns of this text emerged from two walks led by Annette Krauss around Common Good sites and landmarks in the City of Edinburgh, in early June 2022. It is written in the spirit of collective inquiry and study – *to study without an end, plan without a pause, rebel without a policy, conserve without a patrimony*. [1] On two consecutive days, a group of around twenty people – artists, writers & researchers, staff present & past from Collective Gallery, and other interested art workers and parties – gathered to study the present and hi[r]storical of sites of the Common Good laid out on newly commissioned maps of the city by Annette. This text begins with a skeletal account of these walks and the conversations that emerged at different Common Good sites in the city, alongside a brief historical sketch of the Common Good and its role in the Burgh.

In tracing the Common Good, which I here consider through a handful of archival documents on the City of Edinburgh, we get a sense of how the Common Good as ethic and resource was deployed in the development of the city. The documents focus on the proceedings of the Burgh council and the records of the Burgh's guild of burgesses, dating from 1400 into the mid-1800. [2] They provide snatches of how the Common Good was understood, how funds were used, and who worked and traded as part of the Guild in service of the Common Good. Writing in 1905, Edinburgh's Town Clerk Thomas Hunter and City Chamberlain Robert Paton note, "Until comparatively recent times, [...] the development and administration of the City rested almost entirely upon the resources of the Common Good and the Royal Charter powers". [3] The documents trace the power of the Burgh Council to order and organise trade, commodity exchange and labour practices within the city, and furthermore the lines of the Burgh's involvement in violent practices in racial capitalism. Thus I turn to address direct links of Edinburgh's burgesses – who were granted permission to work and trade in order to service the Common Good – in settler colonialism, slavery, plantation economies and trading goods produced by enslaved black people in the Caribbean and Americas.

The endeavours affirmed and trading sanctioned by the Council in service of changing ideas of the Common Good over four to five centuries built and maintained Edinburgh's status as an international centre of trade and commerce, benefitting those who worked as part of the guild and wider residents in the city. As Lisa Williams – the historian who organises Edinburgh's Black History Walking Tours – describes, Edinburgh's "Enlightenment architecture itself [...] is a marker of white colonial power with no markers of the pain that created it". [4] Williams continues, "in order to heal, the pain must first be exposed and acknowledged". This essay joins a convergence of work by artists, educators, historians, poets and public intellectuals that are reckoning and transforming the narrative regarding Scotland's involvement in slavery and colonialism, countering centuries of what Adebisola Ramsay describes as an 'obfuscation of reality', or as wilful amnesia. [5]

[1] Fred Moten & Stefano Harney, 'Debt and Study', in *The Undercommons: Fugitive Planning & Black Study*, Wivenhoe/NY: Minor Compositions, 2013, 58–68. Quotations in italics from 67.

[2] 'Burgh', translating roughly to 'Borough', describes "a town possessing special privileges conferred by Royal Charter" (*Dictionary of the Scots Language*); 'burgess' is defined generally as describing either a 'citizen' or 'inhabitant' of a town or burgh, or more specifically to denote 'Any of various officials exercising judicial or executive authority in a town or borough' (*OED Online*). Here, we 'are discussing inhabitants who have been given authority ('freedom') to practice their trades as part of the town guild (which could be considered a form of citizenship).

[3] Thomas Hunter and Robert Paton, *Report on the Common Good of the City of Edinburgh*. Lord Provost, Magistrates and Council (Edinburgh: 1905), 2. The Hunter and Paton report includes detailed descriptions of which lands were granted to the Burgh by various Royal Charters. Malcolm Noble concurs that "The Common Good was the central financial resource of Scottish burghs, at least until the mid-nineteenth century, and possibly up to 1975", 'The Problems and Possibilities of Common Good Accounts: Edinburgh, c.1820–55', *Scottish Archives*, 21, 2015, 44–58, 58.

[4] Lisa Williams, 'Reflections on Leading Black History Walking Tours (Edinburgh)', in *Scotland's Transnational Heritage*, Edinburgh U.P., 2023, 70–85, 72.

[5] Adebisola Ramsay, quoted in Don Coutts (Dir.), 'Slavery: Scotland's Hidden Shame', *BBC Scotland*, November 2018.

[6] Charles B. Boog Watson (Ed.), *Roll of Edinburgh Burgesses and Guild-Brethren, 1406–1700* [Vol.1]/1701–1760 [Vol.2]/1761–1841 (Ab-Hu) [Vol.3], Edinburgh: Scottish Record Society, 1929/1930/1933. Digitised versions of the records are available on archive.org at <https://archive.org/search.php?query=creator%3A%22Scottish+Record+Society%2C+Edinburgh%22> (accessed 16 December 2022). Hereafter referred to by volume number. The second volume of 1761–1841 is not digitised and not cited in this work.

[7] University College London, *Legacies of British Slavery*, online at <https://www.ucl.ac.uk/lbs/> (accessed 16 December 2022), hereafter referenced as UCL LBS with a hyperlink to individual pages.

[8] Coutts (Dir.), 'Slavery: Scotland's Hidden Shame'.

[9] Sir Geoff Palmer et al, *Edinburgh Slavery and Colonialism Legacy Review*, August 2022. Online at: <https://democracy.edinburgh.gov.uk/documents/s48188/Item%207.11%20-%20Edinburgh%20Slavery%20and%20Colonialism%20Legacy%20Review%20Report%20and%20Recommendations.pdf> (accessed 15 December 2022).

[10] Such animations may be in a reparations framework, or in other long-term active practices of repair.

While the legal terms of the Common Good in the twenty-first century seem comparatively simpler than those of the last millennia, the legacy of the Common Good and of the wealth that has constituted the Burgh through the power of its governing councils and guild must answer to the city's involvement in empire, slavery and colonialism. The details on such involvement are here drawn from digitised records of the Burgh's burgesses and guild members, which were searched for terms that suggested land-ownership or administrative roles in the colonies of the British Empire.[6] Information was cross-referenced with the University College London's Legacies of British Slavery database.[7]

While the Legacies of British Slavery database provides some details to the extent the numbers of enslaved humans and amount of land owned by Edinburgh burgesses in the Caribbean, these statistics are rooted in a historical dehumanisation of enslaved black people, described by Celeste Marie-Bernier as an 'intellectual, psychological, imaginative and corporal' death.[8] Administrative documents, and the reduction of human lives to numbers, obscure the extents of the violence, harms, and different forms of abuse that were essential to the production process on plantations. I name and detail only a handful of Edinburgh's Guild-brethren – some well-known, some seemingly unknown – involved in slavery and colonialism, in the hope that it will be useful for other researchers and for further conversations. Edinburgh's *Slavery and Colonialism Legacy Review* led by Sir Geoff Palmer calls for further research into the city's links with slavery and settler colonialism.[9] Later in the essay, I turn towards a few of the Common Good's current holdings that have troubling relationships to colonialism.

The twenty-first century legal framework of the Common Good holds the possibility of reparative animations[10] from these legacies, which as I suggest at the close could be activated for the Common Good by groups of local inhabitants supposing such endeavours. Commoning in the twenty-first century entails *dwelling in a different compulsion*[11] to the property and social relations that have become hegemonic over five centuries of the development and expansion of racial capitalism, in which this city has played pivotal roles.

LET'S WALK

During the first walk, on a Wednesday evening, we follow a string of well-heads (denoting an underground stream) from the 'Fountain Well' or 'Netherbow Well' outside John Knox House, up the Royal Mile to the Canongate Well. We consider the role of water as an infrastructure once held in common, of the sociality that would have emerged around these wells. We pause at Mercat Cross to consider the site's role in facilitating life in the city through assembly, sharing information, and through exchange and trade; concluding outside Lady Stair's House, currently active as The Writer's Museum. It's noted that in 1740, this was the abode of an African man, often named as Oronoce, who was servant to Lady Stair.[12]

The following afternoon, we meet at the recently renovated Ross Fountain in Princes Street Gardens, one of the many public parks of the city held in the Common Good. We visit and discuss various monuments and structures across the Gardens – including the Ross Bandstand, The Garden's Cottage, The Scott Monument. We discuss the history behind certain monuments, such as the Ross Fountain, which was paid for by Edinburgh gun maker Daniel Ross in 1869;[13] the use of Ross Bandstand by punks for festivals and concerts. We discuss the use of shell companies for managing some of the Common Good structures (such as the Ross Bandstand and Waverley Mall). By the floral clock in Princes Street Gardens, we discuss the city's role in installing the hegemony

of metric time as a key element of capitalist trade and work discipline. At the entrance to the Waverley Mall (formally held in the Common Good), poet and scholar Dr Jane Goldman reads her poem 'Here Too There Was Fruit', addressing the history of the markets that operated on this site and the mismanagement of the lease and sale of these lands for private profit.[14] We then travel towards the Canongate, now rebranded New Waverley and occupied by offices of the UK Government; this site has been scrutinised for links to tax-evading firms during its recent development.[15] We have an extended discussion about the uses of buildings that stood here by artists and clubs in the 1990s, alongside resistance by the People's Republic of Canongate in the 2000s to the now-existent developments. Furthermore, we witness an action by activists from Just Stop Oil (a group calling for the immediate end of fossil fuel extraction), who had covered the government offices in blood-red paint, locking their arms together with glue outside the main entrance. We witness the initial, tentative response to this action by the police.

Across the two walks, we visit various statues held in the Common Good, including those of David Hume, Dr Thomas Chalmers, and Wojtek the Bear, considering the actions and beliefs of various figures commemorated through statues. While in Princes Street Gardens, looking towards George Street, we consider those that have recently been added to the city's Common Good Register. This is suggestive of some of the tensions regarding the commonality of the Common Good in the present – we'll return to these later, but first let's consider the history of the Common Good.

WHOSE COMMON, WHO'S GOOD?

In Scotland, the Common Good describes both a fund – including land, markets, buildings, structures, and money – and an ethic that drove it, used to benefit the 'free' inhabitants of a Burgh or City, and the administration of these resources by council. As a municipal practice, it was initially ordained by Parliament in April 1491, proposing that the council of the town and "deacons of the craft" should advise on the expenditure of the common good on "common and necessary things" for the burgh.[16] As an ethic, evolving across centuries, it places an emphasis on a common cause of (local or social) betterment for a City or one's neighbours, tied – as town records show – to servicing a 'common profit'. [17] As a resource upheld through such practices, the importance of the Common Good for the regulation of trade in and development of the city has transformed with legal changes – such as the Burgh Trading Act 1846, which allowed free trade in the city without being a member of the burgh's guild; alongside changes in municipal governance including the abolition of the Burghs in 1975; to recent acts in community land reform (2016).

Historically, in order to operate or practice within Edinburgh, craftspeople and merchants had to 'buy' their 'freedom', agreed by a council, to become burgesses in service of the Common Good. The oath taken by burgesses in the 1590s emphasises that the burgess must give 'the best counsel one can', to 'order the common good but for common cause and common profit', and to give 'loyal and true judgement for all occasions and friendly relations with neighbours'. It is noted however that the wording of this oath was adopted due to the lack of "regard to the keeping of their burgess oath, especially in regard to extents, watching, etc.".[18] This suggests that operating in the interests of the Common Good was not always a priority of the burgesses. Subscriptions paid to buy one's freedom and status as a burgess, alongside rents collected on lands held in the Common Good (for farming and for leasing property including of church and hospital grounds) furnished the accounts of the fund. Dis-

[11] Moten and Harney, 'Debt and Study', 68.

