

## **Agricultural Models in Scotland and Norway: A Comparison**

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It is argued that the scale and concentration of private land ownership in Scotland maintains historical inequalities and injustices, and that alternative models of land occupancy and a greater diversity of landowner type could lead to more productive land use and associated socio-economic benefits.<sup>1</sup> Contemporary land reform in Scotland aims to redress these historical inequalities and injustices, and ensure that land ownership and management is in the public (and private) interest. The stated objective of the recent land reform process by the Scottish Government is that ‘Scotland’s land must be an asset that benefits the many, not the few’,<sup>2</sup> and that rights to land must promote ‘fairness and social justice’.<sup>3</sup> This chapter aims to provide insights for Scottish land reform policy through examining the pattern of land tenure, in conjunction with rural and agricultural policies, in Norway. It may be argued that much of what the Scottish Government aspires to achieve through land reform processes – in terms of greater equality and transparency in land ownership, as well as sustainable and empowered rural communities – already exists in the so-called ‘Norwegian model’ of social democracy in land governance.<sup>4</sup>

This chapter will draw on the timelines of two parishes in rural Norway to offer reflections on how the Norwegian agricultural model can provide insight for Scottish land reform and the implications of an alternative land tenure regime. A review of relevant legislation and policy change in Norway reveals an increase in renting in the agricultural sector, and how the Norwegian subsidy system encourages farmers to expand unit size and invest in technology. Reflections are made on the nature of the relationship between landowner and tenant and how this underpins rural sustainable development, again seeking to draw lessons for the Scottish land question.

### **AN OVERVIEW OF THE STRUCTURE OF NORWEGIAN AGRICULTURE**

Rural Norway is characterised by a pattern of small farms and multifunctional agriculture, with most farms incorporating both privately owned and privately managed ‘in fields’ (*innmark*) and communally managed ‘out fields’ (*utmark*, which may be uncultivable or too upland for crops), as well as areas of forestry, waters, and land with hunting rights.<sup>5</sup> In its natural and economic structure, landholdings are relatively small.<sup>6</sup> Small private landowners collaboratively manage game species and ecosystem services, as well as communal grazing areas beyond the treeline. The community basis of family farming in Norway, and the value of reciprocity to neighbouring farm businesses, are also endorsed.<sup>7</sup>

The so-called ‘Norwegian model’ of agriculture (i.e. the pattern of land tenure, in conjunction with rural and agricultural policies) is often revered internationally, in particular due to the small scale of farms yet

profitability of agriculture in Norway. Only 3 per cent of the land in Norway is suitable for arable cropping, with an average farm size of 23.9 hectares in 2016.<sup>8</sup> Of critical importance to the Norwegian model of agriculture is the support received from the national production subsidy system (differentially allocated according to geography, commodity and farm size), production and sales cooperatives (who participate in legally guaranteed market regulations), a politically powerful farming voice, and a regulated land market.<sup>9</sup> Norwegian farm structure has played a key role in maintaining communities in remote rural areas,<sup>10</sup> in conjunction with a high level of pluriactivity.<sup>11</sup> Agricultural policies in Norway advocate multifunctional agriculture, with associated social and environmental sustainability outcomes.<sup>12</sup> Nonetheless, it is highlighted: ‘Norway’s agriculture still emerges as an advanced state planned market economy’.<sup>13</sup>

As in Scotland, the history of land ownership underpins the structure of the agricultural system in Norway.<sup>14</sup> Key historical points of departure within the history of land ownership in Norway from that of Scotland, may be recognised in the 1928 Land Act (*Jordloven*) in which the Norwegian government granted an ‘absolute right to buy’ to the *Husmenn* (which may be equated to the Scottish crofters, who gained a ‘right to buy’ in 1976; see Chapter 12), which consequently led to the demise of the *Husmann* class (that is, small tenant farmers) and rise of the small owner-occupier farmer.<sup>15</sup> Today, land ownership and farming in Norway are regulated according to three key laws, translated as the Allodial Act, the Concession Act, and the Land Act.<sup>16</sup> Firstly, the ‘Odel law’ (*Odelsrett*), has been in place since the Middle Ages in Norway, and historically permits the oldest male child to inherit the farm. The new Allodial Act (legislated in 1974) revised this historic principle and granted men and women equal rights when taking over farms. Today it remains that close family members in direct descending line of the landowner have pre-emptive rights of farm purchase, with non-relatives requiring a licence for land purchase.<sup>17</sup> This distinctive legislative instrument maintains land in family ownership and avoids the fragmentation of properties in generational shifts,<sup>18</sup> thus mirroring Scottish succession law and the historical impact of primogeniture<sup>19</sup> coupled with the contemporary ability to bequeath land freely on death rather than in a way that enforces division amongst heirs.<sup>20</sup> The fundamental principle of the *odel* maintains strong connections to rural areas by much of the population. This law and other public policies in Norway thus promote continuity in farm ownership and conservation of farm size, which protect community structure, retaining social ties between family members and neighbouring farmers.<sup>21</sup>

In Norway the owners of farmland must be resident on their landholding, and they must undertake ‘active’ farming on the land, which limits farm expansion through land purchase.<sup>22</sup> The Concession Act regulates the transfer of farm property ownership, unless an exemption has been granted, for example, through the sale to close family, for transfer to those with *odel* rights, or where a property is below

minimum size of 0.25 hectares.<sup>23</sup> Concessions will only be granted if it is the buyer's intention to live on the farm (for a five-year minimum), and based on their plans for farm management. As Forbord and colleagues explain:

The Concession Act regulates the purchase of land by legal persons (e.g. limited companies) by providing preference to potential purchasers whose stated occupation is farming . . . this means that where land is taken over by a company, at least one person must be an active farmer.<sup>24</sup>

In some cases, conditions for concession include sale of land to a neighbour for agricultural purposes, and research findings indicate that concession obligations may be exempted by the local political majority.<sup>25</sup>

Nonetheless, without a concession (or exemption) the owner must sell the land in its entirety within the timescale and at a price set by the municipality (*kommune*).

