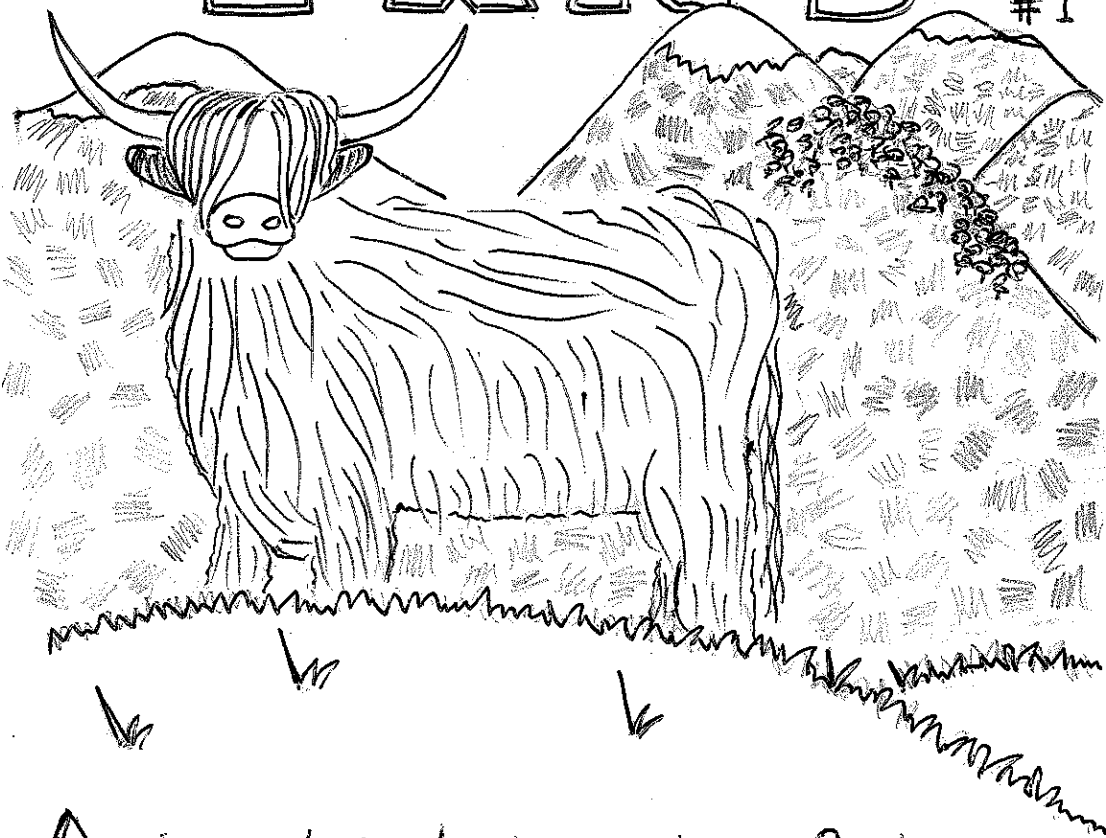


TAKE BACK THE

LAND

#1



A zine exploring land ownership in Scotland

by Reclaim the Fields Scotland

Welcome

Food, space, home, garden, community, nature, festival, energy, empowerment, power, nourishment, shelter, culture, ancestors, a grave...Whatever you associate with the land, we need it for our most basic human rights, our happiness and culture, yet it is owned by others (should it even be owned?) and has been stolen from under our feet.

Are we not outraged? Maybe we're just used to it. Most people aren't even aware.

In Scotland we have the most concentrated system of land ownership of anywhere in the developed world: more than America, worse than China. Land rights is something we often relate to struggles in the global south, but nowhere is it a bigger issue. The statistics related to ownership of land are staggering; 18 owners hold 10% of rural Scotland, and a tiny 0.025% of the population owns 67% of privately owned rural land. This has barely changed for hundreds of years. Land is extortionately priced, out of reach of any but the rich who abuse the soil others live upon and visit only to shoot stags for trophies.

