

The future value of crofting

Will proposed new legislation be the saviour or the Scotland's unique crofting culture? Calls for deregulation and encouragement of 'free market' practices in crofting risk its commodification as a capital asset, its tapping as a source of unearned wealth, and its securitisation by global financial markets. The community going to the dogs, argues **Susan Walcott**

What is crofting?

Crofting is a social system unique to the marginal, rural highlands and islands of Scotland. Crofting is characterised by a particular statutory form of secure and regulated land tenure, strong and cohesive community bound by kinship and common working, small-scale food production, and other economically marginal enterprise. Individual crofts, enclosed on the better 'in-bye' arable land, are small holdings typically of five to ten acres (but occasionally much larger), usually developed with a 'croft house'. Individual crofts are held and worked by 'crofters' under 'crofting tenure'—a unique form of leasehold—while remaining the nominal property of a crofting landlord. The crofting system distinguishes between the use and rental values of land—it then conveys the former by secure tenure to the indigenous occupant of a property, and effectively extinguishes the latter by strict market and rent control with token nominal rents.

Crofts are organised geographically into named 'townships'. Attached to these are 'common grazings' on the poorer quality surrounding hill ground, and other common resources. Individual crofters have rights of usufruct (limited use) over these—rights managed by a committee of township shareholders. Tenancies are transferred (assigned) usually by inheritance (which, with generational migration, has created a problem of vacant crofts and absenteeism), but can be sold. Incoming tenants traditionally pay to the outgoing tenant the value of just the improvements to the croft—houses, buildings, fences, ditches & drainage, etc.—but nothing for the land.

There are currently some 17,923 registered crofts in the highlands and islands, and around 12,500 crofters. Around 10% of the region's population lives in crofting households—but locally this can be up to 65%, as on the Isle of Skye. About a quarter of the agricultural land area in the so-called 'crofting counties' is under crofting tenure—some 1.9m acres—producing 45% of the area's breeding ewes and 20% of the beef cattle, both of which are sought after for their quality. Crofting is admired as a traditional form of sustainable agriculture that has lessons for the crises-ridden global age.

The advent of the internet has transformed the opportunities for economic activity within the Crofting Counties. The development of the renewables energy industry is presenting marginal crofting communities with an opportunity to benefit from resource rent capture from wind, wave and tide—providing an income not enjoyed since the heady days of kelp and the herring. Newly commercialising energy technologies such as micro hydro are releasing crofters from the tyrannies of peat burning and the tanker-fuelled diesel generator. The reforms from Scotland's land reform programme—and in particular the innovations of the Community Land Tenure initiative—are bearing particularly positively on some crofting communities. After decades of insecurity and decline, a synergy with the community land trust model may be helping crofting to find new feet: here and there populations are stabilising (after a fashion—although demographics often are not, and local character may be diluting) and some school rolls showing hopeful signs; indigenous Gaelic culture and language is on a rolling revival; local and regional political confidence is growing, social capital building, and economic security strengthening.



Cuir do mh
cha do dh'

Put yo

A BATTLE is taking place in the north and west of Scotland which few outwith that area will have heard about, but which is very much about land and, in a sense, about liberty. As the Scottish government tries to bring a new crofting reform bill to parliament, a yawning chasm has opened up between those who bitterly resist the idea of increased regulation of crofting, and those who fear that crofting will rapidly disintegrate if nothing is done to control abuses of the crofting system, such as the sale of croft land on the free market.

Crofting has sustained communities around Scotland's northern and western margins for two hundred years, and it could be claimed for many centuries before that. Crofters practiced self-sufficiency and sustainability long before it became fashionable—displaying a deep

understanding of and reliance on the land and the local environment. Yet crofting and its culture and ethos seem to be little understood within Scotland, let alone further afield.

A succession of Acts from Westminster tried to bring crofting into the modern capitalist economy. The 1976 Crofting Reform Act (see box below) gave crofters the right to buy their croft at fifteen times the annual rent, or buy and 'decroft' their house and garden ground (convert it to conventional tenure). With many crofting rents as low as £5 a year, it must have been assumed this would result in a deluge of applications; and perhaps there was a hope by civil servants and governments that this anachronistic form of land tenure would be gone for ever. But even in 2009, particularly in the Gaelic-speaking counties, it is remark-

able how few crofters have taken up the offer, apparently preferring to remain faithful to the ethos of occupying land to which their family has a right in perpetuity, but retaining an indigenous understanding that the land should never become a private economic asset.

However, with rises in house site and property prices, particularly over the last decade, some have understandably been tempted to use their 1976 rights. Now, instead of a harvest of potatoes, oats or turnips, some crofters are gleaming a one-off harvest of pounds sterling—putting whole crofts, tenancies, house sites and decrofted croft houses on the open market at prices out of the range of local people.

The Crofters Commission is the body which is meant to regulate crofting. It has been at best weak and at worst complicit in allowing free

marketeeing in croft assets, and in failing to take action on absentees who leave crofts empty and unworked and communities with gaps in them. At each successive sale of croft assets on the open market to those often with no kinship to the people, the place, or the land (and who have no intention of using for crofting purposes what they buy), the indigenous aversion to selling off the 'family silver' is further weakened.

The stark results of what would happen if increased deregulation were to take place are only too evident in Glendale in the north of Skye. There an early experiment in ownership of croft land by the crofters was achieved in 1906 through a spirited attack on landlordism by the Glendale Martyr, John MacPherson, and his followers. One hundred years later, MacPherson would not recognise his native

community: on the one hand, there are now and forty-seven crofts, and many active crofters; the cost of crofting has soared so that it is now almost impossible for young people to acquire crofting as a result there is an ageing population of holiday homes—many holiday homes—Primary School (in Highland) is currently not in use on the school roll"; several of the population of Glendale.

