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# Moral Ecologies: Conservation in Conflict in Rural England

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Long since assuming a central place in academic and popular history in the United States, in the UK environmental history has only recently achieved any prominence. If as Donald Worster suggested, ‘Environmental history [in the US] was... born out of a moral purpose, with strong political commitments behind it’,<sup>1</sup> the reasons for the disparity are clear. The idea of ‘wilderness’, and its destruction by European settlers, has been central to American conceptions of the nation and the self, whereas historians of Britain left environmental concerns to the ecologists. In some ways, this is to paint with too broad a brush. British historical geographers have long been concerned with biophysical change in, and the iconography of, the making of the landscape;<sup>2</sup> rural and landscape historians with their longstanding concerns with ‘ploughs and cows’ and enclosure have been drawn to consider environments;<sup>3</sup> while British colonial historians, not least Richard Grove, have been at the forefront of environmental history.<sup>4</sup> But such studies largely forewent studies of environmental – as opposed to landscape – change and of human-nature relations. The loss of the ‘wild’, degradation, pollution, and conservation were never canonical concerns to British historians.<sup>5</sup> Even the publication of Keith Thomas’s ground-breaking *Man and the Natural World* in 1983 failed to inspire British historians to consider the ‘natural world’ anew.<sup>6</sup> Thus in 1992 Malcolm Chase could note that ‘[British] historical scholarship ha[d] remained largely impervious to “green” issues’.<sup>7</sup> Ten years later John Sheail could still point to only a limited number of examples, framed by particular scientific concerns rather than the wider political and cultural understandings that underpinned research in America.<sup>8</sup>

In the past decade the situation has undoubtedly changed. The environment, as broadly defined, is now foregrounded as a major area of sub-disciplinary concern in both history and historical geography. 'Environments' was the theme of the 79th Anglo American Conference of Historians in 2010, and 'Landscape and Environment' was one of the recent major research programmes of the Arts and Humanities Research Council, directed by the historical and cultural geographer Stephen Daniels.<sup>9</sup> Major lacunae remain nevertheless. Arguably the most critical of these areas is that which relates directly to one of the central pillars of American environmental history: the collision between 'official', elite and state-sanctioned conservation schemes and those residents reliant on the use of the land and its resources for their livelihood. Thus while much has been written about the exploitation of common resources, and the effects of their restriction and/or elimination through enclosure,<sup>10</sup> elite attempts to regulate and restrict customary uses in the interests of conservation remain little studied. Of course, in E. P. Thompson's work on the creation and implementation of the 1723 Black Act and its effect on plebeian resistance to the revival of forest law in the forests of southern England, or in anthropologist James Scott's studies of peasant opposition to the creation of rubber plantations in Malaysia, we see similar dynamics at play: poor rural workers opposing elite attempts to restrict customary practice. Indeed, work on such conflicts is now an established part of research on rural protest in both British history and subaltern studies.<sup>11</sup> This paper however examines the opposition of English rural workers to schemes predicated on conservationist discourses, as opposed to just elite attempts to hegemonically delimit the lifeworlds of the poor. In so doing, it draws upon the well-received (but in the context of the UK little referenced) work of Karl Jacoby, and in particular the concept of 'moral ecology' explored in Jacoby's 2003 book *Crimes Against Nature*.<sup>12</sup>

Thompson's approach centred on legislative and legal challenges to custom as a critical battle-ground in determining social relations in Hanoverian England and Wales, both in the market place and in the countryside. As Thompson noted, a measure passed originally in response to the challenge to the exercise of governmental authority in the Royal Forests of Berkshire, Hampshire and Wiltshire became a universal law, applying not just to forests but to the many spaces of rural England and Wales.<sup>13</sup> True to this intellectual genealogy, the analysis here is focused on three different contexts, spaces

and times: late eighteenth-century forests; late nineteenth-century rivers; and late twentieth-century commons. The three ‘moments’ chosen explore conflicts over official attempts at conservation, of timber in the Forest of Dean, of fish stocks in the River Severn (by regulating and restricting elver fishing), and of grasslands in Gloucestershire (by eradicating customary grass burning on commons). They serve to highlight the persistence of such conflicts and also the diverse ways in which new forms of governmentality played out. Moreover, because grass burning ceased only within living memory, the opportunity has been taken to draw on the collective memory of this practice.<sup>14</sup> And in so doing, this paper returns Jacoby’s moral ecology to the foundational contexts that conceptually inspired his study: the spaces of Thompson’s rural England. Before detailing the three moments, the paper starts by placing Jacoby’s study into its wider intellectual context and considering the complex ways in which custom, claims to conservation and attempts to make private collide in the concept of ‘moral ecology’.

\* \* \*

Against the dominant romanticized accounts of the foundational years of American conservation, and drawing on the rise of the environmental justice movement and of debates concerning the legitimacy and impacts of protected areas on indigenous peoples’ rights, Jacoby’s *Crimes Against Nature* places class and conflict at the centre of the narrative. His account is an environmental history ‘from below’, a story of previously untold conflicts around resource utilization given form through arson, poaching, timber theft, and squatting.<sup>15</sup> Neither a story of American progress nor, conversely, one of white settlers expropriating land from indigenous peoples and excluding them from it, for Jacoby this was a plain and simple case of class robbery.<sup>16</sup>

Jacoby further suggested that the blind spots of received conservation-history narratives were functions of (sub)disciplinary divides: environmental history looking towards the natural sciences to the partial exclusion of social complexity; social history drawing upon social science models rooted in the Cartesian dualism of culture in opposition to nature. By contrast, Jacoby asserts that ‘to speak of nature ... is to speak of the relations of power between human beings as well’.<sup>17</sup> The method was to examine

the dwelt experience of conservation as practised, thus bringing together previously disparate actants in the telling of American conservation history: conservationists (as broadly defined), settlers, native peoples, and 'nature'. His stated 'ultimate goal' for *Crimes Against Nature* was therefore 'to help erase the current boundaries between social and environmental history' in order to evolve 'a history that regards humans and nature not as two distinct entities but as interlocking parts of a single, dynamic whole'.<sup>18</sup> But this was not just a history of responses, of effects. Rather, what marks Jacoby's study out is that he insists that the very act of inscribing conservation required that customary resource utilization – as practised both by indigenous peoples and by those who had subsequently settled in what would become national parks – be redefined as illegal acts. This redefinition set the agenda for regulating communities and 'wild' places for at least the subsequent hundred years.<sup>19</sup>

As Jacoby saw it, the tension between customary practice and conservation was governed by distinct and competing value sets over what constituted legitimate use of the environment and natural resources. One set of values was generated by and through State and Federal governmental legislation, whilst the second represented a set of vernacular 'beliefs, practices and traditions that governed how rural folk interacted' with their local environment. This 'moral ecology' is, Jacoby suggests, based in 'a vision of nature "from the bottom up"'. Or as we would put it, the actions of Jacoby's thieves, squatters and poachers were evidence of a vernacular environmental ethics.<sup>20</sup>

As noted, Jacoby's invocation of morality drew on Thompson's seminal studies of the shared values of the eighteenth-century English crowd in relation to the fair retailing of foodstuffs (the 'moral economy') and of the battle between vernacular resource use and the imposition of state will in the Crown forests of southern England.<sup>21</sup> While Thompson's moral economy has arguably been subject to more scrutiny and been transposed to a greater number of contexts than any other concept ever proposed by a social historian,<sup>22</sup> the central thesis in *Whigs and Hunters* has been less influential outside Britain. Jacoby's work is, therefore, an important exception, and his telling of the ways in which customary practices were reinscribed as offences against conserving natural things is unsurprisingly similar to Thompson's analysis of the forests of Berkshire, Hampshire and Surrey. In this way, Jacoby's work betrays a family resemblance to other studies influenced by *Whigs and Hunters* and by its intellectual

progenitor, Eric Hobsbawm's 1972 essay on 'social crime', concerning practices made illegal by the statute but regarded by rural workers as being part of their customary code.<sup>23</sup> Through this perspective activities such as poaching, wood-taking, sheep-stealing, smuggling, and coastal 'wrecking' are all revealed as embodying an element of social dissent, being carried out with the support of the working community in defiance of the law.<sup>24</sup>