This zine serves as food for thought, to enrage, empower and entice those keen to see change over the land. It explores how land in Scotland came to be controlled by so few people and then touches on why land is important and what we can do to change things. This age old issue is as important now, at a time of ecological collapse, capitalist mayhem and extreme inequality, as it has ever been. Everything starts with the land. So many of the issues we fight could be solved if we cared for the earth in a collective and sensitive way. Land is power, so let's empower ourselves.

Take back the land!



A Short History of Land Ownership in Scotland

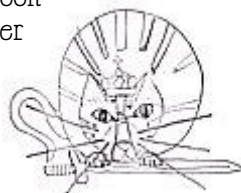
A tale of theft and power

The rich of the country (and very often of other countries) have accumulated land by devious means until Scotland has become home to one of the most concentrated land ownership systems in the world. The landed class sit on swathes of land which they treat like a private playground for mostly “sporting” (hunting, shooting and fishing) pleasure. Huge areas of the country have been divided up and jealously guarded for over a millennium. Fewer than 1,500 private estates have held the majority of Scotland for over 9 centuries, having created a system that reinforces their grasp on the land. This is an archaic system, deeply rooted in political decisions and oppressive ruling. It has shaped the country and mired the common history of people on the land, even removing most of the people from it.

To understand how such an unequal pattern of ownership came into being it is necessary to go back to before there was such a thing as the “Scotland” we recognise today. At the time of David I (1124-1153) most of the land was governed by systems based on Celtic and Nordic tradition, particularly in the Highlands. Little is known about these arrangements, it is thought much was based upon kinship relationships and that land wasn’t owned in the manner we understand it today but tended by those who lived upon it.

Feudalism

David I was after power and began reigning control over the land with the introduction of the feudal system. This is one of the primary reason the current ownership system exists having been embraced and moulded to suit the ruling elite ever since. Feudalism was a hierarchical tenure system whereby more than one person could maintain rights over property. The monarch was the highest power under God and gave out entitlement to land as contractual bargains. In return for the power to rule land, these ‘vassals’ to the crown were bound by feudal charter to pay a feudal duty. This could be in the form of money, knights, services or even a symbolic payment. The vassals could also feu land



themselves and retain specific rights, creating a hierarchical pyramid of ownership with tenants at the bottom of the pile and landed power retained indefinitely by those at the top.

David I granted feudal rights to French knights who would support him and native nobility who were willing to enter into this contractual bargain. Robert the Bruce, the fabled hero of nationalist mythology, was one of these colonising foreign knights. Following his ascent to the throne (itself a story of thieving and cheating), feudalism was accelerated and consolidated in the hands of Norman nobility. Bruce won the throne and secured Scotland for himself. At the battle of Bannockburn, Scotland wasn't saved from the grasps of English overlords as popular history prescribes but wrestled into the hands of a warlord, who continued the concentration of landed power.

Feudalism did not completely take over land ownership mechanisms, but was woven into pre-feudal institutions, adapted by the nobility to ensure the concentration of land ownership. Astonishingly, feudalism was only abolished in 2004, 500 years after it was introduced.

Reformation of the Church

As the 16th Century rolled around the nobility were enjoying power over much of the land and many Clan chiefs were subscribing to a structure of feudalism. The church had become the leading landed power, owning $\frac{1}{4}$ of the country. The reformers led by John Knox intended to revolutionise the church, removing the papistical hierarchy and power structure. For success they required the support of the nobles - who saw an opportunity to wrestle land into their hands. Knox's honest ambitions were lynched by the ruling elite, who sided with the Reformers whilst also making deals with the clergy. In this way they secured control of the Reformation Parliament and simultaneously of church land, by becoming 'guardians' in return for protecting the bishops. All that was needed for the nobility to steal church land forever was the General Annexation Act of 1587. This authorised the transfer of land from commendator (nobles looking after church land) to feu (owning it). As John Knox put it:

"Papistical tyranny shall only be changed into the tyranny of the lord or of the laird."

