

# Opinion

“Without the middle class, there is no comedy

Comedian David Mitchell



## The devil is in the detail over future Scots crofting law

### PLATFORM



Calum Macleod and Nicole Busby

YESTERDAY marked the end of the public consultation period on the draft Crofting Reform (Scotland) Bill, the Scottish Government's proposed legislative response to the Committee of Inquiry on Crofting, which published its report on the future of crofting in May 2008.

The committee, chaired by Professor Mark Shucksmith, outlined a radical vision, which recommended rebalancing individual crofters' interests in favour of the wider interests of crofting to help to sustain rural communities in the Highlands and Islands.

This is tricky ground to navigate in policy terms, but the proposals contained in the bill indicate that the government appears – on the surface at least – ready to tackle the elephant on the croft; namely, whether crofting's future is to be dictated by the narrowly defined interests of “communities of crofters” or the potentially wider interests of “crofting communities”.

Crofting's demographics in the early 21st century are not those of 50, 20 or even ten years ago. Changes to EU subsidy rules have obliterated the economic case for livestock management as a staple of crofting activity.

And in some locations crofters are now a minority, compared with non-crofters in the community. But it is the removal of land from crofting tenure for sale on the open market, coupled with absentee crofters not putting their crofts to purposeful use, which has had the most damaging impact on the cohesion and vitality of crofting communities.

The bill also proposes beefing up the approach taken by the reconstructed Crofters Commission – renamed the Crofting

Commission – to regulation by requiring it to take action on absenteeism, “unless there is good reason not to”. What constitutes “acceptable” and “unacceptable” absenteeism merits further careful consideration.

While the bill's proposal to establish a new and definitive Register of Crofts seems a sensible step in providing legal certainty regarding the extent and interests in crofts, the heckles of crofters have been raised by the prospect of having to pay a £250 registration fee to complete the paperwork.

Worse still, the proposal to enable a standard security to be taken over a croft tenancy to secure a bank loan is viewed in some quarters a direct threat to the ethos of security of tenure.

Further proposals relate to the thorny issue of “occupancy requirements”, recommended by the committee of inquiry as an antidote to absenteeism and “second home syndrome” by tying croft houses to residency.

The bill envisages responsibility for regulating these requirements being held by the local authority in the relevant area, a scenario unlikely to fill these organisations with unbridled enthusiasm.

As civil servants sift through the consultation responses to the Crofting Bill, they are likely to find crofters implacably opposed to the majority of its proposals.

That's scarcely surprising at a time when incentives to croft are in steep decline. However, such views shouldn't obscure the larger truth that, unless the forces of absenteeism and market-driven speculation on croft land are quelled, crofting's future looks bleak.

Equally, the Scottish Government's soft-focus rhetoric about the need to preserve a unique “crofting way of life” should be backed with tangible policy measures, adding substance to warm words.

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### Scotsman Archive



Allan Ramsay, Scotland's Pastoral Poet, 13 August, 1949

THE uproarious success of Tyrone Guthrie's production of a 16th-century morality play, Sir David Lindsay's *The Three Estaites*, at the Edinburgh Festival in 1948, has emboldened the authorities to present another Scottish period piece under his guidance this year. The paucity of old Scots drama made the selection of Allan Ramsay's pastoral, *The Gentle Shepherd*, an obvious choice. It has the dubious

advantage of being familiar to a sprinkling of the native public and the more solid one of an easily understood form and dialect. For the rest, Tyrone Guthrie's treatment will probably decide the issue. The immense success of the first performance in 1729 may or may not be repeated. In his day Allan Ramsay was acclaimed Scotland's greatest poet and even in England and farther abroad his name was coupled with such weighty contemporaries as Pope and Addison.

● [archive.scotsman.com](http://archive.scotsman.com)

### Picture of the day



Ophelia, the 1852 painting by John Everett Millais, is recreated by the 3Bugs Fringe Theatre at the Apex Hotel swimming pool in

## Osborne's new 'progressive' label



George Kerevan

Today's Conservatives are no more progressive than is the burnt-out shell of the Labour Party

NEW political eras require brand names. The age between Margaret Thatcher and Gordon Brown was stamped indelibly with the words “modern” and “new”, terms patented by Peter Mandelson so Labour could safely abandon the word socialism. Two decades on, “modern” and “new” have been emptied of all meaning and we see the reality hidden beneath the political advertising.

New Labour is now run, to all intents and purposes, by a member of the House of Lords; unemployment is higher than when Tony Blair entered Number 10; public finances have been wrecked; we are bogged down in a land war in Asia that could last a biblical 40 years; and the government has done everything in its power to abolish habeas corpus.

But what word to apply to the

next era in British politics? Enter George Osborne, the shadow chancellor: “The torch of progressive politics has been passed to a new generation of politicians – and those politicians are Conservatives.”

Whether you believe it or not, this is a brilliant tactical manoeuvre on the part of the Tories, as proved by the venom with which Lord Mandelson has striven to rubbish it.

Had Mandy kept his trap shut, no-one would have paid that much heed to a philosophical speech by the shadow chancellor to the Demos think tank, a home for Blairite refugees. But Mr Osborne has the government where it hurts, for no-one believes Labour has an ounce of progressivism left in it, particularly its activists.

Leave on the shelf for the moment the fact that, in plain English, the words progressive and conservative mean the

opposite of each other. Progressivism is an old political movement with a solid pedigree.

It began in the United States at the start of the 20th century. The years after the Civil War had seen America transformed into the world's biggest economy. But corruption and cronyism were rife in business and in both the main political parties, and a failure to reform institutions had rendered the country unstable. (Not unlike Britain today.)

Enter Teddy Roosevelt, the charismatic former president. In 1912, he broke with the Republicans (then the party of the northern towns) and formed the Progressive Party. In the ensuing election, the Progressives ran on a platform of women's suffrage, the direct election of senators and new laws to regulate business. Roosevelt gained 4,126,020 votes, trouncing the Republican candidate, William Taft. But by splitting the vote he let in the segregationist Democratic Party candidate, Woodrow Wilson.

The Progressives were a modest but active force in US politics for decades thereafter, gradually moving leftwards.

In 1948, the Progressive Party candidate, Henry Wallace, could still poll more than a million votes. The legacy of the progres-

sive agenda can be seen in America's rigorous anti-corruption laws. The bosses of Enron went to jail. Here in the UK, the Labour government stopped the Serious Fraud Office from pursuing its investigation into BAE arms deals with Saudi Arabia.

The essence of this kind of progressivism is that it is reformist, anti-establishment (as in opposed to entrenched political interests) and wary of big business. But it is not socialist, being against excessive state control and punitive taxation.

The progressive agenda is more about a rigorous commitment to fairness than about redistribution. Unlike traditional Toryism or the contemporary US Republicans, progressivism is also liberal on social issues.

Is this the agenda envisaged by George Osborne? I doubt it. Genuine progressivism requires more than Mr Osborne's references to “reforming” the public sector by making it more open to choice and public involvement.

Mr Osborne appeals to Benjamin Disraeli, the 19th-century Tory leader, as a model for progressive politics. He quotes Disraeli's famous maxim: “In a progressive country change is constant; and the great question is not whether you should resist