MORAL ECOLOGIES

Histories of Conservation, Dispossession and Resistance

EDITED BY

*Carl J. Griffin, Roy Jones,
and Iain J. M. Robertson*

Palgrave Studies in World Environmental History

The widespread perception of a global environmental crisis has stimulated the burgeoning interest in environmental studies and has encouraged a range of scholars, including historians, to place the environment at the heart of their analytical and conceptual explorations. An understanding of the history of human interactions with all parts of the cultivated and non-cultivated surface of the earth and with living organisms and other physical phenomena is increasingly seen as an essential aspect both of historical scholarship and in adjacent fields, such as the history of science, anthropology, geography and sociology. Environmental history can be of considerable assistance in efforts to comprehend the traumatic environmental difficulties facing us today, while making us reconsider the bounds of possibility open to humans over time and space in their interaction with different environments. This series explores these interactions in studies that together touch on all parts of the globe and all manner of environments including the built environment. Books in the series come from a wide range of fields of scholarship, from the sciences, social sciences and humanities. The series particularly encourages interdisciplinary projects that emphasize historical engagement with science and other fields of study.

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and Resistance

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Moral Ecologies: Histories of Conservation, Dispossession and Resistance

Carl J. Griffin, Roy Jones and Iain J. M. Robertson

I go back my full life knowing about it [the common] … 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. One of the biggest differences between all my life and all my father's life—and his father, but we won't go on to that…[1]

If we thought for some reason it [the common] 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.[2]

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The practice of burning the grassland on the common of the Gloucestershire parish of Sheepscombe ended in the early 1980s. As the common-side cottages of the small villages nestled in the valleys north of Stroud, immortalised in Laurie Lee's *Cider with Rosie* (1959),[3] were sold to those who sought a rural idyll away from the soot and noise of the city, the established, vernacular ways of managing the common fell into disuse and even disrepute. The customary winter practice of burning the old, dead grass on the local commons to encourage new growth did not meet with the approval of those who wanted clean air and calm, rather than the ash, smell and seeming chaos of the common ablaze. Approval for this practice was similarly withheld by the forebears of English Nature, the organisation which became officially involved in the management of the common in 1984: burning was not something allowed in a National Nature Reserve or a Site of Special Scientific Interest. But it was, in the words of one long-time resident, the regime of burning and the grazing of cattle that "kept the common a common … Burning and grazing together was excellent."[4] So, when the commoners stopped commoning, the end of burning and grazing allowed the grassland to slowly become scrub, and the scrub to become woodland. Intervention, in the form of scrub clearance and the lopping of trees, therefore became necessary in order to preserve grassland habitats. Or, to put it another way, in the attempt to conserve the local commons, they effectively stopped being commons. A vernacular, informal and unwritten way of managing the common as a space which had sustainably supported the commoners for generations, gave way, in the name of conservation, to a new way of managing the common emanating from statute and national policy.

This issue, in microcosm, embodies the arguments, ideas and conflicts that define this book. The case studies that follow demonstrate how and, to some extent, even why elite conservation schemes and policies can often inscribe customary and vernacular forms of managing common resources as variants of banditry—and how and why the 'bandits' fight back. Our inspirations are many but foremost is a volume which will surely go down as one of the classics of early twenty-first century historical writing: Karl Jacoby's endlessly suggestive and powerful *Crimes against Nature*: *Squatters, Poachers, Thieves and the Hidden History of American Conservation*. First published in 2001 and, as a revised edition in 2014, Jacoby's book ostensibly rests on a simple hypothesis: namely that the early history of the conservation movement in the United States was premised on denying the customary practices of those who lived in

areas newly inscribed as national parks and labelling many of their land use and survival practices as 'crimes against nature.' Simply put, and in line with Jacoby's subtitle, dwelling without deeds in these parks was now to be an illegal squatter; to take game to eat was to poach; and to take wood and other biotic and mineral resources to fuel and build homes was to steal. The denial and inscription of these practices suggested that they were *Crimes against Nature* not only because of shifts in the law and federal policy but also because they were carried out supposedly indiscriminately and with no regard for the sustainability of these now hallowed and protected spaces. And yet, Jacoby shows how these alleged plunderers of the environment not only acted in ways which we might understand to be sustainable but also used community sanctions against those who did abuse their unwritten, vernacular laws of place, or what Jacoby calls their 'moral ecology.'[5]

Our starting contention, following Jacoby, is that the language and practices of conservation often dispossess poor indigenous peoples and settlers representing their lifestyles and livelihoods as threats to the sustainability of the land, and that such peoples therefore resist by continuing to live their everyday lives as they had always done, frequently in defiance of the new laws and regulations of 'conservation.' We use the word 'starting' deliberately. What follows, both in this introduction but more importantly in the thematic chapters, further develops and challenges this definition. Indeed, this book presents an extension and application of Jacoby's approach and conceptual framework, taking moral ecology beyond the specific study of the early days of the US national parks and applying and testing it in a variety of spatial, temporal and cultural contexts. It takes both a global stance and a temporally deep perspective, examining the complex ways in which local custom and state and even international claims to conservation and their resultant attempts to restrict and dispossess collide in a variety of contexts from the early eighteenth century to the past in the present. Intriguingly, moral ecology as a concept is worn lightly in *Crimes against Nature* and is only explicitly articulated on two separate pages.[6] If, therefore, our aim in this collection is to test the validity of moral ecology beyond its original context, it is also, at heart, an attempt to extend and to firm up this most suggestive of concepts. Collectively, we aim to do this in three key ways. First, we examine several forms of dispossession which have been enacted in the name of conservation and attempt to understand their

histories, not least in terms of the manner in which past policy decisions underpin contemporary ways of being and conflict. Second, this collection examines those acts of being in place by local populations which, to draw on the phenomenology of Martin Heidegger, serve to resist the discourses and schemes of elite conservation by asserting, as anthropologist Tim Ingold would have it, the right to dwell.[7] Finally, our aim to bring moral ecology more into the light of academic scrutiny is predicated upon bringing our chapters into dialogue with each other and, more fundamentally, with the progenitor of the concept, Karl Jacoby.

In so doing, we do not claim that all conservation schemes represented clandestine—or even overt—attempts to dispossess. Many conservation schemes, past and present, have undeniably been socially and ecologically well-intentioned and carefully constituted. Nor are we claiming that conservation per se always privileges environmental and material worlds before human ones. Indeed, examples abound of conservation schemes either instigated to protect threatened and marginalised populations or to preserve access, something now given force in the UNESCO-WIPO World Forum on the Protection of Folklore and its advocacy for the protection of 'intangible cultural heritage.'[8] Rather, we seek to demonstrate the remarkable depth and persistence, across space and time, of how the languages and practices of conservation, and of how attempts to prevent 'abuses' and 'spoil', have been used to dispossess. In doing so, we also highlight the centrality of claims for the purification of space by race and class, a practice especially evident in the making of settler colonialism.

This, then, is a book about a world all too readily lost in the shadows. Our concern is with the murky subtexts of rational and scientific management principles *and* with the popular responses thereto, both clandestine and dramatic acts of protest and everyday forms of resistance, and therefore with James Scott's 'hidden transcripts' of the poor.[9] It is also necessarily a book about 'commons,' those spaces in which resources—in this context 'natural' resources—are held and managed in common rather than being subject to the exclusive and exclusionary doctrines of private or state property rights. We use inverted commas here deliberately: for while commons were—and, in many places, continue to be hard, material entities—this noun has long since transcended these (literally) grounded signifiers. In part in response to Garret Hardin's provocative 'tragedy of the commons' thesis, and to broader concerns about renewed forms of dispossession and privatisation, 'commons' has

become an adjective, a concept and a metaphor for a far broader range of relationships over the use and regulation of commonable things material and conceptual (on which more below).[10]

This collection brings together historians, geographers, anthropologists, archaeologists, folklorists and critical heritage studies theorists united by a shared interest in 'commons,' offering a range of different approaches and insights to Jaboby's moral ecology and drawing upon a diverse 'archive' embracing official documents, oral testimonies and material culture. What follows in this introductory chapter establishes the argument of the book and grounds the diverse individual chapters, with a flushing and fleshing out of Jacoby's 'moral ecology' concept. At the same time, however, we weave into this explication a detailed discussion of the influences that underpin moral ecology—both as explicitly attested in *Crimes against Nature* and more broadly—drawing on the foundational works on rural resistance by E. P. Thompson, Eric Hobsbawm and James Scott, on environmental history, and, critically, on the subaltern studies movement.[11] We adopt this integrated approach here in part to locate Jacoby's concept of moral ecology more firmly within the literature to which it clearly belongs. We also relate this concept to the new protest studies literature, a body of work which, to its detriment, has hitherto given little attention to moral ecology.[12] In part, we take this approach to our narrative because although the story of the development of moral ecology intersects with the historiography of rural resistance only infrequently, it does so at important 'moments' in that story. Finally, this introduction maps out the themes and structure of the book, introducing and lacing together the arguments of the separate chapters.

Moral Ecology: Concept and Roots

The intellectual trajectory underlying moral ecology is a fascinating one. Jacoby's concept is first apparent in an embryonic form in a paper on "Class and Environmental History" published in the journal *Environmental History*.[13] Here, Jacoby signals his interest in the early icons of the North American conservation movement by offering a case study of what he sees as a class war in the nascent Adirondacks Park. To approach class in this way—through the lens of environmental history—was an important innovation. Even by the late 1990s, the topic of class relations had rarely surfaced in the work of those who wrote on the American conservation movement. There was, Jacoby has argued,

a certain blindness to class differentiations in this context. Further, the intellectual closeness between early environmental history and the conservation movement acted to obscure the ways in which conservation schemes, whether intentionally or not, might act to dispossess the indigenous and settled poor.