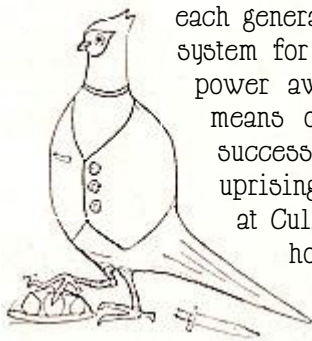
The trick of creating laws to legitimise theft and the accumulation of land was (and still is) one of the most important means for the ruling elite to ensure land fell and stayed in their greedy hands. Two of these to have major implications for land ownership are the Registration and the Prescriptions Acts of 1617. The former created the Register of Sasines, a recording system which remains in place to this day. This enabled those rich thieves to legally protect their claims to stolen land. The latter conferred ownership of land to those who could make a claim to holding it for 40 years: mostly church land and other illegitimately owned land such as common land. These were basically laws which authorised land grabbing and ensured protection to the thieving nobility. It was the very same nobility who elected each other as the committee to write these laws, passed in Parliament without debate. As put by Andy Wightman:

"... it was the craft of the lawyer that, next to the power of the crown and the criminality of the nobility, cemented the institution of land ownership in Scotland."

Power hungry nobles and sneaky lawyers

These tactics were part of an ongoing power struggle between the landed class and the ruling monarchs. The Register of Sasines allowed the nobility to escape some power of the crown via official registration so that it could not be taken from them so easily. The next sneaky trick was to ensure that the concentration of landed power never waned by introducing the Law of Succession. This enshrined primogeniture, where the eldest son has total hereditary right, into the system. The far reaching consequence has been that owned land has never been divided, securing the concentration of landed power in the hands of a very small number of people for hundreds of year. Abolished in the rest of Europe over a century earlier, primogeniture wasn't to be removed from Scot's law until the Succession (Scotland) Act of 1964. Unfortunately this only allows other children to inherit capital, it is not legally binding and so largely the old established system of succession persists.

Another Parliamentary manoeuvre by the nobility, which reinforced the landed power structure, was a series of laws passed in the 17th Century preventing appraisals - the forfeiture of land if the debts of the owners cannot be repaid. This came in the form of the Act Concerning Talzies which secured succession of land against creditors. Unsurprisingly popular amongst the nobility, ¼ of Scotland was covered by talzies by 1785. As with feudalism, this was only abolished in 2004.



Feudalism originally conferred total authority to the King who could recall feudal charters and required them to be renewed by each generation. Over time Edinburgh lawyers twisted the system for the benefit of the landed class and wrestled power away from the crown. This happened first by means of heritable feus which secured charters for successive generations. Then, following the Jacobite uprising of 1745 and famous defeat of the Highlanders at Culloden, a series of legal reforms liberated those holding a feudal charter from their subordinate position to the crown, allowing the selling of feus without consent. The nobility could now amass land without interference from a superior authority. This event marks the beginnings of the modern land ownership system in Scotland. The reason it persists in this country but not elsewhere in Europe is that the monarchy surrendered control to the Parliament in the late 16th Century, before the masses rose up against the Crown. The landed class running the Parliament had much to gain from feudalism and held on to it for as long as they could.

The Highland Clearances

The removal of people from the highlands was a tragic end to a dark history of cultural depression. Successive kings pushed the feudal system on Clan Chiefs, replacing what was a territorial concept with one of property ownership, whilst violently ransacking Gaelic culture.