Finally, the Land Act aims to ensure that all land resources are best used for society and farmers, though promoting rural settlement, employment and agricultural development.<sup>26</sup> This key legislation confirms that it is the landowners' responsibility that land is 'actively farmed' and that land is maintained in good condition. Farmland rental arises as an option for landowners who do not wish to be active farmers. The Land Act controls land renting and requires written ten-year contracts between landowner and tenant, which are submitted to the municipality.<sup>27</sup>

Dramatic increases in areas of rented farmland have been attributed to a shift in Norwegian agricultural and rural policy, towards supporting larger-scale and more efficient agricultural production units.<sup>28</sup> Forty per cent of farmland is now rented farmer-to-farmer (or non-resident *odel* to 'active farmer')<sup>29</sup>, with implications for land management practices and underpinning social structures within the farming community.<sup>30</sup> Indeed, it has been stated that the predominant management system for a large proportion of the total agricultural area is farmland tenancies, which reduces land abandonment and permits farm expansion whilst avoiding complicated land sales.<sup>31</sup> Norway is not exempt from the shift to neoliberalism<sup>32</sup>, not least with regard to agricultural policies,<sup>33</sup> and a debate is emerging regarding changes to the concession laws, in order to increase competitiveness in global production markets.<sup>34</sup> The implications of this debate around the role of market forces – and the counter-lessons evident from Scottish land reform – are discussed later in this chapter.

## **THE NORWEGIAN MODEL IN PRACTICE: INSIGHTS FROM TWO FARMING COMMUNITIES**

### ***Case-study methodology***

Two former parishes in the Melhus municipality of Sør-Trøndelag, central Norway,<sup>35</sup> were examined in order to understand the lived experience of the Norwegian model of agriculture. The case-study parishes were selected due to their close proximity to an urban centre (Trondheim), which had influenced population and land-use changes in the casestudy parishes over the past century.<sup>36</sup> The case-study locations were also familiar to the researchers, therefore supporting accessibility to

interviewees and insights into local issues. Semi-structured, biographical interviews were undertaken (largely in English) with members of the farming community in the Norwegian parish case studies in March and April 2016. Sixteen people participated in the interviews, comprising a purposive sample of owner-occupier farmers (and family members) located throughout the two parish case studies, including two interviewees that also self-defined as community representatives (i.e. former local politicians and community group leaders). These community representatives were also resident farmers.<sup>37</sup>

Interviewees were invited to describe the history of their farm and the surrounding parish (or community) area over the past century, to identify the key events and changes that had happened in their lifetime, and those recounted by previous generations. Critically, the interview sought to understand the views held by the farmers of the social and economic drivers for these changes, and the consequences of those drivers for their farm, the local community, and the future of the Norwegian agricultural system. This interview data provides an insight into the Norwegian agricultural model and the implications of an alternative (and changing) land tenure regime to that found in Scotland. These insights are illustrative of underpinning features of the Norwegian model and changes necessary in order to achieve this model in Scotland.

The key drivers of change emerging from the interview analysis are presented in the following section, in addition to a summary of interviewee views on the social consequences of the historic and potential future changes to their farm and the Norwegian agricultural model more broadly. These consequences provide the basis for reflection on necessary cultural change required in Scotland to accompany the implementation of land reform policy.

### ***Economic drivers of change***

The history of land ownership and land-use change in the Norwegian case studies is characterised by the establishment and expansion of smallscale owner-occupied farms.<sup>38</sup> The primary drivers of change across the previous century are considered to be economic in nature,<sup>39</sup> including the influence of the market (i.e. production prices, cooperatives, and supermarket contracts) and market-driven policies, government incentives, mechanisation, and the availability of off-farm employment opportunities.<sup>40</sup>

In detail, the influence of the ‘channelling policy’ (*kanaliseringspolitikken*) from the 1960s onwards, which zoned specific geographic regions for different production types, led many farmers to cease livestock (and grass) production in Melhus ‘central’, shifting to grain, or seeking offfarm work, at least part-time. Similarly, the arrival of production quotas for milk, and concessions for chicken, led some farmers to consider whether or not to continue with the scale of their main production. Changes to the milk quotas at the end of the 1990s resulted in changes

in local agricultural practices, as well as structural changes in farm sizes and the number of active farms in Melhus 'rural'. Critically, milk quotas are based on historical production, as well as the amount of farm land available for grazing and to spread manure. Therefore, changes that encouraged an increased dairy herd size required an associated increase in landholding scale, through land purchase or renting. The current system allows farmers to buy or rent quota to expand production, and many farmers in both Melhus 'central' and 'rural' are reported to have 'built bigger and bought quotas', although this can be expensive in the short term. The interviewees described historic subsidy schemes for the cultivation of 'new' farmland, and improvements to allow/extend cultivation (drainage, levelling, etc.), that are no longer available today. The interviewees also stated that it is very difficult to become a new entrant dairy farmer today (unlike in previous generations) due to the high cost of milk quotas, amongst other costs.

Furthermore, a key driver of change has been the influence of the production market and market demands (for example, for Norwegian chicken and local food developments), interconnected with the influence of government production subsidies (such as encouraging organic conversion, and increasing concessions for chicken production). Interviewees also noted that government subsidised loans<sup>41</sup> are not allocated to farms below a certain scale, as described: 'You don't get the subsidies if you don't "build large enough", so you have to build much larger than you have possibilities with your own land.'

Farmers increasing their production must have access to available farmland in order to receive building/development subsidies, as well as sufficient area for the spreading of livestock manure; the consequences of this driver are discussed in terms of property rights later in this chapter. Declines in production prices are further highlighted as a driver of change; one interviewee explained that solely producing grain would be economically unsustainable in Melhus 'rural' due to low grain prices, despite farming full-time. Key economic drivers of change also include the influence of external agencies (e.g. the Norwegian food agency), supermarket contracts ('they do with us what they want'), production cooperatives (for example, milk prices paid by TINE,<sup>42</sup> the Norwegian dairy cooperative; chicken overproduction mitigated through cooperative payments – farmers paid to stop production, etc.), and other local farmers (for example, joint farming enterprises, and local farmers copying the success of pioneer farmers into chicken production).