Fascinatingly, and seemingly in the face of his earlier paper, *Crimes against Nature* began, as the author relates in his preface, as a conventional work of American environmental history, an analysis of the 'wilderness cult' that developed in late nineteenth-century America.[14] And, in many ways, his book remains firmly rooted in the pantheon of environmental history, the doctoral thesis, from which the book emerged, being supervised by no less an environmental history luminary than Bill Cronon.[15] Moreover, Jacoby's central theme of conservation and its temporal framing—the key moments in the making of the environmental movement—are located at the very heart of the Nashian environmental history project.[16] Indeed, to read the endnotes, and the acknowledgements, is to read a who's who of American environmental history.[17]

It is clear, however, that Jacoby was dancing to a different tune. Simultaneously, he was listening to the siren calls of the cultural turn and of the history from below movement.[18] What emerged in his subsequent writings is an environmental history told differently, a novel collision with many of the very different concerns of social history, not least class, conflict and criminality. Importantly, however, *Crimes against Nature* emerged virtually alongside Bill Cronon's provocation around the culture (to eschew the word 'nature') of 'wilderness.' In taking a similarly cultural turn, Jacoby too saw that social and environmental relations were both irreducibly interwoven with and have given rise to "the material reality that we call nature".[19]

None of this is to say that, before that point, environmental history was acritical. Indeed, the defining contribution of Cronon's work is to bring a critical sensibility to environmental history.[20] Nor is it to say Jacoby broke entirely new ground in studying the social unrest that conservation policies and practices so often wrought. As Jacoby put it himself: "Having begun this study with the sense that I was voyaging alone into uncharted territory, I have been pleased to encounter several fellow explorers of conservation's hidden history along the way."[21] Rather, it is to note that Jacoby's conceptual influences transcended the environmental history canon. For while, as Donald Worster suggested, "Environmental history [in the US] was… born out of a moral purpose,

with strong political commitments behind it,"[22] Jacoby's different and antithetical 'morals' challenged the elitist, exclusionary morality of early conservationism which failed to see any worth in the lives and lifeworlds of those who were captured within and around the physical and conceptual boundaries of the Adirondack Park.[23] Consequently, for many Adirondackers, the most striking feature of conservation was its reconceptualisation of many long-standing local practices as crimes: hunting as 'poaching,' the cutting of trees as 'timber theft,' foraging as 'trespassing.'[24]

If the notion of moral ecology is never actually given this name in his initial paper, it is present in embryonic form. Everyday resistance to the imposition of new values from without and above is exposed, as is local and communal support for such practices and the refusal to abandon those activities which had been criminalised. This resistance is tempered, however, by the recognition of clear bounds to acceptable practice and attempts (if not always successes) at internal regulation. The strong vein of archival material tapped in this early exploration of moral ecology flows ever more strongly in *Crimes against Nature*. It is in Jacoby's book-length treatment where the concept emerges fully formed as a specific attempt to explain the dwelt experience of conservation as locally practised and to write an environmental history from below.

Beyond question, when historians of any hue pull back the curtain on the 'shadow world' of the subaltern, as Jacoby does in his story of conflict that centred on resource utilisation, their debt to the history from below movement is profound. Moral ecology is no exception to this. With the touchstones of the concept readily acknowledged by Jacoby, the moral belief system of the rural poor, accessed via the rereading of elite documents and inspired by the subaltern school of Indian studies, saw their activities captured under the category and concept of social crime. Jacoby has adopted perspectives rooted in a movement which originated partly in the historians group of the British Communist Party and partly in the pages of the journal *Past and Present*. To unashamedly re-use one of the most frequently deployed quotations by those who seek to write the experiences and perspectives of ordinary people, here are the intellectual and political origins of a project which sought

> ...to rescue the poor stockinger, the Luddite cropper, the "obsolete" handloom weaver, the utopian artisan and even the deluded follower of Joanna Southcott, from the enormous condescension of posterity.[25]

The formidable figure, intellect and oeuvre of Edward Thompson sit at the centre of moral ecology. In drawing Thompson's moral economy into dialogue with the concept of social crime, Jacoby both follows a well-trodden path and brings together the founding fathers of protest studies: Thompson and Eric Hobsbawm. Thompson sees, in English eighteenth-century crowd actions, the assertion of a moral universe and economy as against the very different world view of the then hegemonic political economy. It is this sense of the moral, simply understood as the popular consensus over the right and proper way of behaving, acting and believing across society and social relations, that is the wellspring of moral ecology. So it is that, having issued the initial critiques that environmental history had hitherto been little concerned with the social and the demotic, and that conservationists and historians had been too quick to view all acts of opposition as malice-laden evidence of rural backwardness and deviance,[26] Jacoby draws on Thompson's concept of moral economy as offering the ideal definition and model for 'recreating' the "moral universe that shaped local transgressions of conservation laws." In "glimps[ing]" into "the pattern of beliefs, practices and traditions that governed how ordinary rural folk interacted with the environment." Here we see a complex and consistent value system, a vision of nature 'from the bottom up' that offers a radically different take on the forms and purposes of human–environment entanglements.[27] In asserting this, Jacoby is not only drawing on Thompson's seminal studies of the shared values of the eighteenth-century English crowd in relation to the fair retailing of foodstuffs but he is also inspired by Thompson's analysis of the battle between vernacular resource use and the imposition of state will in the Crown forests of southern England. It is the great strength of moral ecology that, even though Thompson's moral economy has arguably been subject to more scrutiny and has been transposed to a greater number of contexts than any other concept ever penned by a social historian, it draws also on *Whigs and Hunters,* the central thesis of which has hitherto been less influential outside Britain.[28]

Thus Jacoby's work—a telling of the ways in which customary practices in a settler society were reinscribed as offences against conserving natural things—while it is inevitably similar to Thompson's analysis of the forests of Berkshire, Hampshire and Surrey, develops these ideas to bring moral economy and social crime into dialogue. This is indeed something of an innovation since, in the early protest historiography, these issues

were treated somewhat separately. The identification and classification of practices made illegal by the policing state, but regarded by rural workers as being part of their customary code ('social crime') was pioneered by Eric Hobsbawm.[29] In a series of influential essays, Hobsbawm began the work which established a number of key parameters that frame the concept.[30] These include law breaking as a more-or-less deliberate act of resistance, with the criminal as a conduit for widely held social grievances. This points to a second framing element, that of the existence of wide community support for the transgressive act—an element introduced into the oeuvre in the pages of the ground-breaking *Albion's Fatal Tree*.[31] Critical here, for moral ecology, was the assertion, expressed most clearly by John Rule, that this sanction came from communally held beliefs that such acts, though reinscribed as illegal, were not in fact criminal.[32] Finally, and the most important element that has fed into moral ecology is the recognition that social crime involved the criminalisation of hitherto customary behaviours, rights and beliefs. Consequently, and central to the formulation of moral ecology, was the revelation, in the pages of *Albion's Fatal Tree*, that activities such as poaching, wood-taking, sheep-stealing, smuggling and coastal 'wrecking' all embodied an element of social dissent which was carried out with the support of the working community and in defiance of the law. Crime, as any critical legal theorist will concur, was and is socially defined.

It is at this point, however, where the study of rural defiance, dissent and disturbance rather ground to a halt. Much subsequent effort was expanded on delineating protest's multifarious trajectories and diverse geographies in a stately gavotte that has been charged by one of the current authors as more closely resembling "two steps forward; six steps back."[33] Until comparatively recently, the consequences of this Brownian motion-like activity have been the ossifying, if not actually the withering away, of any prospects for greater conceptual innovation in the field of protest studies.[34]

By contrast, moral ecology carries clear echoes of wider and growing debates in the humanities and social and environmental sciences concerning the relationship of indigenous and poor settled peoples to the land and to other biotic resources. In this way—by turning to the cultural meanings of nature—Jacoby draws attention to the position of rural subalterns in, to borrow David Featherstone's phrase, "the contestation of particular relations between humans, animals and spaces."[35]

Indeed, the perspectives of subaltern studies feature large in *Crimes against Nature*—even if the 'unofficial mind' that Jacoby's counter-narrative exposes is that of conservation's practices and consequences—"the attitudes of country people towards nature." By contrast, the original subaltern project was concerned with "how to reconfigure or rewrite the problem of class relations within a social formation which could not be described as a fully developed industrial economy."[36]

These diverse threads constitute the warp and weft of moral ecology as it met top-down scientific conservation in the differing and conflicting social enrolments of the non-human: plants; animals; technologies. These assemblages—to draw on the concept of Gilles Deleuze and Félix Guattari—of all these things were articulated and legitimised in bottom-up protests through claims to the natural right of subsistence and to custom.[37] The upshot was that "country people often spun a web of local use rights that held the natural world in a tight embrace" and from which materialised a set of beliefs and practices that appropriated natural resources for purposes of basic subsistence. In short, rural folk sought to "impose a common rights doctrine from below."[38]

A further, and perhaps final, thread from which Jacoby wove moral ecology is captured in Timothy Beatley and Kristy Manning's view that "a sustainable community … nurtures a sense of place by understanding and respecting its bioregional context … [it] … respects the history and character of those existing features that nurture a sense of attachment to, and familiarity with place."[39] For Jacoby, sustainability is rooted in a vernacular and quotidian view of nature which, in turn, interacts with community, its socio-economic norms and practices, and with both place and taskscape—a space of human activity defined and bounded by the practices performed therein—to form the bedrock of moral ecology. A shared understanding of the interactions of ecology, economy and society, forged over generations, modulates the ecological base to local lifeworlds, and prescribes and frames sustainable and context-specific resource utilisation practices. Moral ecology, in short, embraces a set of vernacular "beliefs, practices and traditions that governed how rural folk interacted" with their local environments.[40]

For the encroaching bureaucratic state and its early leisured practices of elite hunting, it was the whole apparatus of moral ecology that lay beyond their bounds of acceptability. Conservation's ambition was therefore to (re)define, delimit and proscribe vernacular and indigenous ways of being in the world. In order to achieve this, the instigators of

conservation movements enacted new laws by which to prosecute the newly criminalised, thereby concretising a set of fundamental oppositions around laws, beliefs and values in which both sides were seeking to buttress "what kind of society they should inhabit and how this society should relate to the natural world around it."[41]

Sitting alongside this conceptual framing, Jacoby's preferred method was to allow demotic views and resistances to emerge in these lifespaces.[42] He turns, in short, to three weighty case studies of conflict between moral and managerial beliefs and that is where we must follow him. In the Adirondacks, Yellowstone and the Grand Canyon, time and time again, local inhabitants found what they understood as legitimate ways of utilising the natural world proscribed and what they understood as their hunting and fishing areas sealed off. In the Adirondacks, moreover, it was the growth of private parks which presented the greatest challenge to their lifespaces, physically enclosing the best grounds over which rural folks would roam and out of which was fashioned their individual and collective biographies and their environmental relations. One such vernacular practice involved grass burning to encourage a spring flush.[43] These fallow fires were swiftly reinscribed as arson. But the resultant significant growth in their number following reinscription was, Jacoby asserts, something more than simply a criminal response or revenge, it was the means by which Adirondackers asserted their, and the forest's, freedom from state management.[44]