[12] Lisa Williams, 'Edinburgh's Part in the Slave Trade', *Historic Environment Scotland*, 13 November 2018, online at <https://blog.historicenvironment.scot/2018/11/edinburghs-part-slave-trade/>. Williams writes "there's no solid evidence that [Oronoco] was his name".

[13] Ross was known in his day for arming "Scottish noblemen and gentlemen", see Peter Gordon, 'Ross Fountain', <https://holeousia.com/2020/07/18/ross-fountain/> (accessed 4th January 2023).

[14] Jane Goldman, 'Here Too There Was Fruit', *Writers' Shift* (Edinburgh: Fruitmarket Gallery), 2022, 62–66.

[15] See Ally Tibbett and Jamie Mann, 'UK Government office deal sparks £6.5m payout to tax haven firm', *The Ferret*, July 9 2020, Online at <https://theferret.scot/uk-government-queen-elizabeth-house-tax-haven/>

[16] James D. Marwick, *Edinburgh Crafts and Guilds*, Edinburgh: Scottish Records Society, 1909, 54.

[17] Entry for 3 Nov 1591, *Roll of Edinburgh Burgesses*, Vol.1, 6.

[18] 3 Nov 1591, *Roll of Edinburgh Burgesses*, Vol.1, 6; [extents – taxes], [watching – hunting, fishing, or their spoils, or wandering].

[19] The structure of payments on lands held in by the Common Good originate from the 1329 Royal Charter of King Robert the Bruce. This structure entailed payments from individual burgesses to the Burgh, and then of a fixed

amount of an “annual payment of 52 merks sterling” from the Burgh to the King – it led to the Burgesses disposing of their need to pay rent to the Common Good, although Hunter and Paton note in 1905 that such renters were also “the persons who were called upon by the Corporation to provide funds or services which might from time to time be required by the Sovereign” (1905, 4). At the start of the sixteenth century, short-term leases under the Common Good were morphed by Magistrates into leases “in perpetuity” (5).

[20] ‘Extracts from the Records: 1403–45’, in *Extracts From the Records of the Burgh of Edinburgh, 1403–1528*, ed. J D Marwick (Edinburgh, 1869), pp. 1–8. *British History Online* <http://www.british-history.ac.uk/edinburgh-burgh-records/> 1403-1528/pp1-8 [accessed 5 October 2022].

[21] Noble 2016.

[22] Helen M Dingwall, *The Social and Economic Structure of Edinburgh in the Late Seventeen Century* [Two Volumes]. Doctoral Thesis, University of Edinburgh, 1989, II:380–1.

[23] Dingwall, *ibid.* For the general population of the burgh and the area beyond, the fourth, fifth and sixth most common professions were workman, cordiner and weaver. Around two-thirds of weavers inside the burgh were burgesses (Dingwall, vol.2, 386).

[24] *Roll of Edinburgh Burgesses*, Vol.1, 12; calculation based on £5 (scots) equal to £1 (sterling) in 1560, converted to 2021 RPI equivalent.

[25] *Roll of Edinburgh Burgesses*, Vol.1, 16, 283

obedience to servicing payments to the Common Good was also an occurrence in regards to the leasing of common lands for farming, seemingly due to the legal framework of leasing sovereign lands and collecting rents.[19]

Taxes were collected from goods entering the Burgh, with different taxation rates for merchants and traders who were ‘free’ burgesses, and for ‘strangers’ [strangearis] and ‘unfreemen’ [vnfremen]. For instance, in September 1445, James II granted that taxes raised for the common good serve the “enlarging and repairing” of the Port of Leith following a shipwreck, charging double taxes for strangers and unfreemen entering the port (8d.) than for the ‘free’ men of the Burgh (4d.).[20] Dues were also collected from the various Markets across the burgh, Corn Mills and Slaughter Houses, and on particular commodities such as Ale – although Feu-Duties collected from the renting of Common Good land (for farming and buildings) provided the largest source of such incomes.[21]

Historian Helen Dingwall estimates that across the Seventeenth Century, there were around 1800–2000 burgesses in the city at any point (around 7% of the population, representing 30% of households), including around 585 merchants in the city in the 1690s (nearly two thirds of merchants belonged to the Merchant Company, which had been operating since the mid thirteenth century and received a royal charter from Charles II in October 1681).[22] Dingwall notes that the most common professions among Burgesses were merchant, tailor, wright, followed by baker, skinner and wigmaker.[23] Burgesses and ‘guild-brethren’ were required to reside within the burgh of Edinburgh – records from the seventeenth century show cases of people residing in neighbouring Leith having to move, or facing the loss of their ‘freedom’ or £100 (scots) fines (equivalent to £7,680 in today’s terms).[24]

Women appear few and far between among the burgess register: in principle, women were allowed to be burgesses, however the editors of the guild records note that only four women – Alisona de Duscoull (or Alison Duscoul, enrolled 17 March 1407), Ann Keith (“his majestie’s laundresse”, enrolled 28 April 1665), Agnes Alison (enrolled 13 June 1683) and Margaret Gray (merchant burgess, enrolled 3 Aug. 1642) – are recorded between 1400 and 1700.[25] This perhaps reflects the gendered and racialised division of labour of this period, where women would likely be working in professions not recognised by the guild (for instance as brewers).[26] In addition, women could inherit guild status from a father or sibling and pass this onto a husband – it is as ‘wives’ that hundreds are named in the records. In October 1717, Grissell Pillans, and also Margaret Nash, were “impowered to trade within the city as ane burges and gild brother thereof dureing her single lyfe and virginity (sic)”, on the condition that if they were to marry, their future husbands would pay to enrol in the Guild (provided they were not Guild-brothers); in December 1724, Margaret Blair, a shopkeeper, and Ann Strachan, a merchant, were allowed to trade having made payments to the council (of 50 merks Scots and 100 merks Scots respectively), under similar conditions.[27]

The protestant church – the collegiate church of St Giles – was at the heart of Edinburgh’s guild from the outset. Records from the 1570s highlight that Church ministers were paid stipends and pensions out of the Common Good fund.[28] Allegiance to the Church is invoked in the annuals and was used as a bargaining tool – in an anti-Semitic manner – in cases involving two Jewish traders in the late-Seventeenth and early-Eighteenth Centuries. In December 1698, Moses Mosias was permitted to trade in the Burgh, promised a gratis admission as burgess if he converted to Christianity; while in November 1717, Isaac Queen was deemed ‘uncapable [sic] of being invested with the right of burgess and guild brother’ as a Jew, and requested to pay £100 to have the ‘privilege

of using and exercising any trade merchandise or employment within this city and liberties thereof'.^[29] Such incidents suggest that the character of the Common Good as patrimony was exclusionary to those who did not, or could not, conform to a (white) Protestant norm.

USES OF THE FUND

The fund was used to pay for various elements of the city's infrastructure – including the development and upkeep of the Port of Leith, a key element of the city's role as a hub of international trade; the leasing of land and the securing of credit for the construction the New Town; for pensions of Church Ministers of the Burgh; for the operation of Hospitals, who appear to have attended to the health needs of the free members of the Burgh. Other infrastructure paid for by the fund includes the City Chambers, jails, markets, roads and railways, schools, universities and workhouses.^[30] The fund famously paid for the visit of King George IV in 1822, including a lavish banquet for Burgh members; and paid for entertainment for townspeople, including the Musselburgh Horse Races. A detailed study of the Common Good accounts and the uses of their funds prior to 1820 is yet to be undertaken.

In 1833, the Common Good fund was bankrupted during (the 'third phase' of) the construction of the New Town.^[31] This coincided with two major legal reforms and events – the abolition of slavery in the British Empire, which came with the colossal compensation paid to slave owners for their loss of property by the UK Government, including many resident in Edinburgh; and the parliamentary reform of the 'rotten boroughs', which affected the political power of landowners. Between 1799 and 1813, a total of £240,000 had been borrowed against the Common Good account in order to pay for the development of the Port of Leith.^[32] "When bankruptcy was declared", writes Malcolm Noble, "the city was in debt to £442,656 against the Common Good and Ale Duty; with other obligations included the total was £697,147 – equivalent to £2.96 billion in 2015".^[33] The combination of the bankruptcy of the Common Good fund, in a time of vast personal enrichment from slavery and plantation economies, and the Government compensation of slave owners with slavery's abolition, requires further research. Given that the construction of the New Town benefitted affluent inhabitants of the city – as many poorer residents remained in squalid conditions in the Old Town – the use of credit and debt obligations against the Common Good fund are suggestive of how the Common Good could be wielded to benefit the wealthy over the poor. This is given that the fund was administered by council within a city beset by corruption and skewed political power.

BURGESSES WITH LINKS TO SLAVERY AND RACIAL CAPITALISM

The records listing the names and occupations of Edinburgh's burgesses detail that numerous merchants and other figures were connected in the plantation economies in the Caribbean, detailing the islands on which they were involved. The inclusion of merchants living abroad in particular (although a concession not exclusively made to merchants), ran contra to the demands of previous centuries that burgesses must reside in the Burgh. In addition, many of these were given the seemingly preferential treatment of being enrolled 'Gratis' as burgesses, often with notes in the burgess records emphasising their service to the Burgh or the nation. This suggests that in the Eighteenth century, the role of the guild to service the Common Good and profit was directly connected with capitalist accumulation for 'King and Country' and the British Empire. In

[26] Dingwall, 386 – who also notes that gardeners and smiths are unrepresented on burgess lists.

[27] *Roll of Edinburgh Burgesses*, Vol.2, 229, 232–233.

[28] *Extracts from the Records of the Burgh*, 10 May 1578, 9 Feb 1580.

[29] *Roll of Edinburgh Burgesses*, Vol.1, 12, 230 (quotations modernised).

[30] Noble 2015, 50.

[31] Noble notes that, according to a 1836 report to the Chancellor of the Exchequer, "Continual development of Leith harbour to keep pace with technological improvements in shipping, and to accommodate new larger vessels with deep-water harbours and the expansion of wet docks, had placed the largest burden on the City Treasury" (2015, 49).

[32] A.J. Youngson, *The Making of classical Edinburgh, 1750–1840*. Edinburgh: Edinburgh U.P., 1966, 259–263.

[33] Noble 2015, 49

[34] *Roll of Edinburgh Burgesses*, Vol.2, 238.

[35] UCL LBS, 'Alderman Richard Beckford', <https://www.ucl.ac.uk/lbs/person/view/2146651341>

[36] Lisa Williams, "Sugar, ships and science: The City Observatory and Caribbean commerce", *Collective Observations*, 23 September 2020. Online at <https://vimeo.com/460954560>; James Fraser, registered as a merchant and 'tobacco cutter', June 1675, *Roll of Edinburgh Burgesses*, Vol.1, 193.

[37] *Roll of Edinburgh Burgesses*, Vol.1, 513; 'Edinburgh Slavery and Colonialism Legacy Review', 26.

