

The Land Problem

1997 Public Questions, Religion and Morals Report

Free Church of Scotland

In this abstract from the Church's *1997 Public Questions, Religion and Morals Report* a case is made that there is still a '*land problem*' in Scotland. It arises partly because of misguided attempts at securing employment, forestry and agricultural productivity during the last 50-years in the remoter parts, but principally because the landholding structure which has prevailed there for many generations.

While the solution to the problem has taxed many wise heads in the past, it would seem that the basic difficulty lies not in identifying the remedy but in summoning up the political will to carry it through. A Biblical perspective would suggest that *rural land should cease to be treated as a commodity and should be regarded as a trust*, placing upon the landholders an obligation to realise its potential – in every sense, whether environmental, human or economic.

The paper concludes by the Church calling upon the Government to seek remedies by way of *widening land ownership, promoting good stewardship, and devolving responsibility for local land management policy to local communities*.

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Is there a '*land problem*' in rural Scotland?

The question can be looked at from at least two points of view? First, what may be called ***land hunger*** – *an unsatisfied demand for land, principally for agricultural purposes*. Second, the ***distribution*** of land in relation to wider social factors – *land use, rural population, and development*.

The first is not, in general, an issue in Scotland. It has been in the past, particularly in the early years of this century, when bold steps were taken by government to acquire land for would-be entrants to farming. Nowadays, although entry to the profession is as difficult as ever it was, the widespread demand is not there – except in some parts of the Outer Hebrides, where the problem is often due to inactive residents unwilling to apportion or sub-let croft land.

The second is a hidden problem. Its existence is denied by some, including the present Government. It applies mainly in the south and the north of the central belt of Scotland, and it arises because of history and the land tenure pattern which history has imposed. Basically, it concerns lower-quality land which is owned in large swathes, is largely unoccupied except on the fringes, and is given over to land uses – sheep-rearing, sport hunting, and forestry in particular – that are extensive in nature and are believed by many to be contributing to further deterioration of land quality.

The nature of the problem

The dangers here were identified and carefully written up, in relation to the '*crofting counties*' by Fraser Darling in the West Highland Survey (1955). His solution was, basically, to get more people on the ground by remedying the agricultural mismanagement and by introducing new employment – especially part-time employment, which would allow crofters to supplement their agricultural income – and improved educational facilities.

Since the 1950s, almost all the trends have been downwards:

1. The quality issues have not been addressed, in terms of the policies followed by governments and public agencies.
2. Agricultural assistance has, under European Union influence, been advantageous to larger operators rather than smaller, and has boosted sheep numbers at the expense of cattle.
3. Forestry has not provided work for residents, has tended to use up locally-important inbye land, and has employed planting and harvesting methods, species choice and scale of operation which have been detrimental to land quality.
4. Measures to assist rural economies have tended to be by way of industrial promotion or tourism projects – often out of scale with the capacity of the area to absorb them – which have undermined indigenous jobs rather than complementing them. This has been more evident in oil-related development, except possibly in Shetland and Orkney.
5. Essential social infrastructure – schools, health services, post offices, banks, etc – has become less local, under relentless cost-cutting pressure.
6. Landownership has not become more diffused. In so far as it has passed out of the traditional pattern (of estate owners + resident factor), it has tended to fall into institutional or investment hands, often remote and secretive – which does nothing for the confidence of the local population.

As a consequence of all this, although the population of some rural regions has actually risen, the increase has generally been in villages and towns, and the root problem – the emptying of the remoter countryside – continues.

Responses to the problem

Although organisations like Rural Forum have raised awareness of some of the issues, the present Government's response, in the shape of the White Paper Cm 3041/1995 (*People, Prosperity and Partnership*) is to wash its hands of direct responsibility for them and to place emphasis on *voluntarism* and *partnership*.

But another view of the matter is emerging. It is a political – though not yet a party political – outlook, neatly encapsulated in the first three McEwan lectures, by Professor Bryan MacGregor, Dr James Hunter and Professor John Bryden (available <http://www.caledonia.org.uk/land/lectures.htm>). These switch attention back to land tenure and the Government's responsibility for it. There is a treble thrust:

- (a) land is a unique resource, not a form of capital;
- (b) landownership, far from being irrelevant, is the major determinant of land use and development; and

- (c) the legal framework underlying present patterns of landownership, far from being self-evident and equitable, is full of anomalies and is amenable to legitimate variation in many ways.

In brief, these commentators converge on the following specific recommendations (with certain exceptions for existing landowners):

- 1 an upper limit on the size of an individual's estate;
- 2 limitations on ownership by beneficial trusts or foreign companies;
- 3 limits on subsidies (agriculture, forestry, conservation, etc) receivable by an individual;
- 4 positive measures to encourage wider ownership, including inheritance tax changes, a requirement on landowners to reside on the land, financial assistance to tenants to take ownership, etc; and
- 5 complete transparency about existing ownerships and future land transactions.

Other ideas with one or more proponents include controls over unsatisfactory or inadequate land usage, extending to compulsory purchase in extreme cases (with standing administrative machinery to enforce such measures), and appropriation of development value by the state.

