

Labour's Scottish land reforms play to the nationalist gallery

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15 January 1999

Britain's Labour government has announced that one of the first acts of the Scottish Parliament will be to reform Scotland's ancient land laws. The measures are presented as a long overdue democratic reform to benefit all members of the "rural community".

Fully 98 percent of Scotland's land area is rural. Of this 80 percent is agricultural in the loosest sense of the word, ranging from productive farms to shooting estates for the wealthy. At present 88 percent of land is privately controlled, the bulk divided into 1,500 enormous estates that account for 80 percent of the country.

Half of all private land is owned by just 350 people. Of these, 21 individuals control about 14 percent of land area. They include figures such as the Duke of Buccleuch, descendent of Charles I, believed to be Britain's biggest landowner, who has 270,000 acres around Dumfries and the Countess of Sutherland with 123,000 acres. Colonel Sir Donald Cameron of Lochiel, the 88-year-old head of Clan Cameron whose ancestors fought for Charles Stuart at the Battle of Culloden in 1746, owns 76,000 acres of moorland in the West Highlands. Captain Alwyn Farquharson of Invercauld owns 120,000 acres bordering the Queen's Balmoral estate.

Particularly in the agriculturally barren and mountainous Scottish highlands, estates are still operated under a legal regime that retains distinct characteristics from the feudal era. Even today, owners are legally termed "superiors"; crofters (small farmers) and tenants are "vassals". Owners can vary the "feu"--payment to the owner--at will. There is a system of "burdens" regulating land and building use. The government intends to abolish this and replace it with simple ownership.

The feudal land laws are a remarkable anachronism in a highly advanced capitalist country. But, like the Labour government's reform of the House of Lords, the democratic presentation of the latest measures is largely illusory and covers very contemporary economic and

political interests.

To build popular support for the measures, one point has been highlighted--that a community of farmers, crofters and small businesses should have the right to buy the rural estates on which they live. If an estate comes up for sale, the government should set the price. The community should also be given time and limited financial support, from the National Lottery, to organise a buy-out. The government will also acquire the right to compulsorily purchase "badly" managed estates by "rogue" landlords to prevent farmers' and shopkeepers' livelihoods being disrupted when the estate is transferred to another owner.

In the recent past there have been several occasions when landowners have simply sold their highland or island estates without the slightest regard for the plight of the small businesses and crofters in their fiefdoms. Crofters run extremely small and often impoverished farms and usually have a second job in the local economy. Much publicity has been attached to a campaign by crofters on the tiny island of Eigg, who recently raised £2.6 million to buy the land they worked from the local laird.

But these measures will not genuinely address such abuses, let alone alleviate the hardship faced by Scotland's 17,000 crofters, nor broader layers of hard-pressed small farmers and small businesses.

The Scottish Land Reform Group, set up by the Scottish Office and chaired by government Minister Lord Sewell responsible for agriculture, environment and fisheries, prepared and researched the proposals. Others contributing to the final report include senior figures in the Land Use, Enterprise and Tourism, and Rural Development division of the Scottish Office. Their aim is to develop the rural economies and encourage sustainable economic independence. They state in their 1998 report, "Land reform is needed on grounds of fairness, and to secure the public good.... [The] present systems of land

ownership and management in rural Scotland still serve to inhibit opportunities for local enterprise."

Later in the same report: "The aim is to find ways of maximising desirable land use--which the Group defines as sustainable rural development which can make local populations more self-reliant, increase their economic independence, and provide them with a better quality of life, while conserving and where possible enhancing the environment, both for now and for the future."

Stripped of the verbiage, this is a proposal to cut state subsidies to rural areas, remove barriers to expanding profit represented by the feudal ownership rules, and to ensure an adequate work force for the hotels, open cast mines, tourist attractions and farms that constitute the rural economy. Tourism alone accounts for £2.5 billion annually.

This involves coming into conflict with specific landowners who see their rural empires simply as tax dodges and quiet rural retreats and who are indifferent to calls from local investment agencies for new areas of commercial exploitation.

Concerned at initial press reports that their property rights were to be curtailed, some members of this vastly wealthy layer, complained that their human rights were in danger. Andrew Dingwall-Fordyce, for the Scottish Landowners' Federation, said he might take the landowners' case to the European Court of Human Rights.

The Labour government rushed to reassure them. A spokesman told the *Scotsman* newspaper that the land seizure proposal was the equivalent of a "nuclear deterrent". That is, its use was nearly inconceivable. As the leading business journal, the *Economist*, noted, Scottish Secretary Donald Dewar "thinks that the draconian powers of the state will rarely--perhaps never--be used. That is because, by Mr Dewar's own account, most Scottish lairds do a reasonable job."

While some landowners remained suspicious, the Duke of Buccleuch and Cameron of Lochiel quickly embraced the proposals as "constructive" and leaving "the way open for good and responsible landowners".

There are also broader political aims behind Labour's proposals. The government has moved now because of the political pressure it faces from the Scottish National Party (SNP). As one of the opening acts by the Scottish Parliament, the moves will look like a social reform, albeit one that has no impact at all on the lives of the vast majority of Scottish people. It is also a "reform" with a distinct nationalist subtext.

For decades, centuries even, the economically backward

highlands have been at the heart of Scottish national mythmaking. In the eighteenth century, while capitalism expanded rapidly in the lowlands and central belt of Scotland, around what are now the large industrial cities of Glasgow, Edinburgh and Dundee, the highlands remained in a near tribal state of economic development. Clans attempted to continue their traditional lifestyles of cattle rearing and cattle raiding. Such property as existed was held in common between the large extended families of the MacGregors, the MacDonalds, the Camerons, and so on.

Disaffected highland clans formed the bulk of Charles Stuart's army when he launched his attempt to re-impose rule by the Stuart dynasty in 1745. Once peace was restored and the clans bloodily suppressed after their 1746 defeat at Culloden, the highlander became the source of the traditional paraphernalia of "Scottish" culture--the kilt, the tartan, the clan lineage. Deprived of their traditional livelihoods, many clansmen enrolled en masse in British armies, and played a particularly bloody role in assembling the Empire.

The "Highland Clearances" of the late eighteenth and nineteenth centuries saw many of those remaining as small farmers and agricultural workers evicted from the tiny and primitive villages, whose remains can still be seen in many highland valleys. In the main, the clan leaders benefited immensely from replacing their clan brothers and sisters with sheep. The process was the last and one of the most brutal episodes in the introduction of capitalist farming techniques to British agriculture.

The fact that the clan leaders who presided over much of this were Scottish has not prevented nationalists from presenting the clearances as an example of English oppression. This view has become quite deeply rooted, and has been the subject of many popular works of history and fiction. It has become the stock-in-trade of the SNP. When Labour raises land reform as the ostensible goal of the first act of the Scottish parliament, they are resting on these widely held popular misconceptions about Scottish history and are directly appealing to nationalist sentiment in order to outflank their SNP rivals.



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