[38] <https://jamesgillespiespri-mary.co.uk/our-school/school-history/>

[39] *Roll of Edinburgh Burgesses*, Vol.3, 51; UCL LBS, <https://www.ucl.ac.uk/lbs/person/view/11278>; <https://www.scotsman.com/heritage-and-retro/heritage/map-plots-riches-edinburgh-slave-owners-2880609>

[40] *Roll of Edinburgh Burgesses*, Vol.2, 84; UCL LBS, <https://www.ucl.ac.uk/lbs/person/view/2146655421>

[41] *Roll of Edinburgh Burgesses*, Vol.3; UCL LBS lists five Robert Andersons, but none with links to Antigua;

[42] *Roll of Edinburgh Burgesses*, Vol.2; UCL LBS <https://www.ucl.ac.uk/lbs/person/view/2146647107> <https://www.ucl.ac.uk/lbs/person/view/2146666903> For further details, see <https://sugarmills.blogs.bucknell.edu/does-rendezvous-bay/> <https://sugarmills.blogs.bucknell.edu/rigbys/>

[43] Rendezvous Estate: Ann Doig, wife of William's great nephew John Hurst Doig was awarded £587 9S 10D compensation for loss of property [UCL LBS].

[44] *Roll of Edinburgh Burgesses*, Vol.2, enrolled 5 August 1752; UCL LBS <http://www.ucl.ac.uk/lbs/person/view/2146639039>

[45] *Roll of Edinburgh Burgesses*, Vol.2, enrolled 19 July 1749, gratis; UCL LBS <https://www.ucl.ac.uk/lbs/estate/view/21987>

cross-referencing the names and locations of these burgesses with work on British slavery and the Legacies of British Slavery database, we find that many of the figures were slave-owners and plantation owners; some accrued wealth from trading slaves and many from trading commodities produced by enslaved people. The wealth made by these figures, accrued through trade and modes of production that depended on dehumanising black people, enriched the city and supported the development of its municipal infrastructure through the Common Good.

Of the particular commodities that surface through the links in these accounts are the imports of tobacco, sugar and rum, and also linen as an export item. For instance, Burgh records detail that in June 1755, the former Dean of the Guild made the case that Richard Beckford, MP (1712–1756) for Bristol, be granted burgess-ship of the Burgh, given that “he was to give two hundred pounds Jamaica currency annually for the four ensuing years in order to promote the exportation of linnen made in Scotland from the Port of Leith”. [34] Beckford, furthermore, at this time owned over 9000 acres of land across seven plantations in Westmoreland, Jamaica, and at the time of his death owned 910 enslaved people. [35] As is well documented, the export of coarse Scottish linens to be used as garments for enslaved black people on plantations was common at the time. While Beckford was not a resident per say of the Burgh, his power and wealth animated the Burgh and Scottish economy into trade and accumulation predicated on slavery. Tobacco imports from Virginia into Edinburgh are documented as far back as 1667, with tobacco cutters and sellers registered in the Guild records from June 1675. [36] As is now increasingly well known, 3 sugar mills were established in Edinburgh and Leith, processing sugar loafs and other forms of the product from plantations in the Caribbean.

Among the famed burgesses is George Watson (1654–1723), enrolled as a merchant burgess on 18 April 1688. Watson’s “wealth was partly derived from investment in the transportation of slaves and from financing trade in goods produced by enslaved Africans”; he funded George Watson’s College. [37] Another burgess of the City in the Eighteenth Century was James Gillespie (1726–1797), who was enrolled on 23 October 1765. Gillespie is well known for his role as a tobacco and snuff merchant, trading commodities produced by enslaved Africans in North Virginia; by the time of his enrolment, which would have permitted him to work with apprentices in his trade, he was Laird of Spylaw House and “one of Edinburgh’s richest men”. [38] A third was Thomas Duncan (1781?–????), enrolled as a merchant, 11 May 1797. By the 1820s, Duncan owned three estates in Grenada – it is recorded in 1823 that he owned 1482 enslaved people on the Gouyave and Maran Estates, and a further 69 enslaved people on the Belvedere estate at that time. Returning to Edinburgh after the abolition of slavery, he was award a total of £11,631 40s 9d in 1835 for loss of property (£1.08m in 2020). [39]

Listed as resident (or late of) Antigua are Duncan Grant Esq. (????–1770), enrolled as a merchant, gratis, 2 July 1760, whose property included plantations and presumably enslaved people, sold on his death, leaving over £8000 to his children; [40] Robert Anderson (late of Antigua, merchant, enrolled 6 August 1812); [41] and James Doig (????–1759) and his son William Henry Doig (????–1768) (both of Antigua and enrolled 30 September 1757), who owned in patrimony 122 enslaved people on the Rendezvous Bay estate and 115 enslaved people on Rigby estate in Antigua, and shared the ownership of an estate in Essequibo, Guyana. [42] Sugar was produced on the Antiguan estates, both which remained in the Doig family until abolition. [43]

In Jamaica, Scots owned 30% of plantations. *The Roll of Edinburgh Burgesses* name multiple people with links to Jamaica, including John Wallace [of Cessnock and Kelly] (1712–1805), partner in Glasgow-based in Stirling, Gordon & Co., owner of Biscany estate, St Elizabeth; the

Cessnock, Hanover, and Glasgow Estates in Westmoreland; and of hundreds of enslaved men and women.[44] The enslaved men and women on the estates produced sugar, rum, reared cattle, and were at times they themselves hired out. Wallace was personally valued at £18,449 at the time of his death in 1805. Also named are William Baillie, listed as a merchant in Jamaica (enrolled 27 July 1757); and James Watson (????–1763), a slave owner and recorded in 1754 as owner of the 847 acre Tomshall estate, St Thomas-in-the-Vale, Jamaica, on which enslaved people produced sugar and rum.[45] Listed later in the eighteenth century are Gen Archibald Campbell MP (1739–1791), made burgess gratis on 24 November 1784 after his stint as Governor of Jamaica “for good services to King and country”. Campbell had already been Governor of Georgia and Madras, India for the empire, and was consulted on affairs in India by his friend Henry Dundas.[46] Also included at the brothers Hon. John Grant (????–1793), enrolled gratis as Chief Justice of the Island of Jamaica (3 Nov 1790) and Francis Grant Esq. of Kilgraston (????–1818), who succeeded John as Chief Justice of Jamaica in 1793. This was immediately prior to the Second Maroon War of 1795–6. Francis Grant owned the Blackness Estate, Westmoreland, on which were enslaved over 300 black people in the 1810s.[47] These enslaved people also produced sugar, rum, reared cattle, provided firewood for sale, and were they themselves hired out for rent. Francis Grant’s heirs were awarded £4511 12s 10d compensation with slavery’s abolition (around £455,500 today).[48]

The burgess rolls also include a handful of people involved in settler colonialism in Virginia, such as Francis Kirkman (dates unknown), recorded as a merchant in Virginia, and owner of 3500 acres of land south of the Potomac River at the time he was made burgess, gratis, on 20 August 1669.[49] This was during the time of serious contestation of lands expropriated from Native Americans – indeed, on 21 March 1675, Kirkman’s widow Sarah Kirkman petitioned James City Country, Virginia, requesting her “liberty” to hold her late husband’s lands, which “they cannot seat [...] because of ‘Reason of the Warr with ye Indians’”. [50] Around a century later in August 1758, Robert Dinwiddie, Esq. (1692–1770) was made burgess gratis “by act of Council for good services”, in the aftermath of his role lieutenant governor of Virginia between 1751–1758.[51] Having previously worked in a lucrative role as the Crown’s surveyor general for southern America, the Bahamas and Jamaica (1738–45), it was as lieutenant governor that Dinwiddie “shocked the colony by instituting a fee of one pistole [around 18 shillings] for signing and sealing every patent conferring legal title to land”. [52] Furthermore, Dinwiddie’s “policy corporate and imperial advancement” is noted to have instigated the French and Indian War (1754–1763), following the defeat by the French “of Virginia forces under George Washington at Fort Necessity in 1754”. It is such events that appear to have been lauded as ‘good services’ for the Burgh. The 18th century also saw Alexander McKenzie and John Kincaid, Esq., both of Virginia, made burgess gratis on 22 October 1729 and 4 May 1743 respectively.[53]

The plantation economies are not the sole locus of Edinburgh burgess involvement in racial capitalism. Various people involved in the Darien Scheme – Scotland’s failed and economically disastrous attempt to colonise the Isthmus of Darien, in the Bay of Panama, were enrolled gratis as Burgesses in the summer of 1699 – the year of the attempt to resupply, and of the second expedition, to Darien. This includes Capt. Daniel MacKay and William Vetch of the first council of Darien, Lt. James Ker, Major John Lindsay, Michael Shiels, and Alexander Hamilton, the Chief Accountant.[54] The burgess records also include Sir James Coupar, enrolled on 23 August 1689 on the back of his role as Admiral in the Dutch East India fleet, alongside numerous Captains and shipmates of fleets serving the British East India Company.

In July 1719, John Law (1671–1729) was made a burgess, with

[46] <https://www.historyofparliamentonline.org/volume/1754-1790/member/campbell-archibald-1739-91>

[47] For more on John Grant, see Mindie Lazarus-Black, “John Grant’s Jamaica: Notes Towards a Reassessment of Courts in the Slave Era,” *Journal of Caribbean History*, 27 (1993), 144–159.

[48] UCL LBS <https://www.ucl.ac.uk/lbs/claim/view/13159>

[49] *Roll of Edinburgh Burgesses*, Vol.1; *Early Colonial Settlers of Southern Maryland and Virginia’s Northern Neck Counties*, Online at <https://www.colonial-settlers-md-va.us/getperson.php?person-ID=I70613&tree=Tree1> (accessed 5 January 2023).

[50] Katharine Harbury, *Colonial: A Study of Virginia Indians and Jamestown: The First Century*, online at https://www.nps.gov/parkhistory/online_books/jame1/moretti-langholtz/chap10a.html

[51] *Roll of Edinburgh Burgesses*, Vol. 2.

[52] ‘Robert Dinwiddie (1692–1770)’, *Encyclopedia Virginia*, online at <https://encyclopedia-virginia.org/entries/dinwiddie-robert-1692-1770/> (accessed 5 Jan 2023).

[53] *Roll of Edinburgh Burgesses*, Vol.2.

[54] The Burgess Records describe Hamilton as having come “expres from America with the good newes of the settlement of the Scots Collony in New Edinburgh in the Isthmus of Darien”, 17 May 1699, *Roll of Edinburgh Burgesses*, Vol.1, 228. See also <https://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb->

9780198614128-e-95261;jses-
sionid=E77188B687EE-
00868D572EF6EFE395F1.

Shiels and Veitch, enrolled
26 July 1699; Ker, Lindsay and
Mckay (as spelt) enrolled
30 August 1699.

[55] *Roll of Edinburgh Burgesses*,
Vol.2.

[56] Law had previously pro-
posed bank reform plans to
the Scottish Parliament, which
it had rejected.

[57] Britannica Encyclopedia,
'Mississippi Bubble', [https://
www.britannica.com/event/
Mississippi-Bubble](https://www.britannica.com/event/Mississippi-Bubble) (accessed
15 Dec 2022).

[58] Noble 2016, 57. Noble
writes that £583 was spent on
statues between 1823–1838,
although no money was spent
on them between 1838–1856,
“likely a reflection of economical
administration after bank-
ruptcy” (57–58).

[59] Archeology Matters,
'Heritage Statement: George
Street and the New Town,
Edinburgh', August 2019. Online
at [https://www.edinburgh.gov.
uk/downloads/file/26467/
heritage-statement](https://www.edinburgh.gov.uk/downloads/file/26467/heritage-statement) (accessed
5th October 2022).

[60] Lisa Williams, 'Edinburgh's
part in the Slave Trade',
Historic Environment Scotland,
15 Nov 2018, online at [https://
blog.historicenvironment.
scot/2018/11/edinburghs-part-
slave-trade/](https://blog.historicenvironment.scot/2018/11/edinburghs-part-slave-trade/).

