

## PIETY AND IMPIETY: THE LITTLE SPARTAN WARS

It seems increasingly likely that once the millennial dust has settled, Ian Hamilton Finlay's garden at Stonypath will come to be recognised as one of the late 20th century's most important artistic achievements. First hacked out of a barren Lanarkshire hillside by Finlay and his wife Sue more than twenty years ago, the garden consists of a complex and ever-expanding series of plantings, major landscape interventions, a succession of cunningly devised vistas and numerous three-dimensional artworks by Finlay and his collaborators. At the heart of Little Sparta lies the Garden Temple, around which building – its nature, identity and legal and cultural status – have raged the Little Spartan wars.

This is a conflict which has baffled many otherwise well-disposed observers, some of whom tend to treat it as an irrelevance, even at times an embarrassment. Others probably feel that it has dragged on long enough, that the point was made years ago, and that regularisation of the situation is now well overdue. Such an attitude, however, misinterprets an essential dimension of Finlay's principle creation: far from representing a rhetorical flourish, an entertaining side-show or a bloody-minded aberration, the Little Spartan wars are an integral part of the Stonypath project. Ostensibly mired in abstruse legalistic arguments over local taxation, and superficially seen as yet another example of that ever-popular British spectator sport pitting plucky but eccentric Davids against the Goliaths of bureaucracy, they are in reality about *piety* and *impiety* and the meaning of these terms, if any, in the contemporary cultural arena.

For Finlay, the principal crisis of western culture resides in the death of piety – in other words, in the commodification not only of culture, but of everything it ever stood for. Evidence of impiety may be found in the bureaucratic relegation of the arts under the rubric of “recreation and leisure”, in the way tradition is increasingly treated as external and, in the most literal sense, eccentric, and above all, perhaps, in the fact that public debate around such questions is no longer regarded as laudable or even permissible. For Finlay, the ongoing process of secularisation must be actively resisted, “the garden consciously challenging the surrounding culture”.<sup>1</sup> By this token, the artist's challenge to the bureaucrats of Strathclyde Region is not a piece of opportunistic street theatre but a reflection, albeit a partly symbolic one, of the principles espoused by the French revolutionaries commemorated in the garden's monuments and inscriptions.

The origins of the Little Spartan wars are as undramatic and even banal as those of any other conflict. In October 1975, Sue Finlay applied for and received a 50% discretionary relief on the rateable value (property tax) relating to what was at the time described by Strathclyde Regional Council (SRC) as Stonypath Gallery, a converted barn in which Finlay displayed concrete poems and other collaborations published by the Wild Hawthorn Press. The relief was unilaterally withdrawn in December 1978 by the Region's Assistant Director of Finance on the grounds that “such relief may not be granted to individuals, only to organisations”;<sup>2</sup> two months later, a further communication added that the decision had been taken “on the

basis of the information provided which indicated that the premises were used to a large extent to house and display the work of an individual, and because access was by way of appointment thereby restricting public benefit”.

Finlay’s response was matter-of-fact, refuting any suggestion that the Little Spartan conflict was deliberately provoked by him; this is clearly the retort of a man prepared to argue his case with bureaucracy, but oblivious of the fact that he is firing the opening salvo of a war now almost twenty years old:

*Thank you for your letter in respect of our gallery discretionary rates relief. I would certainly like to appeal, and will be glad if you will tell me how I can do so). In respect of the ‘terms of the scheme operated and approved by the Regional Council’, I would assume – over-optimistically, as it may be – that ‘terms’ are to be interpreted in the light of a generous common sense, since our gallery is an aspect of culture and regional authorities, history shows, have not always been to the forefront in that area. I have never assumed any automatic rights to rates relief, but did assume that discussion would be permissible – would even be desired by the Region. In such discussion as I have had I have been given a number of very different reasons for the withdrawal of the relief – for example, that if we were a proper gallery we would have an Arts Council grant, and that we are not an organisation, and that the public has restricted access to our gallery and garden, and that we might sell something (...)*

*The question of public access, is, it seems to me, a crucial one. It is peculiarly dispiriting to have the ‘appointment only’ stipulation cited as if it were a negative stipulation. It is perfectly clear that all public access to anywhere is to some extent limited. (Try ringing your Rates Dept. in Hamilton, at 6 am, for example). It is a fact that no serious visitor has ever been refused a visit to our gallery and garden, and the stipulation has been practical... Thank you. I still hope we may be allowed an actual, serious discussion.”*