With a sense of despair, the community of crofters in the small village of Camuscross, my own home on the Isle of Skye, decided that there is a revival of interest in crofting township, with more people coming to live locally and together on the

History

Highland landlordism appeared out of the breakdown and subversion of the traditional Scottish clan system of social organisation. It was driven by rapacious individual chieftains, forgetful of their duties to their kith, revelling in their privileges, and increasingly greedy to participate as equals in the aristocratic social environments provided by the newly created United Kingdom and the Enlightened Europe. From the 1700s Highland landlords developed an increasingly commercial attitude towards the land and its people charged to their care, resulting in the Highland Clearances, and contributing to the Scottish dispersion.

During the late 1800s a series of uprisings by tenants—encouraged by the Irish Land League, and with Henry George visiting Skye in 1884 with his 'Scotland and Scotsmen' public speech—resulted in the seminal Crofters' Holdings Act of 1886. By giving crofters both secure and inheritable land tenure and the right to fair rents, the Act sought (overtly) to encourage the improvement of land through secure family possession and protect and sustain vulnerable populations, and (covertly) to quell social unrest and disempower emerging non-establishment political potential.

It mostly worked—and the highlands became a relatively contented place for the next hundred years. The cost, many have argued, is an institutionalised system of bureaucratic social patronage and enforced peasantry, overseen by government agency—the Crofters Commission (*ughdarras nan croitearan*)—and many have wondered why such an arrangement has often been anxiously held-onto in the face of offers of increased autonomy. The 1886 Act was followed by further crofter legislation—notably in 1955, granting the right to assign a croft to a non-family member, and in 1976, giving crofters the absolute right to buy and 'decroft' their house or garden ground, and the right to buy their whole croft.

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Crofting Reform 2009—Shucksmith & all that

The most recent Crofting Reform Act, of 2007, was heavily criticised for failing to end speculation on croft land—a major crofter concern. Mark Shucksmith, Professor of Planning at Newcastle University, was appointed to chair a Committee of Inquiry into Crofting.

The Inquiry's main concerns focused on: land and environment issues; strengthening rural economies, supporting affordable housing, reforming governance of crofting, regulation and enforcement and encouraging young people and new entrants to crofting. Its final report was submitted last year—but, apparently (although the suspicion is of a vocal minority at work) did not go down well in the crofting community. In spite of this, elements of its recommendations have been incorporated into draft new reform legislation—public consultation on which has just closed. The main legislative proposals are:

- reform of crofting 'governance'—ie. Crofters Commission
- reform of the Crofting Register to clarify boundaries and interests
- shifting croft house financing to the private sector
- introduction of croft occupancy requirements
- enforcement against absenteeism and the neglect of crofts.

Some of the proposals nudge crofting towards the free market, some towards greater regulatory control: different crofter perspectives take succor or are angered accordingly. The reforms seem pragmatic but unprincipled in the face of a divided subject. Would they encourage a market in croft land as a capitalised asset, or introduce new securitisation to the private financial sector?

The letters pages of the regional (and national) press—like the West Highland Free Press—are currently raging with concern. Conservative views wish no change at all to current arrangements: "we are a minority group of people who are having legislation forced on us that we don't want and this is indeed a very serious matter. We see no need for any of the changes in the current legislation."

The embattled common crofter is generally sceptical of the proposals: "it is doubtful whether such policy will find much favour with the men and women who go to the hills and moors in all weathers to tend to livestock, know what a fank smells like, support the local shows and yet continue to fight against the odds to retain their communities, after having witnessed their year's work sold 'for a song' by detached men in white coats."

But some progressive elements within crofting—perhaps only now letting their voices be heard—whilst rejecting some of the proposals on the table, are broadly supportive: "Would we, as individuals, rather have land productive and worked, children running about, and our schools open and thriving, young families able to set up home, houses lived in rather than occupied two weeks a year? Or do we as individuals prefer to forego all of that in exchange for money in the bank? Those of us who are lucky enough to have inherited or acquired a croft have a great duty of responsibility on our shoulders. I do not care if my croft house or land is devalued financially: I would rather have neighbours, children in the village and my own potatoes than some numbers on a bank statement. It is a different kind of wealth, but one that is equally precious. And I do not believe I am alone—I believe the vast majority of silent crofters are of the same opinion."

gone wrong with crofting—and what could be achieved if it were properly regulated.

For crofting is not only a unique system of land tenure, with a long and rich history; but, when viewed within the context of the rapidly approaching problems posed by food insecurity, unsustainable food miles and rising carbon emissions, it shows itself to be a system that is extraordinarily apt, not just for the present but for the future. If encouraged and supported, it could give each crofter the freedom to operate outwith the vagaries of the market economy: allow him to live and grow food on his own piece of land, simultaneously increasing local food for the whole community; and build community cohesion and strength, through the management of the common land and a revival of old communal work practices—and by giving access to affordable land and houses unweighed-down by land capital cost. It is a system with the potential to give people living at the margins, remote from centres of population and employment, the right and freedom to recreate a modern version of the self-sufficient and sustainable communities of the past.

Crofting is worth saving. If we can return to its traditional ethos where land was valued for the food and security it could give, rather than its marketable value, it could be used as a shining example of what might be possible for other areas and other countries; for it respects people and place, language and culture, the past and the future, the land and human liberty. [L&L](#)

Susan Walker is a crofter and artist on the Isle of Skye. On their two acre croft and share of the hill grazing, she and her husband keep a milk cow and beef cattle, and produce hay, potatoes, turnips and other meat and vegetables.