[61] 'The Free Church Project',
*An Encyclopaedia of New Zea-
land*, A. H. McLintock (Ed.),
1966. Online at *Te Ara – the
Encyclopedia of New Zealand*
[http://www.TeAra.govt.nz/
en/1966/otago-province-or-
provincial-district/page-2](http://www.TeAra.govt.nz/en/1966/otago-province-or-provincial-district/page-2)
(accessed 06 Oct 2022).

dues charged.[55] Law was a Scottish economist who established the Banque Générale in 1716, France's first note-issuing bank, which became France's Banque Royale in 1718, guaranteed by Louis XV.[56] From 1717, Law was also owner of the Mississippi Company (Compagnie d'Occident), who were active agents in trading enslaved Africans and tobacco, and in recruiting settlers, including prisoners incarcerated in Paris, to the French colony of Louisiana in the Americas. The Banque Royale absorbed the French Companies of the East Indies and of China in 1719, although its power to issue notes quickly escalated into issuing more notes than they possessed in value in coin, leading to a general stock market crash in France in 1720.[57]

The constitution of the Common Good in this city of Edinburgh, of Scotland and the country currently still known as the United Kingdom, is inextricable from the legacies, and on-going relations, of this city in and these countries as empire. The inheritance of the Common Good – a literal patrimony – has been shaped by centuries of the power of the Burgh council to uphold who services the Common Good, who was worthy of the freedom to trade in the city, and how the funds collected for the Common Good ought to be spent. This has shaped the assets and the built environment of a city, through wealth accumulated through slavery, exploitation, dispossession and theft across the globe. The city is constituted through everywhere that its 'favourite sons', capital and Church lead themselves.

BACK AT THE FEET OF SOME STATUES.

In 2021, the three bronze statues of George IV, William Pitt the Younger and Dr Thomas Chalmers that adorn George Street in the New Town were added to the Common Good Register following representation. *While we're on the subject of statues*, it's worth speaking a little further on these works. As Noble notes, the Common Good fund contributed £105 for the statue of George IV on the occasion of his visit in 1822.[58] It is now well known that as Prime Minister, Pitt the Younger was actively responsible for the delaying of the abolition of Slavery, working with Henry Dundas (who of course is commemorated atop a colossal plinth in neighbouring St Andrews Square). The statue of Dr Thomas Chalmers, at 107A George Street is a 1878 Grade 1 listed bronze produced by Chalmers' friend Sir John Steell,[59] and was brought to our attention by Annette during the walks. Chalmers himself is remembered as the leader of both the Church of Scotland and, in 1843, first principle of the Free Church of Scotland, overseeing construction of Divinity Hall of the Free Church – known today as the New College, famously designed by William Playfair. It was during this period of the mid-to-late 1840s that Fredrick and Anne-Murray Douglass, while resident in Edinburgh, campaigned the Free Church to 'Send Back the Money' they had received from slave plantation owners in the Southern US States (the £3,000 they had raised was not returned).[60] In these early years, the Free Church also played a key role in colonising Aotearoa/New Zealand: following Britain's annexation of the country from the Maori in 1840, the Church were responsible for founding the city of Dunedin alongside the New Zealand Company in 1848;[61] Dunedin's Port Chalmers is named after Dr Thomas.

FOR FURTHER STUDY: REPARATIVE PRECEDENTS THROUGH THE COMMON GOOD

In its contemporary form (following the Community Land Act 2016), the assets and fund of the Common Good are now stewarded by the City of Edinburgh Council in “regard to interests of all the inhabitants of the city”.[62] While the Council are custodians of the Common Good, as ‘inhabitants’ we have possibility within this legal framework to take action with land or to employ resources of the Common Good for purposes that would benefit us – endeavours which, if proved to be beneficial for the City’s inhabitants, the Council are obligated to support. This is the manner through which Collective became custodians of the City Observatory.

Given the violent history of slavery and dispossession that undergird the material relations discussed above, could the Common Good provide a means to develop and engage relations oriented around reparative justice, through direct participation of the city’s ‘inhabitants’? This could supplement currently active committees working on processes oriented towards decoloniality, while also short-circuiting a neoliberal municipal framework that deploys public consultations as limited listening exercises that nonetheless reaffirm centralised administrative or institutional power.

‘Inhabitants’ is expressed with inverted commas, as it is a term that requires reflection. As is clear from the above, prioritising the Common Good of the city’s inhabitants has allowed for the dehumanisation and dispossession that forms the essence of the actions discussed above. It is only through orienting the relations of the city with the globe that the extent of the harm and violence enacted by the city’s favourite sons comes into view. As Lisa Williams suggests in a discussion of Walter Rodney’s idea of the public intellectual, “[i]n a majority-white country and city, perhaps the idea of a ‘local community’ ought to extend to people both in Edinburgh and across the Caribbean”.[63] The commons that we need to continue to forge in the present must reaffirm and build relations and the “friendship” spoken of in the Palmer Review;[64] it could furthermore work to practice aspects of the reparative justice that is called for from the Caribbean, such as by the CARICOM Reparations Committee.[65]

In addition, residing in Edinburgh is itself no neutral endeavour. Edinburgh is beset by a housing crisis, emerging from recent waves of touristification (the orientation of the city, land and housing stock towards tourism, including a hyper-prevalence of airbnbs), gentrification, and a failure to introduce much-needed rent controls. A recent advertising campaign for the city displayed residents with their visions for 2050, including one reading ‘My Edinburgh will have affordable housing’, a dream for the future rather than a crucial need in the present or recent past. It is a city within a nation-state that practices the maintenance of a ‘Hostile Environment’ towards migrants, especially towards black people and Muslims – through legislation that has limited access to essential means of survival including work, housing and healthcare, alongside other state resources. This is in a country where structural, institutional, interpersonal and other forms of racism, and racialised and especially anti-black policing, are commonplace. All of these factors continue to affect the precarity of (especially poor) black and brown people in the city. Indeed, the historical documentation regarding ‘strangers’ trading and working the Burgh resonate from the 1400 to the present into the unrelenting question “where are you from?” (and it’s more explicitly-racist variation “but where are you really from?”) posed to black and brown people and people with a history of migration. Such questions have an unofficial regulatory role.

[62] Edinburgh Common Good Biannual Asset Register [ref]. It is telling that Edinburgh Council lists the Common Good register under commercial property online.

[63] Williams 2023, 78. This is a practice in life that many of us living in diaspora are already involved in, although not so common among white Scots. I refer to such formations, and potentially more expansive ones, here as ‘more-than-local’ communities.

[64] One of the proposals of the Palmer Review includes to build “friendship agreements with cities in countries most impacted by Edinburgh’s historic involvement with slavery and colonialism”, Palmer 2022, Appendix 2 (140).

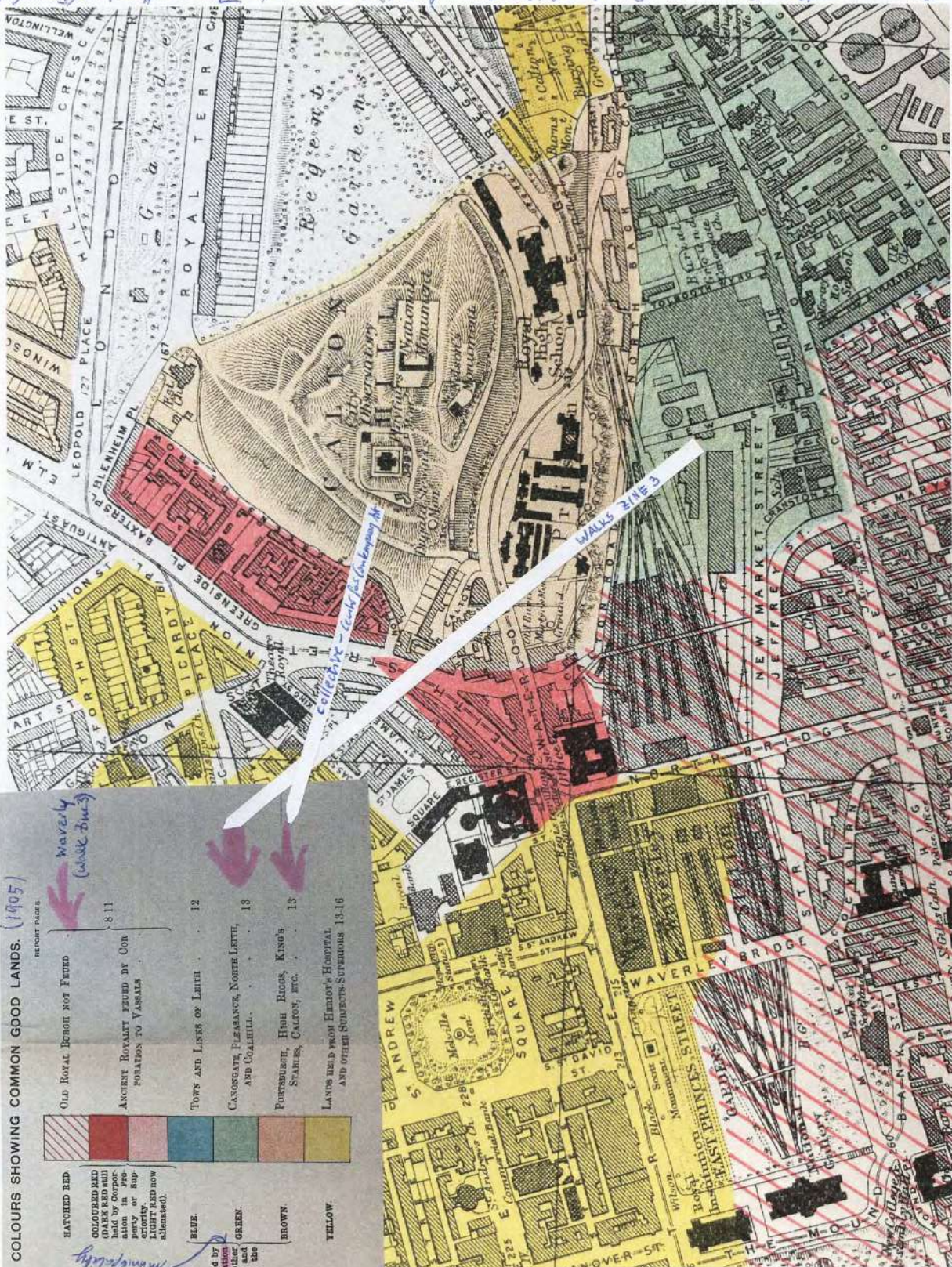
[65] CARICOM, ‘Ten Point Plan for Reparatory Justice’, March 2014. Online at <https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/> (accessed 16 Dec 2022); Aimed at European Governments, the CARICOM Plan emphasises the need for: a Full Formal Apology for slavery, the slave trade, genocides of indigenous people, and the legal and financial policies that allowed the enslavement of Africans; channels for reparation in international law; given the effects of underdevelopment produced by colonialism, resources for indigenous peoples development, cultural institutions, addressing public health crises and psychological rehabilitation, illiteracy, and technology and scientific transfer; resources of Transatlantic-African knowledge exchange; and debt cancelation.