The conflict has been considerably complicated by Finlay’s chronic agoraphobia, a condition which makes it impossible for him to leave Stonypath to attend trials or hearings; this factor, however, is balanced by his belief that debate about the nature of the temple and garden is in any case best conducted at Little Sparta itself, where the spell of the *genius loci* can manifest itself. Accordingly, Finlay was unable to attend an initial appeal scheduled for March 1979, proposing instead a meeting in the gallery, or else “a proper phone discussion”. In the event, this discussion never took place, and later that year, Finlay took the momentous step of re-designating Stonypath Gallery as a Garden Temple:

*In any case your Rates demand is no longer applicable. We have clarified our position by re-defining our (one-time) gallery as a Temple, on the precedent of the Canova Temple (doubtless familiar to you) at Possagno. I look forward to hearing what the Strathclyde Region Rates Policy on Canova-type Temples presently is, and will of course be glad*

*to welcome any official who cares to come and discuss this matter within temple hours.*<sup>vii</sup>

On one level, Finlay is here as whole-heartedly serious as ever; but on another, the sheer malicious sense of fun with which he lobs this new ball at the Region is unmistakable. The correspondence which ensues is a minor work of art in itself:

Depute Assessor, Hamilton to Assistant Director of Finance, SRC, 22.5.80: *I can think of no other description for the subject at Stonypath, Dunsyre than "Art gallery". It is used for the display of works of art, albeit that Mr. Finlay insists they are poems. Perhaps Mr. Finlay could suggest some tangible description for the subject to you, and I shall alter the description in the Valuation Roll.*

IHF to Assistant Director of Finance, SRC, 9.6.80: *Thank you for your letter of 27 May. The correct description would be: Canova-type Garden Temple. I enclose the original Rates demand.*

Depute Assessor, Hamilton to Assistant Director of Finance, SRC, 19.6.80: *It seems that Mr. Hamilton Finlay can suggest no normal description for the above subject and I am, therefore, not prepared to alter the existing Valuation Roll.*

The dispute between Finlay and the various avatars of Strathclyde Regional Council is clearly as much one of language as of legalities, of style no less than substance: reading through these documents, it is immediately apparent that two different languages, two different ways of describing and ordering the world are here locked in conflict. The interlocutors may sometimes understand one another, they may even once in a while display sympathy for each other's position, but they represent essentially irreconcilable ideologies. Finlay's opponents are not brutes, and only rarely fools, but they remain incapable of breaking the administrative mould, that mind-state in which authority does not – *cannot* – debate, but only decree:

*And again: to say that my work is that of an "individual" is wholly ridiculous. What we have here is the expression, not of a person but of a tradition; actually and allegorically, every work is a collaboration. When Strathclyde quotes me as saying that the works are collaborations, in order to argue that they are the works of an individual, there is nothing to say – no Appeal to be made: they are not acknowledging any idea of exchange or discussion.*<sup>viii</sup>

By November 1980, Strathclyde lost patience with Finlay and issued the first of a long string of Summary Warrants against him, warrants which it was clear the artist had no intention of complying with – or at least, not unless and until he was granted the opportunity of debating the issue on his own terms. One of the earliest and most concise formulations of Finlay's position regarding the status and nature of the Garden Temple is

contained in an application for relief dated September 1981, under the section “details of purposes for which property is used”:

*This building, correctly designated as a Garden Temple... is properly part of the Stonypath garden and remains open to visitors throughout the year (even when the garden is dormant). It is widely recognised as a sanctuary, an integral part of a garden “quite unlike any other”, a “philosophical garden” (Dr Stephen Bann); the purpose or aim of the temple is the traditional one of celebrating the Muses, and its contents are intimately related to the garden as (prosaically) an object and (ideally) a manifestation of the Western spiritual tradition. It is clear that education, literature, the fine arts, and religion, are not separable from this ideal.<sup>xii</sup>*

In practice, there was little point in appealing to the western spiritual tradition so far as the administrative machinery was concerned; Strathclyde’s computer did not recognise the term “garden temple”, the Valuation & Rating (Scotland) Act 1956 took a singularly restrictive approach to the definition of temples, and, all in all, it was felt that to accommodate such eccentricity might open the floodgates to full-scale tax evasion by the inhabitants of Strathclyde. On an individual level, however, strange things sometimes happened which tended to reinforce Finlay’s contention that the Garden Temple was possessed of a special character:

*The Sheriff Officer finally came – one chill dusk, in a very large silver car. He looked like Saint-Just. He told us of the dreadful things that would be done to us. All this was much as expected, and clearly no charade. In the temple, he embarked (in the office part) on an inventory (items to be carried away). Incredibly, the main part of the temple (once he entered it) seemed to lay him under a spell; he tore up the inventory, purchased a work, and paid the money due to Strathclyde for us (writing the cheque there and then).<sup>xiii</sup>*

This generous act could not, of course, stave off the Region’s hounds forever, and a year later, a “Schedule of Poinding”, or summary warrant for the seizure of property, was served upon the Finlays, the bailiff’s attentions being fixed most particularly upon “a Porcelain Dryad representing Winter” and her two sisters in the garb of Autumn and Summer. By this time the stakes had also been raised by Finlay, who no longer sought *discretionary* relief on the Garden Temple, since this would leave its true status in limbo. The issue was now one of principle, and what Finlay demanded was *mandatory* rates relief, or at the very least the opportunity of presenting evidence in support of his claim to that effect. His response to an invitation from the Region to attend an appeal in respect of discretionary relief in December 1982 was headed, probably for the first time, by the phrase “LITTLE SPARTAN WAR”:

*I refer to your letter of 3.12, which claims to refer to “previous correspondence” and advises us that the Finance (Appeals) Sub-*

*Committee “have agreed to hear an appeal” by us “in respect of discretionary rates for Little Sparta.*

*(...) To appeal for discretionary relief is to agree that we do not qualify for mandatory relief – which is (in turn) to agree that our description of the building (as a garden temple) is wrong. In short, you are offering us the opportunity to say we are wrong, this offer being camouflaged as an agreement to hear an appeal (which we have not asked for). This is very strategic but it is not acceptable here.*

*What is needed – what has been needed for a long time – is a discussion, not artificially circumscribed by strategy or inflexibility, or by simple dimwittedness.*

Tempers growing predictably shorter, the Scottish Arts Council (SAC) was invited to mediate, but despite a statutory duty to advise all Scottish government bodies on matters pertaining to the arts, could never quite bring itself to take a clear public line – a predictably pusillanimous position for which Finlay and, at times, others have castigated it. On 28 January 1983, the Chairman of the Region’s Finance Committee advised the SAC Director that:

*While Mr. Finlay now appears to be claiming exemption for rates (...) for the premises initially described by him as a “gallery” but now described by him as a “Garden temple”, it is this authority’s view that he does not so qualify. (...) In accordance with the policy of the Regional Council, I, as Chairman of the Finance Committee, have authorised that the Sheriff Officer be allowed to carry out a sale and I am not prepared to rescind that order unless the outstanding rates, together with the statutory addition, are paid forthwith.<sup>xi</sup>*

Two weeks later, in the presence of the irregular band of Finlay supporters known as Saint-Just Vigilantes and of several journalists, the Sheriff Officer from nearby Hamilton made an unsuccessful attempt to seize works from the Garden Temple in execution of Councillor Sanderson’s decree. On this occasion, which became known as the First Battle of Little Sparta, he retired baffled, but returned a month later to make off with a number of objects; unfortunately, they turned out to be largely the property of an American museum, the Wadsworth Athenaeum in Connecticut, and after much huffing and puffing Strathclyde returned the lot in June 1988. According to a letter from the SRC Solicitor to the Scottish Legal Aid Board, “said Sheriff Officer attempted to make arrangements for a Warrant sale, but without success as auctioneers were unwilling to be involved in view of Press interest in disputed claims to ownership by third parties”.<sup>xii</sup>

This concluded the more picturesque phase of the Little Spartan wars, but despite the frequent intervention of distinguished artists, critics and academics from around the world, the Region continued its campaign of attrition. While the results were in the main as fruitless as those of 1983 Budget Day Raid, the strain and anxiety caused by this intermittent persecution certainly left its mark on both Finlays. For a brief moment in 1985 it seemed as though the Region had decided, as much for the sake

of its own reputation as anything else, to acquiesce in a change of status for the temple, but the proposed change was purely cosmetic:

*The garden temple has been declared a garden temple by the Regional Assessor. But the Region has immediately stated that it doesn't matter what it is called, the debt is to stand, and to multiply, (i.e., the rates are to be demanded as before). The Sheriff Officer is concerned and wants to hire a Queen's Council, to defend us from him. Here we have several varieties of paradox.<sup>xiii</sup>*

