

A selection of reviews of This Land is Our Land (1987) by Marion Shoard

Storming the citadel of landed privilege by David Hick, Town and Country Planning, September 1987

Marion Shoard rides again! This time the author of *The Theft of the Countryside* directs her campaign against the system of land ownership in Great Britain.

Land ownership in itself brings power, but this is amplified by its reflection in our systems of government - central and local, lobbies and pressure groups, status and patronage. This creates a privileged minority of landowners and a large disadvantaged landless majority, rather than a view of the land as belonging to society in general with rights for all individuals.

The key to Miss Shoard's argument is found in the titles of the eight parts and eighteen chapters - this is a substantial paperback giving good value for money in its 592 pages!

Following a brief exploration of land ownership in other parts of 'The World', a larger and more relevant chapter on 'The Past' provides an informative account of the development of land ownership in Britain. In answer to the question 'Who are Britain's Landowners?', we are introduced to the wide variety of institutional and individual owners and their views. Their aims are power, wealth and private pleasure, each the subject of a substantial chapter, developing each aim in detail, spiced with examples and opinions of owners and others.

The inequities and inadequacies of the present situation are discussed in detail in terms of 'The Broken Contract'. The reference is to the social contract based on the ideas of the reformers of the 1940s embodied in post-war legislation on access, conservation and planning, which has been found inadequate to prevent the powerful landowner from using or abusing the countryside for his own ends.

The 'heart of the matter' is therefore, the division between landowners and landless; which also represents a division between urban and rural areas. The relatively effective system of planning control in our towns contrasts strongly with weak and ineffective control and the privilege of compensation applying to rural land use.

Under the heading of 'Repossession' a number of possibilities are discussed and found to have shortcomings - nationalisation, restricting ownership, and funding other users - those with conservation as their main aim. 'Sensible subsidies' are then examined in relation to the Common Agricultural Policy, plus those aspects still controlled by the British government, together with the management approach adopted by the farming and wildlife advisory groups and the agricultural landscape projects of the Countryside Commission.

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But the cavalry enlisted to storm the citadel of privilege are the normally unpopular pairing of planning control and land tax. Control would be extended to many of the physical changes adversely-affecting the rural environment, like drainage, while land tax would secure a redistribution of wealth from the 'haves' to the 'have nots'. Coupled with a general presumption of public rights of access, with specific exceptions, and a system of farm management teams, a better balance should be achieved between agricultural production, conservation and recreation.

Radical and potentially unpopular as this may appear at first sight, the current 'wind of change' blowing through agricultural and countryside policies presents a strong case for reexamining our approach and priorities and for making changes which will benefit both society and the environment.

This book is therefore, a timely addition to the current debate on the future of the countryside which should appeal to all interested therein. Comprehensive and detailed in its analysis, controversial, but well argued in its proposals, it is also full of interest - in other words a good read!

This Land is Our Land by Fraser Harrison, New Statesman, 22 May 1987

In her first book Marion Shoard unleashed a ferocious attack on farmers, charging them with a long list of crimes against the environment which she summed up under her provocative, though wholly justified, title: the Theft of the Countryside. Now she is on the warpath again, but this time her enemy is the whole class -- or regime, to use her phrase -- of rural landowners, whose activities she condemns as an 'unmitigated tyranny' and whose crimes are against us, the landless public, and what we fondly think of as our civil rights. A certain pastoral delicacy has tended to inhibit writers on this side of the countryside controversy, and so it is refreshing, exhilarating even, to line up behind someone with a style of polemic which is shamelessly pugnacious.

Her new book, published by Paladin as an original and bearing another forthright title, This Land is Our Land, is long, perhaps too long, but extremely thorough. Wielding a blunder weapon than the one she uses to fight contemporary issues, she begins by examining the history of land ownership in Britain. This yields few surprises, though it is always surprising to discover that our countryside today is owned, by and large, by those who have always owned it, the royal family, the aristocracy, the upper ranks of the gentry. In a nutshell, no less than 80 percent of rural Britain (itself about 80 per cent of the total surface) is owned by individuals, the majority of whom are the latest descendants in long lines of ownership. These latterday barons are not merely surviving, but flourishing, and are, if anything, extending the size of their holdings. Contrary to popular myth, neither democracy nor taxes on inheritance have, it seems, done anything to pauperise them or diminish their influence.