The availability of alternative employment sources and the proximity to Trondheim may be considered economic drivers of change in the Norwegian case studies. Post-1945 farm workers largely disappeared from farms, shifting to salaried jobs rather than seasonal farm work. The availability of off-farm work in the city and suburbs, as well as the arrival of the oil industry and consequential higher wages in other industries, contributed to an out-migration of young people from farms in the case studies, whilst others established their own businesses (carpentry,

painting, etc.). It is reported that many farms went from full- to part-time management during the 1970s and 1980s, with farm work undertaken predominantly in the evening and at weekends. Mechanisation during the mid twentieth century also contributed to declining farm employment, as well as a reduction in forestry work available off-farm; manual labour could not compete in terms of efficiency. Interrelated with a mechanised and more automated farming system (with the introduction of robotic milking, for example) are the high costs of renewing production equipment, consequently driving increases in farm scale. As one interviewee explained: 'For instance, in grain production, investment in a new harvester is so large, you need more area to defend this investment.'

The challenge of farmland preservation is mentioned by interviewees, including the impact of infrastructure developments, such as road construction, in breaking up small land units. The consequences of these economic and political drivers on farm scale and tenure are further considered in the following sections.

### ***Social drivers of change***

Many of the economic drivers of change described by the interviewees were interrelated with social drivers, and have had consequences for the social structure of the farming community in the Norwegian case studies. Overall, the interviewees note that quality of life has improved over the previous century for the farming community across the casestudy region, with higher income levels and less requirement for long working hours, especially after shifts from livestock to grain production (as in Melhus 'central'), and in relation to increasing subsidy levels since the mid 1970s. However, the shift from 'grass to grain' (that is, the end of animal and hay production), compounded by the impact of mechanisation, has led to predominantly 'solo farming'. Some interviewees believed that historically the farming community in this part of Norway had a 'better life' because they were not alone on the farm, and they had people around in the 'good and the bad'. Farming was a shared livelihood, neighbours worked at home, and therefore met regularly: '[It is] difficult to compare being a farmer when I was a young farmer than now. Before, it was a way of life, it was the farm, it was the neighbours.'

As described, historically the majority of residents in the case-study parishes were farmers, thus they were 'on the same level'; with fewer farmers there may be social imbalances in the community. Therefore, social changes are related to the consequences of drivers of change in land management.

Nonetheless, the high price of machinery has contributed to increasing cooperation between farmers, and due to the decreasing numbers of farmers, the 'culture of helping each other' is thought to be increasingly important. Joint farming is considered conducive to increasing production, overcoming individual challenges through communication and interaction, as well as improved land management practice (e.g. soil

conservation through limiting compaction). However, previous joint farming experiences demonstrated to interviewees that amalgamation and efficiency drivers can lead to further declines in farming employment, as described:

They thought that if you put four farms together it would be work for all of us, and income for all of us, but it's much more efficient, and it was not income for four people anymore, so someone has to get out!

Furthermore, the interviewees describe challenges of maintaining agreements, relationships, and shared responsibilities in joint farming operations, and note experiences where partners failed to spend time at the outset of their joint enterprise building trusting relationships and agreeing governance structures.

Social drivers of change may be considered to also include individual farmer decision-making, for example regarding changes to production, or developing on-farm diversification activities; whilst these decisions were also influenced by gaining additional income, the choice of diversification reflected the interviewees' personal interests. Examples include one interviewee who 'chose community vegetable garden use of farmland because they like to be with people', and another who described themselves as a 'pragmatic organic farmer', driven by the use of their own resources on the farm. Furthermore, the perceived limit to individual farmer capacity was noted by interviewees. As described, the decision whether to build a new cow barn (or to stop farming), for example, and the scale of the barn, is determined by the extent that the farmer believes they can manage the additional workload, their future plans and the plans of the next generation.

Shifting farm ownership and management between generations is noted as a window for change in production. Furthermore, automatic succession to the oldest child is believed to no longer be the norm, as the children must be interested in farming, and the farm may be handed down to other children. The interviewees also explained that a change to historic family connection with a farm would be a social driver, with, for example, new farm owners possessing 'less interest' (or perhaps less likelihood of long-term investment, both social and economic) in farm management.

A final, critical driver of change – or arguably of preservation – is that of the interviewees' own defined limits to farm scale, i.e. the maximum farm scale that they considered to be optimum/ideal, as explained:

Yes, we can rent more land; we could manage more land. But we don't need it! . . . This is the proper size for a farm.

I think it was a little bit needed that we had to get bigger. But I think . . . now we are pushing the limit.

This self-imposed farm scale limit may be related to the egalitarian culture in Norway, and historic farm equality.<sup>43</sup> However, contrasting views on limits to farm scale arose between interviewees, which gives an insight into wider tensions within the Norwegian agricultural system,

in particular concerns regarding the implications of continued farm expansion and so-called ‘farm cannibalism’. Whilst the earlier quotes describe the view that farm scale should remain small and within the management capability of a farming family, others explained that due to policy changes and government incentives (as described earlier regarding the minimum scale for building subsidy allocation), the only option was to expand the scale of farm businesses, thus: ‘I think honestly that every farmer in Norway wants this, because they can see that economies of scale make sense, to a point.’

Increasing farmer competition over land and resource access is a concern arising from the trend of farm amalgamation and decreasing farmer numbers in the case studies.<sup>44</sup> As the interviewees explained, with increasing farm scale, farmers are required to compete for available land, which in turn can raise land prices, exacerbated by the removal of land price restrictions. This perceived competition is of concern to the case-study interviewees, with regard to maintaining positive relations, thus: ‘. . . still we can work together and we meet in the social areas, and talk . . . But maybe if there is a lot of competition we start to get more unfriendly! . . . Because instead of working together we have to fight with each other.’

The importance of maintaining good relations is exemplified by interviewees whose scale of production is reliant on the use of land or machinery owned by neighbouring farmers. One interviewee describes ‘collaborating’ with neighbours regarding crop rotations, with another describing the ‘flexibility’ of their relationship with neighbours as central to their future plans for farm expansion.<sup>45</sup> The role of ‘good relations’, and therefore social capital as a key feature of the Norwegian model, is considered later in this chapter.