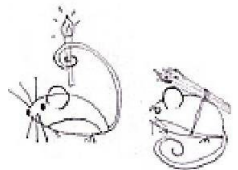
Destruction of the Clan system began when James IV wrestled the Highlands and Islands from the King of the Isles in 1493. He waged Clans against each other by designating feudal charters which didn't correspond to territorial lines. As Clan Chiefs began conceding to monarchic authority, ruthless tactics were employed by James V to

depress Gaelic culture, burning and thieving his primary means of control. Additionally, a draconian act in 1597, which required all who owned land to provide written evidence, allowed James VI to force the forfeiture of land by many Clan Chiefs.

Although Highlanders themselves never accepted the concept of land ownership, feudalism gripped the land by the 17th Century, albeit alongside the native system. Many of the Clan Chiefs became Highland aristocracy and sought to maximise the rent on their land. When the Clan system eventually broke down, as loyalties and native governance yielded to feudal charter and monarchic power, the people of the Highlands and Islands were devastated by the financial valuation of their land. Feudalism took outright hold over the North after the battle of Culloden when Jacobite leaders were forced to forfeit their land. The new Highland Lairds and remaining Clan Chiefs aspired to great economic wealth and sold their land to men who decided sheep farming was more profitable than people. Next followed the forced and voluntary evictions which leave much of the Highlands emptied to this day. All that was left was for rich landowners to amass land until by 1900 over ½ of the Highlands was owned by just 15 landowners.

Still the same

There is much more to the dark, convoluted history of land ownership in Scotland than can be written here. What is important to glean is that the rich have stealthily amassed and secured land which remains acutely concentrated and protected to this day. This is not something they will give up easily, the abolition of feudalism, progeniture and the so-called 'reform,' introduced by the devolved Scottish Government have had negligible effect. We need major upheaval, more community ownership and dissolution of the massive estates. The final article in this zine gives some ideas of what we can do.



If you would like to find out more about land ownership, the majority of the information in this article comes from *The Poor Had No Lawyers: Who Owns Scotland* by Andy Wightman, which is highly recommended.

Why does land matter?



Is it right that a forest can be bought and sold? How can a mountain belong to an individual? When the Cuillin Hills in Skye were sold by the Duke of Buccleuch in 2000 there was public uproar: but it still went ahead, the hills are in private hands. The ownership system which has become the accepted power over land in Scotland is destructive for the natural environment and for people. The land has been stolen, annexed and divided up by a ruling elite until the vast majority of people are landless. We know how they got it but why does it matter? Here are a few thoughts.

Land is what we need to live, grow, learn, share, to keep us sane and so much more. Imagine a place where nobody had title to the earth beneath your feet and the responsibility to care for it was shared amongst those who lived upon it. Do you imagine a place full of life, of equality and a healthy environment? This couldn't be further from reality. Let us start with the dark historical period of the Highland Clearances. Money lust led men to drive people from their homes. They burned whole villages to replace people with sheep and satisfy financial ambition. Such wanton greed has manifested in today's Highland 'sporting' estates which dominate the uplands. On these properties the human population is in continual decline and employment is one person every 7 square kilometres, the lowest in Europe below the Arctic Circle. The desire for ever more deer (led by land valued on how many stags can be shot) has led to 'ecological deserts' of heather moorland where great forests once stood. At a time when we should be acting with urgency in the face of climate change and ecological collapse the majority of the north is dominated by tweed and guns. The sadness once felt by evicted people still echoes in the wounds of the land.

The Clearances are one of many mechanisms by which people have been removed from the land. Others include the enclosures, agricultural 'improvements' and industrialisation. These are not simply historical events, they shape our lives to this day. By removing people from the land a connection to the earth and respect for what we need to exist, in a physical and meta-physical sense, has been lost. What has gone is something deep and innocent and raw. Like a cheap rug, our

sense of place has been pulled from under our feet. This affects how people treat themselves and each other. Fear, hatred and addiction are all magnified by isolation from the land. People have become removed from nature, which has been shown to increase depression and results in abuse of the natural environment. It's difficult to care when it's not yours, leading to collective abuse through resource depletion, waste and pollution. It is no coincidence that community owned land such as Eigg is low impact, the islanders choosing to generate all their own energy from the natural elements. And equitable as with Gigha where affordable housing provision resulted in the island's population rising from 98 at the time of buy-out in 2002 to 150 by 2011.