These nuanced insights into the moral ecology of the rural poor continue in Jacoby's Yellowstone. Here, poaching is revealed as being both multi-faceted and as considerably more morally ambiguous than most other studies allow. In particular, the practice could be contested from within the poaching community: there were, in short, acceptable and unacceptable poaching performances. Perhaps the best example of this nuanced understanding is found in Jacoby's approach to communal support for criminal activities, a foundation stone of the notion of social crime.[45] As laid out by David Hay in his study of eighteenth-century poaching on Cannock Chase in the English Midlands, "a wall of silence" would greet estate keepers when seeking information, but they faced word spreading "like lightening" when they came to serve a search warrant. By contrast, Jacoby shows that there were clear limits to communal support and that, when given, it could be provided grudgingly or even under coercion.[46]

This subtle reworking of the interactions of customary right, economy, society and culture as expressed through social crime, continues

with Jacoby's third case study, which offers his clearest example of moral ecology as a sustainable approach to resource utilisation from below. The Grand Cañon Forest Reserve was created in 1893, with the local Havasupai people almost overnight being reinscribed as squatters and poachers, although it took some time for this policy to be enacted on the ground. The Havasupai used the Grand Cañon plateau on a seasonal transient basis, a lifespace and a timeframe that did not fit well with rational and managerialist conservation discourse. In fact, such was the disjuncture between these two ways of interacting with the Grand Cañon environment that it took a number of years before the Havasupai apprehended the fact that their nomadic lifespace had been proscribed. To this they resisted in a number of interlocking ways. Havasupai claimed 'prior right' to resource utilisation, based on the fact that both Indian and deer had been there before the white man and were part of well-established assemblages of the human and non-human. Confusingly to them, this prior right was only secured by the continuous *performance* of those rights. To fail to use this—overwintering in the traditional places or hunting deer—meant that the right had ceased to exist, an idea without meaning to the Havasupai. Conversely, the hunt and other cultural forms carried deep meaning for them. Havasupai environmental practices and performances—lifescape and identity—were thus inextricably intertwined and buttressed by a vernacular moral ecology.[47]

Further, Jacoby demonstrates that, for the Havasupai, a successful hunt both relied on significant preparatory rituals and delineated the passage into manhood. On one level, to hunt drew the natural and supernatural even closer together—with 'game shamans' playing a pivotal role—but, on another level, the distribution of any kill among the community reinforced ties of kin and obligation.[48] What is revealed by these case studies is layer upon layer of informal, local and quotidian interactions and assemblages, not static bur rather constantly evolving, between indigenous peoples, settlers and the non-human. These interactions, from which emerged a moral ecological taskscape, were, at the same time, mutually supportive and constitutive but were also delimited by a "bounded, circular, jealously possessive consciousness."[49]

Moral Ecology: Parallels

The great strength of *Crimes against Nature* is that it offers a convincing example of the critically important interdisciplinary conversations between the social and environmental sciences; between historical

geography, and environmental, social and cultural histories. This is the ground upon which the current volume rests and which, with significant insights from subaltern studies, has reinvigorated and propelled forward the study of protest histories. It was a missed opportunity, therefore that, until very recently, the field of protest studies has ignored the possibilities offered by Jacoby's monograph and by his articulation of moral ecology in particular. This interaction, notwithstanding clear indications of the power and utility of these broader conversations, did emerge at about the same time as *Crimes against Nature*, in the work of Jeanette Neeson and Brian Short in particular.[50] Both have placed the sustenance of the body and the culture of plebeian households at the centre of their analyses and have convincingly shown how critical the maintenance of common rights was thereunto. What emerges from their work is an appreciation of everyday lives as the taskscape, as something enmeshed with landscapes and the senses:

> within which to work, to court and socialise … a space within which landowners, tenant farmers, cottagers and landless labourers were bound in a mutuality of exchange … dependent upon a local discourse concerning exactly what could and could not be undertaken on the Forest …. activities which were socially recognised, which were part of the landscape, and which … gave a sense of belonging to a community.[51]

Perhaps even more than Short's analyses, Neeson's work on commons and commoners is an important step out of the blind alley into which protest studies had turned by the late 1980s. To break the mould, to convincingly turn away from the old shibboleths and to pay full respect to the protestors and their motivations, has required commentators to engage with the 'infrapolitics' of conflict and resistance. In this, there are elements of a broader trend in protest studies away from a monocular focus on overt disturbance and towards the work of James C. Scott and what Michael Braddick and Walter term, in their *Negotiating Power in Early Modern England*, as the tactics by which the relatively powerless seek to defend their interests.'[52] Indeed, the impact of James C. Scott's twin conceptualisations of everyday forms of peasant resistance and of hidden transcripts has been profound.[53] These emerge in a body of work, which weaves together cultural and political anthropology and political theory to explore the exigencies and conflicts that inhere to rural life. This initiative has injected considerable intellectual energy and a new dynamism and vigour into intellectual engagements with socially

criminal behaviours and the study of peasant resistance more generally. As with Jacoby, Thompson and much of the history from below movement more generally, Scott's body of work developed out of a concern to understand the transitions to capitalism in agrarian social relations and the resultant resistances to this shift. An additional underlying concern lies with recovering the agency and ideologies of the rural poor. Ultimately, however, Scott's formulation of everyday forms of resistance derives from his understanding of class relations and from the probability that the rural poor and their masters mutually recognised the advantages of avoiding open confrontation. It is here that Scott follows Thompson and foreshadows Jacoby in foregrounding custom and usage and the everyday 'weapons of the weak' such as "foot-dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, sabotage."[54]

Once the mould had been broken, even though the gaze of new protest historians failed to alight on moral ecology, it did turn to the possibilities offered by both environmental histories (more generally) and subaltern studies.[55] Perspectives that have been drawn together in the work of Ramachandra Guha, who has repeatedly shown the critical reliance of the Indian rural poor 'past and present' on the sustainable use of ecological resources in their communities. In such contexts, issues of sustainability are key: the idea that, without the need of outside regulation and forms of control, such communities carefully protect, and indeed must protect, that which is needed to carry on the future life of the community.[56] Against this, attempts to impose outside regulations and rules restricting demotic uses of biological resources—what Arun Agrawal has called 'environmentality,' the technologies of environmental governance—have been a persistent theme in recent protest scholarship, fusing understandings of environmental management with ideas of privatisation ('enclosure') and forms of colonial and state dispossession.[57] This is not to say that all such work has focused entirely on ideas of one-way control; for instance Adil Najam has shown how systems that were initially in conflict can be resolved to mutually beneficial environmental ends.[58] Rather, and in common with Jacoby, it is to acknowledge that top-down, external and elite environmental schemes, whatever their intentions, invariably generate conflict and can thereby provoke resistance to such attempts at dispossession from those we ought to recognise as internal subalterns. This is certainly the subtext, if not the actual text, of recent work on the processes of those acts of dispossession and privatisation that

comprised the English enclosure movement. Additionally, as McDonagh and Griffin suggest:

> It is important to note that the lessons learnt from enclosing rural England were directly applied in the carving up and making private property of those sovereign states the British Empire colonised. In this way, privatisation and colonisation are intertwined in land, and struggles against privatisation and colonisation similarly rooted in the soil of the dispossessed.[59]

Attempts to 'thicken' our understandings of enclosure (broadly defined) and the responses thereto by rural subalterns form the core of a literature that aims to entangle environmental, social and cultural histories and geographies of dispossession and resistance.[60] The most significant strand of this way of writing, moreover, is that which draws a recognition of hybridity and of the dynamic and constitutive role of nature/culture relations into the discussion.[61] Thus hedges and trees come to be recognised as actants in the enclosure drama, with the latter understood as being the 'living capital' of those instigating major socio-economic change in the English countryside. In this view, attacks on trees became forms of everyday resistance to these changes by those who had been denied access to these resources, with both flora and fauna inducing a cultural myopia within eighteenth- and early nineteenth-century state silviculture schemes.[62] In one instance, the capabilities and roles of both mice and rabbits in oppositional assemblages of the non-human and human simply passed unrecognised.[63]

In all this, finally, the ground has been laid for the successful and overdue return of moral ecology back home. For too long, Jacoby's study of the shadow world of North American conservation has remained in the shadows of protest studies. Illustrative of this is the fact that, while one of the most important recent contributions to the perspectives embraced by this volume—Featherstone's study of the Irish eighteenth-century peasant protest movement—explores and expands the utility of subaltern political ecology, a way of thinking that finds its way into *Crimes against Nature*, Jacoby's arguably more persuasive and appropriate concept was not even offered up as a comparator. This certainly cannot be said for students of dispossession and resistance beyond Britain and Europe. Here, even though *Crimes against Nature* rather glosses over the constitutive and dynamic roles of the non-human, something this

volume intends to do something about, its influence has been profound. It is therefore to a consideration of these influences of and parallels to Jacoby's original that we now turn.

MORAL ECOLOGY: ROUTES

An interest in the heterogeneous associations of humans and non-humans is one of the many threads which *Crimes against Nature* shares with the contemporary upsurge in 'commons' research and with a turn to the study of popular responses to green development. Indeed, while Jacoby both explicitly and implicitly drew on a wide range of concepts and approaches, it is important to note that his work intersects with a yet broader set of literatures. At the time of writing, *Crimes against Nature* has been cited 679 times on Google Scholar, an admittedly crude measure and metric but one that conveys the extent of the uptake and impact of Jacoby's study.[64] Perhaps more telling still is that a qualitative analysis of these citations suggests that Jacoby's book has been influential in a wide variety of contexts broadly captured as: work on US national parks; conservation and development; US environmental history; world environmental history; hunting; and rural crime today. While the book's influence on work on US national parks and wider American environmental history is easily understandable, its wider global influence is telling. This influence is not writ explicitly in terms of the concept of 'moral ecology' (only 28 of the 667 citations mentioning moral ecology explicitly), but rather in terms of the broader argument that elite conservation schemes act to dispossess, swapping one set of vernacular 'conservations' for legally defined and centrally enforced ones. In this vein, we should perhaps pick out, not for any critical purpose but simply to illustrate the sheer timeliness of Jacoby's work, José E. Martínez-Reyes's *Moral Ecology of a Forest*. This work seeks to explore the human and cultural dimension of forest biodiversity and, although it does not go as far as many of the recent works which seek to make the nature/culture binary problematic, there are clear hints in this direction. For Martínez-Reyes, moral ecology is about the mutually constitutive relationships between local peoples and their environments, where "their history, identity, spiritual beliefs, (and) communion with other species are rooted."[65] His central concern, however, is with their interactions with external forces—commercial and central governmental—and with the struggles that result therefrom "over how the Maya Forest … should be preserved, or how

it can be exploited." In short, his thesis focuses on the pressures and conflicts generated by the neoliberalisation of nature as it meets indigenous and vernacular environmental beliefs. This is a clash around colonialism—"'the coloniality of nature' in which the history of colonial relations subordinates place-based indigenous knowledge while privileging Western institutionalised ways of knowing nature."[66] We recognise the value of this approach but, we argue, this emphasis on the interplay between conservation claims and market imperatives involves a very different set of dynamics to those at the heart of this book.