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And what does it mean for the rest of us that the land is in the possession of a privileged handful? The answer lies in the owner's attitude to their property -- and this, Shoard biting explains, is determined by a three-sided obsession, with wealth, power and, less predictably, with privacy. She has many illuminating things to say about the landed wealthy and how they contrive to stay that way; though, despite strenuous efforts, she is unable completely to pierce the cloak of secrecy and mystification with which they protect their affairs. Her task would have been made far easier had the Thatcher government not abolished the Royal Commission on the Distribution of Income and Wealth within three months of taking office. Even so, the Commission had already disclosed that the richest one per cent of the population owned more than 52 percent of all personally owned land, which was no doubt the kind of research that hastened its end. But one fact shines quite clearly through the fog of obfuscation: owning large stretches of rural land, especially farm land, is still the surest way in our industrialised and fiscally repressive country to remain rich and to become richer.

What outrages Shoard more than anything else, however, is the British landowner's conviction that to own is to exclude. It turns out that our land, at least as far as the law is concerned, is in fact their land, for no right of access exists in the countryside unless indicated. On the Continent the presumption runs the other way and, in Sweden, there is a customary right of *Allemansratt* authorising anybody to walk over anybody else's land providing no damage or disturbance is caused. One of the many admirable objectives of this book is to have such a principle instituted in our own laws.

Under the heading 'The Broken Contract' Shoard argues most eloquently and convincingly for the ordinary citizen's right to walk the countryside and have a decisive say in the development of farming and forestry. Since the war this right has not been respected; indeed its existence has barely been acknowledged. At our expense, the farming landowner has grown exceedingly rich and added to already gratuitous privileges, but without honouring the bargain. While reducing much of the environment -- our countryside -- to ruins, this farming landowner has also shut the farm gate on us, blocked off our footpaths and snatched our common land, reducing us to a nation of trespassers. To put it more formally, as Shoard does herself, the heart of the problem is that, for historical and other reasons, rural landowners tend to regard their ownership as absolute, whereas the public, defending a variety of interests, is beginning to campaign for a radical revision of the idea of ownership, involving the recovery of ancient rights and the creation of some new ones.

Shoard makes her own proposals, notably a new rural land tax, as well as changes in the laws of trespass and changes in the planning regulations, to bring farmers under the same public control as urban property developers. However, it would be unfair to judge this valuable book simply by the immediate feasibility of its proposals, which, to be frank, stand no chance of being realised in law without the support of a greatly strengthened Labour Party. No, Shoard's foremost achievement, apart from providing a mass of important information, is to make clear that *The Struggle for Britain's countryside* (her subtitle) has hardly started and will not be won without a proper understanding of land and the politics of ownership. Hers is the best book I have read on that subject.

***Towards a promised land? by Mark Blacksell,
The Geographical Magazine, December 1987***

Marion Shoard set herself a daunting task in this book. She has attempted to trace the history of the relationship between land and land owners in Britain, so as to illustrate how a small, but immensely powerful, elite has always controlled the destiny of the vast majority of the population. She argues that the traditional division of power between the landed and the landless survives today, safe from most apparent threats, and that radical changes are necessary if the mould is to be broken.

Land reform is a universal issue that has sparked political conflict, even revolution, in many parts of the world. In view of the inequality in Britain described by the author, it is perhaps surprising that it has not been more contentious and raised fiercer political passion in Britain.

The book is divided into eight very unequal parts and all but about 100 of its 600 pages are devoted to what is essentially an historical survey. After a brief introduction, which sets the situation in Britain in a global context, the main body of the text analyses: the historical background to land ownership in Britain, the identity of the major owners of land, why then some people guard their holdings so tenaciously, and how they have progressively eroded access rights of the majority of the population, and failed to conserve the heritage entrusted to them.

These early parts of the book have been rigorously researched. They draw together, in a most readable way, the vast and diffuse literature on land ownership. In addition, Ms Shoard has travelled widely to interview landowners and land managers across the length and breadth of Britain, creating a general feeling of immediacy and involvement.

The final 100 pages make suggestions for ways and means of breaking the monopoly that the small minority of landowners now enjoy. The villain of the piece today is identified as the Common Agricultural Policy and the like, which have given farmers a guaranteed market for all they are to produce. Almost regardless of any other considerations, according to the author, there ought to be a more socially responsible system of subsidies, reflecting the real needs of the nation, that the privileged tax position of farmers should be reviewed. A tax on land should be used to create a fund to encourage environmentally desirable, and socially acceptable, rural land management policies. There should be an assumption of freedom of access to rural land for outdoor recreation, unless this needs to be suspended for some specific reason.