## **CONSEQUENCES OF CHANGE TO PROPERTY RIGHTS**

Key changes and drivers of change have had consequences for land ownership and governance in the Norwegian case studies. The interviewees described the implications of the changes over the previous century, in particular that farm amalgamation and increased scale of production, has led to considerable increases in rented farmland.<sup>46</sup> One interviewee stated that 45 to 50 per cent of farmland in the overall municipality of Melhus is now rented; this is considered high, having increased from 20 per cent in 2011.<sup>47</sup> In addition to production increases, the rise of renting is also associated with the high costs involved in the renewal of production equipment (as mentioned, for example, more land is required to repay the investment of a combine harvester), and landowners stopping active farming for alternative employment sources, therefore offering land to neighbouring farmers or ‘entrepreneurs’.

There is both demand for land by expanding farm businesses (‘with more and more Angus [cattle] I must have more land’), and supply from those who are moving out of farming livelihoods, but retaining farm ownership. The increase in renting, however, is also related to a lack of



farmland for sale, partly due to Norwegian legislation that prohibits the sale of arable land separate from the farmhouse on properties over 2.5 hectares.<sup>48</sup> There is also considerable place attachment, as described by the interviewees, therefore many landowners are reluctant to part with family landholdings, and wish to retain farming as an option for future generations. Furthermore, the rise of farm 'entrepreneurship' (including renting land across significant distances and undertaking contracted agriculture) represents a move away from owner-occupiers with intergenerational connection to and in-depth knowledge of the land; this is perceived negatively by some interviewees.

Rental agreements are for a minimum of ten years, with mandatory municipality oversight. The interviewees described the simplicity and flexibility (including break clauses) of 'ordinary' rental agreements, and the underpinning principles including maintaining soil health and the tenant farmer's responsibility to pay for improvements. It is considered easier to have different plots of land rented from different landowners, because this allows for competition in rental prices that the tenant can favourably negotiate, and retains a 'communal attitude' (for instance, a bigger landowner might rent land for a higher price). Others noted, however, that rental land prices (as well as milk quota prices) are increasing due to the increasing demand for rented land:

So now in this area there is no free land – if you want some you have to bid higher – and some do that. So not everyone is thinking it is for the community  
– they think 'I need more, I have to bid higher'.

Furthermore, the existence/uncertainty of break clauses in tenancy agreements, in contrast to historic, informal land 'borrowing' (without formal agreements or financial transactions, thus: 'no longer will a farmer hand over land to an active farmer') means that some interviewees considered it financially uncertain to base expansion on rented land, as explained:

I will have more land and more grass, then I must go to my neighbour – he will rent the land to me. But you have contract maybe 10 years, then yes – maybe you don't have that for the next 10 years.

Whilst some interviewees who are responding to drivers of change and are seeking to increase production described their approach of renting land from part-time neighbouring farms 'when needed', others described the impact on their business of losing rented ground due to the landowner wishing to return to farming or change the land use (for development, for example). Renting depends on 'being in the right place at the right time' and divides landholdings due to distances between rented fields.

The farmers interviewed emphasised the importance of 'personal' (or private) ownership of the land that allows control and farmer decisionmaking in the long term. Personal ownership supports collaborative farming approaches, thus: 'if you have your own farm you can work together with other farms'. As one interviewee explained, the political

trend in Norway towards market liberalism and the potential for the open sale of farm property will lead to increasing competition and the potential for farmers to again become ‘tenants’, as they were in the eighteenth century:

This development will be important. You can risk that farmers end up as *leilendinger* – tenants – as they were in the crofter system back in the 1700s. Back then the farms were transferred to the farmers, and now we may risk going the other way.

The interviewees asserted that it is important to retain their identity as ‘free farmers’. Fundamentally, the shift in property rights with farm rental expansion is in turn changing power relations within and between the farming communities in the case studies. The value of equality to the key features of the Norwegian model is considered in the following discussion section.

### **IMPLICATIONS OF A CHANGING MODEL: NORWEGIAN AND SCOTTISH PERSPECTIVES**

A key feature of the land governance model in Norway is the relative equality of property owners and there has existed a tradition of informal renting (referred to as ‘borrowing’ by interviewees), between neighbouring farms. The underpinning governance and institutions (both formal and informal) are strongly communal in nature.<sup>49</sup> There also exists a long history of collective land management, both for farm business survival (for instance, the role of forestry work in subsidising farm income) and for wider environmental and community benefit such as the interviewees’ participation in the local skiing and hunting clubs. An important feature of the Norwegian model described by the interviewees was the self-imposed limits to farm scale, which may be considered an example of the application of ‘virtue ethics’ with regards to land ownership, as detailed by Peñalver (2009),<sup>50</sup> and reciprocity detailed by Gezelius (2014).<sup>51</sup>

However, it may be argued that the model of social cooperation and progressive property rights is challenged by the drivers of change and consequences described by the interviewees in the previous section. In particular, the findings highlight the challenge of good governance in joint farming arrangements and the undermining of communal attitudes with increasing land competition, which are related to the drive for efficiency within Norwegian land policy developments such as possible removal or relaxation of the concession laws.<sup>52</sup> Nonetheless, as expressed by the farming interviewees, the shift to a system based on economies of scale rather than state support was accepted by some, who also described the influence of global production trends/commodity prices and the perceived limitations of national policies, such as regarding pesticide use. Others interviewed were concerned with the realities of farm ‘cannibalism’, increasing land rental prices (in conjunction with relatively short-term rental contracts), and the loss of social infrastructure with declining farmer numbers: ‘if you eat up the land of your neighbour you can enlarge, but that is not good for the community, because then in the end you are alone’.

This debate in Norway reflects the Lockean principle of ‘limits to equality’, and generates ‘consequential geographies’ with a land tenure system increasingly based on formal renting.<sup>53</sup> It is noted by the interviewees that the management of disparate landholdings by a declining number of farmers is likely to have social, economic and environmental consequences, not least through increasing carbon emissions with transport between field locations, limited land management on marginal units, and reduced time for family life and community participation. The significant increase in renting and farm unit expansion in Norway raises questions of sustainability, and the possible necessity of land consolidation. There also exists the potential for creating social imbalance and inequalities, with tenants (rather than landowners) holding power in the land market.<sup>54</sup> However, it is unreasonable to suggest that a rural elite will emerge in Norway, given the relatively small size of farms that are offered for rent by non-active farmers.