Through commoning as a mode of study, we could consider and practice precedents in (re)orienting Common Good resources towards decolonial practices. This could include – but by no means be limited to: supporting Common Good land use or other spaces in the Burgh by marginalised communities affected by slavery, colonialism, racial capitalism and the hostile environment, including by ‘more-than-local’ communities, allowing for spaces of reprieve, healing, nourishment and sanctuary. It could entail material redistribution (of wealth, resources, technologies or skills – to support healthcare, education, institutions, or more), knowledge sharing in generosity (without parasitism), organising opportunities for convergence and dialogue. Many of the spaces held in the Common Good – most notably Princes Street Gardens – are routinely hired out for private, ticketed events (such as for Hogmanay). The good will that the Council demonstrates to the private companies who host these events would go a long way, if a more-than-local community were to approach them to use the space in the Common Good.

As a city, Edinburgh has begun to demonstrate that it is ready to engage with depth of the affects of the actions of its institutions, its favourite sons and burgesses. The Common Good is one means through which its custodians and the ‘inhabitants’ of this city can engage with these conversations, histories and brutal, lasting harms, to address how the city must transform its understanding of itself and its practices.

Nat Raha is a poet and activist-scholar, based in Edinburgh, Scotland. Her current research focuses on transfeminism, practices and collectives of care and social reproduction, racial capitalism and decolonisation, across politics, poetry, art and hi(r)story. Recent writing addresses politics, print cultures and poetics of LGBTQ, anti-colonial, feminist and Mad liberation movements in North America and Europe from the early 1970s onwards. She is the author of three collections of poetry, of sirens, body & faultlines (Boiler House Press, 2018), countersonnets (Contraband Books, 2013) and Octet (Veer Books, 2010).

Report on the Common Good of the City of Edinburgh, by Thomas Hunter (Town Clerk) and Robert Paton (City Treasurer), Edinburgh: 1905



Research Collages 'A Matter of Precedents' including extracts from Thomas Hunter and Robert Paton, *Report on the Common Good of the City of Edinburgh*. Edinburgh: Printed for the Lord Provost, Magistrates, and Council, 1905. Accessible at National Library of Scotland, Edinburgh.

Calton Hill.

54 George III., c. 170.

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(2) Calton Hill.

By Section 6 of the Act of 1814, it was enacted that no building shall be erected on the Calton Hill except the Jail, an Observatory or Church, or such other public building as the Lord Provost, Magistrates and Council shall see fit; but no other buildings shall be erected thereon without the express previous approbation in writing of the Lord President of the College of Justice, the Lord Justice-Clerk, and the Lord Chief Baron

Report of The Common Good of the City of Edinburgh, 1905
 (including Plan of Edinburgh, Leith and Portobello with suburbs)

PLAN OF
 EDINBURGH, LEITH,
 AND PORTOBELLO.
 WITH SUBURBS.
 BY W. & A. E. JOHNSTON, LIMITED.
 1898-1905



REPORT ON COMMON GOOD

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of the Court of Exchequer in Scotland, all for the time being, or any two of them. In 1823 the Corporation feued to a body called "The Royal Association of Contributors to the National Monument of Scotland" formed under an Act of Parliament, for the use and behoof of the contributors to the Monument, the piece of ground on the Calton Hill now called in—measuring 250 feet from east to west, and 150 feet from south to north. The fee-duty was one penny sterling. The ground was feued for the purpose of erecting a National Monument of ornamental architecture, to comprehend, besides its monumental uses and purposes, a Church or place for Divine worship, with

Bridge Street:—Premiums (£250, £150, and £100), £500; Fee to Assessor (Mr Alfred Waterhouse, R.A.), £110, 5s.; Exhibition of Designs, £23, 3s. 10d.;
 4. Observatory Buildings at Calton Hill:—New Dome: Balance of Contract Price, £300; Mason Work, £250; Drainage Works, £135, 5s. 8d.; Other Works, £42, 19s. 1d.; Clerk of Works, £19, 10s.; Electric Lighting Installation, £112, 2s. 11d.; Repairing and Cleaning Instruments removed from Old Observatory, and Cost of New Instruments, £409, 11s. 5d.;
 5. New Robes, Chains, Bators, &c., for Magistrates and Councillors, 170 7 6

633 8 10

1,359 9 2
 170 7 6

WITNESS REPORT: FROM THE INSIDE OUT

DOING AND MAKING

Edinburgh city centre is more often than not, awash with tours. Adding the suffix 'ist' to a word, such as tour, denotes one who *does* or *makes*. Edinburgh is awash, then, with keen tour doers and makers: together (re)producing knowledge; interpreting, solidifying or disrupting historical narratives; occupying public space and lingering by structures and monuments. Frequently led by workers in costume, listeners lap up neat packages of tales exhumed from Edinburgh's multi-layered streets and histories. The swirl of capes indicate grisly ghost and H**** P***** tours may well be the best selling, but each tour has its own focus, demographic and language, cutting a route through layers of space and time slightly differently. There are varying levels of critique, oratory skill and historical accuracy, while storytelling and mythmaking are of course intrinsic to the trade.

What is seen, how do we notice it, and what do we ask of it? What are the dominant narratives, how do we know them, who is speaking and from what perspective? Some organisations like Invisible Edinburgh, who run tours by local people with experience of homelessness, attempt to bridge the experiences and knowledge of year-round residents with visitors, setting up an alternate relationship to authority and received knowledge. Writer Lisa Williams and others of the Edinburgh Caribbean Association[1] run Black History tours, making plain the brutal histories and colonial values the city's grand buildings and monuments represent, as they continue to loom in its streets. Over in Glasgow, close to the COP26 summit, I attend Ewan Gibbs' 'Carbon Usage Walking Tour'[2] of Glasgow: tracing the city through the lens of imperial extractivism, carbon release, labour and working class experiences. An equivalent tour might not be too hard to imagine for Edinburgh, positioned as it is: home of Scotland's parliament and government offices, a port city, 'birthplace' of the enlightenment, where fossil capital and an excess of heritage are evidence of the city's spoils and exploits. It's a matter of perspective and of visibility: what narratives are laid bare, drawn out from the busy streets, and which are left to fall away in the crowd, hidden in plain sight.

THE BASE MAP

In Spring 2021 I begin assisting Annette with research on Edinburgh's common good sites, some time after her initial encounter with the common good through Collective's redevelopment of the City Observatory Site. Meeting online while pandemic conditions restrict international travel and quieten the streets, I find myself relating the city's general geography and its centre's saturation with 'significant' historical remnants; sharing with Annette an associative, highly subjective personal history, snippets of half remembered local history from my hometown. Snippets picked up here and there. *This is a writer widely taught in schools. This is a common meeting place for locals. This is a place where teenagers used to skate. This is where my gran got married. This is where such and such artist-led space was. Where such-and-such festival normally happens. People say that... I have heard that... This is known as...* In all, not a very comprehensive history tour, but then again I am not a historian, and luckily that is not Annette's focus.

[1] Edinburgh Caribbean Association. Available at: <https://caribscot.org/> (Accessed: 26/10/22).

[2] An event hosted on 27/11/21, as part of *Close of Play: Climate Emergency and Creative Action*, hosted by Glasgow School of Art Exhibitions and The Drouth. Available at: <https://www.gsa.ac.uk/life/gsa-events/events/c/close-of-play-carbon-usage-walking-tour/?source=archive>. (Accessed: 26/10/22).

Over the period of our research the doing and making of this ‘base-map’ of place knowledge becomes entangled with new understanding, as together we parse through City of Edinburgh Council’s published registers of common good items, and unpick some of the history and administrative practices around the common good. At one point I am tasked with fleshing in some detail to the register’s bland list of names, dates, and coordinates: my desktop floods with detail from all corners of the internet. Information from public bodies and archives, as well as trusts, ‘friends’ groups, commercial partners, blogs, advertising, community campaigns. There are some more murky, less well known or documented items, if not dead ends. Plotting all the items on a simple Google map forms a tool mainly to help us communicate together: to look at the concentration of listed items in certain areas, to find routes – conceptually and physically – between them, and to also make plain what is not included. What are the gaps: what seems like it would be common good, what jars with our understanding of it? We refer to the National Library of Scotland’s Frederick Douglas and Black Abolitionists map; and to sites associated with the philanthropic Edinburgh Settlement movement, looking for crossovers and connections across the space/time layers at play, and intersections that trouble the consumer oriented Disneyland view of the tour capital. Situating ourselves – albeit remotely – in the city with such a specific focus around common good items I reassess how I think about community agency within the experience of researching what are designated shared resources and inheritance: confronting the control of access, narrative, knowledge and power. How does the common good operate as a (specific) form of the commons? Where does it fail or succeed, and for whom?

Annette reiterates to me often that the commons itself is something active that must be done and made together, adding the suffix *-ing*. Our research is augmented and endeavours become more shared when we speak to and record interviews with artist and researcher Simon Yuill, researcher Emma Balkind, ex-Council officer Frank Little and ex-Collective-Director Kate Gray. Each brings their own understanding, experiences and interpretation of the common good. We quickly find oral history and documented records often diverge. Part of this reveals what Andy Wightman calls ‘shoddy accounting, poor record-keeping and lack of awareness’^[3] on behalf of local authorities, and piecemeal knowledge in the wider community. While council records on individual items are hard to trace and communication tricky within official channels, we learn from and document this group of interlocutors’ personal accumulations of common good knowledge.

EXTENDING THE ‘WE’

As we learn, gradually we build a shared resource, and a structure emerges for two public walks, extending our commoning group (and practice). We prepare by finally walking together – myself, Annette and producer Frances Stacey – if not side-by-side, moving in single file to navigate returning crowds to the city. Tracing possible routes, links, tangents, we huddle and linger at what become unremarkable statues when lived among. Stare, notice, remember. One statue of a man leaning on a palm tree stump. A fountain’s mouth stuffed with litter. A monument with a barrier and a sales booth. Closed doors, some open, but not just now, come back on open-doors day. Statues on roundabouts. Absent due to demolition. Connections made by embodiment draw us back to audio from the interviews, voicing a forgotten note on a research document, making lines of sight and watching what is noticed and what is not.

[3] Wightman, A. (2009) *Common Good: A Quick Guide*, Version 6. Available at: http://www.andywightman.com/docs/commongoodguide_v6.pdf. Accessed on 26/10/22

I deep-dive and drown in tangents in preparation: a dossier of information around what histories an item unfolds or represents acts as a crutch where I cannot find bequests or records as to how it became part of the common good. Detail, from which to approach the question: *what do we do with this?* What appears in the section below is a weaving of some of this dossier – information as received by the media, public records, heritage bodies – with a partial account of the happenings and encounters along the route of the public walks themselves. What does it mean for each of these *things* to be held for the people of Edinburgh?

During the public walks we hold aloft on sticks images of common good items, laser cut with messages that ground our lines of enquiry but also help guide the group physically along the routes. I wind one round the straps of the bag I carry, stuffed with printed versions of our map, pens and post-its. Someone says they look a bit like witches broomsticks. They read: *How to study common good together? How to do commoning with a statue? How to reimagine the common good?*

The first route follows common good items related to water with Emma Balkind. The second explores issues around philanthropy, unjust power relations and community activism with Simon Yuill. Annette's approach is clear from the off: she positions herself carefully in an instigating capacity, not as the authority on the subject with a higher claim to this place and knowledge (as are none of us), but our research as ongoing, rooted in understanding Collective's activation of the common good as a precedent, and these walks as part of a *gathering in* and *reaching out* process. That is to say, part of the activation of the sites and the act of commoning them and the research. Those who join us on the walks bring with them more than we could have anticipated: our introductions give way to the voices of Simon and Emma, poet Jane Goldman and the veritable mix of locals, activists and art-adjacent people who participate in this live walk-as-study. Together we embrace and unravel hearsay, are flooded with insights, provocations and new propositions. They will remember differently to me, too, and hold other knowledge and feelings.