The book is well researched, informative and readable; it deserves to be widely read. If the prescriptive section seems rather simplistic, this need not prevent the solutions commanding political support. Far more simplistic solutions have found favour in other areas of social and economic policy in recent years.

***Britain's green and pleasant land rights,
The Economist, May 30 1987***

A tax on rural land varying according to the uses the land is put to; a public right of access to the countryside; these are the main proposals of this splendid book, which could one day be judged as influential as Rachel Carson's "Silent Spring", the book that put the environmental movement on its feet.

Could, maybe should, but probably won't, because Marion Shoard is challenging something much more powerful than the agro-chemical industry that Miss Carson threatened (and which, incidentally, has been enjoying a profitable summer ever since). Miss Shoard's attack is directed at rights of ownership and ones which are, in British myth and law, all but untouchable: those of the country landowner.

The urban landlord's enjoyment of his site is hedged in with planning restraints; but over most of Britain the owner of country land, so long as he does not seek to build on it (and, for farm buildings, even then), can do what he likes. He can devote it to corn or cows, conifers or capercaillies or, indeed, convolvulus. He can drain it or drown it, make a prairie of it or a patchwork, drench it with chemicals or weed it with toothpicks. Above all, except where a public right of way exists, he can keep people out; and, should they trespass, get rid of them if need be, with rather more force than he could use against the squatter who had pitched camp in his back parlour.

Most people living in the countryside, let alone owning a bit of it, find this right of property entirely natural, if sometimes inconvenient, and largely justifiable. Miss Shoard believes it is neither: land is different from other assets: the community as well as its 'owners' has a stake in it.

She reckons land law has gone wrong since at least the Anglo-Saxons, and she argues for a restoration of the balance with passion and, which is rarer in this field, with facts (and, rarer still, without the assumption that all who disagree are monsters).

The core of her case is that, through private land-ownership, a few individuals are both deciding what should be a public issue—the state of Britain's countryside and depriving a great many others of what should be, and in Sweden is, a universal public right of access to it. On access, she says, their arguments, as distinct from the force of law, are anyway flawed. Agreed, you cannot have Alsatians running wild among the lambing ewes, or children in the barley. But the incompatibilities are smaller than they are often made out to be. Do pheasants, for instance, really take wing for the neighbouring estate if you walk through their coverts? They do not.

Yet even if they did? The essence of Miss Shoard's case is that the public has rights that precede the private ones of pheasant shooters. So she would have a legislated right of access, subject to exceptions, rather than, as now, the other way about. Her exceptions are quite wide: notably, land for growing crops (sown grass included, though not rough pasture) or young trees, and landowners could seek temporary exemptions for other good reasons. But the onus would be on the landowner.

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Her rural land tax would be a flexible one starting from the same principle. Your land is not yours alone: it is also the community's. Manage it as the community approves, and you will be relieved of the tax, or even get a credit; manage it for your own good reasons but in defiance of the community's, and you must pay for the privilege.

The tax would thus act not merely as a market form of restraint, an alternative to the planning control that could-and many think should-apply to farmland. It would also offer positive encouragement. The embryo of such a market system already exists, in the payments that can be made to farmers in the new "environmentally sensitive areas" to farm in a way that does not harm them. But in Miss Shoard's world the boot would start on the other foot: instead of a bribe for not doing harm, expect a tax penalty for not doing good. And if some farming practices required not just tax relief but a positive credit, the tax on others would provide the cash. Appropriately adjusted, the system could be self-financing.

Ah, but what is "good", and who decides? Miss Shoard would have a mix of national and local decision making, reflecting the priorities of each. Any landowner could submit a five-year land plan setting out his intentions. Approval by the local authority would bring a measure of tax relief, which especially virtuous intentions would increase, or even turn into a credit.

Principles apart, this notion will be attacked as complex and bureaucratic. Maybe: but it is not therefore ipso facto to be rejected. In 1790, you could have proved income tax an administrative impossibility. It is on principle that Miss Shoard's case rests, and demands an answer. Not that it can expect an early one from

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