Abuse of the land isn't unique to the highlands. Coal mining in the South, gold mining in the Trossachs, rivers damned for massive hydro, and inappropriate wind farms built on sensitive ecosystems illustrate how land is abused because it is controlled by those who benefit financially from it rather than those who live on it. They treat land as a commodity which provides a resource such as deer, tax avoidance or a playground and are ignorant of the suffering of local people which results. Land ownership under the current system increases the disparity of wealth, creating poverty in the midst of affluence (for more see the Natural Law of Rent). It is from the monopoly of land that our extreme housing prices, insurmountable debt and crushing economic depression all stem. It seems absurd that some have thousands of acres they rarely visit whilst others cling to the bread-line. Why should this be?

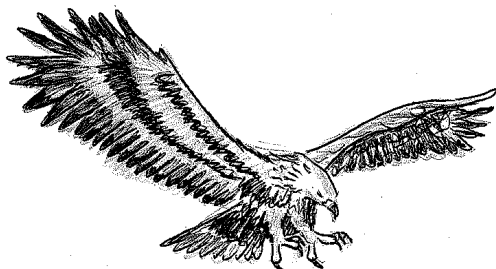
Being cut off from the land alters our collective conscience: in the gap created we lose part of our mind and we forget. We forget where the roots of our existence and route to happiness truly lie. We forget that clean water and fertile soil relies on mosses as much as forests and that these things matter in their own right. Wind farms on remote mountain sides as an 'environmental solution' are an industrialisation of the natural environment to line the pockets of people who are already rich. Over centuries we have been forced into city boxes and isolated from our food which now comes pre-chopped in plastic packages - so we forget. We forget about the land, how it is all of ours and it was taken from us.

The land gives us our basic needs of food, shelter and community and these most humble human rights have been taken away from us. A route to empowerment is through regaining control over the ground we live and grow on. Successful community ownership has shown that land is cared for by those who live upon it because it is their collective life-blood. On north Harris this has resulted in the planting of native woodland and a reduction in deer numbers to allow the land to recover from overgrazing. When people share and cooperate in looking after their piece of the earth they do so holistically and with future generations in mind. We are tied to the land by the food that we eat and the air that we breathe. These are not things which should be dictated by others.

Land ownership is a concept which has been burned into our minds and accepted as the norm. The commons have been stolen, communities ejected and the natural environment traded as if it is an expensive sports car. We even allow those who live far away to decide how the earth is treated, with little or no consent from those who live there.

We must ask ourselves where do we want to take human society and what do we want to leave for our children? A brighter future lies amidst a liberated land.

Take care and an equal share. That's what we need for the land. It can't happen whilst we live under the most concentrated land ownership system in the developed world. It has got to change.



So what can we do?

Don't believe the hype(ocracy)

In 1803 the Passenger vessels Act prevented cleared Highlanders from emigrating from Scotland. This forced them to work harvesting seaweed used in manufacturing chemicals, lucrative for landowners at the time. In 1882 when life-threatening impoverishment caused Skye crofters to go on rent strike the local police force was sent in to arrest them. These are examples of the state favouring those with power and money, defending profit over people. This is not a historic phenomenon, It remains unchanged: the Institute of Fiscal Studies found that the benefits and tax system is regressive, hitting the poorest 10% of families hardest and tiptoeing around those with wealth. As another example, agricultural support weighs heavily in favour of big landowners; the Duke of Buccleuch receives £549,000 a year in state subsidies for owning more land than anyone else in Scotland.



Looking under the surface like this it becomes apparent that the state's *"primary intention is to enable the economic exploitation of one class by another,"* (A.J. Nock). From even glancing at the history of land ownership in Scotland it is clear that the landowning class made the rules, a power they wield to this day. Our political representatives are the original landed interest wearing a new hat. For these reasons state solutions to land ownership are a façade; centralisation is a trap.

