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LAND REFORM IN SCOTLAND: HISTORY, LAW AND POLICY. Ed by Malcolm M Combe, Jayne Glass and Annie Tindley

Edinburgh: Edinburgh University Press (<https://euppublishing.com/>), 2020. xii + 428 pp. ISBN: 9781474446853. £19.99.

This book is the third in the recently established “Scotland’s Land” series published by Edinburgh University Press. The aim of the book is to provide a rounded view on land reform, tracking and analysing developments from the medieval period to the present day. The approach is multidisciplinary and the volume is split into three parts, history, law and policy, with each part containing several chapters by a range of contributors. In the introduction, the editors Combe, Glass and Tindley, explain the intention of the book is to support and inform the debate on land reform by providing the latest scholarly thinking on the subject from a variety of perspectives. This is a challenge in relation to land reform, which they describe as an “unsafe” area for academic study: “it is fraught with tension and remains highly emotive” (3). This description certainly rings true in relation to the legal aspects of land reform, where the veil between law and politics seems at its thinnest.

There is much in this volume of interest but in this review, I want to focus on two key strengths. The first strength is the location of the themes of land reform in Scotland within a broader international context. Often the woes of Scotland’s “land question” can seem to be exceptional such as the late dismantling of the feudal system and our concentrated pattern of land ownership. However, particularly the chapters within the history section of this book discuss international trends such as imperialism, industrialisation and the agricultural revolution, and consider how these trends affected the relation between people and land in Scotland as well as in other countries. As stated by Tindley in her chapter entitled “‘The usual agencies of civilisation’: Conceptions of Land Ownership and Reform in the Comparative Context in the Long Nineteenth Century”, “Scottish land reform is not unique historically, and shared many elements with other places: ownership versus tenancy, the individual versus the communal, the state versus the landowner, understandings of historical tenure and ownership and their applications in legislation, and both opposition to and agitation for land reform.” (82)

Comparative perspectives, drawing on international experiences, also give much food for thought about what are the next steps for land reform in Scotland. Lovett provides an illuminating analysis of the new compulsory community rights to buy and uses insights from international property theory to highlight pressure points in the regimes (ch 8). There are cautionary tales here, particularly informed by the US experience of takings for economic development, and also innovative ideas about how to improve the Scottish regimes. McKee, Vinge, Bjørkhaug and Almås consider agricultural models in Norway, and use this analysis to argue in favour of enhancing social capital in rural settings in Scotland in order to promote a greater sense of social obligation and more communal land management (ch 17). The fruits of these studies show the potential of comparative work in the field of land reform, which I am confident will be continued in the future.

The second key strength is the wide-ranging and interdisciplinary nature of the collection. So many different areas of law are covered as well as a variety of perspectives from history and policy. The legal topics dealt with encompass the community rights to buy, human rights, the evolution of the concept of sustainable development, the Sasine register, residential and agricultural leases, and crofting. The range of legal issues covered challenges the perception of land reform as a niche topic on the periphery of legal academia. Presented in this way, land reform appears as a lens through which to discuss important themes, many of which are identified in the quote by Tindley above, that are relevant to legal analysis.

The history and policy sections of the book are filled with fascinating insights due to the range of sources and methodologies used by the different disciplines. Therefore, although you may pick up this volume for one or two select chapters, I would encourage you to explore the others to gain from this interdisciplinary approach to land reform. In his chapter on the history of land, labour and capital in early modern Scotland, for example, Macinnes describes how the Malcolms of Poltalloch made their fortune as plantation owners and slave traders in

Jamaica and the West Indies, which allowed them to become large landowners in the Highlands in the eighteenth century (36-37). In the policy section, Glass, Thomson and Mc Morran present a synthesis of their research on the impact of differing rural landownership scales on social, economic and environmental outcomes in six Scottish parishes, comparing results between areas which were in fragmented and unfragmented ownership (ch 16). After analysing quantitative data and conducting fieldwork, the team conclude that the scale of landownership is only one of a range of factors which can affect the sustainable development of communities, with other socio-economic factors such as tourism growth and ageing populations having a role. These contributions confirm the view that just as the problems of the relation between people and land are multi-faceted and complex, the solutions will not be any simpler. Any successful action on land reform will require a multidisciplinary response, and in this regard, this volume provides a strong foundation for future progress.

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