Similarly, Martinez-Reyes claims, for his moral ecology, an "ontological political ecology perspective" in order to write an environmental anthropology that combines ontological and dialectical concerns of place, nature and landscape with a critical reading that political ecology provides.'[67] In so doing, he is reducing moral ecology to a valuable, but nevertheless limited, means of categorising the Maya Forest lifeworld. He defaults to political ecology to do the heavy conceptual lifting. In so doing, Martinez-Reyes is keying into a by-now diverse and influential field of study that offers some clear parallels with moral ecology as a concept rather than a simple category. Indeed, as Jacoby acknowledges, moral ecology, in part, draws upon aspects of political ecology through the shared lens of Marxian understandings of political action, even if the former pays increasingly less attention to matters of class and other intersections of difference, moving instead much more firmly in the direction of conservation science. *Crimes against Nature* more persuasively reveals its links to environmental history through the interweaving of class with the cultural. Thus, both epistemologically and more prosaically for matters of space, this is not the place for a review of political ecology. It has been done better elsewhere.[68] But, whatever the debt Jacoby's formulation owes to the perspectives wrought by political ecology, a fundamental and convincing difference remains. Moral ecology insists both on a singular focus on those issues and actors often otherwise hidden from environmental history and on beliefs, practices and performances otherwise ignored by protest studies. It is in this singularity that its power to persuade and enlighten can be found.

However, it would be foolhardy to claim a uniqueness for moral ecology. There are clear parallels between Jacoby's thesis and many other like-minded works on similar topics from across the globe and with those who have drawn far more explicitly on *Crimes against Nature*. One who falls into the latter category is Pete Hay, whose initial concern was to

uncover senses of identity and place-making in a hitherto unrecognised cohort of the contemporary Tasmanian logging industry. This, however, necessarily expanded into an account embracing resource utilisation and flora-sensitive and respectful ways to fell a tree and work with timber. In this publication, Hay outlines a vernacularly derived sense of appropriate assemblages of humans and non-humans which manifested itself in opposition to timber science.[69]

> "There are people up here can't read and write", said one local, "and none of us are scientists, but we're here all the time, and we see things—dead wombats in the creeks and that, the creeks foaming like y'wouldn't believe, algae up here where none's ever been known before—we see stuff that the bloody scientists never see because they aren't here when it's right there in front of you."[70]

In common with, and acknowledging Jacoby's lead, Hay returns to the Thompsonian original in his analysis, not only to delineate local value systems of socio-economic mutuality, but also to make the convincing point that moral *economy* does leap the eighteenth-century southern-England fence. Hay's moral ecology, in short, owes a singular debt to Jacoby's formulation and manifests "…a generations-forged sensibility of what is and what is not appropriate interaction with the 'ecological basis of their way of life,' a sensibility that is profoundly affronted by the practices and processes of present-day industrial logging."[71]

Of perhaps even greater significance for the current volume, Hay suggests that, despite its power to encapsulate and conceptualise an ecologically based sense of place, moral ecology remains a significantly underutilised concept in comparative studies of processes of dispossession, enclosure and resistance. The fact remains, however, that *Crimes against Nature* as a text remains significantly more influential than is moral ecology as a concept. Given the ways in which many development schemes in the global south have mirrored the Anglo-European-American model of enclosing land and making it private property, while applying the fig leaf of conservation discourses and practices, this is perhaps understandable.[72] The impact and influence of Jacoby's book has taken two principal forms. First, it provides a critical, historical context for a consideration of problems with the canonical 'Yellowstone Model.'[73] Thus, in the most recent edition of Bill Adam's influential text on 'green development,' Jacoby's work is mobilised to analyse the issue of race and dispossession. Similarly, Adams and Martin Mulligan's

Decolonizing Nature: Strategies for Conservation in a Post-colonial Era—a series of closely argued local case studies of the ways in which colonial expropriations of 'nature,' or what Alfred Crosby famously labelled the making of 'neo-Europes' can be undone—utilises Jacoby to think about the afterlives of those who have been dispossessed.[74] Second, *Crimes against Nature* provides a conceptual apparatus to understand the mechanism of conservation as dispossession today. Arguably, the best example of this is Alice Kelly's essay on conservation practice as primitive accumulation, in which she draws directly on Jacoby to claim that: "The violent acts of enclosure and dispossession related to the creation of protected areas may lead to private benefit, and expand the conditions under which capitalist production can expand and continue."[75]

There is a circularity of influence at play here: Jacoby having been (as detailed above) influenced by Thompson and the subaltern studies movement, not least Guha, who, together, then influence Scott, who also provides a direct influence, for Jacoby, who then influences new critical work on conservation and development. But, whatever the influence of Thompson and Scott, Jacoby's concept is different from theirs; his emphasis, not just on how the rural poor oppose elite attempts to restrict customary practice but, specifically, on how their oppositions challenge the dispossessing 'fig leaf' of conservation and on how these resistances are often not dramatic protest interventions but are, instead, banal. And, of course, there are other works that betray a family similarity to aspects of Jacoby's work and draw on similar influences, but ultimately exist on a different intellectual register. Mark Dowie's *Conservation Refugees*, by way of example, considers one hundred years of conflict between elite conservationists and 'native peoples' in Africa and Asia and comes to broadly similar conclusions to Jacoby, though the conservationists here fare rather better as "good guys" than do those in *Crimes against Nature*.[76] In a parallel context, Lyuba Zarsky's edited collection *Human Rights and the Environment: Conflicts and Norms in a Globalizing World* explores development schemes rather than conservation per se in the context of threats to the legal rights of local peoples over access to land and other biotic resources. Likewise, in Melissa Leach, James Fairhead and Ian Scoone's recent, but already influential, work on 'green grabbing,'—the appropriation of land and resources for environmental ends—we see a depiction of the same processes: exclusion, dispossession and the reworking of rural social relations in the name of conservation, broadly defined.[77]

Perhaps the fact that such studies of the here-and-now do not draw directly from Jacoby does not matter. Arguably, why should work on

Africa, Asia and Latin America cite a work of environmental history on late nineteenth-century US? Ultimately, what matters, and this is what such parallel studies prove, is the underlying importance of the moral ecology concept. As noted above, the recent resurgence of interest by geographers and political scientists—arguably anthropologists and historians never lost interest in enclosures of material commons—in forms of 'enclosure,' for which read making private and thereby dispossessing others of things, spaces and ideas that were used in common, is a simple enough response to the fact that, as Alex Jeffrey et al. put it, "enclosure has emerged in recent years as a key process of neoliberal globalisation."[78] This 'new commons' literature might relate to new forms of common(-able things) and new waves of enclosure but the processes remain the same.[79] But what is striking in so much of this work is that resistances to enclosure, if they are considered at all, are, in the words of Amin and Howell, "quickly swept aside."[80] There are exceptions. For one, Alex Vasudevan's complex and suggestive work on the politics of squatting in post-World War II Berlin. Colin McFarlane and Renu Desai's work on the subaltern struggle of "urban metabolic commons," with their emphasis on the persistence of everyday life as resistance, also offers a mirror to moral ecology's prescriptions. But these are the exceptions that prove the rule.[81] Rather, in the 'new commons literature,' the very idea—for it is reduced to that, rather than being a materialised space—of the commons becomes a shorthand for an abstract set of oppositions to neoliberalism. In this way, commoning becomes a set of political languages, another way of being in the world, something conceptually analogous to Jacoby's moral ecology as resistance but simply ignoring forms of conservation as enclosure. Analogous to, however, is not the same as 'directly inspired by' and this leaves *Crimes against Nature* out on something of a limb. It is the central aim and purpose of this volume that it seeks to offer a substantiating prop for this most valuable of theses. It is to a discussion of and a dialogue with the scaffolding that we intend putting in place to this end that we now turn.

Moral Ecologies: The Book

In building on—or, indeed, scaffolding—Jacoby's *Crimes against Nature* and the concept of moral ecology, we consider the value and the applicability of the ideas raised in and by both the book and the concept in a broad range of contexts. In spatial terms, there is an emphasis, in the

following chapters, on the study of settler societies, and particularly on Australia. This is, in part, an acknowledgement of Jacoby's own contention that "one facet that cries out for greater elaboration is the history of settler colonialism."[82] Jacoby's American, and therefore settler society, case studies are diverse, extending almost from coast to coast and from the peri-urban Adirondacks to the arid and remote Grand Canyon. In this volume, our Australian case studies likewise traverse the country, from North West to South East, and, if anything, we extend this continuum by taking in environments from the centre of a large city to the farthest outback. We also include other settler society studies from the Appalachians, Brazil's Atlantic Forest and, perhaps arguably, Tanzania. However, these examples are complemented by several from very different cultural and geographical contexts: from the global periphery, in Nepal and Indonesia; and from its core—certainly in southern England, if not quite so much so in the Scottish Highlands and Islands.

Jacoby's volume covers a key period in the development of American—and global—conservation as theoretical endeavour and practised pursuit, from the publication of George Perkins Marsh's *Man and Nature* in 1864 to the designation of the Grand Canyon as a National Park in 1919.[83] Two of the chapters in this collection also focus on this period but several, if not most, of the case studies include a consideration of more recent and even current events, while one interrogates the moral ecology of 'squatters' in the seventeenth and eighteenth centuries. The histories written here are many: of many peoples; of many places; and of many times. Indeed, the chapters variably span *longue durées* and short time periods and consider the ancient past as well as pasts in the present. Further, while several of the contributions are primarily concerned with considerations of conflicts between conservation bureaucracies and Indigenous and poor settler groups, many—either instead or in addition—portray disputes between local populations and authority more generally, be the various government agencies concerned legal, administrative, colonial or even military. In one case also, a group's moral ecology is primarily examined in the context of its relation to culture rather than to nature. While this is an attempt to test and extend Jacoby's concept in a variety of global contexts, it is important to state that it does not attempt to consider—nor could it possibly encompass—every spatial and temporal context. Inevitably, there are gaps in our coverage. Readers might well ask questions about continental Europe, much of the Americas and the periglacial and glacial zones of the north and south

that this volume can only hint at. It is a global history but not *the* global history of moral ecology. Rather, we hope that the examples herein provide not only evidence of the applicability of the concept but also inspiration for further studies testing and teasing these issues in other contexts.