A Biblical perspective

A Christian understanding of these matters should start from the Scriptures. Both Old Testament and New are emphatic on the rights (and duties) of property and inheritance (Genesis 13:17; Numbers 17:4; Joshua 18:3; and Acts 5:4). Land is regarded as property, although not necessarily equivalent to other forms of property (Exodus 21:33-22:15, *passim*; Leviticus 25:13-16). In the Old Testament there are strong inhibitions on the alienation of rural land in particular. Land is a patrimony, and landmarks are sacred.

It might be argued that certain aspects of the Biblical tradition are reflected in the current state of UK (and Scottish) land law. This however would be a superficial view. In particular, the present pattern of landownership in Scotland would hardly pass muster against Scriptural canons. The Bible's starting point is a world view in which *'the earth is the Lord's and the fullness thereof'* – a text much quoted by John Murdoch, one of the earliest land reformers. Land must not be treated as a commodity because, says Jehovah, *'the land is mine and you are but aliens and my tenants'* (Leviticus 25:23). Ownership is a form of stewardship (Leviticus 25:25; Kings 21:3). Woes are pronounced against those taking possession of more territory than they require (Ezekiel 45:8-9, 46:18), and against those who *'join field to field, till no space is left and you live alone in the land'* (Isaiah 5:8).

Above all, the Old Testament sees land as a resource for *people*. It does not discount the rights of animals or plants, but the emphasis is on human occupation, with everyone having a proper share (Deuteronomy 28:11, Jeremiah 31:27-28, and Ezekiel

36: 11-12). The severest curse against a nation is that of having its land emptied of its inhabitants (Deuteronomy 29:23, Isaiah 6:11-12, Jeremiah 25:10-11, and Ezekiel 33:28-29).

Obviously some of the Old Testament prescriptions relate specifically to the land of Israel as the inheritance of the chosen race. But there can be little doubt that the underlying principles go wider than this. Against a Biblical background, there must be a question mark against a situation in which – to be specific – half of Scotland is owned by 600 individuals in blocks ranging from 2,000 to 100,000 hectares (Wightman, 1996 - *Who Owns Scotland*, p158).

In seeking to arrive at a Biblical – and a Christian – view of a current issue like the *land problem*, it is dangerous to move precipitately. That was the error of the early land reformers in Scotland – Murdoch, MacCallum and the like. They tended to take Old Testament texts as passwords for their own particular convictions and indeed to set themselves up as prophets (Meek, 1987 – *The land question answered from the Bible*, Scottish Geographical Magazine). The same tendency can be seen in aspects of liberation theology. The New Testament, while just as forthright in its denunciation of social evils (*e.g.* James 5:1-5) as the Old Testament, warns the Christian against putting temporal concerns at the head of his agenda (Luke 12:13-14).

Other temptations may lurk below the surface. One such is to embrace, unwittingly, what supporters of the status quo sometimes call the politics of envy – resenting the possession by some of an inheritance greatly superior to our own. Scripture gives no countenance to that sort of egalitarianism (Luke 19:24-26) – but it is to be feared that it has influenced some of the latter day opponents of ‘*privilege*’, such as Tom Johnston and John McEwan. Another tendency is to ignore, or belittle, the sense of trusteeship which may, and often does, animate the hereditary landowner. It serves no purpose to urge existing estate owners to imitate Francis of Assisi and to divest themselves of their heritage in a single grand gesture. There is a management (or, in Biblical terms, *stewardship*) job to be done, whoever does it – as the Assynt Crofters Trust, for example, is well aware.

Towards a conclusion

Which brings us back to the issue of land quality and improvement, raised at the outset. To many people nowadays the case for improving land is indefensible. For one thing, with agricultural surpluses all around us, the last thing we should want is to make land more productive. What is more, they argue, it is intensification that has so severely damaged the natural habitat, which is now recognised as a valuable resource in its own right.

There is a valid indictment of the way in which land improvement and development have been interpreted, by both government and the land interests, in relation to rural Scotland during the second half of this century. ‘*Improvement*’ has often meant, in practice, modification for short-term gain at the expense of the land. Accordingly genuine improvement, or rehabilitation, is needed. The reason for doing this is not to boost agricultural production – in that respect, things have changed somewhat since Fraser Darling’s day – but to provide the base on which an indigenous population can thrive. Westoby has said that ‘*Forestry is not about trees, it is about people*’. In

marginal areas that is equally true for farming, or fishing, or industrial development, or whatever. This then is the great need of rural Scotland – so to turn around the present pattern and standard of land use that it serves the needs of *people*. There are models for this in Northern Norway, in Denmark and Austria, to look no further. In a sense it does not matter who owns the land, so long as it is appropriately managed.

But, of course, it does matter who owns the land. Bryan MacGregor has shown how directly land use decisions turn on the motivations of owners: they, he claims *are the rural planners in much of rural Scotland*, where the land is owned in large parcels by a few individuals. And these motivations are mixed: in the case of personal owners they are likely to include – besides a genuine concern for the estate population – determination to pass on a heritage unimpaired to successors, expectation of profit, desire for status, romantic attachment to a place, desire for privacy, enthusiasm for ‘*country sports*’ or for nature conservation. Few of these factors will minister to the kind of land management which will in fact be in the interests of the inhabitants as a whole.