Subsequent studies by Bushaway and Freeman, amongst others, have added a demotic conception of property rights to this perspective. Tim Shakesheff has also suggested that crop-theft, like wood-taking, was never just an act of petty acquisition by labourers feeding their families but was partly informed by notions of revenge and just rights.<sup>25</sup> While such studies do draw on similar concepts and inspirations,<sup>26</sup> the parallels with Jacoby's work stop at the idea of vernacular environmental ethics and the belief that rural social criminals were enacting a form of vernacular justice against elite attempts to conserve natural 'things'. But poaching and wood-taking arguably represented just such a dynamic, with the aim of the elites being to conserve not for environmental ends but in the interests of private capital.

Other work has done much to extend our understanding of how changing social enrolments of the non-human – whether plants, animals, technologies – effected different responses from poor rural residents. Much of this work is located in the same intellectual idiom as Jacoby's call to consider the ways in which culture and nature are inextricably intertwined in making rural worlds. Historical geographer David Featherstone's re-thinking of the Whiteboys, the eighteenth-century Irish peasant movement, is a case in point. According to Featherstone, the Whiteboys held particular views as to what were valid relations between human and non-humans. Enclosure walls and ditches and the cattle and sheep they housed were understood as 'enemies'; attacks upon them could be undertaken not so much because 'they were symbolic of hated masters or middlemen' but because walls, ditches, cattle and sheep constituted, for the Whiteboys, an unacceptable set of associations between the non-human and human.<sup>27</sup>

The implementation of new agrarian systems in early eighteenth-century Ireland by external elites can be tracked on a field-by-field, farm-by-farm, and estate-by-estate basis. But, as Eric MacDonald has noted of Jacoby's study, it is not necessarily clear what might amount to a 'baseline' against which to measure the impact of state law.

Similarly, there is the possibility that Jacoby over-stretches the poles of his dualism: exaggerating the power of the state and romanticizing the views and actions of the rural population.<sup>28</sup> This latter is a risk Jacoby was seemingly aware of. Indeed, to counteract it, and again following Thompson, Jacoby points to the essentially vernacular nature of these beliefs, the violence with which they could be enforced and their necessary fluidity in the face of the need for constant renegotiation as local circumstance dictated. The strongest parallel to this in the context of British rural history is Brian Short's analysis of 'environmental politics', on (as he puts it) nineteenth-century Ashdown Forest.<sup>29</sup> As with Jacoby, historical geographer Short's concern is to explore the 'interactions between common rights, class factions and local interpretations of national ideologies of conservation', drawing on the work of James Scott in identifying examples of 'everyday resistance' against attempts to regulate and restrict customary uses of the natural resources of the forest.<sup>30</sup> Ashdown, like Jacoby's national parks, was both a space for household production and a physical entity defined by the 'lifespace' of its residents. The struggles in Ashdown were not over elite attempts to conserve for stated environmental ends – indeed Short's study draws to a close just as the main plank of the environmental protection of Ashdown was put in place, the establishment of a Board of Conservators in 1885 – but over attempts to restrict the cutting of litter (dried bracken). The demotic response, as in America's national parks, was only rarely to resort to the tactics of rural terror, instead locals continued to live their lives in the ways in which they always had done.<sup>31</sup>

These similarities notwithstanding, Short's work does not draw on Jacoby nor does it use the language or the conceptual devices of Jacoby's work. Indeed, most of the literature that has drawn explicitly on Jacoby's concept of moral ecology does so in the context of *later* impositions of the 'Yellowstone model' of conservation (the exclusion of settled peoples in the name of conserving environments).<sup>32</sup> This is not to say that such studies have been uncritical of Jacoby's conception or have stood back from applying moral ecology to different times and contexts. Pete Hay's study of Tasmanian forestry draws directly on moral ecology but applies it less as means to resistance and more as a way of conceptualizing tensions surrounding conflicting ways of life. Hay identifies an 'under recognised [third] cohort in Tasmania's forest communities' which nevertheless has long and deep ties to place.<sup>33</sup> This cohort looks to a smaller scale

economy and is deeply antagonistic to contemporary production methods. Hay finds in this a moral ecology informing practices which express and are embedded in beliefs ‘concerning the right and wrong way of interacting with the natural world’.<sup>34</sup>

It is important to note that the environmental ethics of the poor as defined in opposition to the exercise of elite power is also a motif of subaltern studies. Systems of colonial rule were often predicated on forms of environmental exploitation – something brilliantly detailed in Ramachandra Guha’s pioneering study of ‘ecological change’ and peasant resistance in the Himalayan forests, the study of their opposition close therefore to the heart of, as Gayatri Chakravorty Spivak put it, the ‘ethics of resistance’ that defines subaltern studies.<sup>35</sup> The idea that by their situation the poor are, as Alpa Shah puts it, ‘natural conservationists’ – what Raymond Hames has labelled ‘the ecologically noble savage debate’ – is also an important feature of some development-focused work in anthropology and more broadly in colonial histories of development. Again, much of this work has been, partly inspired by Thompson’s seminal work on resistance in rural England, though, of course, the top-down imposition studies are different: Thompson’s subjects are the internal subalterns of the metropole as opposed to the colonial subjects of Ranajit Guha and others’ Subaltern Studies Group.<sup>36</sup>

And so back to Britain. Notwithstanding the common conceptual wellspring, hitherto there has been no attempt to think through the implications of Jacoby’s thesis in the foundational contexts of Thompson’s eighteenth and nineteenth-century England and Wales. In part, we argue, this is a function of the very fact that opposition to conservation policies and schemes in England and Wales remains little studied, while persistent (sub)disciplinary divides mean such acts of conceptual translation remain unusual. But this provides an opportunity. So to echo Thompson’s riposte to those who sought to locate his moral economy thesis outside of the eighteenth-century English market-place, in taking moral ecology back to Britain we do so in a way that is sensitive to the importance of the lived, vernacular values underpinning Jacoby’s thesis. Hence the three ‘moments’ all relate to specific self-defining communities in the same county, Gloucestershire.