The point is that change on land ownership must come from the ground up. As put by the celebrated political economist Henry George, *"the people themselves must think, for the people alone can act."* By setting up community groups, trusts and gardens we can become empowered to make decisions for ourselves. And if power is the lock then decentralisation is the key. Local governance and decision making is the only way to truly achieve higher equality.

Buying land

Frustratingly, land is expensive enough to be out of reach of most people. This is caused by private ownership leading to monopoly and speculation. An example highlights the absurdity of this: Imagine a world where the air we breathe could be bought and sold. Those with the power to do so would hoard up more than they needed, renting it out to those with none to make a quick buck. Others would speculate on the price of air, buying low and selling high. Being finite air would no doubt get expensive fast, a few people would become very rich and many would become dependent on those who own air. Sound like madness, but land is like air; no person made it or can take it away. It is a common wealth out of reach of commoners.

Cooperatively organised spaces in both rural and urban environments can have massive impact on the community and we need more of them. Radical Routes is one avenue for enabling collective ownership. It is a network of housing and worker cooperatives and social centres whose members are actively working for social change in the UK. They provide financial support and advice for such groups.

Community buy-outs

There have been some major success stories and there is currently over 500,000 acres of land under community ownership, mostly in the North-west Highlands and Islands. This model provides a viable alternative to the neo-liberalist consumption based society which dominates today. For example, in North Harris community ownership has allowed the provision of affordable housing, renewable energy and a community fund to support local projects. The land enriches many rather than a few.

This is amazing progress, but only part of the solution as land throughout Scotland remains largely in the hands of the same people it has for the past 500 years. There have barely been any new buy-outs over the last decade due to a complex system and lack of financial support. And in any case, should we be handing over yet more money to those who have stolen our land from us, along with its rents for not just decades, but centuries?

Community wealth

Imagine you work a farm. You till the soil all year and raise fine crops, but on harvesting the lion's share is snatched from you. Why? Because some else owns the land and charges you rent. Land owners all around take as much as they can get away with leaving you and other farmers the minimum possible. By taking all they can, owners not only benefit unjustly from other people's work simply through ownership, but also drive down what farmers get to the point of subsistence and drive farm prices sky high. You can't afford a farm of your own so are forced to keep giving up the product of your own hard work. Fair? This is what happens with land, as explained by the Natural Law of Rent famously well penned by Henry George. It is the same thing with other forms of land use, from factories to computer shops.

So let's change things. Suppose that the farms are not owned at all, but rented from the community. Firstly rent could be set at a fair level, leaving plenty of produce for those who do the work. Second the rent could go into a central pot for community projects and support. This is the community created wealth which is currently stolen from beneath our feet. It's a scam! Landowners profit from the hard work of others whilst simultaneously depriving the community of a great financial resource.

The tables have been turned on the Isle of Eigg, with amazing results. Under the laird who described the islanders as "rotten, dangerous and totally barmy" things were going to the pan. Housing was dilapidated, unemployment high and power provided by an expensive, dirty diesel generator system. Under community governance, 24 full and part time jobs have been created, electricity is stable and affordable from a local renewable system and housing is cheaper and more available. All made possible by removing the monopoly system of land ownership. Land costs less to rent and there is more to spend on projects which benefit the community. This is fair.

Squatting

Reclaiming land simply by moving in. More direct and avoids political dealings, although you may have to deal with the police. Unfortunately

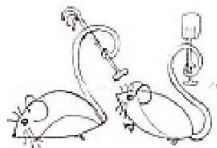
there are no squatters rights in Scotland. As a result of the Trespass (Scotland) Act 1865, it is a criminal offence to 'lodge in any premises or encamp on any land which is private property without the consent or permission of the owner or legal occupier'. The maximum penalty is a fine and imprisonment up to 21 days and the owner can eject you from the premises without giving you any notice or applying to the court. So this needs to be done fairly secretly, on a piece of land which isn't visited much or is hidden away from sight. If you're very lucky a landlord may tolerate someone living quietly on a corner of their land. Even better is to find some land which nobody has claim to or has forgotten it is theirs.