As regards institutional or public landholders the situation is no better. Their motivations will be narrower in range than those of the private owners, and are likely to focus on the maximisation of some end-result – whether it be dividend paid to shareholders, or a product like timber or hydro-electric power, or a public ‘*good*’ like species protection or landscape. The fact that such objectives will tend to be pursued single mindedly is not a favourable omen for the interests of the resident population. The public landholder is just as likely as the private to follow policies designed to empty the countryside of people.

It would seem therefore that the present pattern of landholding in much of rural Scotland does not meet the Biblical criteria, which point to *a territory being occupied fruitfully by as many people as the land can bear*. Granted that much of upland Scotland could not support a high population under any circumstances, it is still the case that its fruitfulness and, its population are far below the potential. And this is largely because the owners, for their own reasons, are content to have it so.

It has been said that the way in which a society uses its land is a template of the society. A government, therefore, elected on a platform of pursuing principles of equity in land policy would be justified in imposing some constraints or inducements to change the present Scottish situation. If, as appears from what is argued above, the main problems arise from *the absolutism of rural landownership*, then steps should be taken to weaken this *absolutism*. The objectives would be to diffuse possession more widely, and to restrict the existing freedom to do with land what the owner chooses to do – roughly what the Crofters Holdings (Scotland) Act 1886 sought to achieve in relating to crofting areas, but now more generally and more radically.

There is a battery of possible mechanisms for achieving the desired results – short of expropriation, which is not an equitable method and, as it appears, is not favoured by any of the current commentators. Controls exercised at the point of future land transactions look reasonable, as do limitations on the amount of subsidy or taxation relief receivable by an individual. Assistance – financial or otherwise – for tenants to takeover holdings could be a useful corollary.

As to land use, intervention to outlaw or penalise inadequate or inappropriate usage would seem heavy-handed and probably ineffective. It would be better to recast the existing incentives – whether in agriculture, forestry, fisheries, tourism, industrial development or whatever – so that they contributed directly to good land management and were biased towards the smaller operator.

Perhaps the most useful step of all would be to return the responsibility for planning, controls and assistance to the most local level possible, so that the measures necessary to re-people the empty glens and straths were, so far as practicable, tailor-made to meet the needs of particular communities. That would be real ‘*empowerment*’. By contrast centralism, and the failure to monitor or correct the anomalies to which the general legislation has given rise, are at the root of many of the land problems that plague rural Scotland today.

What might be the optimum pattern of population resulting from a policy shift on the lines sketched out above? This is a fair question, even if it is most often posed – with hostile intent – by defenders of the status quo. The landowner, Michael Wigan, for instance, has asked what advantage would accrue from dividing 10,000 acres of bog and rock into ten pieces of 1,000 acres each. The answer, however, should be approached by way not of arithmetic but of the mobilising of human resources. The Assynt Crofters Trust has found that, without any massive injection of capital, the mere transfer from single landlord to a community ownership has released a flood of local energy and opened up a wealth of opportunities and sources of employment. The desirable interim result, throughout most of the area in question, would be a modest increase in the size of the existing communities (with the revival of some communities that are dormant or dead) coupled with a very significant increase in the number and especially the range of actual jobs on offer.

Summary

There is still a ‘*land problem*’ in Scotland, both south and north of the Central belt. It arises partly because of misguided attempts at securing employment and agricultural productivity in the remoter parts, but principally because the landholding structure which has prevailed there for many generations. It is revealed in massive stretches of degraded monoculture – whether for sporting purposes, for extensive sheep rearing, or for forestry – typically held in single land ownerships. For the small local population that survives the job opportunities are limited in scope and dwindling, with a continuing haemorrhage of young people.

While the solution to the problem has taxed many wise heads in the past, it would seem that the basic difficulty lies not in identifying the remedy but in summoning up the political will to carry it through. A Biblical perspective would suggest that *rural land should cease to be treated as a commodity and should be regarded as a trust*, placing upon the landholders an obligation to realise its potential – in every sense, whether environmental, human or economic.

The essential elements in a Biblically-based land policy would appear to be:

1. Without dispossession of existing landowners, a move towards diffusing ownership more widely and limiting institutional ownership – using statute legislation, fiscal measures, and financial assistance as appropriate.
2. A radical redirection of agricultural and developmental incentives to promote, rather than undermine, environmental objectives and restore sustainability of land.
3. A return to rural communities of the right to shape their own destinies and to determine the best local pattern of incentives, controls and initiatives in the interests of good land management.

Motion presented to the General Assembly

The General Assembly give thanks to God for a Scottish land resource of such beauty, natural wealth and potential:

- *they deplore the exploitative misuse of much of this resource over many years; and*
- *they call on the Government to seek remedies by way of widening land ownership, promoting good stewardship, and devolving responsibility for local land management policy to local communities.*

Further Information

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