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‘Royal’ forests constituted far and away the largest proportion of the early modern Crown estate. From at least the 1540s, Crown policy shifted away from treating such forests as exclusively lordly hunting-spaces – where all policies were geared to protecting the venison and the venison’s ‘vert’ (green foodstuff) – towards making Crown forests productive.<sup>37</sup> As such, upon the Restoration there was a need to reassert ownership and order and to make the Crown forests (again) productive. Since the Forest of Dean was the second largest of these the need was especially pressing.<sup>38</sup> Nationwide and forest-specific commissions into the ‘waste’ of timber had been held with some regularity from the early 1670s, including for the Dean.<sup>39</sup> These set in course the policy of silvicultural plantations by enclosing large blocks of the forest and planting timber trees (at first exclusively oak). The policy began with the passing of the Dean Forest Reafforestation Act (20 Charles II, c.3) which allowed for the enclosure of 11,000 acres forever free of common rights (over pasture, pannage – the right to graze pigs in woodland on acorns and beech-mast – and estovers – the gathering of fuel wood), while rights of est’overs were forever eliminated on the remaining 13,000 acres of the forest and rights of pannage removed for twenty years.<sup>40</sup> By way of management, the Dean was then divided into six ‘walks’ each under the direct superintendence of a keeper, and Forest law was also revived.<sup>41</sup>

The language here is explicitly that of conservation, not for desired ecological ends but to protect the use-rights and interests of the Crown against ‘abuses’. But 20 Charles II could not and did not limit claims to rights and the broader exercise of customary practices in the forest. ‘Abuses’ continued, not least by the so-called freeminers who, in the words of the authors of the 1788 Third Report into ‘The State and Condition Of The Woods, Forests, and Land Revenues of The Crown’, asserted a ‘pretend’ right to take whatever timber they needed to carry on their works.<sup>42</sup> Indeed, ‘depredations’ by the freeminers were the defining feature of eighteenth-century forest governance, and for much of the time there seemed to be little meaningful check. In 1735, for instance, it was asserted that the colliers were actively boring large holes in trees to promote their decay and justify their use.<sup>43</sup>

The problem, such as it was, was also a function of contradictions and inconsistencies in forest governance: the interests of the monarch vested with the Lord Warden, the fiscal interests of the Crown vested in the management of the General

Surveyor of Woods. Claims and counter-claims of complicity between the forest officers and the freeminers were legion, fuelled by the various rewards and perquisites officers could claim in relation to stolen timber and its detection. Further, when freeminers issued a warrant for timber the Deputy Surveyor and the keeper of the walk also received a set of payments, cordwood and bark. The most contentious consequence of this, at least in the mind of the authors of the Third Report, was that the keepers had an active disincentive to defend the silvicultural enclosures. By not protecting them nor mending the fences once broken (the 'problem' of fence-breaking being a persistent one), the keepers actively encouraged an increase in the grazing area and thus the number of cattle that the herbage of the forest could support. Then during the 'forbidden season' (the fence month: 9 June to 9 July, when deer were fawning), and the winter haining (when all commoners' animals were excluded to make sure there was sufficient food for the deer) the keepers would drive the forest repeatedly, impound cattle and extract their fines. They thus profited by applying some conservation regulations and ignoring others.

Squatters not only encroached upon forest land, but invariably, though without common rights, also practised est'overs and grazed their stock in the forest. According to Sir Robert Atkins' 1712 *Ancient and Present State of Gloucestershire*, the only houses in the forest were those of the keepers of the six well-regulated walks. Some 300 squats had been cleared from the forest during the Protectorate and a further thirty cabins which according to a 1680 survey were occupied by 100 'poor people' evidently also levelled. This was the forest in its 'best state'.<sup>44</sup> Thereafter, effective, non-conflicted regulation and squatters' encroachments upon the forest proliferated. By 1736 such cottages were reported to be numerous, especially on the forest fringe, the inhabitants of which 'lived by Rapine and Theft'. By 1788, encroachments to the total of 1,385 acres had been made, comprising some 589 cottages and 1,798 small enclosures of land.<sup>45</sup>

Through the 'surcharges' of commoners (their overstocking of cattle), the intercommoning of 'foreigners' (when several adjacent settlements would share their rights of common), the exercising of common rights by those without such formal enrolments, trespasses in the June fence month and the time of winter haining, and through acts of timber and wood theft, the resources of the forest were supposedly

abused. In addition, with such uncommon animals as pigs, sheep, goats and geese allowed into the forest, and through the 'gathering and taking away' of acorns, crab apples and beech mast amongst other 'Purprestures and Offences', the forest had become, in the minds of the authors of the Third Report, an unregulated Hardinian free-for-all.<sup>46</sup>

The Forest of Dean, so the discourse goes, was a huge ecological resource being rapidly depleted. Hence, the first requisite of Jacoby's moral ecology applies: the claim was made by those in authority, and often at a distance, that without formal conservation measures the resource would ultimately be totally depleted. In the case of the Dean, the conservation scheme imposed was silviculture. Crucially, this necessitated a narrowing of the British state's view as to what a forest was. The Dean was no longer conceived in relation to its venison for which the vert was food and cover, thus as a space of royal pursuits and political patronage, but as a space of production through planting and conserving of timber trees, with roughly 18,000 acres turned over to silviculture without any other legitimate claims or uses.<sup>47</sup>

Such narrowed focus required a myopic attention to timber growth and protection and placed other forest things as problems out of official view.<sup>48</sup> This included those humans who were not closely monitored and regulated by forest officers. The 2,000 or so individuals believed to be residing in the cottages and 'living on the Spoil of the Forest' were to be 'expelled' from the forest and their encroachments 'reclaimed', though 'intruders' born in the forest were to be shown 'Indulgence' and some allowance could be made providing that it did not get in the way of the silvicultural enclosures. By presenting all people of the forest as ruthless exploiters of the resources of the forest, the new official view allowed for, and legitimized, the reimagining of the forest as an unpeopled space.<sup>49</sup> This was the Yellowstone model before Yellowstone.

Such deliberate, planned action was in stark contrast to the ways in which commoners and freeminers moved against those whose actions undermined their way of life and livelihood. In essence, there was every incentive for freeminers and commoners to defend tasksapes (to use a concept developed by the anthropologist Tim Ingold) from transgressors, both foreign and of the forest.<sup>50</sup> Commoners who relied on the forest to provide enough 'browse' (the lower leaves and branches) and 'mast' (the fruit of the tree) to support their animals, pastured through common rights, and freeminers who

required a ready supply of timber and also often pastured animals, were not going to meet threats to their continued, sustained, practices with passive resignation. Instead, when these practices were threatened by squatters and other encroachers, common-rights abusers, and timber stealers, they on occasion acted. However the rapid rise in the number of encroachments and the number of people living in squatters' dwellings suggests that the muscular enforcing of community sanction was not always either enforced or effective.<sup>51</sup> Perhaps this was because of some shared popular belief that the forest was so extensive and levels of settlement so sparse that there was no need to prevent other poor people in the immediate vicinity of the forest from living better. The plebeian communities of the forest could be at once tolerant and embracing of change and yet at other times intervene vigorously to help conserve the biological basis of their way of being, not least in the form of organized breaking down of both the state-backed enclosures and plebeian encroachments.

Attacks against the enclosures have not been subject to systematic analysis. Nevertheless we know that the original 11,000 acres enclosed under the Dean Forest Reafforestation Act of 1668, whilst initially subjected to fence-breaking and incendiarism, were soon generally thriving, with plans being made to add new enclosures.<sup>52</sup> Then at the time of Glorious Revolution of 1688 there were riots against the enclosures: plantations were damaged, and two keepers' lodges attacked.<sup>53</sup> But conservation persisted. In 1758 John Pitt, the Crown's surveyor general of woods, was authorized to make an inclosure of 2,000 acres in the centre of the Forest, but it was soon broken open. Pitt returned to the fray in 1770, with plans for six dispersed enclosures which he hoped would be easier to police, but the walls were broken down, the fencing carried off for fuel or for sale, and the young trees destroyed.<sup>54</sup> In 1783 an attempt was again made to create silvicultural enclosures: 323 acres were newly enclosed alongside extensive reinstatements. In 1789 the enclosure fence was set on fire.<sup>55</sup> In such practices, the freeminers and other commoners were not only drawing upon the logic of custom – this is ours to look after and to use – but also upon certain customary rituals. As Bushaway has noted, annually on Whitsunday a 'doling' ritual was performed in which access to 3,000 acres of coppice land was tolerated and the 'right' to cut and carry away wood enacted.<sup>56</sup>