Given the spatial and temporal diversity of the case studies, our organising principle in this volume has been thematic and it centres on the twin processes of conservation as dispossession and conservation as occupation, the two major, and characteristically oppositional, forces that contest in almost any conservation conflict. Inevitably, in these case studies as is the case in Jacoby's own work, these processes coexist and overlap. Furthermore, there is an ironic, and even a tragic, inversion in that change and dispossession are often invoked in the name of conservation, while the terms occupation, and especially 'Occupy,' have taken on radical, rather than conservative, overtones in the current century. Nevertheless, the various chapters have placed differing emphases on conservation as dispossession and conservation (or resistance to conservation) as occupation and they have therefore been grouped accordingly. While all of the case studies describe the varying degrees of resistance exhibited by local populations to a range of conservation and/or colonisation initiatives, the first group of chapters focus on the dispossession of local Indigenous and settler groups, frequently of their homes and their land, but invariably of their former ways of life.

Sudeep Jana Thing recounts the experience of the Sonaha, a numerically small ethnic group in lowland Nepal. As a royal hunting forest was gradually reconfigured as a National Park over the course of the twentieth century, to a large extent on the recommendations of western conservationists, the Sonahas found that their traditional activities of fishing and gold panning in the rivers of the park and its buffer zone became increasingly circumscribed. These activities could be constructed by the park authorities as poaching and thieving, and even as squatting on the river islands where they camped. Furthermore, these were seen, in Western scientific terms, as crimes against a nature in which the Sonaha had no part. Thing contrasts this view with a very different moral ecology in which the Sonaha conceive of themselves and their environment as a single 'riverscape.'

Roy Jones, Joseph Christensen and Tod Jones consider recent environmental conflicts along the coast of the arid Gascoyne region in Australia's far North West. In the late nineteenth century, small numbers of European settlers dispossessed an Aboriginal population and

established pastoral (sheep rearing), pearling and fishing operations, albeit with the assistance of both Aboriginal and Asian labour. For over a century, these settlers experienced high levels of local autonomy as a result of both their extremely small numbers and their high degree of remoteness from the colonial/state capital of Perth. As the twentieth century progressed, however, first the ecological and then the touristic value of the Gascoyne's coastal environments were perceived, initially by the Western Australian government and population and later both nationally and internationally. In parallel with a large growth in tourist numbers, as roads into the area were constructed and sealed, increasingly stringent and extensive environmental restrictions were imposed, culminating in the World Heritage inscriptions of Shark Bay in 1991 and the Ningaloo Coast in 2011. While extensive marine sanctuary areas now preclude commercial and even recreational fishing and some of the most profitable areas of several pastoral lease properties are being excised and placed in the conservation estate, it is the removal of local control and autonomy rather than that of territory that fuels much of the sense of dispossession felt within large sections of the local communities.

Shaphan Cox and Christina Birdsall Jones provide this volume's sole urban case study. Their focus is on the dispossession of the Nyoongar Aboriginal population from the South West of Western Australia in a local context where this dispossession could perhaps be seen as being at its most complete, namely from the centre of the state capital city, Perth. They utilise two recent examples of Aboriginal protest (and occupation; the two component parts of this volume do indeed overlap) to show how dispossession is viewed in Nyoongar terms, as in many other Indigenous moral ecologies, not as an isolated incident but as an ongoing and incomplete process. When the first British settlers replaced native bush and animals with farms containing European livestock, they characterised the Nyoongars as poachers when they, inevitably, turned to this alternative food source. Almost two centuries on, however, and for many Nyoongar people, their spiritual connection to the land that is now the centre of the city of Perth is something that 'always was, always will be' their country.[84] For this reason, they see themselves as neither squatters nor thieves (to use the other pejorative terms from Jacoby's title) on land from which they have, in Western frames of reference, long been dispossessed.

Scott Hoefle provides comparative histories of the Atlantic forests of Brazil and the United States. In both countries, settlers dispossessed

the Indigenous populations but often struggled to develop sustainable agricultural economies in mountainous areas vulnerable, once the forest was cleared, to soil erosion and exhaustion. These problems came to the notice of officialdom in the early part of the twentieth century as, particularly in the United States, an environmental conservation movement was gaining momentum. A moral ecology focused on non-human 'nature' could therefore be used to characterise such farmers as negligent, if not as actually criminal, in their treatment of 'nature' and many farmers were removed from their tenancies with no compensation or transferred from their farms to smallholdings that were insufficient to provide them with a livelihood. Although much of this land was reafforested as conservation estates, these areas, in both countries, are now being adversely impacted by urbanisation, industrial pollution and large-scale tourism and recreational developments, often to an extent that makes the earlier depredations by the dispossessed small farmers seem rather less immoral.

While the threat, if not the actuality, of dispossession pervades several of the remaining chapters, their authors give greater emphasis to the manners in which their subjects occupy or, in Ingold's terms, dwell within their surroundings and to the moral ecologies which they adopt to place or, perhaps more accurately, to ground themselves within the lifeworlds and taskscapes that they seek to conserve.

Tod Jones and Adrian Perkasa's study of Trowulan in East Java departs from the other case studies presented here and seeks to extend the applicability of Jacoby's ideas by examining a disconnect between local/communal and official/global views on the conservation of cultural, rather than natural, heritages. Trowulan was a major centre of the Majapahit Kingdom in the thirteenth to fifteenth centuries. As such, it contains numerous historic sites and artefacts of interest to archaeologists and other specialists who seek not only to preserve and conserve significant items of cultural heritage, but to do so according to values not unlike those used by officials seeking to conserve notable examples of natural heritage. Jones and Perkasa explore the contrasts and the tensions between the official conservation regimes and local community practices, ranging from the presence of numerous local brick making operations/excavations in areas containing Majapahit remains through the contemporary production of 'Majapahit' sculpture to contemporary cultural, and to some extent non-conforming, uses of significant Majapahit sites.

Similarly, Iain Robertson and Mary Macleod Rivett's study of dispossession in the form of restriction of access to land in the Scottish

Highlands and the Isle of Lewis in particular is rooted in a deep, cultural reading of place-making. Yet Robertson and Macleod Rivett seek less to recover the way of life of the 'Highland Gael' and more to use the responses of the land-working tenantry to test, extend and witness moral ecology in action. Their aim: to scrutinise moral ecology as concept in different contexts thereby rendering the concept more nuanced and robust, is something that speaks to all vernacular environmental histories and studies of dispossession and resistance. Taking the view that a time-deep but place specific approach enables this necessary scrutiny, Robertson and Macleod Rivett focus through three selected episodes on the *longue duree* of Highland moral ecological relations and the growth. From these episodes they show that moral ecology as practice neither axiomatically rests on sustainable foundations, nor emerges as a fixed, inert set of values and beliefs. It is, they suggest, constantly in the making, a protean moral ecology, found in the performance and memory of quotidian tasks. These tasks are shaped by routine, grooved in, by and through the body, and expressed as appropriate assemblages of the human and non-human.

Peter Hay weaves the concept of moral ecology into a story of work, dwelling and environment in the former mining town of Queenstown on the west coast of Tasmania. Queenstown is (in)famous for the despoliation of its surrounding environment by pollution from the mine's copper smelter between the 1890s and the 1990s. Hay uses archival sources to trace the environmental views/moral ecologies of the town's population through the three phases of the town's 'occupation,' industrial growth, industrial decline and post-industrial survival. In doing so, he describes the deforestation and despoliation of the area around Queenstown by pollution from the copper smelters which provided this small and isolated community with its livelihood. However, while the mine was winding down and jobs were being shed in the 1980s, this area of Tasmania became the epicentre of an environmental battle to prevent the damming of a local 'wild' river for hydroelectricity generation. Non-local 'greenies' protesting (successfully) against the proposed dam and local Queenstowners fearing for their jobs clashed, sometimes violently. Hay uses both Jacoby's moral ecology and Thompson's moral economy frameworks to interrogate the changing circumstances and changing value systems of a Queenstown community which had been represented as the apotheosis of environmental vandalism over the last three decades.

Graham Seal's consideration of the moral ecology of the Kelly Country in North Eastern Victoria takes us both to the time period of Jacoby's case studies and to the milieu that produced Australia's most famous thieves and poachers. He uses archival documents to contend that a delicate ecological balance that existed on this dynamic agricultural frontier was complemented by a complex and flexible network of moralities which allowed a diverse group of established settlers and ex-convicts, English and Irish and Catholic and Protestant, to work together within and even a little beyond the law. As the Kelly Gang's crimes became more serious, the authorities could no longer countenance them. However, not all members of the local community held this view and Ned Kelly himself proffered an alternative moral and even ecological manifesto in the form of the Jerilderie Letter. Seal's account shows how the Kelly Gang's misdemeanours and the authorities' (over)reactions to them escalated into chaos as these differing moral ecologies came into violent conflict.

Carl Griffin's study of squatting as moral ecology in England's New Forest takes us to an earlier time, one before the discourses of conservation as an ecological good—if not an ecological imperative—had been articulated. Nevertheless, this chapter clearly traces, through a range of archival sources, a dispute between forest officialdom and several generations of squatters that extended from the late seventeenth to the early nineteenth century. It demonstrates how small local communities were able to settle and to use forest land, and to do so largely sustainably, in accordance with their own sets of environmental values and in spite of official and legal opposition. Furthermore, it demonstrates how Jacoby's framework of 'crimes against nature' can be successfully applied in contexts earlier as well as later than those used in his own studies.

The final case study chapter, by Thaddeus Sunseri, traces the settlement of Afrikaner *trekboer* farmers in Tanzania—then German East Africa—in the period immediately following the Boer War. Sunseri describes the Calvinistic basis of the moral ecology of this group which emphasises the supremacy of humans over nature. In the relatively uncontrolled conditions of eighteenth- and even nineteenth-century South Africa, the Boer farmers were able to enjoy a mobile and often hunting-dominated lifestyle readily incorporating the dispossession of the African inhabitants of the lands they occupied. However, those *trekboers* who moved from South Africa to German East Africa to escape British domination were unable to occupy their new lands in such an untrammelled manner. The German colonial authorities, to a certain extent

disturbed by African native uprisings, were allocating more land to tribal reserves and, at the dawn of the environmental conservation movement, some of the first nature reserves were being established. While, notwithstanding the British takeover of German East Africa following World War One, numbers of *trekboer* settlers remained in the colony, they were no longer able to occupy their lands in the untrammelled manner to which they had been accustomed nor to operate under their traditional forms of moral ecology.

