



Legitimising the Laird? Communicative Action and the role of private landowner and community engagement in rural sustainability



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ABSTRACT

Privately-owned estates dominate Scotland's uplands, and their owners' decisions greatly influence rural communities. The research reported here, involving in-depth case studies of six upland, private estates, aimed to investigate the dynamic relationships between landowners and rural communities, considering the influence of the Land Reform (Scotland) Act 2003. The research questions were explored through interviews with key actors (in the local community and in estate management) and participant observation. Evaluation of current and potential landowner/estate-community partnership-working illustrates the opportunities for mutual benefits, and the need for greater community empowerment to ensure partnership success. These findings are interpreted from a Habermasian perspective, reiterating the apparently insurmountable challenge of power inequalities in the public sphere. Nonetheless, in order to pursue a democratic discourse, private landowners and 'estate communities' are recommended to adopt principles of Communicative Action (where mutual understanding is supported through the creation of an 'ideal speech situation'), to contribute positively to 'estate community' sustainability, and subsequently, to private estate sustainability and public legitimacy. This research is highly policy relevant in Scotland during a period of review of land reform legislation. The conclusions have international significance in terms of understanding power relations in rural contexts and identifying opportunities for community empowerment. Finally, outcomes for the practice of communication in the context of Scottish private estates are considered, as well as wider theoretical applications in the era of 'post-participation', not least the importance of maintaining the 'public sphere', seeking to reduce inequalities and maximise trust.

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1. Introduction

Landownership is of significant importance, given the power of property rights and the status of land as a limited resource, from which prospects for development and production are derived. Therefore, those who own land and have control over its management have both considerable influence and responsibility regarding environmental protection, income maximisation and social benefits of the land (Warren, 2009). Given the unusually high concentration of private landownership in Scotland,¹ concerns have been raised regarding access to resources and rural socio-economic development (Shucksmith and Dargan, 2006; Wightman, 2004),

thus questioning the balance of power, management practice and ultimately, accountability (McIntosh et al., 1994; Wightman, 1996, 1999; Chenevix-Trench and Philip, 2001). Respondents² to a recent survey of private landowners by McKee et al. (2013) owned an average landholding of 9128 ha (22,557 acres), with the majority of respondents (55 per cent) having inherited their estate, and motivated to retain ownership due to 'stewardship' and a sense of responsibility, as well as a family asset for income generation and business pursuits.

The private landowner in upland Scotland is subsequently considered to have great influence over the rural community living on his or her land (Bird, 1982; Lloyd and Danson, 1999; Cramb, 2000). Three decades previously, Bird stated that "their decisions on land use continue to have a significant impact on potential for

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¹ Wightman states that around 30 per cent of private rural land in Scotland is owned by only 115 landowners, with just seventeen owners in control of 10 per cent of the country (Wightman, 2010).

² A total of sixty responses were analysed according to project criteria, with a total response rate of 34 per cent (McKee et al., 2013).

growth or decline in Scottish rural settlements" (1982: 55), and despite the powers of local and national authorities, private landowners in Scotland have long been considered the *de facto* 'rural planners' (MacGregor, 1993; MacGregor and Stockdale, 1994). A recent report reiterates the role of landowner decision making in rural community resilience (Woolvin, 2013). Hence, in considering sustainable rural development, it is critical to understand relationships between landowners and communities.

However, since the passage of the Land Reform (Scotland) Act (2003) (LRSA) the 'land question' has become more community-orientated (Bryden and Geisler, 2007). The LRSA established legislative support for community land acquisition; specifically, the preemptive right of a registered rural community body to purchase land or property on sale by the landowner, and compulsory purchase rights forcrofting communities. Community landownership has been successful on several occasions in relieving the so-called 'oppressive' behaviour of 'bad' landowners, stimulating local economic development and greater community cohesion (see McIntosh, 2001; Skerratt, 2011; Mc Morran and Scott, 2013; Bryan and Westbrook, 2014). However, it should be noted that many high-profile community land purchases preceded the LRSA and many since have 'side-stepped' the legislation, undertaking acquisition through community-landowner agreements. Slee et al. (2008) assert that the LRSA is leading to change more through leverage than legislative use. Furthermore, whilst the rights of community 'buy-out' may be leading to a shift in power from the landowner into the hands of the 'community' (Warren and McKee, 2011), as well as challenging private property rights, there has been little academic investigation of the impact of the LRSA on the dynamics and relationships between private landowners and the rural communities who live and work on their land. This paper seeks to address this knowledge gap and provide insights into the role of the LRSA and wider social change on relationships of power in rural areas.