In 1803 a new Surveyor General – Lord Glenbervie – was appointed, with the mission to eliminate the ‘inveterate abuses of various sorts that existed in this valuable part of the Property of the Crown’.<sup>57</sup> This was supported by a dedicated parliamentary Act of 1808 (48 Geo. III, c. 72) that allowed for the original 11,000 acres of Dean to be instated, with ‘heavy penalties’ for transgressors.<sup>58</sup> Work was slow, but by 1818 over twenty-five new enclosures had been created, each protected by either a stone wall or an earth bank topped with gorse.<sup>59</sup> Remarkably, given what had preceded it, re-enclosure of much of the Forest did not initially provoke widespread unrest. This was not to last. Serious protest was provoked by the cumulative impact of the acquisition of freemining rights by ‘foreigners’ and the empowering of the verderers in 1829 to summon anyone damaging inclosures or making encroachments to a revived attachment court of the verderers, with powers to convict.<sup>60</sup>

In June 1831 under the leadership of Bream miner Warren James groups of commoners assembled and destroyed about half of the estimated 120 miles of the walls and banks around the new enclosures. Moreover, and seemingly in an act of ironic mimesis, a part of the enclosure was *planted* with apple trees, this presumably also an act of making useful that which had previously been taken away.<sup>61</sup> This set of events was not simply an attempt to maintain the rights and privileges of the freeminers. Rather, as Sandall has suggested, the intention was to preserve the way of life and dwelling of all those who lived and made a living in the forest, their actions rooted in a strong sense of collective memory.<sup>62</sup> And, we would argue, to reassert and re-enact a sense of moral ecological imperatives.

This was a significant moment in the customary lifescapes and moral ecological beliefs of the Dean. After a short interval of lawlessness the riots were easily put down by a show of military force. There was then a return to the subtle plays of cultural hegemony. The protestors were treated with relative lenience; and more significant still a Commission of Enquiry of 1832 initiated a process of regulation and liberalization of mining customs and restrictions. Over the next half-century these became increasingly commodified and the robust customary lifespaces of the Dean forest community sanitized. When they next took action against authority it was as working-class union members rather than assertors and defenders of a forest moral ecology. The slow death of Dean mining was assured.

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The regulation of the River Severn before the second half of the nineteenth century betrayed some similarities to that of the Forest of Dean. Here too local regulatory institutions existed because of state policy and law, and refracted them, but practices, as with custom, were decidedly of the place. The concern here was the fishing of elvers, the fry of eels. As early as 1533 a time-limited ban on the taking of elvers was enacted followed in 1558 by a permanent prohibition against the taking of ‘spawn and fry’ of eels; and in 1678 a second Act (Fishing in the Severn Act, 30 Chas II, c.9) consolidated that veto.<sup>63</sup> The motive was to preserve not elver (or eels) as such but rather the most prized fish of rivers in which elvers were abundant: salmon. The repeated regulation against the practice suggests both the perceived impact of elver fishing on the salmon – or rather the fear that elver fishermen were also catching salmon – and the fact that the law was ineffective in stopping the practice. Thus Samuel Rudder in his 1779 *New History of Gloucestershire* was able to report that cooked elvers were openly sold in local markets.<sup>64</sup> Concomitantly, the persistence and customary nature of elver-fishing – a practice perfectly fitting Hobsbawm and Rule’s model of a social crime – were tacitly acknowledged by the 1778 Fisheries Act which repealed parts of Chas II, c.9.<sup>65</sup>

Against the supposedly hard certainties of law, as with the Forest of Dean, the Severn comprised a complex mix of ‘ownership’ and rights, which combined private freeholds (riparian landowners), the Crown (owning the foreshore and bed of the Severn Estuary), Corporations, water (with no owner in law), formal use rights, and customary rights and practice. The varying claims and uses of the Severn were further magnified by its scale: at 220 miles the Severn is the longest river in the UK and flows through four counties and through Worcester and Gloucester, both major centres of population and industry. Nonetheless it was only in 1843 that the various interests in the fisheries of the Severn combined in the creation of the United Association for the Protection of the Fisheries of River Severn and its Tributaries.<sup>66</sup> Though without statutory force, from its inception the association lobbied government in relation to fisheries policy, appointed

conservators to protect fish stocks and was active in seeking prosecutions for offences against their interests.<sup>67</sup>

The Association was disbanded in 1867 on the creation of the Severn Fishery Board of Conservators (aka the Severn Fisheries Board).<sup>68</sup> This was one of several Fisheries Boards established by the government in response to the 1860–1 Royal Commission on Salmon Fisheries, which led to the Salmon Fisheries Acts of 1861 and 1865.<sup>69</sup> Together these Acts allowed for county quarter-sessions to appoint conservators of the salmon who collectively constituted a Board of Conservators under a Fishery Committee. The Severn, as it crossed county boundaries, was to be regulated by cross-county Joint Fishery Committees and Boards of Conservators.

Under the order of the Secretary of State, the Severn Fisheries Board met for the first time on 20 and 21 August 1866 at Worcester, the Joint Fisheries Committee on the 20th and the Joint Board of Conservators the next day. Even though the Severn flowed through four counties, with its tributaries also rising in Staffordshire, the Board of Conservators was dominated by representatives from Gloucestershire and Worcestershire: its thirty-nine members were mostly either peers, mayors and aldermen, and landed gentry, or else had direct or indirect commercial interests in the salmon fisheries. ‘Representative members’, the fishermen and fishmongers, were in the minority and were hardly representative of the Gloucester industrial workers who supplemented their diets with elvers or the rural Severnside workers for whom catching elvers was an important supplement to their wage.<sup>70</sup> The Board so constituted could use their powers of setting byelaws and their discretion in regulating the Severn to serve their own interests as against those of the locals who lived on and relied upon the river for their daily lives.

From the outset the Board was active both in enforcing the Salmon Fisheries Acts and in determining local policy. As early as the first week of September 1866 the conservators ordered a prosecution at the Bewdley Petty Sessions against local tanners for polluting the river with lime and killing some 100,000 young fish.<sup>71</sup> The following month the Board issued a circular which called for a subscription to defray ‘urgent preliminary expenses’ for a survey of the river, removing obstacles to spawning, watching spawning grounds, and, critically, ‘protecting’ all parts of the river by appointing paid water bailiffs.<sup>72</sup>

On completion the survey revealed a myopic obsession with the salmon and their fry: everything else was outside of its purview unless it affected the salmon. Subject to particular attention was the impact of different types of fishing on the Severn, not least fixed engines, fixed weirs and fishing mill dams on the upper parts of the river and its tributaries as having ‘annihilated and destroyed’ a supposed nine-tenths of all young salmon.<sup>73</sup> This notwithstanding, elver fishing appears to have carried on without impediment, beyond the occasional actions of inebriated or over-zealous water bailiffs checking the bags of night-time elver fishers – a parallel with similar incremental growth of the conservation panopticon in the Dean.<sup>74</sup> In 1873, this changed with a new Salmon Fisheries Act, the 15<sup>th</sup> section of which declared:

That no person between the first day of January and the 24<sup>th</sup> day of June inclusively, shall hang, fix, or use in any salmon river any basket, net or trap, or device whatsoever, for catching eels, (or the fry of eels), or place in any inland water, any device whatsoever to catch or obstruct any fish descending the stream.

Conversely, the Act exempted the use of the putcheon, a wicker pot set on the riverbed to catch eels and elvers and widely used by rural Severnsiders, because it did not obstruct the movement of the salmon. Nor did it affect those who used wing nets to catch eels swimming towards the sea in the autumn.<sup>75</sup> Nevertheless, the Board was on a collision course with Gloucester residents who used nets to catch elver.