WELLHEADS, WATER AND THE COMMONS

Start outside John Knox House, at a well with carved grotesque mouths that would have spurted water from around 1675. Originals in museums, replicas on show in the street. Gravity pulled water to the street well-heads through wooden pipes from a cistern higher up: Castlehill reservoir at the top of the street, decommissioned in 1992 and now a tartan tourist trap. Things shift and are re-named, are replaced, or preserved.

Elm pipes of the kind then used are now shown at the Museum of Edinburgh: more unearthed in 2018 when the university installed a new heating system in student accommodation. Here, presumably they still sit under the cobbles. 17th century: water arrives from the springs in the hills south-west of the city centre. A 50 year delay, permission granted, stalled for disputes on taxation: whether water should be free. Finally flowing, water is only piped to the most affluent. The lower classes and paid 'water carriers' make use of stands in the street. Queuing and transporting vessels of water by hand.[4] Wells form important meeting places.

Now, the guy from the gift shop might come out and tell the gaggle of people to buy something or move on. Perhaps it's not clear why you'd be looking at the well for so long, but a clog in the usual flow of people must still happen a lot.

Near here spoke Amanda Berry Smith in 1870.[5] An ex-slave, ex-cook, ex-washerwoman. Lived in freedom as an evangelist and advocate for human rights. Proponent of the temperance movement, an ab-

[4] Edinburgh Evening News (2018) *Historic network of wooden pipes discovered in Edinburgh dig*. Available at: <https://www.edinburghnews.scotsman.com/arts-and-culture/historic-network-wooden-pipes-discovered-edinburgh-dig-583276> (Accessed: 26/10/22).

[5] National Library of Scotland (No date). *African American Activists in Scotland: Amanda Berry Smith*. Available at: <https://digital.nls.uk/learning/struggles-for-liberty/themes/african-american-activists-in-scotland/amanda-berry-smith/> (Accessed: 26/10/22).

[6] M. Israel, Adrienne (1998) *Amanda Berry Smith: From Washerwoman to Evangelist*. Available at: <https://www.thefreelibrary.com/Amanda+Berry+Smith%3A+From+Washerwoman+to+Evangelist.-a065541621> (Accessed: 26/10/22).

stinence from certain liquids, driven by witnessing results of alcohol export to Africa.[6] Visited Scotland, taking hydropathic treatment – ‘the cure’ – at Crieff. Held meetings at Crieff, Alloa and others, sponsored by Christian women.

The folks from the church are very friendly, and are also likely to ask you to come in. Here in 1899, Fisk Jubilee singer and social justice campaigner Frederick J. Loudin spoke, as did in 1893 former slave, anti-lynching and civil rights campaigners, and journalist Ida B. Wells-Barnett. Staunchly supported by Frederick Douglass, Wells-Barnett also spoke at Edinburgh Ladies’ Emancipation Society.[7] We know this, but we don’t see it on the street.

Move on. Re-enter the flow of people heading up the mile. Follow the course of water, against its downward flow, hit another well, now dry, sober.

Reach another wellhead: theatrical masks on east (comedy) and west (tragedy) sides; the Edinburgh arms in an oval on the cast iron access door on the south side, and an explanatory plaque on the north side.

THE HIGH STREET WELLHEAD / THE ORIGINAL WELLHEAD OR CISTERN / IN THIS POSITION, PROBABLY OF / AROUND 1675, HAD A CHEQUERED / HISTORY. IT WAS SERIOUSLY DAMAGED / BY A HORSE-DRAWN FIRE ENGINE IN / JANUARY 1897 AND REBUILT. / THE CISTERN PROVIDED WATER / FROM COMISTON SPRINGS VIA THE / CASTLEHILL RESERVOIR FOR THE / INHABITANTS OF THE OLD TOWN, THEY BECAME IMPORTANT MEETING PLACES / WHERE LONG QUEUES FORMED. THEY FELL INTO DISUSE IN THE 19TH CENTURY / WHEN SUPPLIES TO INDIVIDUAL / HOUSES BECAME POSSIBLE. / THE WELLHEAD WAS REBUILT AGAIN AND RESTORED / TO USE WITH BASINS AND RUNNING DRINKING WATER / BY THE EDINBURGH OLD TOWN RENEWAL TRUST AND / LOTHIAN AND EDINBURGH ENTERPRISE LIMITED IN 1997.[8]

[7] National Library of Scotland (No date). *African American Activists in Scotland: Ida B Wells Barnett*. Available at: <https://digital.nls.uk/learning/struggles-for-liberty/themes/african-american-activists-in-scotland/ida-b-wells-barnett/> (Accessed: 26/10/22).

[8] Canmore (2002), *Edinburgh High Street Wellhead*. Available at: <http://canmore.org.uk/site/302327>. Accessed 26/10/22.

[9] https://en.wikipedia.org/wiki/Edinburgh_City_Chambers

[10] Canmore (2008). *Edinburgh, High Street, Adam Smith Statue*. Available at: <https://canmore.org.uk/site/306324>. Accessed 26/10/22.

[11] Anderson, J. (2021) *Don't tear our statues down' says Sir Geoff Palmer*, Edinburgh Evening News. Available at: <https://www.edinburghnews.scotsman.com/heritage-and-retro/heritage/dont-tear-our-statues-down-says-sir-geoff-palmer-amid-controversy-over-edinburghs-historic-links-to-slavery-3157353> (Accessed: 26/10/22).

Your view is crowded with Heritage. (I think) we seem quite professional with a mic and a technician: he’s lurking in the background with a speaker in a backpack turned away, his face looking out to the swell of the crowd.

City Chambers. Funded by subscription and commissioned. Sat (in part) on top of truncated buildings on closes that were then blocked-off. The administrative and commercial centre. Had its own coffee shop and millinery. Was bought by, and housed, the Town Council. Then Edinburgh Corporation. Then Edinburgh District Council. Then (now) City of Edinburgh Council.[9]

Adam Smith statue, recently built: 2008. Granted by City of Edinburgh Council. On suggestion of Dr Eamonn Butler, of think tank Adam Smith Institute. Endorsed by (then Baroness) Thatcher. Sculpted by Alexander Stoddart. Behind him a plough intends to remind of agrarian economics Smith supplanted. In front a beehive, a symbol of industry and progress. On top, a globe: on top that, rests his right hand. Other hand hides in an academic gown – the ‘invisible hand’ that guides the economy.[10] Cost £250,000. Adam Smith’s grave (nearby) also restored with £10,000 donated by Bob Lamond, oil tycoon. Contested: leaked list of sites potentially under review by Edinburgh Slavery and Colonialism Legacy Group, led by City of Edinburgh Council and Sir Geoff Palmer. Who says: ‘the next statue down in our country should be racism.’[11]

Reach Mercat (Market) Cross. Again not actually its original site. But very close. A prominent monument during the 1500s, centre of town life. Trade. Gossip. News. Public proclamations. Recently you watched this happen with the new King’s announcement. Also was a place of

public punishments. Executions. Stocks. Hangings. Beheadings. Burnings. Witch trials. Like Helen Erskine, 1613. Suspected foil for property dispute and dynastic struggle. With six others, charged with using witchcraft, consulting witches, and poisoning.[12]

Stop. Breathe. What do you see, what do you hear? See the post-its cling to the stone, see them fly off, see us snatch at them. Read them.

Stop. Ignore the pipes. Bagpipes. And the very patient puppy. It's a lot, isn't it. The sun makes us squint harder.

Reach Lawnmarket Wellhead – or Parliament Square Well. A good and rare example of its type. Prominently situated at the corner of George IV Bridge and the Lawnmarket. Built in 1835. Probably replaced a cistern removed during construction of George IV Bridge circa 1675. Provided water for public use. Value. Improved sanitation. General amenity. Critical.

Listen to Emma on water as a commons, how meaningful that really is.

Pass David Hume. Toe rubbed to golden shine for good luck, ironic for a rationalist and atheist. Contested. In 2020 a protestor strings his words round his neck on cardboard: 'I am apt to suspect the negroes to be naturally inferior to the whites'. A university building bears his name no more.

Stop again. It's not the festival – it's only June – but the tide of the tour-ists is strong. A man tries to film us. People listen in. People frown.

Turn off the mile near the cistern at the top – formerly a vast open tank of water 5 storeys deep – to Lady Stair's House. Built in 1622 by Sir William Gray of Pittendrum. Merchant. Wealthy. Tucked in the close, away bustle and noise. By the 1890s it was earmarked for demolition. Restored, partially demolished, romantic looking turret added in Scots Baronial style. Gifted to the city for use as a museum in 1907. Council's collection of artefacts transferred from the City Chambers. Now home to the Writers' Museum. Here Robert Burns, Sir Walter Scott and Robert Louis Stevenson are celebrated. The nation's finest. Inside are portraits, rare books, personal objects. Burns' writing desk. Printing press on which Scott's Waverley Novels were first produced. Robert Louis Stevenson's riding boots. A ring given to him by a Samoan chief, engraved with the name 'Tusitala', meaning 'teller of tales'. Plaster cast of Robert Burns' skull. Open Monday – Saturday, free admission.

If you continued you would come across The Witches Well, the last before the castle.

THIS FOUNTAIN, DESIGNED BY JOHN DUNCAN, R.S.A. / IS NEAR THE SITE ON WHICH MANY WITCHES WERE / BURNED AT THE STAKE. THE WICKED HEAD AND SERENE / HEAD SIGNIFY THAT SOME USED THEIR EXCEPTIONAL / KNOWLEDGE FOR EVIL PURPOSES WHILE OTHERS WERE / MISUNDERSTOOD AND WISHED THEIR KIND NOTHING / BUT GOOD. THE SERPENT HAS THE DUAL SIGNIFICANCE / OF EVIL AND WISDOM. THE FOXGLOVE SPRAY FURTHER / EMPHASISES THE DUAL PURPOSE OF MANY COMMON OBJECTS.[13]

Here was killed. Margaret Burges, 1629. For falling out from work, clothes, rent payment, debt. Slander, kissing a young female servant.[14] Alexander Hammiltoun, 1630, strangled and burnt. Part of a large scale witch hunt.[15] Listen to Emma, invoking Silvia Federici. Listen, on the right to Estover, poor women could to make a living from the commons. Then accused as witches.

We don't go to the Witches Well in person this time, instead head to the pub – the Jolly Judge – sparking renewed talk of temperance, need for hydration and cures.

[12] Survey of Scottish Witchcraft Database, Scottish History, School of History and Classics, The University of Edinburgh. (No date). *Erskine, Annas* (22/6/1614). Available at: http://witches.shca.ed.ac.uk/index.cfm?fuseaction=home.trialrecord&trialref=T%-2FLA%2F53&search_type=-searchtrial&search_string= (Accessed: 26/10/22).

[13] Canmore (2002), *Field Visit*. Available at: <https://canmore.org.uk/event/612984>. (Accessed: 26/10/22).

