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The Right to Roam

Harold Sculthrope

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Only as part of a major social upheaval will the land they lost be taken back by the people. Land lost by enclosure during the 18th and 19th centuries to the great benefit of the Lords of the Manors and other country gentry, and of no less benefit to the new middle-class industrialists in the towns. Most of the dispossessed, men, women and children, had a choice; to starve or move to the expanding towns of northern England to be housed in appalling conditions and work for long hours with little reward in the factories and mills. For some there was not even a choice, as in the case of 389 men, women and children who in 1835–37 were moved by the Poor Law Commissioners in canal barges on a four-to-five-day journey from Buckinghamshire to work in the Lancashire factories¹. Those who did stay behind became part of a whole new class of labouring poor, for who, when old age or sickness made work impossible, there was, after 1835, only the workhouse. Enclosure of land, unless agreed by all the landholders, required a private bill to parliament and the period from 1760 to 1820 was the great time of

¹ *Forbidden Land, The Struggle for Access to Mountain and Moorland*. Stephenson, T. (1989) Manchester University Press.

parliamentary acts of enclosure². Between 1750 and 1845 over two million acres of common land and four and a half million acres of open fields were enclosed and the percentage of the population living in the country declined from 80 to 50 per cent³.

History is written by the powerful, so it is not surprising to find little account of active resistance to this enforced exodus, but resistance there was and occasionally accounts have survived. The first private bill of enclosure to come before parliament was in February 1710 and concerned Ropley Commons and the old disparked park of Farnham within the bishopric of Winchester. This was unpopular and vigorously contested and contributed to the ill will which led to raids on the bishop's deer and eventually to 'blacking'⁴. When Charles II enclosed Richmond Park and built a high wall around it, blocking numerous rights of way and rights of common, deprived parishioners pulled down the park wall several times and when one went to law about his rights, royalty, incredibly, lost. But this was exceptional, a victory for bourgeois commoners with money and resources not usually available to rural commoners⁵.

Much of what now remains of the ancient commons is the high moorland in the northern counties and the sandy heaths of the south and west, land not profitable for the new industrial farmers to cultivate. These, together with the surviving foot and bridle paths that criss-cross the English countryside are the open spaces walkers today seek to keep open in their campaign for the right to roam. But that which is left is constantly under threat: from the military who demand and take more of it for their wargames; from the new water companies who see an enormous potential profit from selling off the common land they own, to developers; from the grouse moor owners who, to

² *Customs in Common*. Thompson, E.P. (1991) Merlin Press

³ *On Common Ground*. Reed, P. (1991) Working Press.

⁴ *Customs in Common*. Thompson, E.P. (1991) Merlin Press

⁵ *Customs in Common*. Thompson, E.P. (1991) Merlin Press

and mortar firing for a further 21 years on 20,000 acres of Dartmoor, much of it common land, or to South West Water's intention to give the MOD nine more years of use to over 2,000 acres of South West Dartmoor for 'dry training' (not lethal, but noisy).⁹ No support either for the local inhabitants' complaint that the hills around Coulport in Scotland, near the Faslane nuclear submarine base, once open walking country, are now closed off and used as vast underground munitions stores.

If the story of the parliamentary pathway is mostly the story of bills thrown out, delayed interminably or emasculated, this is no more than an anarchist would expect, but this is not to dismiss the Ramblers' Association as having failed. Apart from the practical service it provides for its 87,000 members it is a democratic organisation with much grass roots activity by its individual groups that has maintained a tradition of radical opposition to the attempts by the powerful land-owning Interests to keep the land for themselves. At the local level it has had many successes: land previously closed by the owner is now walked on and footpaths blocked by a farmer are soon reopened.

Supporting single issue pressure groups like the Ramblers' Association is often criticised by anarchists as being too reformist, even trivial, diverting time, energy, and resources from the work for a more fundamental change in society, but such activities, particularly when they involve direct action by small groups at a local level, can be useful political activity complementary to more revolutionary action. It is certainly considered political by landowners and campaigning for access to the land is hardly trivial.

⁹ *Open Space* (1992) Vol. 24 No 3

protect their killing profits, try to keep walkers off the moors of northern England; and from the large scale farmers, as likely as not anonymous national corporations, who tear up hedges and destroy rights of way to create desert-like wastelands of monoculture.