The first attempt to enforce the provisions of the Act came at Tewkesbury in April 1874, when two men were fined for using elver nets at Deerhurst on 23 March. Three weeks later, seven men were similarly brought before the Gloucester court for taking elvers. Their defence was successful and the case was dismissed.<sup>76</sup> Subsequent prosecutions at Whitminster, Tewkesbury and Newnham were however successful. In the next case heard at Gloucester the Severn Fisheries Board was represented on the Bench by two magistrates who owned Severn fisheries. With the aid of scientific testimony and microscope examination the three accused were duly found guilty.<sup>77</sup>

The situation deteriorated markedly in 1876. In late March four men out of a group of twenty in boats were accosted by bailiff Huxley at Longney Cribb and charged to appear at Whitminster bench, while ten men were convicted at Gloucester on 15 April



for elver fishing a week previously. The latter case exposes the contrasting attitudes of the Board and of the Gloucestershire poor. In opening the prosecution, G. W. Haines, acting on behalf of the Board, argued that the 'excuse' that elver fishing was a long-established practice and that the accused did not know the law could no longer hold, as the Board had taken 'every means' to make the penalties known. Further, the men knew what they were doing since they had adopted a watch system wherein forward scouts with dogs would whistle to inform those fishing that the bailiffs and/or police were near. In defence, one of the men asserted that he was a poor man with a family of ten to support and it was 'a poor job' if he could not catch a few elvers for them. In this escalating contest between vernacular practice and conservation law there was an increasing resort to bodily violence and threats of violence. In April 1876, for instance, bailiffs were chased through the streets of Gloucester after three corn porters in Gloucester docks were sentenced to fourteen days hard labour for elvering at Longney Crib.<sup>78</sup>

Recognizing the extent of opposition to the law (and echoing the assimilatory tactics deployed in the Dean some forty years earlier), some of the Gloucester conservators sent open letters to the Gloucester press directed towards the now Worcester-dominated leadership of the Board. Furthermore, the Liberal MP for Gloucester, Charles Monk, introduced the 'Elver Fishing Bill' to the Commons, whose intention was simply to repeal the contentious section 15 of the 1873 Act. As a result the government announced their intention to hold a local enquiry 'into the case of elver takers' which would report to the Home Office.<sup>79</sup> This Enquiry opened at Gloucester, 8 June 1876, to the background of meetings of 'working men' in Gloucester accompanied by a number of petitions and the support of a number of gentlemen from the city.<sup>80</sup>

The inquiry sat at both Gloucester and Worcester with J. W. Willis-Bund representing the Severn Fisheries Board, of which Bund was then vice-chairman, [was he its chair at this point?] and a local shipping-agent, John Francillon, the elver fishers. Francillon's witnesses included the three men who had earlier been imprisoned and their evidence attested to the value of the practice to the Gloucester poor, the elvers' abundance and the fact that eels were destructive of salmon spawn. Evidence presented at Worcester was different, stating that elvers were not as plentiful as they once were.<sup>81</sup> The enquiry recommended that the fishing and sale of elvers be legal only between 1

March to 25 April. The report and recommendations were presented to Parliament and a revised version of Monk's bill received Royal Assent on 24 July 1876. The Gloucester MPs presented this as a victory restoring ancient rights; the Worcester MPs saw the maintaining of a closed season as a victory preserving the eel population against the Gloucester elvermen.<sup>82</sup>

The subsequent history of elvering, in common with that of common rights in the Dean, was a hollow victory ignited by the actions of local elites in supporting the practice. Indeed, sanitization via elite involvement is evident also in our third moment. However, on the banks of the Severn, as in the Dean, a means of subsistence became commodified, as elver ceased to be an important part of the working diet and indeed by the last quarter of the twentieth century even became a 'luxury' item.

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By the twentieth century new processes working to restrict customary vernacular behaviours and attitudes – the impacts and affects of rural gentrification, counter-urbanization and, as Jeremy Burchardt has put it, 'class colonialisation' – are evident and familiar.<sup>83</sup> The focus here is on ideologically-driven threats (ultimately successful) to eradicate the customary practice of grass burning in the Gloucestershire parishes of Cranham and Sheepscombe. Both parishes are on the edge of the Cotswold escarpment, both have extensive remnant commons, and both, moreover, have extensive and well-organized local archives and thriving local-history societies, with whom we have worked closely in undertaking oral history interviews.<sup>84</sup>

Written and oral archives alike provide evidence of an established, if contested, history of burning. Thus in 1881, one of a number of examples spread across the nineteenth century, five boys 'of about 12 years of age', were charged at the Stroud Petty Sessions with 'setting fire to a wood and damaging trees at Cranham'. Although found guilty, the boys were given only a token sentence 'as these fires were of frequent occurrence in the neighbourhood and the culprits could not [generally] be detected'. This set of circumstances suggests that burning was morally sanctioned from below, a likelihood enhanced by the fact that in the early decades of the twentieth century the parish-council minutes record frequent attempts to regulate and control the practice,

often to no avail.<sup>85</sup> What underlay burning was deep engagement with, sensitivity towards and, indeed, affection for life on and with the common.<sup>86</sup> This constituted a moral ecology of grassland usage.

I go back my full life knowing about it ... my father before him as well, went right back. So he was very protective of it in his day ... What his idea was ... It's a piece of limestone grassland, basically, and that's what it should still be ... *our common* was in the condition that it is now because of the way ... it has been looked after. [author emphasis]<sup>87</sup>

We should note the possessive.

Between the burning and the grazing of cattle 'it kept the common a common ... Burning and grazing together was excellent. And of course the commoners who had the right to put their cattle on there love it, because they don't put their cattle on the common until that lovely green growth comes through'.<sup>88</sup> Commons, then, were both a biotic resource and the materialization of a set of beliefs as to the resource's sustainable management – a way of doing that 'kept the common a common', which, from this morally driven perspective, meant ensuring grassland regeneration. The common thus sustained burners' and grazers' way of being in the world. It was, to quote one inveterate burner – someone who has schooled his own children in the ways of the match – 'what we used to *do*'. [authors' emphasis]<sup>89</sup> The articulating and performing of a set of shared values of the place spoke of what was and what was not legitimate, expressing a shared morality regarding how one was supposed to interact with the environment. Thus:

If we thought for some reason it was getting a little bit dodgy, and there were one or two places where the grass did grow, because the cattle couldn't get to them, because it was down the bank, and if it was really ripping through it, we would put a bit out ourselves. We'd say, 'We'll keep that edge back, away from the wood', or whatever.

January and February would be the most appropriate time to burn as the grass would be sufficiently dry but it was 'before the nesting birds came in. And that was always very

important, and was strictly adhered to. You didn't burn after nesting started or anything like that'.<sup>90</sup>

Critically, as with Jacoby's bandits and the Dean encroachers, some usages of the common were clearly understood to be inappropriate. In the 1950s, for instance, it was the squatting of land for hen-houses that much exercised commoners and members of the parish council.<sup>91</sup> Further, the association of cattle, grass and burners which defined the appropriate constitution of common brought with it equally appropriate behaviours, not always appreciated. Cattle were allowed to roam freely across the common and many times 'they were in our garden ... And then you go and moan and complain, and all you'd get was, "You were supposed to fence the cattle out, not us fence them in the common". So he was quite right. If they get into your garden, it's your own fault, basically'.<sup>92</sup>

These robust moral beliefs – held in the face of multi-layered opposition – were reinforced by the fact that burning was legitimized and maintained in everyday performances. At Sheepscombe this meant that it took on the form, superficially at least, of minor teenage rebellion once the common had long ceased to be worked as common. Here too, captured in individual and collective memory, is burning as game, a night-time routine engendering adventure and fun. The affective jolt was only enhanced by the regular calling out of the local fire brigade, something which village 'old timers' would never have done and which was harbinger of the eventual ending of the practice.<sup>93</sup> Fires would often be set at night because

...it was far more exciting, and looked far better ... The firemen are putting out the one bit we lit at 6 o'clock, and we'd be at the farthest point away from them, setting fire to it again ... and they'd go back over there, we'd go around - because we knew the way; we'd go through the woods and out round the fields...<sup>94</sup>

It would be wrong, however, to see this as nothing more than teenage rebellion or adventure. As one Cranham respondent put it: 'This is a thing that the older people would have done for the regeneration of the grass but we got there first.'<sup>95</sup> For others the memory is of direct parental sanction and participation.