In February 1988, the Region seized a substantial sum from the Finlays' account with the Bank of Scotland, but were forced to return part of it after further legal challenges. Later that year, the Region's Solicitor John H. Wilson, who actually met with Finlay at Little Sparta and studied submissions from the Saint-Just Vigilantes, addressed the following letter to Finlay's solicitor:

*... what we are dealing with here is a question of interpretation of statute. It does not follow, because your client asserts the spirituality and religious nature of arts in general and neo-classicism in particular or because you or I understand the point they seek to make, that the provisions of Section 22(1) of the Valuation & Rating (Scotland) Act 1956 as amended automatically apply to the circumstances of this case. I do not think they can be applied.<sup>xiv</sup>*

This is an interesting document, inasmuch as it lucidly expounds the legal and philosophical differences between the parties. It also demonstrates the chasm separating them: to the Regional Solicitor's entirely reasonable (in terms of a legal and administrative discourse) point that "it does not follow", Finlay would retort, with equal reason (in terms of a cultural and humanistic discourse) that it bloody well ought to follow. Wilson, clearly an exceptional and unusual civil servant, went on to recommend a Summary Trial as the best way of resolving the issue:

*There is... a fundamental difference of view on the law which is simply not capable of being resolved by meetings or correspondence; Only a Court can resolve the issue and a summary trial is a positive means to bring the issue to a conclusion; (...) Given the importance to Mr. Finlay of the principle he wishes to establish, as he described it to me at our meeting, it seems to me this is the only way out of the legal impasse.*

Indeed, so convinced was the Regional Solicitor of the essential equity of this solution that he offered to pay the costs on both sides, including the hiring of senior council to represent Finlay. Sadly, this civilised proposal came to nothing in the end, due largely to Finlay's continuing ill-health and to pressing family problems.

Instead, during the course of a hearing held in early 1996 which hinged entirely on a minor procedural point of law, a motion entered on Finlay's behalf to have the Region's warrants set aside was defeated. No witnesses were called, nor was the case heard on the wider grounds of principle

demanded by Finlay. As a result, the artist is once again liable to the Region for a considerable sum, Little Sparta is closed to the public, and the Garden Temple itself is no more, having been formally reclassified at Finlay's request as a storeroom, to which purpose it has now been put. The Scottish Arts Council continues to maintain that it cannot intervene in a legal dispute. For Finlay, who never nursed any illusions regarding the size of the windmills he has been tilting at, these facts are not unconnected:

*No doubt there is something absurd in expecting the Region or the SAC to aspire towards a single world in which, to cite an early poem by Stephen Spender, Death and Jerusalem would glorify also the crossing sweeper, but what else could socialism, Jacobinism, mean? Should interpretation of the law be exclusive of tradition and culture? We are asked to divide ourselves into parts and then to surrender the better parts without a struggle. This is surely ignominious.<sup>xv</sup>*

## REFERENCES

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- <sup>ii</sup> Assistant Director of Finance, Strathclyde Regional Council to IHF, 29.12.78.
- <sup>iii</sup> Depute Director of Finance, Strathclyde Regional Council to IHF, 2.3.79.
- <sup>iv</sup> IHF to Director of Finance, Strathclyde Regional Council, 6.3.79.
- <sup>v</sup> IHF to Director of Administration, Strathclyde Regional Council, 19.3.79.
- <sup>vi</sup> IHF to Department of Finance, Strathclyde Regional Council, 4.9.79.
- <sup>vii</sup> IHF: letter to the author, 9.12.80.
- <sup>viii</sup> From the application filed by Ian and Sue Finlay in September 1981.
- <sup>ix</sup> IHF: letter to the author, 21.10.82.
- <sup>x</sup> IHF to Chief Executive's Department, Strathclyde Regional Council, 7.12.82,
- <sup>xi</sup> Councillor David Sanderson JP, Chairman of Strathclyde Regional Council Finance Committee, to Timothy Mason, Scottish Arts Council, 28.1.83.
- <sup>xii</sup> Strathclyde Regional Council Solicitor to Scottish Legal Aid Board, 4.5.88.
- <sup>xiii</sup> IHF: letter to the author, 2.1.85.
- <sup>xiv</sup> Strathclyde Regional Council Solicitor John H. Wilson to Angela Mullane, IHF's solicitor, 21.10.88.
- <sup>xv</sup> IHF: letter to the author, 27.5.97.

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First published in *Art & Design Magazine* No. 57, "Art & the Garden", London 1997