[14] Survey of Scottish Witchcraft Database, Scottish History, School of History and Classics, The University of Edinburgh. (No date). *Margaret Burges* (27/1/1629). Available at: http://witches.shca.ed.ac.uk/index.cfm?fuseaction=home.caserecord&caseref=C%2FEG-D%2F1058&search_type=-searchtrial&search_string=-date%3D%26enddate%3D%26place%3Dburgh%26place-name%3DEdinburgh%20%26verdict%3Dany%26sentence%3Dany%26executionmethod%3Dany (Accessed: 26/10/22).

[15] Survey of Scottish Witchcraft Database, Scottish History, School of History and Classics, The University of Edinburgh. (No date). *Hammiltoun, Alexander* (22/1/1630). Available at: http://witches.shca.ed.ac.uk/index.cfm?fuseaction=home.trialrecord&trialref=T/LA/15&search_string=date%3D%26enddate%3D%26place%3Dburgh%26placename%3DEdinburgh%20%26verdict%3Dany%26sentence%3Dany%26executionmethod%3Dany (Accessed: 26/10/22).

Begin again. With water. At The Ross Fountain. A common meeting place. Princes St Gardens. These started out as the Nor’ Loch, a body of water created by James III in 1460. Who ordered the natural depression at the base of Castle Rock to be filled with water, a plan to add to the Castle’s defences. Discounted as a means of defence by the beginning of the 17th century. Remained in place for another ~200 years. Increasingly polluted. Stinking. Drained early in the 19th century to allow for the creation of genteel private gardens for Princes St residents. Location of the fountain was agreed with then-owners of West Princes St. Gardens – the gardens remained in private ownership until 1876.

The fountain was recently refurbished, in 2018, by City of Edinburgh Council in partnership with Edinburgh World Heritage and the Ross Development Trust. Cost of £1.9 million.[16] Opened in 1872, as a ‘gift’ to Edinburgh from local gun maker, Daniel Ross: ‘a man of strongly marked character, warm in liking and disliking, a conservative in politics but liberal with his purse to help a friend or to assist any object he approved.’[17] Sculpted by Jean-Baptiste Jules Klagmann and produced in cast-iron in France. Includes cherubs, mermaids, walrus and lion heads. Four female figures represent science, arts, poetry and industry. The figure representing art holds a paintbrush. Described at the time by the nearby St John’s church as ‘grossly indecent and disgusting; insulting and offensive to the moral feelings of the community and disgraceful to the City.’[18] Note, nearby Ross Bandstand has no connection with Daniel Ross.

Leave the fountain’s babble, weave to Thomas Guthrie Statue. Guthrie stands on a pedestal, with his bible, looking down on a figure of a ‘ragged boy’. Guthrie led the breakaway from the Church of Scotland to establish Free St John’s church on Castlehill. He became Moderator of the Free Church assembly in 1862.[19]

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[16] Edinburgh World Heritage (No date). *Ross Fountain: Restoring a fountain’s youth*. Available at: <https://ewh.org.uk/project/ross-fountain/> (Accessed: 26/10/22).

[17] Patterson, D. (No date) *The Ross Fountain: a brief history*. Available at: <https://rossbandstand.org/stories/ross-fountain-brief-history> (Accessed: 26/10/22).

[18] Edinburgh World Heritage. *Ross Fountain: Restoring a fountain’s youth*. Available at: <https://ewh.org.uk/project/ross-fountain/> (Accessed: 26/10/22).

[19] <https://www.edinburgh.gov.uk/directory-record/1086058/the-thomas-guthrie-statue>

[20] <https://www.change.org/p/remove-the-thomas-guthrie-statue>

AN ELOQUENT PREACHER OF THE GOSPEL / FOUNDER OF / THE EDINBURGH ORIGINAL RAGGED / INDUSTRIAL SCHOOLS, / AND BY TONGUE AND PEN, / THE APOSTLE OF THE MOVEMENT ELSEWHERE / ONE OF / THE EARLIEST TEMPERANCE REFORMERS / A FRIEND OF THE POOR / AND THE OPPRESSED.

I find a petition calling for the removal of the statue by a former pupil who suffered in the care of one of Guthrie’s Ragged Schools.[20] Guthrie published his book ‘Plea for Ragged Schools, or Prevention is Better Than Cure’ in 1847 and opened the ‘Edinburgh Original Ragged Industrial School’ at Ramsay Lane. In time this would become part of polymath Patrick Geddes’ ‘Outlook Tower’. Then acquired by New College with the intention that it should form part of the proposed Patrick Geddes Centre for Planning Studies, by the University of Edinburgh in 1972, and sold to Visitors Centre Ltd in 1982. Now Camera Obscura & World of Illusions.

From Guthrie’s statue we can look across to one of his supporters: the statue of theologian Thomas Chalmers on George Street. He appears to be standing in the middle of a roundabout. Guthrie was active in the Free Church alongside Chalmers, publishing his doctrines around the same time as abolitionist Frederick Douglass’s speeches in Scotland on his famous ‘Send Back the Money’ campaign of 1846. In Douglass’s words:

SEND BACK THE MONEY!” was indignantly cried out, from Greenock to Edinburgh, and from Edinburgh to Aberdeen. George Thompson, of London, Henry C. Wright, of the United States, James N. Buffum, of Lynn, Massachusetts, and myself were on the anti-slavery side; and Doctors Chalm-

ers, Cunningham, and Candlish on the other. [...] Abler defenders of the doctrine of fellowshipping slaveholders as christians, have not been met with. In defending this doctrine, it was necessary to deny that slavery is a sin. If driven from this position, they were compelled to deny that slaveholders were responsible for the sin; and if driven from both these positions, they must deny that it is a sin in such a sense, and that slaveholders are sinners in such a sense, as to make it wrong, in the circumstances in which they were placed, to recognize them as Christians.[21]

Continue along through the gardens, looking this way and that, eyes dart to faces around. Who are these emblems to this city now? What is the relationship of the common good to philanthropy? Who decides what is good for the 'people'? Who is really in control and where is the money really coming from?

Wind back down to the bandstand. Listen to memories of picnicking punks, illicit gigs, things changed, things not. Anger at locked up rain shelters, at expanding Christmas markets, the influence of private trusts and obscured corporate relationships with the council.

It has been proposed recently to reimagine this part of the garden, by 'The Quaich Project', a partnership between the Ross Development Trust ('a small and sparsely resourced private trust, born of philanthropy and a desire to further the common good'[22]) and the City of Edinburgh Council. The Quaich Project seems to have ceased activity during the pandemic, I find the website link is broken. The original bandstand was created in 1877, marking the garden's official opening to the public. Named after William Henry Ross, chairman of the Distillers Company Ltd, who in 1935 donated £8,000 towards the cost of a new bandstand. In 2017 a US based architectural practice won a controversial competition to redesign the bandstand and its surrounds, plans which are now halted:

It is a great pity that it has come to nought. If you look for attributing responsibility for that, Covid has been a prime mover. But it is the city's park and ultimately the responsibility has to lie with the City Council....[23]

Bodies in conflict, Historic Environment Scotland opposed the proposal and maintain:

The proposals [...] failed to respond to a key attribute that contributes to the Outstanding Universal Value of the (Edinburgh Old Town) World Heritage Site... Although we are supportive of the garden's facilities being improved, with the current proposals we noted we would object to planning permission and conservation area consent if an application came in.[24]

Ahead of the Scottish local elections in 2022 the Scottish National Party's manifesto committed to regulation of the festivals and: *Working with community groups, we'll facilitate a plan, by local people and for local people, for the Ross Bandstand in Princes Street Gardens, publicly-owned and operated for public good.[25]*

Get moving again. Stop at Gardeners Cottage – passing a disjointed group of yet more statues. The Cottage was built in 1876 when the park became public and a head gardener was appointed. It has since been restored, complete with an ornate dining room, and operates as the campaign base for afore-mentioned floundering Quaich Project. Public access only on open-doors day.

Uphill to the floral clock. Simon speaks eloquently of 'commons time' vs time under capitalism. I am stuck on what it means to have a planted, living, common good item that is ripped out and re-grown each year. The Floral Clock itself was first created in 1903 and is the oldest of its kind in the world – until 1972 the clock was operated mechanically and had to be wound daily. Since 1946 it has been designed in honour of various organisations and individuals, including the Girl Guides Association, Robert Louis Stevenson and, this year, for the Queen's Platinum Jubilee.[26]

Cross the street, into East Princes St Gardens. On the way to the Scott Monument pass various common good statues (colonial-era men).

[21] Douglass, F. (1855), *My Bondage and My Freedom*, Chapter XXIV: *Twenty-One Months in Great Britain*. Available at: <https://www.gutenberg.org/files/202/202-h/202-h.htm> Accessed 26/10/22.

[22] Waite, R. (2021) *Hopes fade for wHY's Ross Pavilion as plans go into 'hibernation'*, Architects Journal. Available at: <https://www.architectsjournal.co.uk/news/hibernation-why-reveals-rejigged-ross-pavilion-plans-two-years-after-contest-win-2> (Accessed: 26/10/22).

[23] Ibid.

[24] Ibid.

[25] Ferguson, B. (2022) *SNP to pursue new indoor arena and Ross Bandstand revamp if it wins power in Edinburgh*, The Scotsman. Available at: <https://www.scotsman.com/whats-on/arts-and-entertainment/snp-to-pursue-new-indoor-arena-and-ross-bandstand-revamp-if-it-wins-power-in-edinburgh-3659601> (Accessed: 26/10/22).

[26] City of Edinburgh Council (2022) *Floral clock will bloom in honour of HM the Queen's Platinum Jubilee*. Available at: <https://www.edinburgh.gov.uk/news/article/13485/floral-clock-will-bloom-in-honour-of-hm-the-queen-s-platinum-jubilee> (Accessed: 26/10/22).

Professor Wilson Statue, stares straight into overgrown trees. Professor of Moral Philosophy at Edinburgh University in 1819, right wing critic, he wrote under the pseudonym of Christopher North, and his anti-reform views provoked opposition. He holds his cloak around him with his right hand in which he also holds a quill, and leans on a palm tree stump with his left hand. Holding folded papers in his left hand. David Livingstone's statue: him, holding a Bible, wearing a cloak and haversack, with a pistol and compass at his waist. A cast off lion skin represents him having survived a mauling. Sculpted by Amelia Paton Hill, one of the few women sculptors in 19th century Edinburgh. At the Scott Monument one of our group reveals their involvement in the statues' restoration. How do we engage with an idea of heritage – with common good – that seeks only to preserve?

Move on to Waverley Market. Jane Goldman reads, empathically, her poem 'Here there were fruit', drawing on Andy Wightman's extensive documentation of the saga of its ownership and (mis)management.[27]

Final stop: the new UK government offices at 'New Waverley', site of the former garage/depot at East Market Street on what was historically common good land. It's a place that feels empty and corporate, heavily guarded. Simon discusses local protests about the change of use of this land – the impact on local communities and their housing, as well as a former artist-led space.[28] Our group arrives here as police move in on Just Stop Oil protesters, who have splashed and smeared the crisp new glass frontage in red paint, and the words 'Blood on your hands' as the approval goes ahead for the Jackdaw North Sea gas field.[29]

POSTSCRIPT

[27] Wightman, A (2012) *The fight to save Waverley Market is now over*. Available at: <http://www.andywightman.com/archives/720> (Accessed: 26/10/22).

Wightman, A (2006) *Report on the Common Good of the City of Edinburgh*. Available at: http://www.andywightman.com/docs/edinburghcg_20060426.pdf (Accessed: 26/10/22).