Respondent: You don't often get a box of matches given to you by your father - and said, 'Go and burn the common'.

Interviewer: And that's what happened?

R: That's exactly what happened. When we were really young he used to come out with us as well. But I've been out there when there's 25 people out there burning.

Grassland maintenance must thus be understood as a set of demotic practices of the common. A way in which those who lived from it regulated their taskscape through reference to their lay vernacular environmental knowledge.

It was this moral certitude that was increasingly challenged and placed outwith the bounds of acceptable practice across the course of the twentieth century. Grass burning held a liminal status on the Cotswolds commons: always on the edge of condemnation; always located in the buffer zone between legality and illegality. In the decades immediately after 1945, however, two parallel processes emerged which ultimately combined to end the practice. As burning ceased, trees and shrubs started to encroach, while the grass was permanently brown and high on the common once lush and short. It was, in the eyes of one interviewee, becoming 'a jungle'.<sup>96</sup>

On the top of the common there's a big gorse bush, and from my bedroom window I could see this gorse bush all my life ... And it never got any bigger ... I was down at my father's place [recently]. And I was standing on the lawn and I just looked up at the gorse bush, and it's like twice, three times the size it was all my life... And that was purely burning that kept that to a level, and it always was that level.<sup>97</sup>

This becoming inappropriate was due to a combination of socio-cultural change within the village and the intervention of state-sponsored conservation from without. The two pieces of common land were first notified as a Site of Special Scientific Interest in 1954 and in 1984 a Commons Management Committee was first established in conjunction with the (then) Nature Conservancy Council (NCC) and the Farming and Wildlife Advisory Group.<sup>98</sup> Official conservation designation was accompanied by a particular ideological take on the natural sciences for the 'protection' of forms of flora and invertebrates. In this, burning had no place, as was clearly indicated by for instance the

‘Limestone Grassland Strategy of 2005–9, drawn up by the Cotswold Conservation Board with the support of English Nature (successor organization to the NCC) and the National Trust. In this strategy burning was eschewed as a ‘sustainable management’ tool to prevent the invasion of the common by ‘scrub and coarse grasses’.<sup>99</sup> Moreover, from at least a decade earlier ‘the lighting of fires’ had been an actionable offence in the SSSI unless English Nature specifically agreed it.<sup>100</sup> To such reinscription of practice locals and commoners resisted by continuing to live their everyday lives, by continuing to interact with *their* understanding of nature, resource management and common. In the scientific discourse burning might evoke indiscriminate damage and ‘spell disaster’.<sup>101</sup> But for the burners it was different:

R ... when you burn a common, there’s not a lot of heat there ... It doesn’t do any damage ... I go down there now; I walk down across the common, which I do every day ... I get really cross when I see all this scrub and everything growing ... There’s one bank at the moment [we cleared] which is fantastic ... what it was like when I grew up ...

I: It’s what you want to see in a common.

R: Exactly. Except for two bushes, because I wasn’t allowed to cut them, because English Nature said no, you’ve got to leave some for the invertebrates, and the snakes this time as well.<sup>102</sup>

To burn was to turn the common black.

...because we knew it would last about three weeks, and the green shoots came up through, and it was just amazing ... the cowslips, the orchids, all the rarest orchids out were on that common ... And you’d get all these people crawling around in the undergrowth, which used to make us laugh ... And occasionally you start talking to them ... about burning, and it was quite surprising how some of them reacted to ... that. And they’d say, you know, the damage it was causing and everything ... Every time it happened, I said, ‘Why are you here?’, They said, ‘Oh, because of the wonderful wildlife...’, I said, ‘Okay, so, we burn every year. We do all these terrible

things you say we're doing, and yet you still come here because it's the most wonderful place there is'.<sup>103</sup>

Paralleling the new disapproval sanctioned by the state, and the increasing reification of the top-down ideologies of conservation, was that of the rural gentrifiers who began to move into the village significant numbers from the 1960s onwards. Initial objections were raised about the keeping of pigs and chickens on the common; 'as people moved in with outside jobs they didn't see it [the common] as a useful thing but as a recreational thing ... its meaning has changed .... They didn't like to see people using it I suppose'. Nor burning it.

...the idea was to get it done as quick as we could ... Mainly because there was still a lot of people who didn't understand what we were doing. They thought we were a bunch of vandals, and couldn't understand why our parents and a lot of my friends' parents were out there as well, doing it ... we tried to educate them, [but] ... they just couldn't see the difference ... Once you've burned an area ... Okay, it's black and looks awful ... And it smelled a fair bit, and the flakes were in the air all the time ... But during that period ... people [who understood] didn't stick all their washing out ... So a lot of the newer people coming in tended to come in from the towns as opposed to country-type people, and their ideas were very different from ours. And as we all grew up, rather than the antagonism, we eased up doing it.... We did it seriously ... As the next influx of people came in, they stopped doing that.<sup>104</sup>

These successful attempts to firstly regulate, control and sanitize and then to eradicate were felt all the more keenly as grass burning had been fully imbricated into everyday lifespaces. Indeed, what strongly emerges from all interviewees is the sense in which trees (in their place) and grass formed young peoples' quotidian lifespaces in which deep knowledge, family and familiarity combined to give rise to a demotic and near-intuitive sense of sustainable resource management – a sense that was carried into adult life and behaviours:

That's the big thing that we noticed, more than anything, are the trees that are on the common. We'd have the odd shrub, small oak, that lasted a few years, and then before long, somebody would take it down. If it wasn't Father, it would be [name withheld] dad ... My father always had a penknife, always. And if he was walking across the common, and there was something growing where it shouldn't, he'd just go down, nip it off.<sup>105</sup>

The affective jolt of the common as conveyed so vividly here was extended into and through the burning as it became a locus for early-adult courtship:

Second respondent: What was one of the first dates you took me on? Common burning.

R: Oh yeah.

I: No, really?

SR: Yeah.

R: Yeah, it probably was, actually.

I: So it's steeped in your relationship as well, then?

SR: Oh, without a doubt.

R: Dear oh dear.

I: So did you ever burn?

SR: Yes, of course. I went out with him.

R: We were only... I was 15, you were 14 then, so that's when all this started. So yeah, we certainly did burn the common. It was a good thing to do. A cheap date, isn't it? A box of matches, pint of cider...it was just part of our existence at the time.