The model is arguably further threatened with reported challenges to associated Norwegian institutions, including the *odel* and the *kårfolk*. The latter is described as the tradition of the older generation continuing to live on the farm, shifting to a smaller dwelling house (the *kårstue*), and continuing to provide knowledge and practical support to the next generation farmer. As the case studies illustrate, due in part to the rise of part-time farming and increasing rural house prices, the transition between generations may be determined increasingly by economic factors rather than considerations of family or inheriting farming knowledge. Interviewees explain that retired farmers today are more interested in securing their own property rights, which can threaten the *kårfolk* institution. As is the case across Europe, farm succession is increasingly delayed, the average age of farm owners is rising, and there are limited routes into farm management for younger people and new entrants.<sup>55</sup>

The interviewees also mentioned tensions arising in farm succession planning, with inheritance based on the wishes of the next generation to continue to farm, and the influence of off-farm, higher-waged employment options as well as economic drivers such as replacing machinery or building infrastructure increase scale of production. The risk related to a decline in function of the *Odelsrett*, the Allodial Act, and the Concession Act, would be the opening of possible land speculation and increasing land prices. However, the former appears relatively unlikely in Norway in the short term, due to the factors inhibiting farm land sales, as well as due to transgenerational ownership practices, and strongly held place attachment or ‘land memory’.<sup>56</sup> Nonetheless, this tension illustrates the need for coherence between property enactments and policy interventions that adopt a liberal view of property ownership.<sup>57</sup> Indeed, possible future neoliberal shifts in land policies in Norway may undermine the model of social cooperation, leading to a necessary formalisation of property rights, such as increasing security of tenure for farm land tenants and *kårfolk*.<sup>58</sup>

It is clear that the Norwegian case studies provide many insights into the underpinning features of and challenges to a model of sociodemocratic land governance. Scotland seeks to shift to a model of social cooperation and obligation in land use decision-making, and to a certain extent, the ongoing process of land reform creates the necessary institutional framework.<sup>59</sup> What is missing from the Scottish situation, and is evident in the case studies in Norway, is a historical legacy of social obligation, communal land management, and property-owner behaviour, which is embedded in national agricultural institutions, with high levels of legitimacy. The critical point of departure was Norway's Land Act of 1928 which abolished the landless *Husmann* class and thus generated more landowner equality. Subsequent legislative advancements in Norway have maintained farm units on the scale of family ownership and institutional management, which have restricted farm land sales through market interventions.<sup>60</sup> This is in stark contrast to the marketbased system in Scotland and the concentrated power of private land ownership. It is also important to recognise that the cultural practices of land ownership and land management in Scotland are intertwined with social class and historical privileges; this is not the case in Norway, again due to divergent histories that have supported the maintenance of an egalitarian land tenure system.<sup>61</sup>

Nonetheless, the positive change anticipated by the Land Reform (Scotland) Act 2016 may be supported by adopting the underpinning features of the Norwegian model, not least seeking greater equality and partnership-working between property owners. The increasing formality of farm tenant rights may be seen as one route to readdress the balance between landowner and tenant, but as this analysis illustrates, this system of property rights must be supported by positive social relations.<sup>62</sup>

Insights from sociological research suggest that interactions and 'communicative interactivity' form the basis for human relationships, that human agency is enacted through interactions, and that this can create social capital.<sup>63</sup> Social capital may be defined as 'the structure of relations between actors and among actors that facilitates productive activity . . . a structure in which others may be contacted, obligations and expectations can be safely formed, information can be shared and sanctions can be applied',<sup>64</sup> or, as Putnam explains, 'features of social organisation, such as trust, norms, and networks, that can improve the efficiency of society by facilitating coordinated actions'.<sup>65</sup> Interactions that foster trust and reciprocity are considered to enhance social capital. Understanding micro-level interactions and processes of exchange provides insight into the power relations that permeate such spaces of interaction.<sup>66</sup> It may be inferred that private land ownership, both in Scotland and worldwide, has an influence on the generation of trust and, in turn, social capital, including the potential to deplete it through changes to land management that cause fragmentation in interaction, and perhaps inherently through power differentials between landowners, tenants, and the wider rural community.<sup>67</sup>

As the Scottish Government seeks to increase diversity of land ownership through land reform, there are further lessons to learn from supporting good governance in co-management and collaborative farming arrangements, as illustrated in the Norwegian case studies, not least the need to build institutions and trusting relationships between land managers, and to reach early agreement on governance structures. Many involved in the Scottish land sector describe the need for more flexibility in farm tenancies, to encourage greater access to land for young farmers and new entrants, and there may be lessons to learn from the approach to land leasing based on neighbourliness and cooperation evident in the Norwegian case studies.<sup>68</sup> This model would allow owners of smaller-scale properties in Scotland to achieve the economies of scale required for efficient production, whilst sharing the benefits of land ownership. However, the Norwegian interviewees emphasised the importance of ‘personal’ ownership in maintaining collaborative farming arrangements, therefore emphasising the continued relevance of private (rather than community or state) land ownership. Nonetheless, the support mechanisms of farmer-to-farmer equality and positive social relations can be undermined by competition for land access/acquisition, as described by the Norwegian interviewees, therefore raising the question in Scotland regarding the possibility of market interventions as in Norway, to enable optimum land use and diversity of ownership.

## **CONCLUSION**

The Norwegian model is presented as a system of equitable land ownership and sustainable agriculture to which Scottish policymakers and land reform campaigners aspire.<sup>69</sup> Unlike in Scotland, the question of land reform does not appear to feature in public or political discourse in Norway, although there is some consideration of the need for land consolidation due to the distances between rental units managed by ‘solo farmers’ (and resulting environmental impacts, in terms of transport fuel emissions and marginal land abandonment). In contrast to Scotland, there exists a much greater proportion of the population with access to land, due to the scale of landholdings and extent of close farming connections within family histories. The Norwegian model may be proposed as a suggested policy solution for Scotland. However, in order to achieve this aspiration, several potential changes in Scotland would allow greater alignment with the institutions and governance of land in Norway. These changes may include greater influence of local communities and local authorities in the allocation of land for rent and perhaps also tenancy length, replicating the role of the municipality in Norway, and seeking to overcome barriers to new agricultural tenancies in Scotland.<sup>70</sup> Scottish policymakers could review guidance regarding succession and inheritance to promote equality of land ownership between claimants on inheritance.<sup>71</sup> Furthermore, it is important that the Scottish policymakers seek to maintain social networks (and hence, social capital) between members of the local farming community, and between the farming and non-farming rural community, as exists in Norway through strong rural connections, and recreational activities.