The desire to escape the noise and pollution of the towns to the fresh air of the countryside for rest and recreation persists. The modern rambling movement dates back to the early 19th century to a time when many town dwellers were just one remove from rural life. In the early years the struggle to achieve the right to roam freely on uncultivated land was pursued with radical zeal by whatever method was to hand, according to available resources and circumstance. It included direct action as in the 1932 mass trespasses of Kinder Scout and Abbey Brook, in Derbyshire, and the series of demonstrations at Winnats Pass which followed. Many of these early large-scale protests concerned the open moorlands of Derbyshire which were so accessibly close to the massive industrial conurbations of Lancashire and Yorkshire, but throughout the county individuals and small groups were defying 'Private keep out' and 'No Trespassing' notices, despite threats from gamekeepers and warnings from the police.

By the end of the nineteenth century the numerous rambling clubs in England and Wales were the focus for such activities and after the 1914–18 war when walkers realised that most of the existing country-side amenity societies, and especially the influential Council for the Preservation of Rural England, were not particularly sympathetic to their demands the merits of forming a National Association were widely discussed. The result, against a background of accounts of walkers in the Peak District of Derbyshire being threatened with guns and revolvers, was the formation in 1931 of a National Council of Ramblers' Federations which in 1935 became the Ramblers' Association. Not all, at this time, were in favour of such a centralised organisation. Some preferred to keep to a federation

of local groups. However, with the creation of a national body based in London, the campaign concentrated more on lobbying parliament and supported a series of parliamentary bills.

The route through parliament has had some notable successes including the 1925 Law of Property Act which gave public access to common land in some urban and metropolitan police districts, and following the National Parks and Access to the Countryside Act of 1949 national parks and a network of long distance footpaths were created. The opening in 1965 of the first of these paths, the Pennine Way, owed much to the previous efforts of Tom Stephenson. Tom was born in 1893 and started work at 13 as a labourer, working 66 hours a week in a calico printing works. A member of the Independent Labour Party and a pacifist, he ignored his army call-up papers in 1917 and as a result was twice court martialled, sentenced to hard labour and spent two years in prison, some of it in the company of Sidney Silverman. This criminal record lost him his scholarship to London University to study geology but diverted him into a life-long campaign for walkers' rights. A full account of this can be found in Tom Stephenson's autobiography *Forbidden Land: the Struggle for Access to Mountain and Moorland* published in 1989 shortly after his death.⁶

The parliamentary path to the hills dates back to 1884 when James Bryce MP introduced an 'Access to Mountains' bill. Neither this nor any of its successors got very far, opposed as they were by the powerful landowners lobby, until the introduction in 1939 of another 'Access to Mountains' bill. This was received with jubilation by those who inexplicably thought that the bill which had been repeatedly rejected by parliament during the past 50 years would be successful.' but this time they were right, right except that when the 'Access to Mountains Act 1930' did reach the statute book in 1940 it had been "so mauled, man-

⁶ *Forbidden Land, The Struggle for Access to Mountain and Moorland.* Stephenson, T. (1989) Manchester University Press.

gled and amended by parliament as to become a monstrous unrecognisable changeling, not an access bill but a landowners protection bill".⁷

They did not give up. In 1979 an 'Access to Commons and Open Country' bill was introduced but not debated due to objections and when it was reintroduced the following year with the comment that "men only want the same rights as their Lordships' grouse except that they did not want to be shot at"⁸ it did not get a second reading. A 1982 'Walkers (Access to Countryside)' bill suffered a similar fate.

The latest attempt is in the form of a 'Ramblers Manifesto, Action for the Countryside in Parliament' issued by the Ramblers' Association which "urges political parties in Britain to support action which would enable people of all ages, abilities and backgrounds to gain access to the countryside for peaceful recreation". The 14-point programme includes a demand that footpaths and other rights of way be cleared of obstructions and properly maintained; that new paths and parks be created; that there should be an established right of access on foot to mountain, moor, heath, and other open country and, in particular, to the one million or so acres of common land that remain. Sadly, except for the references to National Parks "there should be more of them" and a demand that the spraying of harmful pesticides over public rights of way should be stopped, this manifesto would not have seemed out of place a hundred years ago.

A glaring omission from the manifesto is any reference to the continued incursions of the MOD on to common land. There is thus no apparent support for the campaign against Charles Windsor who, as the landowning Duke of Cornwall, has recently agreed to let the military carry out artillery

⁷ *Forbidden Land, The Struggle for Access to Mountain and Moorland.* Stephenson, T. (1989) Manchester University Press.

⁸ *Forbidden Land, The Struggle for Access to Mountain and Moorland.* Stephenson, T. (1989) Manchester University Press.