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Our focus has been a set of tensions and sanctions that built up around state-sponsored and imposed conservation regimes from the eighteenth to the late twentieth century in rural Gloucestershire. The three moments take Jacoby's moral ecology out of its immediate context of North America and return it to its intellectual and earthly roots in



England's forests, rivers and commons, and to the rural struggles that held E. P. Thompson's attention in the 1970s and thus provide the wider context for his conception of the moral economy.<sup>107</sup> But this has been undertaken in part in the belief that some of the old explanatory shibboleths of protest studies are inadequate to understand precisely the sorts of conflicts analysed above. There are certainly elements of class conflict and expressions of and attempts to maintain the moral economy in all three moments, but no established explanation fully enables us to recognize or to account for the vernacular environmental beliefs that underpin the practices evident in our case studies against top-down impositions in the name of conservation. And herein lies an irony. It is Thompson's *Whigs and Hunters* that gets closest to thinking through the importance of demotic relations with the environment but neither Thompson nor subsequent scholars made the next leap.

Moral ecology captures these missing elements. It opens the way towards a more nuanced understanding of the tensions played out in and with the English rural land- (and watery) -scape which arose as rational, modernizing science-derived conservation came into unequal dialogue with vernacular beliefs and practices and nature was enrolled to perform acts of exclusion by class.

In Jacoby's initial conception, there is also a clear sense that shared vernacular environmental values defined moral ecology. All three moments here also relate this importance, that against outside challenges using the language of conservation – for whatever end and however linguistically and materially articulated – those reliant on the very thing being regulated anew spoke a common language of their rights and responsibilities in place. Against claims of 'abuses', whether against the salmon in the Severn or the very forest in the Dean and the common in Cranham and Sheepscombe, the working people of the place underwrote their resistances by recourse to custom, knowledge and, in precisely Thompson's context, morals. So too, as with Jacoby's study, we have remarkably similar demotic practices and languages expressed in different places with – drawing on the work of Manuel DeLanda – different assemblages of human and non-human things.<sup>108</sup> What is also evident here, that Jacoby's more temporally-constrained study could not possibly relate, is the importance of persistence. In short, the values of moral ecology did not extend only across different spatial contexts but also, at least in rural Gloucestershire, across time too. Just as the

moral economy underpinned relations framed through the market, so, we argue, moral ecology underpinned relations framed through the environment.

The three moments detailed in this paper are also held together not only through relating shared struggles between resource users and those who sought to recode, restrict and dispossess but also through a sense of an affectual engagement with the environments with which they were coexisted. Their relations extended beyond simply learning, enacting and policing that which was sustainable for basic use of resources, to a strong sense that the very acts of demotic management underwrote sensual engagements with the natural world and also helped to define community identity: miners and squatters, elverers, burners and cow-keepers. And whoever the actors, however differently aligned the assemblages, there is a sense that the relationship is precisely the same thing. At least until customary practice and management was scientifically inscribed as non-ecological. Here, then, is Jacoby's rationalist, modernizing conservation transforming previously acceptable acts into the unacceptable. Here, to draw on the final moment, is the setting of fires, not in the Adirondacks but on Cotswold commons, transformed into arson. In this some customary practices were allowed to survive, ultimately because of what were inscribed as criminal acts were subsequently drawn into the hegemonic embrace of power rather than continuing to offer counter-hegemonic challenges from below. Thus customary rights in the Dean became commodified; elvering firstly gets turned into a novelty show deeply reminiscent of Howbsbawm and Ranger's *Invention of Tradition* and then enters into the mainstream of global capitalist relations; whilst grass burning becomes sanitized and managed into oblivion.<sup>109</sup>

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33 Peter Hay, "'Balding Nevis": Place Imperatives of an Invisible Cohort within Tasmania's Forest Communities', *Geographical Research* 46: 2, 2008, p. 224.

34 Hay, "'Balding Nevis"', pp. 227, 238.

35 Guha, *Unquiet Woods; Selected Subaltern Studies*, ed. Ranajit Guha and Gayatri Chakravorty Spivak, New York, 1988, p. 6.

36 Lore Ruttan and Monique Borgerhoff Mulder, 'Are East African Pastoralists Truly Conservationists?', *Current Anthropology* 40: 5, 1999, pp. 621–52; Raymond Cames, 'The Ecologically Noble Savage Debate', *Annual Review of Anthropology* 36, 2007, pp.177–90; Alpa Shah, 'The Dark Side of Indigeneity?: Indigenous People, Rights and Development in India', *History Compass* 5: 6, 2007, pp. 1,806–32. For a critical study of the ways in which conservation-by-situation is learnt – or as Arun Agrawal puts it 'environmentality' – see his *Environmentality: Technologies of Government and the Making of Subjects*, Durham NC, 2005.

37 George Hammersley, 'The Crown Woods and their Exploitation in the Sixteenth and Seventeenth Centuries', *Bulletin of the Institute of Historical Research* 30, 1957, pp. 136–7; *The Estates of the English Crown, 1558–1640*, ed. Richard Hoyle, London, 1992, p. 356.

38 Exclusive of freehold property, the Dean was found in 1788 to comprise 23,015 acres of 'forest land' belonging to the Crown: Third Report of the Commissioners of

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His Majesty's Woods, Forests, and Land Revenues [hereafter Third Report], H.C. 474, 819, xix, p. 1.

39 David Stagg, 'Silvicultural Inclosure in the New Forest to 1780', *Proceedings of the Hants Field Club Archaeological Society* 45, 1989, p. 141; Third Report, pp. 14–19.

40 The Dean Forest Reafforestation Act of 1668 (19 & 20 Chas. II, c. 8): 8,487 acres were rapidly enclosed, the remaining 2,513 acres enclosed 'some time afterwards': Third Report, pp. 15–16.

41 Third Report, p. 17.

42 Third Report, pp. 16–18.

43 Third Report, p. 22.

44 Robert Atkyns, *The Ancient and Present State of Gloucestershire*, London, 1712, p. 18; Third Report, pp.18, 20.

45 Third Report, pp. 22–3, 38.

46 Third Report, pp.22–23, 24. This mirrors Garrett Hardin's thesis which asserted that, without external regulation, commoners through their own self-interest overstocked and otherwise abused commons, thereby ultimately depleting common resources and reducing the value of the common: Garrett Hardin, 'The Tragedy of the Commons', *Science* 162 (3859), 1968, pp. 1,243–8.

47 *Science* 42, pp. 40–3.

48 On which see James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, New Haven CT, 1998.

49 Third Report, pp. 44–8.

50 For Ingold's initial formulation of this idea see Tim Ingold, 'The Temporality of the Landscape', *World Archaeology* 25, 1993, pp. 152–74.

51 On community enforcement in the forest see: Simon Sandall, *Custom and Popular Memory in the Forest of Dean, c.1550–1832*, Scholar's Press, Cambridge, 2013.

52 Gloucestershire Record Office [herein GRO], D 1677/GG 1223.

53 *Calendar of Treasury Books, Volume 9, 1689–1692*, ed. William A. Shaw HMSO, London, 1931, pp. 586–91.

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54 Forest of Dean Certificates and plans of waste grounds enclosed pursuant to Act of Parliament for the growth and preservation of the timber, TNA, E 178/6917; Third Report, pp. 108, 113.

55 Third Report, pp. 24, 30, 92, 113; *Gloucester Journal*, 19 Jan. 1789.

56 Doling was a charitable custom referring to the collection of dole, either in the form of money or in kind. Bushaway, *By Rite*, pp. 16–7 and 186.

57 Unpublished Mss. on forest management, Lord Glenbervie, c.1820, Hampshire County Record Office 11M74 F1, p. 30.

58 Dean and New Forest Act, 48 Geo. III, c. 72.

59 Walter Nicholls, *Forest of Dean*, London, 1858, pp. 91–103, 107.

60 Crown Forests Act, 10 Geo. IV, c. 50, ss. 100-5; Proceedings of the Verderer's; Court, TNA, F3/145-6.

61 Ralph Antis, *Warren James and the Dean Forest Riots*, Bournemouth, 1986; Sandall, *Custom and Popular Memory*, pp. 5–6. On the apple-tree planting episode see Iain Robertson, “‘Two Steps Forward; Six Steps Back’: the Dissipated Legacy of Captain Swing”, *Southern History* 32, 2010, pp. 85–100.