Time will tell whether the Land Reform (Scotland) Act 2016 leads to effective change and fulfilment of the Scottish Government's land reform intentions. Nonetheless, the exploration of the lived experience of farmers in the Norwegian case studies presented illustrates the value of international comparison to gain insights and experiences from alternative perspectives and institutional settings. Indeed, learning from the Norwegian experience indicates that the Scottish policy goal of land reform may require:

- (1) Support for underpinning networks and developing social capital between rural actors (i.e. owners and managers of land, and those who live and work in rural areas)
- (2) Mechanisms that create opportunities for equality in land access (e.g. through succession and inheritance), to avoid competition between landowners and countering trends of farm 'cannibalism', through building cooperation and new business models<sup>72</sup>

To conclude, this chapter also provides an insight into Norwegian land policies, to highlight the consequences of potential future changes to the Norwegian model. Similar to Scotland, Norway is not exempt from the pressures of neoliberalism, not least with regard to agricultural policies, and dramatic increases in areas of rented farmland have been attributed to a shift in Norwegian agricultural and rural policy, towards supporting larger-scale and more efficient agricultural production units.<sup>73</sup>

A debate is emerging regarding policy changes intended to increase competitiveness in global production markets.<sup>74</sup> Such legislative reform in Norway would have consequences for land prices, increasing the rate of land sales and land speculation, as well as influencing traditional rural community structures. In this regard, it is opportune for Norwegian policymakers to consider and reflect on alternative land systems which are governed more directly by market forces, such as in Scotland.<sup>75</sup>

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### **Notes**

1 See Chapters 5 and 16 in this volume for further analysis of land ownership concentration.

2 Scottish Government, 'A Consultation on the Future of Land Reform in Scotland' (Edinburgh, 2014), p. 6.

3 Scottish Government, Results from the June 2016 Scottish Agricultural Census, 25 October 2016.

4 J. Bryden, L. Riddoch and O. Brox, 'Conclusions' in J. Bryden, O. Brox and L. Riddoch (eds), *Northern Neighbours: Scotland and Norway since 1800* (Edinburgh: Edinburgh University Press, 2015), pp. 282–6.

- <sup>5</sup> W. E. Dramstad and N. Sang, 'Tenancy in Norwegian agriculture', *Land Use Policy*, 27 (2010), pp. 946–56.
- <sup>6</sup> A. Anderssen, 'The Land Tenure System in Norway, and Local Democracy in Relation to Land Issues', Presentation to the Highlands and Islands Forum, Inverness, March 1998; R. Almås, 'From state-driven modernisation to green liberalism 1920–2000', in R. Almås (ed.), *Norwegian Agricultural History* (Trondheim: Tapir Academic Publishers, 2004), pp. 296–357.
- <sup>7</sup> V. H. Hausener, G. Brown and E. Lægreid, 'Effects of land tenure and protected areas on ecosystem services and land use preferences in Norway', *Land Use Policy*, 49 (2015), pp. 446–61; Anderssen, 'The Land Tenure System in Norway'; S. Gezelius, 'Exchange and Social Structure in Norwegian Agricultural Communities: How Farmers Acquire Labour and Capital', *Sociologia Ruralis*, 54 (2014), pp. 206–26.
- <sup>8</sup> Statistics Norway, 'Structure of agriculture, 2016, preliminary figures', <<https://www.ssb.no/en/jord-skog-jakt-og-fiskeri/statistikker/stjord>> (last accessed 28 June 2017); S. S. Prestegard and A. Hegrenes, 'Agriculture and Rural Development Policy in Norway', in A. K. Copus (ed.) *Continuity or Transformation? Perspectives on Rural Development in the Nordic Countries*, Nordregio Report (2007), vol. 4, pp. 123–35.
- <sup>9</sup> Almås, 'From state-driven modernisation'; Prestegard and Hegrenes, 'Agriculture'; Gezelius, 'Exchange'.
- <sup>10</sup> 18.5 per cent of the Norwegian population in 2017 live in a rural area, with a decline of 0.8 per cent since 2016, see Statistics Norway, 'Population and land area in urban settlements', <<https://www.ssb.no/en/befolkning/statistikker/befsett/aar>> (last accessed 30 January 2018). In contrast, in Scotland, 17 per cent of the total population live in rural areas (6 per cent in remote rural and 11 per cent in accessible rural), with an increase in rural population between 2016 and 2017 of 0.4 per cent. An increase in the Scottish population overall between 2016 and 2017 is attributed to positive net migration see Scottish Government, 'Rural Scotland Key Facts 2018', Rural and Environment Science and Analytical Services, Scottish Government, October 2018.
- <sup>11</sup> Gezelius, 'Exchange'.
- <sup>12</sup> H. Bjørkhaug and C. A. Richards, 'Multifunctional agriculture in policy and practice? A comparative analysis of Norway and Australia', *Journal of Rural Studies*, 24 (2008), pp. 98–111; P. Lombnæs, O. A. Bævre and N. Vagstad, 'Norwegian Agriculture: Structure, Research and Policies', *The European Journal of Plant Science and Biotechnology*, 5 (Special Issue 1, 2011), pp. 1–4.
- <sup>13</sup> R. Almås and M. Haugen, 'Norwegian Gender Roles in Transition: the Masculinization Hypothesis in the Past and the Future', *Journal of Rural Studies*, 7 (1991), pp. 79–83.
- <sup>14</sup> cf. M. R. G. Goodale and P. K. Sky, 'A comparative study of land tenure, property boundaries, and dispute resolution: case studies from Bolivia and Norway', *Journal of Rural Studies*, 17 (2000), pp. 183–200; Almås, 'From state-driven modernisation'.
- <sup>15</sup> This is in contrast to the picture of small holdings in Scotland, due in part to the later individual right to buy for crofting (introduced comparatively later in 1976), and the fact that crofters have had little incentive to buy their own crofts, for example due to the loss of access to grant funding, and the lack of desire to gain title given security of tenure; Almås, 'From state-driven modernisation'.
- <sup>16</sup> S. Pollock, 'International Perspectives on Land Reform', SPICe Briefing, 10 July 2015 (Edinburgh: SPICe, 2015).
- <sup>17</sup> Gezelius, 'Exchange'.
- <sup>18</sup> Almås, 'From state-driven modernisation'; M. Forbord, H. Bjørkhaug and R. J. F. Burton, 'Drivers of change in Norwegian agricultural land control and the emergence of rental farming', *Journal of Rural Studies*, 33 (2014), pp. 9–19.

