

REVIEWS

Scotland's Foreshore: Public Rights, Private Rights and the Crown, 1840–2017

John MacAskill, Edinburgh, Edinburgh University Press, 2018,
xii + 260 pp., £80, 9781474436915 hb

James Hunter

University of the Highlands and Islands

At the start of this book, the author quotes a number of historians, this reviewer included, who have written about the early nineteenth-century Highlands and Islands of Scotland and who, when doing so, have touched on the extent to which the region's then landlords profited from sales of seaweed-based alkali. Foreshores, for obvious reasons, were central to this trade, and I and others, Dr MacAskill shows, have tended to assume that proprietors of coastal estates possessed well-founded rights of ownership over those foreshores. Dr MacAskill is much too polite to imply negligence on the part of those of us who have made this assumption. But it is, he comments, 'perhaps surprising' that we have shown no awareness of the protracted conflict examined in his book – a conflict arising from the way in which, starting in the 1830s, the relevant government agencies, first the Office of Woods and then the Board of Trade, sought to establish that ownership rights to Scotland's foreshores were in fact vested in the Crown.

To this charge I plead guilty. Because I have been investigating the nineteenth-century Highlands and Islands – albeit on an on-and-off basis – for the better part of fifty years, I flatter myself that I have at least a working knowledge of most of what took place there during that time. But I knew absolutely nothing, I confess, of the protracted battle waged by landed proprietors, not just in the Highlands and Islands, but also more generally in Scotland, in response to what they saw as a gratuitous and ill-founded attack on their property rights.

This comprehensively researched and wholly first-rate book has ended my ignorance of these matters. Here, for the first time, is a meticulously documented account of what was accomplished by the Association of Seaboard Proprietors of Scotland, a grouping of some of the country's most influential landlords. Towards the nineteenth century's close, a number of those same landlords would begin to have their previous freedoms limited – in the agricultural sphere at any rate – as a result of Parliament's growing willingness to provide Highlands and Islands crofters with security of tenure and other protections. But with regard to foreshores, the Association of Seaboard Proprietors was ultimately to prevail over the Crown. Dr MacAskill has set out to analyse how this happened. He has been greatly aided in this task by his being a lawyer as well as a historian. Hence the seeming ease with which this book guides readers through legal and constitutional complexity of a sort that might well have defeated a less equipped author.

Although Dr MacAskill concentrates on the nineteenth century, he touches, as his book's subtitle indicates, on more recent developments. That matters. As a result of its being a substantial and innovative contribution to the history of Scotland, this book would anyway be important. But it is all the more significant because it appears at a point when responsibility for Crown-owned resources in Scotland has been devolved to the Scottish Parliament. The politicians and others now in charge of the management of those resources need to be aware of John MacAskill's findings.