Taken together, these case studies constitute a substantial expansion of the scaffolding which has been added to Jacoby's studies of *Crimes against Nature* and, even more so, to what we consider to be the vital concept of moral ecology. It is therefore with pleasure and respect that we provide him with an opportunity to reflect on this volume's offerings in its afterword.

Notes

1. Mrs F. Clear, C2/1 September 2015, transcript, pp. 2–3; 7; 9.
2. Ibid., p. 5.
3. Laurie Lee, *Cider with Rosie* (London: Hogarth Press, 1959).
4. Mrs F. Clear, C2/1 September 2015, transcript, p. 5.
5. Karl Jacoby, *Crimes against Nature*: *Squatters*, *Poachers*, *Thieves and the Hidden History of American Conservation* (Berkeley: University of California Press, 2014/2001). Note: References hereafter in this chapter are to the 2014 edition to which Jacoby added a short 'afterword' (pages 199–203) to the otherwise unaltered text from the 2001 first edition.
6. Ibid., 3 and 146.
7. Martin Heidegger, *Poetry, Language, Thought*, trans. Albert Hofstadter (New York: Harper & Row, 1971), 154; Tim Ingold, *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill* (London: Taylor and Francis, 2002).
8. For an initial reflection on this see: Janet Blake, *Developing a New Standard-Setting Instrument for the Safeguarding of Intangible Cultural Heritage: Elements for Consideration* (UNESCO, 2001).
9. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).
10. Garret Hardin, "The Tragedy of the Commons," *Science* 162, 3859 (1968): 1243–8. For a useful survey of this reworking see: Ash Amin and Phil Howell, eds., *Releasing the Commons: Rethinking the Futures of the Commons* (London: Routledge, 2016).

11. By way of example: Edward Palmer Thompson, *Whigs and Hunters: The Origin of the Black Act* (London: Allen Lane, 1975); Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movements in the Nineteenth and Twentieth Centuries* (Manchester: Manchester University Press, 1959); Eric Hobsbawm and George Rudé, *Captain Swing* (London: Lawrence and Wishart, 1969); James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990); Roderick Nash, *Wilderness and the American Mind* (New Haven: Yale University Press, 1967); Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (New Delhi: Oxford University Press, 1989).

12. For an initial examination of moral ecology and the history of rural protest see: Carl Griffin and Iain Robertson, "Moral Ecologies: Conservation in Conflict in Rural England," *History Workshop Journal* 82, 1 (2016): 24–49.

13. Karl Jacoby, "Class and Environmental History: Lessons from 'The War in the Adirondacks,'" *Environmental History* 2, 3 (1997): 324–42.

14. Jacoby, *Crimes against Nature*, xv.

15. On Cronon's masterworks see: Bill Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983); Idem., *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991); Idem., *Uncommon Ground: Rethinking the Human Place in Nature* (New York: W. W. Norton, 1995).

16. Nash, *Wilderness.*

17. Jacoby, *Crimes against Nature.*

18. On which see references in note 10.

19. Jacoby, *Crimes against Nature*, 326.

20. See especially Bill Cronon, "The Trouble with Wilderness: Or, Getting Back to the Wrong Nature," *Environmental History* 1, 1 (1996): 7–28.

21. Jacoby, *Crimes against Nature*, 210, n. 2. On such 'fellow travellers' see: Louis Warren, *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America* (New Haven: Yale University Press, 1997); Mark Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (New York: Oxford University Press, 1999); Richard Judd, *Common Lands, Common People: The Origins of Conservation in Northern New England* (Cambridge, MA: Harvard University Press, 1997); Ben Johnson, "Conservation, Subsistence, and Class at the Birth of Superior National Forest," *Environmental History* 4, 1 (1999): 80–99. Note, this list does not serve to be exhaustive, rather it relates those studies Jacoby notes at the time of publication.

22. Donald Worster, ed., *The Ends of the Earth: Perspectives on Modern Environmental History* (New York: Oxford University Press, 1989), 290.

23. Anne Buttimer, "Grasping the Dynamism of Lifeworld," *Annals of the Association of American Geographers* 66, 2 (1976): 277–92; David Seamon, *A Geography of the Lifeworld*: *Movement, Rest and Encounter* (London: Croom Helm, 1979); Iain Robertson, *Landscapes of Protest in the Scottish Highlands After 1914: The Later Highland Land Wars* (Farnham: Ashgate, 2013).

24. Jacoby, *Crimes against Nature*, esp. ch.3.

25. Edward Palmer Thompson, *The Making of the English Working Class* (London: Penguin, 1963), 12.

26. Jacoby, *Crimes against Nature*, 1–3.

27. Ibid., 3.

28. Edward Palmer Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past & Present* 50 (1971), 76–136; Idem., *Whigs and Hunters.*

29. Eric Hobsbawm, "Social Criminality: Distinctions Between Socio-Political and Other Forms of Crime," *Bulletin for the Society for the Study of Labour History* 25 (1972): 5–6.

30. The best survey of this key development is to be found in John Lea, "Social Crime Revisited," *Theoretical Criminology* 3, 3 (1999): 307–25.

31. Douglas Hay, Peter Linebaugh, John Rule, Edward Palmer Thompson, and Cal Winslow, *Albion's Fatal Tree*: *Crime and Society in Eighteenth-Century England* (London: Allen Lane, 1975).

32. John G. Rule, "Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries," *Southern History* 1 (1979): 35–53.

33. Iain Robertson, "'Two Steps Forward; Six Steps Back': The Dissipated Legacy of Captain Swing," *Southern History* 32 (2010): 85.

34. Key texts here include: Barry Reay, *The Last Rising of the Agricultural Labourers* (Oxford: Clarendon Press, 1990); John Archer, *By a Flash and a Scare: Arson, Animal Maiming and Poaching in East Anglia 1815–1870* (Oxford: Clarendon Press 1990); Jeanette Neeson, *Commoners, Common Right, Enclosure and Social Change in England 1700–1820* (Cambridge: Cambridge University Press, 1993); Barry Reay, *Microhistories: Demography, Society and Culture in Rural England 1800–1930* (Cambridge: Cambridge University Press, 1996); Adrian Randall and Andrew Charlesworth, eds., *Markets, Market Culture and Popular Protest in Eighteenth-Century Britain* (Liverpool: Liverpool University Press, 1996); David Eastwood, "Communities, Protest and Police in Early Nineteenth-Century Oxfordshire: The Enclosure of Otmoor Reconsidered," *Agricultural History Review* 44, 1 (1996): 35–46;

John Rule and Roger Wells, eds., *Crime, Protest and Popular Politics in Southern England 1740–1850* (London: Hambledon, 1997); Stephen Hipkin, "Sitting on His Penny Rent: Conflict and Right of Common in Faversham Blean, 1596–1610," *Rural History* 11, 1 (2000): 163–77.

35. David Featherstone, "Skills for Heterogeneous Associations: the Whiteboys, Collective Experimentation, and Subaltern Political Ecologies," *Environment and Planning D: Society and Space* 25, 2 (2007): 292.

36. Jacoby, *Crimes against Nature*, 4; "Reflecting on 30 Years of Subaltern Studies: Conversations with Profs. Gyanendra Pandey and Partha Chatterjee." *Curated Collections, Cultural Anthropology website*, accessed 22 January 2018, https://culanth.org/curated_collections/6-subaltern-studies/discussions/14-reflecting-on-30-years-of-subaltern-studies-conversations-with-profs-gyanendra-pandey-and-partha-chatterjee.

37. Giles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987, originally published in French 1980).

38. Jacoby, *Crimes against Nature*, 196.

39. Timothy Beatley and Kristy Manning, *The Ecology of Place: Planning for Environment, Economy, and Community* (Washington, DC: Island Press, 1992), 32.

40. Jacoby, *Crimes against Nature*, 5.

41. Ibid., 2; 6.

42. For the psychologist Kurt Lewin 'life space' is a psychological field—the locus of a person's experiences and needs and a spatial representation of all the forces that control a person's behaviour. Arguably more pertinent to the present work is the way it is understood by Brian Short in his compelling essays on the lifespaces (and lifeworlds) of Ashdown Forest in eighteenth-century southern England For Short a lifespace is, effectively, a shared setting for economic activities, social lives and cultural interactions in which "a skein of paths and contacts of kinship and friendship" shape and are shaped by individual biographies and friendship: Bernard Burnes and Bill Cooke, "Kurt Lewin's Field Theory: A Review and Re-evaluation," *International Journal of Management Reviews* 15, 4 (2013): 408–25; Brian Short, "Conservation, Class and Custom: Lifespace and Conflict in a Nineteenth-Century Forest Environment," *Rural History* 10, 2 (1999): 127–54; Idem., "Environmental Politics, Custom and Personal Testimony: Memory and Lifespace on the Late Victorian Ashdown Forest, Sussex," *Journal of Historical Geography* 30, 3 (2004): 470–95.

43. For a complementary view on the tensions surrounding grass burning, albeit one that only superficially engages with *Crimes against Nature* see

Christian A Kull, *Isle of Fire: The Political Ecology of Landscape Burning in Madagascar* (Chicago: University of Chicago Press, 2004).

44. Jacoby, *Crimes against Nature*, 74–7.

45. Lea, "Social Crime Revisited."

46. Doug Hay, "Poaching and the Game Laws on Cannock Chase," Hay et al., *Albion's Fatal Tree*, 198; Jacoby, *Crimes against Nature*, 121–46.

47. Ibid., 171–92.

48. Ibid., 184–6.

49. Edward Palmer Thompson, *Customs in Common* (London: Merlin Press, 1991), 171.

50. Neeson, *Commoners*; Short, "Conservation, Class, Custom"; Idem., "Environmental Politics." An early and influential contribution to this way of thinking and reading can be found in the work of Barry Reay, *The Last Rising of the Agricultural Labourers: Rural Life and Protest in Nineteenth-Century England* (Oxford: Clarendon Press, 1991); Idem., *Microhistories*. The development of this important spatialized methodology goes a long way to explaining why the explicit turn to space took quite some time to arrive in social and cultural history. See, for instance, Fiona Williamson, ed., *Locating Agency: Space, Power and Popular Politics* (Cambridge: Cambridge Scholars Press, 2010).