- 19 cf. S. Harvie-Clark, 'Succession (Scotland) Bill', SPICe Briefing 15/48, 26 August 2015 (Edinburgh: SPICe, 2015).
- 20 M. I. Rudd, 'Reform of Legal Rights in Succession: Retaining Viable Agricultural Units', *Juridical Review*, 2018, pp. 172–90.
- 21 Gezelius, 'Exchange'.
- 22 To compare, in Scotland, owner-occupier crofters (but not farmers) are subject to a duty to live within 32 km. Not doing so can lead to sanctions, such as requiring that the croft be let out (but ownership would remain unchanged).
- 23 cf. F. Flemsæter, 'Geography, Law and the Emotions of Property – Property enactment on Norwegian smallholdings', PhD thesis (Trondheim: NTNU, 2009).
- 24 Forbord et al., 'Drivers of change', p. 12.
- 25 M. Forbord and O. Storstad, 'Praktisering av regelen om boplikt på landbrukseiendommer. En analyse basert på saker i utvalgte kommuner', Report 02/08 (Trondheim: Centre for Rural Research, 2008).
- 26 H. Vinge, 'Food Security, Food Sovereignty, and the Nation-State: Historicizing Norwegian Farmland Policy', in A. Trauger (ed.), *Food Sovereignty in International Context. Discourse, Politics and Practice in Place* (New York: Routledge, 2015), pp. 87–105.
- 27 Landbruksdirektoratet, 'Driveplikt og jordleie', <<https://www.landbruksdirektoratet.no/no/eiendom-og-skog/eiendom/driveplikt/driveplikt-og-jordleie#utleie-avjord>> (last accessed 16 May 2017).
- 28 Dramstad and Sang, 'Tenancy'; Forbord et al., 'Drivers of change'.
- 29 Forbord et al., 'Drivers of change'.
- 30 Dramstad and Sang, 'Tenancy'.
- 31 Dramstad and Sang, 'Tenancy'.
- 32 Defined as 'a modified form of liberalism tending to favour free-market capitalism' (Oxford English Dictionary, 2018; see also Thorsen and Lie, 2006, below). Oxford English Dictionary, 'Neo-liberalism', <<https://en.oxforddictionaries.com/definition/neo-liberalism>> (last accessed 3 May 2018); D. E. Thorsen and A. Lie, 'What is Neoliberalism?' Working paper, Department of Political Science, University of Oslo, 2006, <<http://folk.uio.no/daget/What%20is%20Neo-Liberalism%2010-11-06.pdf>> (last accessed 3 May 2018).
- 33 R. Almås and H. Campbell, 'Rethinking Agricultural Policy Regimes: Food Security, Climate Change and the Future Resilience of Global Agriculture', *Research in Rural Sociology and Development*, 18 (2012) (Bingley: Emerald Insight).
- 34 J. Bryden, 'Land Reform proposals in Norway and Scotland – BBC debate', <<https://johnmbryden.wordpress.com/2016/02/12/land-reform-proposals-in-norway-and-scotland-bbc-debate/>> (last accessed 12 February 2016).
- 35 The case-study parishes are referred to as 'Melhus central' and 'Melhus rural', with the latter located in a more remote area of the Melhus municipality than the former.
- 36 Specifically, this allowed comparison with existing parish case studies close to Aberdeen, which were explored in Chapter 16 of this volume. The methodology presented in this chapter is based on the work of Thomson et al., see Chapter 16.
- 37 Specific case-study locations (below municipality scale) and participants' names remain anonymous.
- 38 cf. Almås, 'From state-driven modernisation'; O. Brox, 'Reflections on the Making of Norway', in J. Bryden, O. Brox and L. Riddoch (eds), *Northern Neighbours: Scotland and Norway since 1800* (Edinburgh: Edinburgh University Press, 2015), pp. 154–63.
- 39 The influence of natural conditions (e.g. landscape and land capability), as well as the unreliability of weather and climate change were mentioned by interviewees as further drivers of change, but are not central to the focus of this chapter.
- 40 cf. Dramstad and Sang, 'Tenancy'; H. Bjørkhaug, 'Exploring the sociology of agriculture: Family farmers in Norway – future or past food producers?' in



D. Ersaga (ed.) *Sociological landscape: Theories, realities and trends* (InTeck, 2012), pp. 283–303; Gezelius, 'Exchange'.

41 Subsidised loans have been available from 'Innovation Norway' to eligible farmers over a minimum scale since 2013. However, in April 2017 the Norwegian Parliament voted in favour of a new policy that gives priority to small and medium-sized farms when it comes to government support for investment. Hence, the farmer quoted above would now be eligible for subsidised loans.

42 The milk price is set by the Agricultural Agreement after annual negotiations between the farmers' unions and the Norwegian Government. TINE, as a cooperative but also a private actor, is required to pay that price to the individual farmers. This process is understood by all Norwegian dairy farmers, although they might describe the price-fixing actor as 'TINE'. A *tine* (pronounced 'teeneh') is a traditional Norwegian wooden container to keep butter and cheese fresh (TINE, 2018). TINE, 'About TINE', <<https://www.tine.no/english/about-tine/about-tine>> (last accessed 29 October 2018).

43 The basis for the channelling policy was that it provided a corporatist, partnership model for agriculture, with negotiations between state and farm organisations in order to balance conflicts, and to divide gains and losses between regions and farmer groups (see Almås, 'From state-driven modernisation').