62 Sandall, *Custom and Popular Memory*, pp. 7, 16.

63 Fisheries Act, 1558: 1 Eliz I, c.17; Fishing in the Severn Act, 30 Chas II, c.9.

64 Samuel Rudder, *A New History of Gloucestershire* (1779), Alan Sutton, Gloucester, 1986, p. 46.

65 For a report of the Inquiry see *Gloucester Journal*, 10 June 1876; *Gloucester Journal*, 27 April 1872.

66 John Humphreys, *Bibliography of Worcestershire*, Worcestershire Record Society, vol. 1, Worcester, 1898, p. 269.

67 For instance, in 1846 the Association agreed to oppose a clause in the Bill for the Regulation of the Salmon Fisheries of England and Wales that set different ‘classes’ of fishermen (see *Worcester Guardian*, 13 June 1846), while in 1861 it proposed the creation of a national association to help lobby for changes to the new Salmon Fisheries Act (*Times*, 28 Nov. 1861). On conservators and their role in bringing prosecutions see: *Times*, 19 Feb. and 9 Dec. 1862.

68 There is no official archive of the Board but a large collection of their papers is held at the Gloucestershire Record Office: GRO, D1047.



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69 Respectively 24 and 25 Vict, c.109 and 28 and 29 Vict, c.29.

70 Of the ten ex-officio members, nine were also from Gloucestershire and Worcestershire: *Worcester Chronicle*, 22 Aug. 1866.

71 *Times*, 7 Sept. 1866.

72 *Cheltenham Chronicle*, 30 Oct. 1866.

73 *Gloucester Journal*, 19 Jan. 1867.

74 For instance in April 1871 bailiff William Stephens was reported to the Gloucester Bench for ripping the bag of an out-of-work labouring lad who had been elver fishing on Alney Island, thereby scattering his night's catch (supposedly 10 lbs) on the road: *Gloucester Journal*, 15 and 22 April 1871.

75 Salmon Fisheries Act, 36 and 37 Vict., c.71, s.15.

76 *Tewkesbury Register*, 4 April; *Gloucestershire Chronicle*, 2 May 1874.

77 Whitminster Petty Sessions, 30 April 1874: GRO, PS/WH M1/3; *Tewkesbury Register*, 9 and 16 May; *Gloucestershire Chronicle*, 30 May 1874.

78 *Gloucester Chronicle*, 22 April; *Gloucester Journal*, 22 April 1876; *Gloucester Chronicle*, 29 April 1876; Whitminster Petty Sessions, 27 April 1876: GRO, PS/WH M1/3.

79 Hansard, House of Commons, Debate 22 May 1876, vol. 229 c1083; *Gloucester Chronicle*, 6 and 27 May 1876.

80 *Gloucester Journal*, 13, 20 and 27 May 1876.

81 *Gloucester Journal*, 10 and 17 June; *Worcester Chronicle*, 17 June 1876.

82 *Gloucester Journal*, 10 June and 8 July; *Gloucester Chronicle*, 3 June 1876; *The Times*, 4, 20, 21 and 25 July 1876.

83 Jeremy Burchardt, 'Historicizing Counterurbanization: In-migration and the Reconstruction of Rural Space in Berkshire (UK), 1901–51', *Journal of Historical Geography* 38: 2, 2012, pp. 155–66.

84 The authors are indebted to Elisabeth Skinner (Sheepscombe) and Jan Whitton (Cranham), the Sheepscombe History Society and Cranham Local History Society for their support. All respondents' names have been altered to preserve their anonymity. As this is an ongoing project, recordings and transcripts are currently retained by the authors. They will ultimately be deposited with Gloucestershire Archives and both local history societies.

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85 Cranham Local History Society Archive, Extract from Birchall Diaries, 21 April 1888; Parish Council Minutes, June 1934.

86 We have deliberately eschewed the use of either the definite or indefinite article here as we wish to point up the dynamic and constitutive role of commons in the lifespaces of those who interacted with it that emerges from our interviews.

87 Mr A. Orange, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 2.

88 Orange, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, pp. 2–3; 7; 9.

89 Mr A. Brown, (C1/01), Interview, Iain Robertson, 18 August 2015, transcript, p. 2.

90 Orange, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 14; p. 5.

91 Cranham Local History Society Archive, newspaper cutting 31 March 1950;

92 Orange, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 6.

93 Elisabeth Skinner, personal communication date?; Brown, transcript, p. 2

94 Brown, (C1/01), Interview, Iain Robertson, 18 August 2015, transcript, p. 21.

95 Brown, (C1/01), Interview, Iain Robertson, 18 August 2015, transcript, p. 2.

96 Brown, (C1/01), Interview, Iain Robertson, 18 August 2015, transcript, p. 1.

97 Orange, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 8.

98 Michael Hicks Beach, ‘The Current Status of the Common’, in *Cranham Common*, ed. Mark Crowther, Stroud, 1994.

99 ‘A Limestone Grassland Strategy for the Cotswolds Area of Outstanding Natural Beauty, 2005–2009’, available online at

<http://www.cotswoldsaonb.org.uk/userfiles/file/Publications/GrasslandStrategyFinal.pdf>

, accessed 3 Sept. 2015. I can’t get this Iain says – I can! But it is a PDF and so opens up immediately you click on it so the link isn’t the best way to access it. I’m not sure what’s best to do? Putting the actual title into Google works so perhaps we add a note to that effect?

100 Martin Whitmore, ‘Calcareous Grassland’, in *Cranham Common*, ed. Crowther, p.10.

101 Whitmore, ‘Calcareous Grassland’.

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- 102 *Orange*, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, pp. 7, 19.
- 103 *Orange*, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, pp. 5–6.
- <sup>104</sup> *Orange*, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 10.
- 105 *Orange*, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, p. 10.
- 106 *Orange*, (C2/01), Interview, Iain Robertson, 25 August 2015, transcript, pp. 16, 20.
- 107 Here we are particularly thinking of Thompson's *Whigs and Hunters* and 'Patrician Society, Plebeian Culture', *Journal of Social History* 7: 4, 1974, pp. 382–405.
- 108 Manuel DeLanda, *A New Philosophy of Society: Assemblage Theory and Social Complexity*, London, 2006.
- 109 *The Invention of Tradition*, ed. Eric Hobsbawm and Terence Ranger, Cambridge, 1992.

#### ABSTRACT:

The collision between 'official', elite and state-sanctioned conservation schemes and those reliant on the use of the land and its resources for their livelihood has long been a touchstone of North American environmental history. In the still emergent environmental-history movement in the UK, however, such concerns remain obscure. This paper offers a departure. Drawing on Karl Jacoby's concept of 'moral ecology' developed in the context of dispossessions enacted in the making of US national parks, the paper examines three 'moments' when, in the name of 'conservation', elites attempted to delimit and restrict customary ways of being in rural Gloucestershire. In so doing, the paper not only shows that such schemes were resisted and were a critical way in which demotic-elite and local-central relations were shaped, but also that externally imposed conservation schemes placed nature-culture relations as a critical wellspring of protest and politics in the countryside. Moral ecology therefore allows for a close attention to the importance of the material – and discursive framings of the material – in the study of conflict and protest past and present, and forces historians of the

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countryside to take seriously the ways in which vernacular environmental ethics shaped both past landscapes and social relations.