[28] Independent Republic of the Canongate. (2010) *Edinburgh Council gives up on Caltongate*. Available at: <http://independentrepublicofthecanongate.blogspot.com/2010/08/edinburgh-council-gives-up-on.html> (Accessed: 26/10/22).

[29] Just Stop Oil (2022) *Government Office Targeted in Stop Jackdaw Demand*. Available at: <https://juststopoil.org/2022/06/02/government-office-targeted-in-stop-jackdaw-demand/>. (Accessed: 26/10/22)

I found out that Edinburgh Thomas Guthrie was for some time minister at Arbirlot, a small place just down the road from where I now live, on the edge of Arbroath. Compared to the city where nuance, detail and attention drown in the excess, here there is not much to mark this history and not many 'heritage visitors'. It's close to the river and a popular spot for a dook, a cold plunge in a small waterfall. As drought hits the East Coast already known for its good weather (comparative within Scotland) the right to water feels more significant than ever. We avoid the worst wildfires compared to stories from further South, and in this case have different relationships with private companies managing public amenities. Despite the constantly arching spit-spit of irrigation sprinklers the impact on the yield of soft fruits and leafy greens is surely felt. While the season turns, Emma's insights on the right of Estover stick with me as I consider where the best spots for blackberries are and whether the plums are too close to the polluted road. Eyes opened to the commons, I find myself looking for them, and for others to look, do and make commons with. Land is a bit different here – it is industrially agricultural, coastal – and access just now for me means following routes through woods and the overgrown edges of farmer's fields, and trying to find a list of my local common good items (my email is waiting patiently in the council's inbox).

THE CITY OF EDINBURGH DISTRICT COUNCIL
Department of Architecture

Address: Princes Street
Gardens (West)
Monument: Thomas Guthrie
Date: 27/5/79

MONUMENTS CATALOGUE - SUPPLEMENTARY FILE

INFORMATION:

The architect for the project was Mr. A. N. Prentice of London. (16/5/1910).

("EDINBURGH TOWN COUNCIL, LORD PROVOST COMMITTEE, MINUTES,
1909-1911, p. 77)

The unveiling of the statue was set for Wednesday, 5/10/1910 at 12 noon. The
Town Council was invited. (29/6/1910).

("EDINBURGH TOWN COUNCIL, LORD PROVOST COMMITTEE, MINUTES,"
1909-1911, p. 156)

Letter received from a Guthrie relative expressing concern for the monument's
condition. (28/5/1953). Further details see file.

(EDINBURGH TOWN COUNCIL, TOWN CLERK'S DEPT., WORKS & FURNISHINGS, FILE NO.
1219 - UPGRADE OF PUBLIC MONUMENTS)

Sculpted by F. W. Pomeroy. Pedestrian statue with ragged boy and bible. White
freestone on granite plinth.

("LISTED BUILDINGS - EDINBURGH, No. 179, p. 249)

Thomas Guthrie (1803-1873), preacher and philanthropist. Educated at Edinburgh
University. He was minister at Arbiriot from 1830 to 1837, at Old Greyfriars in
Edinburgh from 1837 to 1840, and at St. John's Parish Church also in Edinburgh from
1840 to 1843. At the time of the Disruption, Guthrie seceded and took most of his
congregation with him. He formed, as a result, Free St. John's Church on Castlehill.
Guthrie became Moderator of the Free Church Assembly in 1862 but retired from his
charge in 1865. Dr. Guthrie also took a special interest in the plight of the poorer
classes; he organized a non-sectarian school for poor and neglected children. He
was strongly against alcohol. He was also a writer and in 1847, he published
"Plea for Ragged Schools", and in 1857, "the City its sins and sorrows."

(DONALDSON, G., & MORPETH, R., "WHO'S WHO IN SCOTTISH HISTORY,"
pp. 236-237)

The unveiling of the Guthrie Statue, sculpted by Pomeroy, A.R.A., occurred on 5/10/1910.
The granite plinth stands 13 feet high, and the marble statue 25 feet above street
level. The Lord Provost, the full Town Council, various other dignitaries, and
members of the Guthrie family were in attendance. The statue was unveiled by Lord
Balfour of Burleigh with a little difficulty however. One of the ropes to the veil
got tangled and a fireman had to climb a ladder to release it. Lord Balfour de-
scribed Guthrie as "... a great orator, a practical philanthropist, a very apostle
of social reform." He concluded his speech by asking the Lord Provost to accept
custody of the memorial. Lord Provost Brown gratefully accepted custody on the
behalf the Town Council.

(PRESS CUTTING, "SCOTSMAN," 4/10/1910, p. 7)

Ref reference: 24998 - 73742

Council accepts custody - at this
point enters the council good?

on behalf of the Town Council
= on behalf of the people?

opened in 1847
Edinburgh original
Ragged Industrial
School, Canaway
Lane

MONUMENTS CATALOGUE - SUPPLEMENTARY FILE

INFORMATION:

Situated in the West Gardens between the Scottish American War Memorial and the Simpson Statue. Marble pedestrian statue on top of granite pedestal. The base of the statue is inscribed: "F.W. POMEROY A.R.A. SCULPTOR 1910," while the plinth is inscribed as follows:
On the side facing Castle Street:

"THOMAS GUTHRIE
D. D.
PREACHER AND PHILANTHROPIST
1803 - 1873."

On the side facing Mound:

"BORN AT BRECHIN,
FORFARSHIRE.
MINISTER SUCCESSIVELY, OF ARBIRLOT,
AND OF GREYFRIARS
AND ST JOHN'S PARISH CHURCHES,
AND OF FREE ST JOHN'S CHURCH
IN THIS CITY"

On the side facing Lothian Road:

"AN ELOQUENT PREACHER OF THE GOSPEL
FOUNDER OF
THE EDINBURGH ORIGINAL RAGGED
INDUSTRIAL SCHOOLS,
AND BY TONGUE AND PEN,
THE APOSTLE OF THE MOVEMENT ELSEWHERE.
ONE OF
THE EARLIEST TEMPERANCE REFORMERS.
A FRIEND OF THE POOR
AND THE OPPRESSED."

(INFO FROM PERSONAL VISIT 8/3/1978)

The Town Council granted a site for the Guthrie Monument in the West Princes Street Gardens in answer to a letter from Guthrie's son, Mr. A Guthrie of 3, Fenwick Street, Liverpool. The cost of the statue was to be circa £2000 and the matter was remitted to the Parks Committee to follow up on this. (3/12/1907).

("EDINBURGH TOWN COUNCIL, MINUTES," 1907-1908, p. 60)

A letter was received from Mr. A. Guthrie of Liverpool with a cheque for £100 for the City, to form a permanent fund for the cleaning and repair of the Guthrie statue. (25/10/1910).

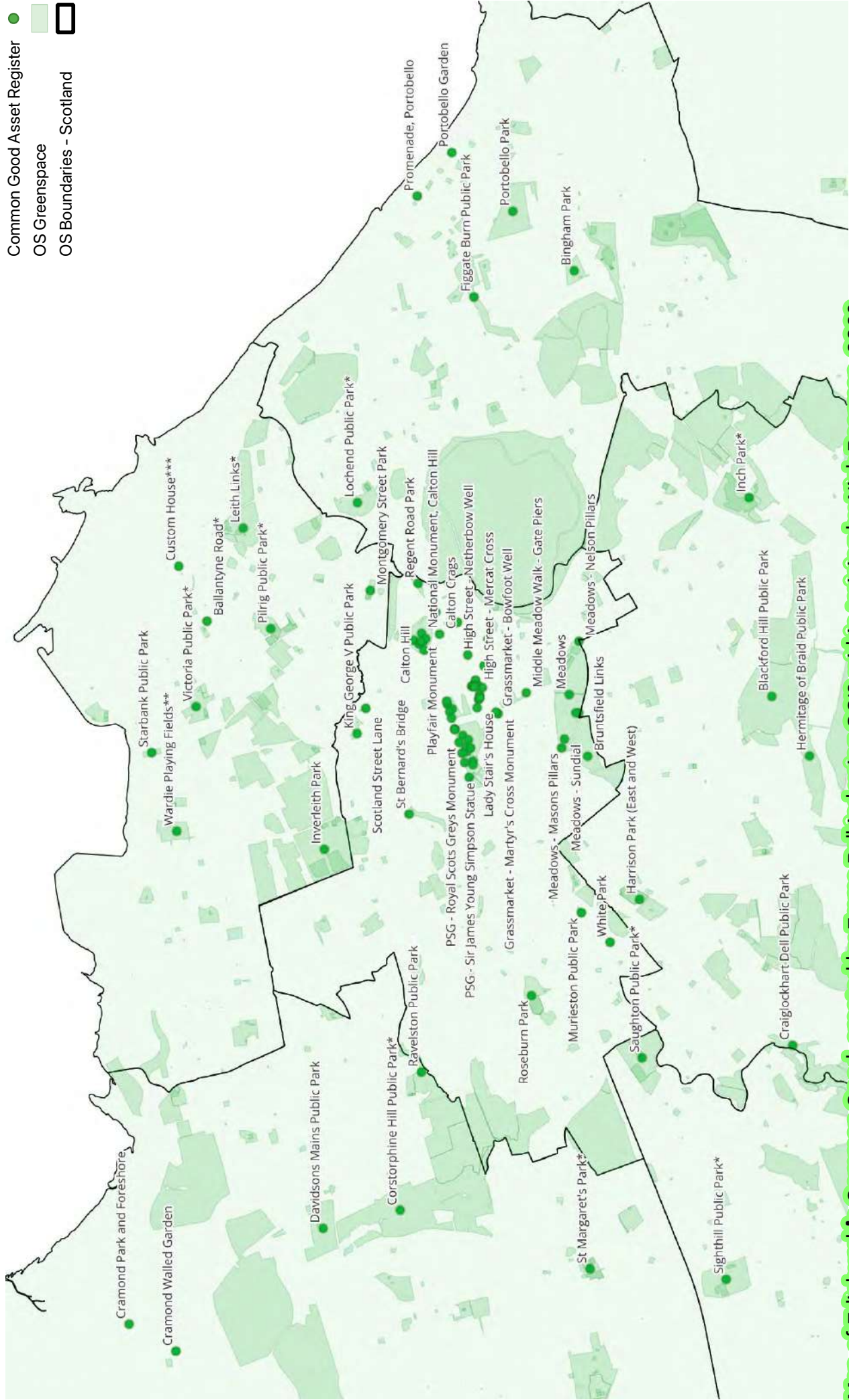
("EDINBURGH TOWN COUNCIL, MINUTES," 1909-1910, p. 773)

Edinburgh

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Argus
No mention here of
common good — however
Princes St Gardens were
CG at this time
(were in private ownership till 1906)
Council granted use
CG land
most (?) monuments in
Princes St gardens are
common good — Frank Little
suggests this is due to the
land's designation
itself





Map of Edinburgh's Common Good, created by Emma Balkind using QGIS within training by Nick Bearman, 2023
Common Good Register courtesy of Edinburgh City Council, OS Greenspace and Scotland Boundary Maps courtesy of Ordnance Survey,
Concept based on Common Good Google Map produced by Alison Scott for Collective, 2022.

COLOPHON

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The online resource is available at:
www.collective-edinburgh.art/held-in-common-good
There, you can listen to interviews corresponding to *A Matter of Precedents Audio Transcriptions*, as well as view digital versions of the Common Good Google map, and further resources.

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