44 See also Dramstad and Sang, 'Tenancy'.

45 See also the findings of Gezelius, 'Exchange'.

46 As earlier reported by Dramstad and Sang, 'Tenancy', and Forbord et al., 'Drivers of change'.

47 This interviewee quoted figures produced by the agricultural department of the Melhus municipality.

48 See also Flemsæter, 'Geography, Law and the Emotions of Property'.

49 Almås, 'From state-driven modernisation'.

50 The three main virtues in land use decision-making are explained as industry (which may be equated to efficiency), justice and humility; See also J. A. Lovett, 'Progressive Property in Action: The Land Reform (Scotland) Act 2003', *Nebraska Law Review*, 89 (2011), pp. 739–818.

51 Gezelius, 'Exchange'.

52 cf. Bryden et al., 'Conclusions'.

53 B. Ilbery, D. Maye, D. Watts and L. Holloway, 'Property matters: Agricultural restructuring and changing landlord-tenant relationships in England', *Geoforum*, 41 (2010), pp. 423–34.

54 cf. S. M. Cashin and G. McGrath, 'Establishing a modern cadastral system within a transition country: Consequences for the Republic of Moldova', *Land Use Policy*, 23 (2006), pp. 629–42.

55 See review by L. Zagata and L. A. Sutherland, 'Deconstructing the "young farmer problem in Europe": towards a research agenda', *Journal of Rural Studies*, 38 (2015), pp. 39–51.

56 Flemsæter, 'Geography, Law and the Emotions of Property' and see also M. Skår, G. Swensen, B. K. Dervo and O. Stabbetorp, 'Diversity in a Norwegian agrarian landscape: Integrating biodiversity, cultural and social perspectives into landscape management', *International Journal of Biodiversity Science & Management* 4 (2018), pp. 15–31; E. M. Peñalver, 'Land Virtues', *Cornell Law Faculty Publications*, Paper 104 (2009), pp. 821–88.

57 Flemsæter, 'Geography, Law and the Emotions of Property'.

58 cf. E. Ostrom and E. Schlager, 'The Formation of Property Rights', in S. S. Hanna, C. Folke and K-G. Mäler (eds), *Rights to Nature: Ecological, Economic, Cultural, and Political Principles of Institutions for the Environment* (Washington: Island Press, 1996), pp. 127–56.

59 See for instance Chapters 7 and 8 in this volume.

60 cf. J. Glass, R. Bryce, M. M. Combe, N. E. Hutchison, M. F. Price, L. Schulz

and D. Valero, 'Research on interventions to manage land markets and limit the concentration

of land ownership elsewhere in the world' (Scottish Land Commission, Commissioned Report No. 001, 2018).

<sup>61</sup> cf. H. Newby, C. Bell, D. Rose and P. Saunders, *Property, Paternalism and Power: Class and Control in Rural England* (London: Hutchinson University Library, 1978).

<sup>62</sup> cf. H. Lean, 'Scottish Perspective: Land Reform (Scotland) Act 2016', *Agricultural Law Association Bulletin*, 85 (2016), pp. 13–14; S. Read-Norrie, 'Agricultural Tenancies: Making Room for Generation Y – Will Only the Land Endure?', *Aberdeen Student Law Review*, 7 (2017), pp. 27–55. And arguably communicative action, see A. J. McKee, 'Legitimising the Laird? Communicative Action and the role of private landowner and community engagement in rural sustainability', *Journal of Rural Studies*, 41 (2015), pp. 23–36.

<sup>63</sup> I. Falk and S. Kilpatrick, 'What is social capital? A study of interaction in a rural community', *Sociologia Ruralis*, 40 (2000), pp. 87–110.

<sup>64</sup> M. Shucksmith, 'Endogenous development, social capital and social inclusion: perspectives from LEADER in the UK', *Sociologia Ruralis*, 40 (2010), pp. 208–18 (p. 210).

<sup>65</sup> R. Putnam, *Making Democracy Work* (Princeton: Princeton University Press, 1993), p. 167.

<sup>66</sup> E. Jupp, 'The feeling of participation: Everyday spaces and urban change', *Geoforum*, 39 (2008), pp. 331–43.

<sup>67</sup> See E. Kemp-Benedict, 'Inequality, Trust, and Sustainability', Stockholm Environment Institute, Working Paper, September 2011, and Newby et al., *Property, Paternalism and Power*, and McKee, 'Legitimising the Laird?'

<sup>68</sup> cf. Read-Norrie, 'Agricultural Tenancies', and A. McKee, L. Sutherland, J. Hopkins, S. Flanigan and A. Rickett, 'Increasing the Availability of Farmland for New Entrants to Agriculture in Scotland', Report for the Scottish Land Commission, 2018.

<sup>69</sup> Bryden et al., 'Conclusions'.

<sup>70</sup> cf. Scottish Government, June 2016 Scottish Agricultural Census.

<sup>71</sup> See S. Shortall, L.-A. Sutherland, A. McKee and J. Hopkins, 'Women in Farming and the Agriculture Sector', Report for the Environment and Forestry Directorate, Rural and Environment Science and Analytical Services (RESAS) Division, Scottish Government, 9 June 2017, <<http://www.gov.scot/Publications/2017/06/2742>> (last accessed 17 March 2019).

<sup>72</sup> It should be noted that in Scotland, the Land Reform (Scotland) Act 2016 also brought the Scottish Land Commission (SLC) into existence. The Commission's remit is focused on four strategic priorities, including land for housing and development, diversity of land ownership, land use decision-making, and agricultural holdings (i.e. including reinvigorating the tenanted sector in Scotland). According to the remit of the SLC, it appears that they can progress these mechanisms, and support a change of culture in the relationship of landowners with other rural actors.

<sup>73</sup> Almås and Campbell, 'Rethinking Agricultural Policy Regimes'; Dramstad and Sang, 'Tenancy', and Forbord et al., 'Drivers of change'.

<sup>74</sup> Bryden, 'Land Reform proposals in Norway and Scotland'.

<sup>75</sup> cf. Bryden et al., 'Conclusions', and Bryden, 'Land Reform proposals in Norway and Scotland'.