51. Neeson, *Commoners*; Tim Ingold, "The Temporality of the landscape," *World Archaeology* 25, 2 (1993): 152–74; Short, "Conservation, Class, Custom."

52. Michael Braddick and John Walter, "Introduction," in *Negotiating Power in Early Modern England*, eds. Michael Braddick and John Walter (Cambridge: Cambridge University Press, 2001), 7

53. James C. Scott, "Everyday Forms of Peasant Resistance," *Journal of Peasant Studies* 13, 2 (1986): 5–35; Idem., *Domination and the Arts of Resistance.*

54. James C. Scott, *Weapons of the Weak*: *Everyday Forms of Peasant Resistance* (New Haven, CT: Yale University Press, 1985), xvi

55. Katrina Navickas, "What Happened to Class? New Histories of Labour and Collective Action in Britain," *Social History* 36, 2 (2011): 192–204.

56. For several of his seminal works in this context see: Ramachandra Guha, *The Unquiet Woods: Ecological Change and Peasant Resistance in the Himalaya* (New Delhi: Oxford University Press, 1989); Madhav Gadgil and Ramachandra Guha, *This Fissured Land: An Ecological History of India* (New Delhi: Oxford University Press, 1992); Ramachandra Guha, *How Much Should a Person Consume?: Thinking Through the Environment* (New Delhi: Oxford University Press, 2006).

57. Arun Agrawal, *Environmentality: Technologies of Government and Political Subjects* (Durham, NC: Duke University Press, 2005)

58. Adil Najam, "Developing Countries and Global Environmental Governance: From Contestation to Participation to Engagement," *International Environmental Agreements: Politics, Law and Economics* 5, 3 (2005): 303–21.

59. Briony McDonagh and Carl Griffin, "Occupy! Historical Geographies of Property, Protest and the Commons, 1500–1850," *Journal of Historical Geography* 53 (2006): 2

60. See, for instance, Nick Blomley, "Enclosure, Common Right and the Property of the Poor," *Social and Legal Studies* 17 (2008): 311–31; Alex Jeffrey, Colin McFarlane and Alex Vasudevan, "Rethinking Enclosure: Space, Subjectivity and the Commons," *Antipode* 44, 4 (2012): 1247–67; Alex Vasudevan, Colin McFarlane and Alex Jeffrey, "Spaces of Enclosure," *Geoforum* 39 (2008) 1641–46; Peter Linebaugh, "Enclosures From the Bottom Up," *Radical History Review* 108 (2010): 11–27; Briony McDonagh and Stephen Daniels, "Enclosure Stories: Narratives from Northamptonshire," *Cultural Geographies* 19 (2012): 107–21; Christopher Rodgers, ed., *Contested Common Land: Environmental Governance Past and Present* (London: Routledge, 2011); Alun Howkins, "The Use and Abuse of the English Commons, 1845–1914," *History Workshop Journal* 78 (2014): 107–32.

61. Nigel Thrift, "Steps to an Ecology of Place," in *Human Geography Today*, eds. John Allen, Doreen Massey, and Phillip Sarre (Cambridge: Polity Press, 1999), 295–322; Sarah Whatmore, *Hybrid Geographies: Natures Cultures Spaces* (London: Sage, 2002); Karl Zimmerer, "Cultural Ecology (and Political Ecology) in the 'Environmental Borderlands': Exploring the Expanded Connectivities Within Geography," *Progress in Human Geography* 31, 2 (2007): 227–44.

62. James McCarthy, "Devolution in the Woods: Community Forestry as Hybrid Neoliberalism," *Environment and Planning A* 37, 6 (2005): 995–1014; Carl Griffin, "Protest Practice and (Tree) Cultures of Conflict: Understanding the Spaces of 'Tree Maiming' in Eighteenth- and Early Nineteenth-Century England," *Transactions of the Institute of British Geographers* 40, 1 (2008): 91–108; Idem., "More-Than-Human Histories and the Failure of Grand State Schemes: Silviculture in the New Forest England," *Cultural Geographies* 17, 4 (2010): 451–72; Nick Blomley, "Making Private Property: Enclosure, Common Right and the Work of Hedges," *Rural History* 18, 1 (2007): 1–21; Idem., "Enclosure, Common Right and the Property of the Poor"; Briony McDonagh, "Making and Breaking Property: Negotiating Enclosure and Common Rights in Sixteenth-Century England," *History Workshop Journal* 76 (2013): 32–56.

63. Griffin, "More-Than-Human Histories."

64. Jacoby, *Crimes against Nature*, citations, accessed 18 July 2018, https://scholar.google.com/scholar?cites=11524028347130071695&as_sdt=2005&sciodt=0,5&hl=en

65. José E. Martínez-Reyes, *Moral Ecology of a Forest: The Nature Industry and Maya Post-conservation* (Tucson: University of Arizona Press, 2016), 4.

66. Ibid., 5

67. Ibid., 22

68. See, for instance, Sinead Bailey and Raymond Bryant, *Third World Political Ecology: An Introduction* (London: Routledge, 2005); Paul Robbins, *Political Ecology: A Critical Introduction* (London: Wiley, 2011); Tom Perreault, Gavin Bridge, and James McCarthy, eds., *The Routledge Handbook of Political Ecology* (London: Routledge, 2015).

69. Pete Hay, "'Balding Nevis': Place Imperatives of an Invisible Cohort within Tasmania's Forest Communities," *Geographical Research* 46, 2 (2008): 224–33.

70. Ibid., 227.

71. Ibid., 229

72. On which historical dynamic see: Nancy Peluso, *Rich Forests, Poor People: Resource Control and Resistance in Java* (Berkeley: University of California Press, 1992), esp. 6–17.

73. On the influence of the 'Yellowstone Model' see: Stan Stevens, "The Legacy of Yellowstone," in Stan Stevens, ed., *Conservation Through Cultural Survival: Indigenous Peoples and Protected Areas* (New York: Island Press, 1997), 13–32.

74. William Adams, *Green Development: Environment and Sustainability in the Third World* (London: Routledge, 2008, 3rd edition); William Adams and Martin Mulligan, eds., *Decolonizing Nature: Strategies for Conservation in a Post-colonial Era* (London: Earthscan, 2003), 280–1; 35; 38; 41–2; Alfred Crosby, *Ecological Imperialism* (Oxford: Oxford University Press, 1986).

75. Alice Kelly, "Conservation Practice as Primitive Accumulation," *Journal of Peasant Studies* 38, 4 (2011): 683–701, esp. 683. See also Nancy Peluso and Michael Watts, *Violent Environments* (Ithaca, NY: Cornell University Press, 2001)—this was published in the same year as *Crimes against Nature*.

76. Mark Dowie, *Conservation Refugees: The Hundred-Year Conflict Between Global Conservation and Native Peoples* (Cambridge, MA: Massachusetts Institute of Technology Press, 2011)

77. Lyuba Zarsky, ed., *Human Rights and the Environment: Conflicts and Norms in a Globalizing World* (London: Earthscan, 2012); James Fairhead, Melissa Leach, and Ian Scoones, "Green Grabbing: A New Appropriation of Nature?," *Journal of Peasant Studies* 39, 2 (2012): 237–61.

78. Jeffrey, McFarlane, and Vasudevan, "Rethinking Enclosure."
79. For notable examples see: Blomley, "Enclosure, Common Right and the Property of the Poor"; Vasudevan, McFarlane, and Jeffrey, "Spaces of Enclosure."
80. Ash Amin and Phil Howell, 'Thinking the Commons,' in Amin and Howell, *Releasing the Commons*, 5.
81. Alex Vasudevan, *Metropolitan Preoccupations: The Spatial Politics of Squatting in Berlin* (Chichester: Wiley, 2015), esp. ch. 3; Colin McFarlane and Renu Desai, "The Urban Metabolic Commons," in Amin and Howell, *Releasing the Commons*, 145–60, esp. 154–6.
82. Jacoby, *Crimes against Nature*, 202.
83. George Perkins Marsh, *Man and Nature; Or Physical Geography as Modified by Human Action* (New York: Charles Scribner, 1864).
84. Martha Ansara, *Always Was, Always Will Be: The Sacred Grounds of the Waugal, Kings Park, Perth WA: The Old Swan Brewery Dispute* (Balmain, NSW: Jequerity Pty. Ltd., 1989).

Conservation as Dispossession

Politics of Conservation, Moral Ecology and Resistance by the Sonaha Indigenous Minorities of Nepal

Sudeep Jana Thing

INTRODUCTION AND BACKGROUND

This chapter provides a critical ethnography of the poor and indigenous Sonaha minority groups of lowland Nepal, with a focus on their unique ties and interactions with the lower Karnali river delta. It documents the contestations that are the consequences of the imposition of state management practices in the Bardia National Park, and the resultant Sonaha resistance. The Sonaha have historically adapted to and maintained intimate relationships with the riverine environment of the delta, through their unique knowledge and skills associated with small-scale fishing and panning for gold dust in the rivers and these practices are culturally and economically significant for them. Sonaha customary livelihoods, which are embedded in the river and the riparian environment of the delta, have come under pressure from state conservation regimes since the creation of the national park in the early 1970s, and this has culminated in their exclusion from that part of their ancestral riverine territory that is under

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the jurisdiction of the park. The discourses, practices and policies of con-
servation now govern the riverscape and therefore the lives of the Sonaha.
The Sonahas' livelihoods and cultural practices are therefore undergo-
ing significant changes brought about by a multiplicity of internal and
external factors, but their most significant hardships are the result of the
restrictive policies emanating from the creation of the national park.

It is in this context that this chapter explores and examines the moral
ecologies of the Sonaha in the light of their resistance to the politics of
conservation in this contested riverscape. While the dominant and pow-
erful conservation discourse problematises Sonaha livelihood practices as
antithetical to conservation, the Sonahas' moral ecology and claims chal-
lenge and counter such views. In examining the politics of these contes-
tations, I argue that the Sonahas' moral ecology encompasses complex
meanings and fosters the subsistence use of resources from the natural
environment in ways that have been marginalised by the conservation
discourse. In so doing, their actions and perspectives challenge the sim-
plistic and uncritical view of environmental sustainability as perceived
from a strict conservation viewpoint.