Claiming land

Although this has been one way in which the landed class have stolen and amassed huge properties, it is something that we can use to our advantage. First find a patch that you think there is no recorded owner of. To claim this land you need to have a title deed, which someone can grant you as a *non domino* title (literally, from one who is not the owner). This must then be lodged with 'the Keeper' who is the person in charge of the land registry. After 10 years, if no-one else has claim to the land and you can prove you checked this then you are the rightful owner! This is the basics of a slightly more complicated procedure, get in touch for more details.

Community spaces

Community gardens are the most obvious and commonly created community space, but we can also create social centres, community shops, nature reserves and workshops which are directed by the people who use them. This empowers people to take control of their lives, breeds equality and leads to happier, healthier communities. The antithesis to Tory rhetoric 'Big Society' which implies closing down public services, we need well supported, democratically run community spaces.



Guerrilla gardening

Just use the land, it's not always necessary to own it! Guerrilla gardening can take place in rural and urban environments

and is simply growing plants without consent. Start off quite subtly and if nobody is watching the land or removes what you plant then put some more veggies and fruit trees in the ground!

Strong networks

It is important that we support each other in struggles on the land. Through our networks we can share stories, skills, information and resources to take back the land. We hope that our group, Reclaim the Fields, can help in this along with some other helpful people such as:

- The Federation of City Farmers and Community Gardeners - farmgarden.org.uk
- Community Land Advice - .org.uk
- Community Land Scotland - .org.uk
- Hartwood - hartwoodcommunity.coop
- Radical Routes - .org.uk
- La Via Campesina · viacampesina.org
- This Land is Ours www.tlio.org.uk
- Reclaim the Fields - .org (EU) .org.uk (UK site)

Reclaim the Fields Scotland

Reclaim the Fields is a Europe-wide network of people interested in getting back to the land. It is about growing food, re-skilling, re-connecting, land rights and other issues associated with the land.

The network aims to create alternatives to capitalism through cooperative, autonomous, needs oriented small-scale production and initiatives.



In Scotland we have begun forming a RTF group to create a network of those interested in and taking action on issues around land. We think this is urgently needed in Scotland where land ownership is so concentrated. We want to grow gardens and communities and to change a crooked system. Get in touch if these words speak to you.

Resources

Land Ownership History

The Poor Had No Lawyers: Who Owns Scotland (2011) by Andy Wightman

The Making of the Crofting Community (2000) by James Hunter

The Lowland Clearances (2003) by Peter Aitchison and Andrew Cassell

Who Owns Scotland Now? (1996) by Auslan Cramb

www.whoownsScotland.com – website providing information on land ownership in Scotland

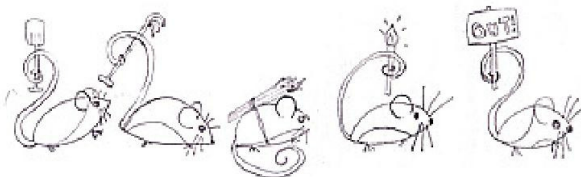
The Natural Law of Rent

Progress and Poverty (1879) by Henry George

Stolen Land – Stolen Lives and the great con trick of DEBT! (2011) by Shirley-Anne Hardy (available from Waterstones, Perth 01738 630013)

The Land Question (1981) by Shirley-Anne Hardy (available from <http://jubilee101.com/subscription/pdf/Natural-Law/The-Land-Question---24pages.pdf>)

Our Enemy the State, (1983) by Albert Jay Nock



Get in touch. If you would like to find out more or get in touch with the group email reclaimthefieldsscotland@gmail.com.

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