It is proposed that one crucial change has been a reduced legitimacy for private landownership (cf. Newby et al., 1978; Morris, 1989; Bryden and Hart, 2000), which arguably led to the passage of the LRSA, and indeed ongoing reforms (see Scottish Government, 2014a). Nonetheless, Price et al. (2002) present the view that long-established landowning families often convey a sense of stewardship and a long-term commitment to the communities who live and work on their estates, therefore private landowners may be instrumental in ensuring the sustainable development of adjacent rural communities (see also Shucksmith et al., 1996; Kerr, 2004; Woolvin, 2013). Indeed, many private landowners profess themselves to be 'custodians' of the countryside, who bring in outside investment, through private business and sporting lets, that subsequently protects the traditional landscape and supports the rural economy (Warren, 1999; Samuel, 2000; Higgins et al., 2002; Kerr, 2004; Buccleuch, 2005; Wagstaff, 2013; see also Hindle et al., 2014; Mc Morran et al., 2014). More critical perspectives consider such discourse 'metaphorical', and maintaining Newby's deferential thesis (Hillyard, 2014; cf. Newby et al., 1978). They highlight the potential negative influence of private landownership on rural community sustainability, for example, in terms of land management practices, estate developments (or lack of development) and the level of involvement by the community in estate management planning and decision-making, illustrating a lack of accountability and transparency (see Wightman, 2010; for example). 'Traditional' landowner-community relationships and engagement processes may be considered to hinder the potential for rural communities to move forward (cf. Newby et al., 1978).

Previous studies have provided insights into the interactions between private landowners and rural communities, concluding that landowners should instigate greater community involvement

(Shucksmith et al., 1996). Indeed, a key recommendation of the Land Reform Policy Group, prior to the LRSA, was to increase 'community involvement in the way the land is owned and used' (LRPG, 1999:4). These recommendations are linked to wider shifts in rural governance, in which many actors are demanding a greater say in how land is managed (Cheshire et al., 2007; Woods, 2003). Nonetheless, Warren (2002) believes that the idea of 'stewardship'³ is embraced by most individuals and agencies involved in land-owning in Scotland, and that this sense of responsibility provides common ground for potential partnership working (see Warren, 1999; Bryden and Hart, 2000; Housden, 2001; Price et al., 2002). However, the 'holy grail' of partnership working,⁴ which would provide mutual benefits for both private landowners and rural estate communities (see Slee et al., 2009; Scott, 2012), through greater accountability and involvement in land management decision-making respectively, may only be achieved through community engagement and empowerment.

This paper aims to critically explore private landowner and rural 'estate community'⁵ engagement processes and partnership working (potential and actual) in the Scottish uplands, in light of legislative and social change in rural power relations. The case studies of partnership working in practice demonstrate the challenge of inequality and power relations in effective engagement and communication processes. The paper assumes that private landownership in Scotland operates under a 'deficit model', as a result of, firstly, a lack of community involvement, and secondly, that knowledge held by private landowners can never provide the 'complete picture' (Hillyard, 2014). Therefore, this paper assumes that estate-community engagement can contribute to 'better' outcomes for both parties. The empirical findings, and recommendations for policy and practice, are underpinned from a Habermasian perspective, illustrating the congruence of these challenges with those restricting the ideal of Communicative Action and collaborative planning. However, it must be noted that the research reported here does not seek to challenge Habermas, but rather build on this extant theory and contribute a modest proposal regarding structurally and materially progressing outcomes through improving engagement processes on the local scale. Nonetheless, this paper concludes with outcomes for the practice of communication, engagement and partnership working in the context of Scottish private estates, as well as wider theoretical applications in the era of post-participation, i.e. overcoming critiques of the normative participation 'panacea' and realising practical benefits (Reed, 2008).

2. Communicative Action and collaborative planning

Theoretical perspectives on the interactions, engagement and potential partnership working between private landowners and rural communities may be derived from collaborative planning approaches, and their basis in critical theory. In particular, Healey and colleagues (Healey, 2006; Healey et al., 2003) advocate the change in governance 'culture' necessary to improve the management of co-existence in 'shared spaces' through deliberative

³ Bryden and Hart define stewardship as "about looking after something not for oneself, but for another or others" (2000: 109), noting the connection with the land and estate management.

⁴ 'Partnerships' may be defined as "formal or informal arrangements for working together towards a common purpose" (Slee and Snowdon, 1997: 1). A partnership provides resources, efficiency, improved communication, legitimacy in decision-making, trust, and conflict avoidance (McQuaid, 2000; Warren, 2009; Scott, 2012).

⁵ For the purposes of this paper, the 'estate community' is defined as the geographical and cultural community influenced by the activities of the estate and decisions taken by the estate owner (see also Footnote 6).

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