The ethnographic and empirical data in this chapter are largely drawn
from fieldwork undertaken between 2011 and 2013 in the lower Karnali
river delta and the Bardia National Park, Midwestern Lowland Nepal (see
Fig. 2.1) as part of my doctoral dissertation research and from subsequent
short visits to Sonaha villages in the Park buffer zone in 2015 and 2016.[1]

I draw inspiration from the seminal work of Jacoby in conceptualising
moral ecologies as the shared environmental ethics of the poor which are
embedded in their everyday lives and lived environments.[2] Griffin and
Robertson engage with Jacoby's concept of moral ecology in their his-
torical examination of English rural workers' opposition to state-induced
conservation regimes and discourses, and demonstrate how vernacular
environmental beliefs in forest, river, and grassland resource use prac-
tices challenge the top-down imposition of conservation regulations.[3]
They affirm that the concept of moral ecology opens up possibilities
for a more nuanced understanding of these tensions and contestations.[4]
Norget's conception of *indigenous* moral ecology draws the analysis ever
closer to the Sonaha. Here, in the context of environmental conserva-
tion in Oaxaca, Norget identifies an ethics of sustainability which has
material as well as sacred dimensions, both of which are deeply embod-
ied in and connected to the landscape.[5] In a similar vein, Martinex-
Reyes theorises the Mayan moral ecology of a forest environment as

Fig. 2.1 The Karnali river delta and the Bardia National Park (BNP), mid-western lowland Nepal (*Source* Author using ArcGIS)

'profound, historical, human-nature exchanges and the spiritual dimensions…' which demonstrate a principle of life within the forest, based on the mutuality and interdependence of human and non-human species.[6] Campbell's use of the concept of moral ecology in the context of the Tamang peoples' complex historical relationships with non-human natural environments through their livelihood practices also identifies the contradictions inherent in many modern environmental conservation initiatives.[7]

In the course of this chapter, I first conceptualise and unpack the Sonahas' complex moral ecology by exploring their customary livelihoods and cultural practices in the river delta, and the significance of their cultural rituals and beliefs in fostering reciprocal relationships with their non-human environment. Secondly, I, interrogate the state's conservation interventions and their consequences for the Sonaha in general, and for their moral ecology in particular. I then summarise the Sonahas' resistance to the conservation regime before examining contestations

between several of the Sonahas' livelihood practises and those conservation measures which inhibit them, including counterclaims by the Sonaha of their practices in relation to conservation. I conclude by making a case for an appreciation of Sonaha moral ecology, in an attempt to reconcile these indigenous moral ecologies with overall riverscape conservation.

Sonaha Moral Ecology, Customary Livelihoods and Practices

The Sonaha moral ecology can be attributed to their historical occupation of and their relationships and intimate interactions with the natural environment of the lower Karnali river delta, an area which is considered by the Sonaha to be their ancestral territory (see Fig. 2.1). This set of 'rules' governing vernacular environmental entanglements is further inextricably linked to their semi-mobile ways of life among the river islands and in the riparian environment of the delta, ways of life which result, in turn, from their river-based customary livelihoods and cultural practices. The river, river islands and forests have historically shaped and sustained the Sonahas' livelihoods, and their ancestors preferred semi-mobile lives over an agrarian existence despite the fertility of the river delta land. Their way of life has long co-existed with the rich non-human biodiversity of the delta including its wildlife, aquatic fauna and forest. *Tipariya ma dera* (sheltering in river islands) describes a customary way of life based on taking refuge in temporary makeshift shelters, away from the village settlements, while fishing and gold panning. The local riverine environment is a lived space within which the Sonaha co-exist and are embedded, and which not only facilitates the Sonahas' construction of the riverscape but is actively created through their active engagement, interactions and everyday lived experiences in a process suggested by Ingold.[8] As discussed elsewhere at length, given the Sonaha socio-cultural meanings and practises associated with the environment, this riverscape can be conceptualised as the biocultural heritage of the Sonaha from which they derive their complex moral ecology.[9]

Fishing and gold panning in the rivers are two key customary practices that have traditionally sustained Sonaha livelihoods.[10] The Sonaha view and understand their customary occupation as *Swan Macchi Kheti!* (Gold and fish as cultivation) and consider the river, fish and gold dust

as *sampatti* (assets). These understandings have been central to the construction of the Sonahas' historical identity. Both Sonaha men and women engage in fishing. Women fish collectively with their hands in the shallow rivers and with nets from the river banks, and divide the fish catch equally. Sonaha men are skilled fisherfolk, and often fish in pairs from canoes in the fast flowing river. On occasion, they fish collectively from two or three canoes in an allocated stretch of river and share the earnings from the fish catch equally.[11]

Sonaha elders still recall how fish were hunted with *Saunkhi* (cast nets) from moving canoes or on foot along the river edges.[12] They also used iron spears, fishing hooks and other traditional techniques, for example, fish traps. The use of traditional cast nets is now less common given declining fish stocks. Since the 1980s, these have been replaced by *Chiundhi*, nylon woven gill nets of varying size that can drift and be dragged from a moving canoe to trap the fish.[13] A narrow and stream-lined canoe, made by precision carving of a single *Simal* tree (*Bombax ceiba*), is well adapted to the narrow, yet fast and furious, water currents of the Karnali River. Collective memory suggests that no specific fishing rules existed among the Sonaha, since the river is considered to be an open access area where fishing can be carried out freely.[14]

> Once Sonaha ancestors ferried a god whom they helped across the Karnali River. For the service, the god offered gold to the Sonaha ferrymen. They accepted the gold on their fist. Only upon returning home, they realised that the offering that spilt out of their palm was gold. Hence, they kept going back to the river to recover gold.[15]

This popular legend alludes to the Sonahas' historical occupation of gold panning that is carried out in pairs or collectively by women and men at specific locations along stretches of the river. Sonaha women are reputed to possess a special skill in assessing the availability of gold dust, using a practice termed *Bichar Garney*, which precedes both the actual gold panning and the rigorous process of extracting fine particles of gold dust from the mixture of sand and gravel at the riverside. Often women lead the process and men contribute by digging and carrying the material. Gold panning requires groups of at least two individuals, in which one person manually filters the material while the other carries and unearths the material from the bottom of the river or the river banks.[16] Earnings from the sale of condensed gold dust are distributed equally among the participating members.

Sonaha historical and cultural connections with the riverscape can also be discerned in some former cultural and customary practices which are well remembered by Sonaha elders and adults today. The Sonaha originally worshipped animistic beings and spirits, but now consider themselves to be Hindu.[17] Each of the 12 *Gotra* (lineages or clans) reveres several Hindu gods and goddesses.[18] Each lineage that practices Hinduism possesses its own collective shrine known as a *Darshan*, revered by all members of the respective lineage. This sacred shrine of a god is possessed in a hereditary manner and remains under the custodianship of the eldest and most respected male living member of the lineage, who is known as the *Mul Manche* (key person). A shrine of the Dalaiya lineage, hosted by a household in Saijana village is recalled, by Dailaya Sonaha now at Rajipur, as being triangular in shape, twice the size of a paw (hand) and with imprints of gold from the Karnali River.[19] When the household in Saijana abandoned the shrine that was in its keeping after adopting Christianity, this generated resentment among their fellow Dalaiya Sonaha. According to a myth among the members of Banchauriya lineage abandonment of the shrine in the river by the family hosting the shrine led to misfortune and numerous deaths in their former settlement at the Baghaura grasslands near the Geruwa River (now under the jurisdiction of the Park).[20] A new shrine of the clan was created and reinstated by another family to overcome this crisis.

A unique customary practice of governing and managing collective gold panning areas was known as *Kafthans*. Although gold panning is still practised, the customary practices of the *Kafthans* have been gradually discontinued over the past few decades. *Kafthans* were allocated among Sonaha lineages at various points along rivers across the whole delta.[21] This practice evolved mutually and collectively among the Sonaha and was based on the belief that

> Our ancestors gathered and divided lands among themselves as per their lineage. We heard from our elders that they would release an arrow. The land as far as the bow could shoot would belong to one specific lineage group. Boundaries were therefore crafted to a given area of each lineage.[22]

A key person in each lineage who had hereditary possession of a collective sacred shrine (*Darshan*) also had a de facto authority over a particular *Kafthan* and this ownership was respected by the remaining Sonaha. The key person regulated the allocation and distribution of gold panning plots among fellow Sonaha. Specific areas along the riverbanks were therefore understood to be and were referred to as belonging to the key person on behalf of their lineage group, rather than as exclusive private property. During my fieldwork, the Sonaha elders, clearly identified the various *Kafthans*: 'This area belonged to him, that area belonged to another or this area fell within our boundary'.[23] Within a *Kafthan*, each Sonaha household in the village could claim a specific plot as their *bhag* or *hissa* (de facto share) for gold panning purposes (see Fig. 2.2).

Before any given area could be allocated or accessed for gold panning, it was both customary and important that rituals be performed at the *Kafthan* by the key person who possessed and hosted the *Darshan*. These could involve worshipping the shrine and the *Bhutta* (holy or revered and feared spirits) inside his house at sacred sites (*Thaan*) in
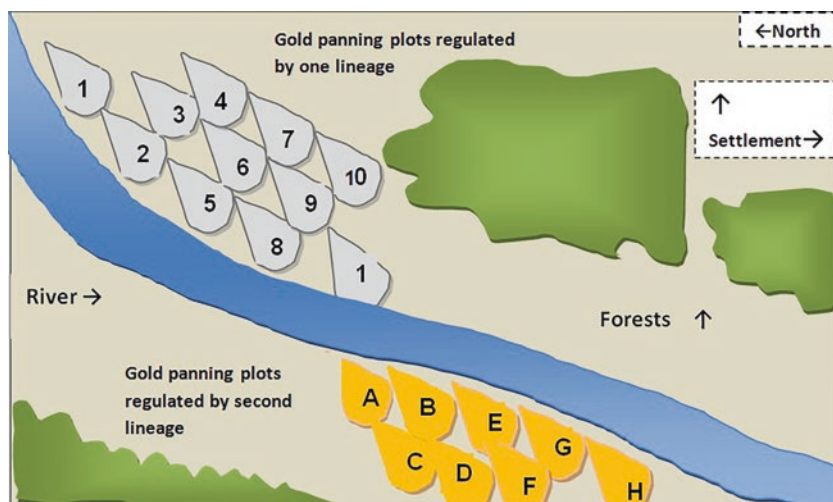

Fig. 2.2 *Kafthans*, and lineage-based allocations of gold panning areas (not to scale) (*Source* Author's field notes)

the village and at the *Kafthans* in the river, and making offerings to the *Bhutta* of the respective lineage. A Sonaha at Rajipur recalled that 'gold panning used to take place only after the person to whom the *Gaun* [customary gold panning area] belongs, performed a ritual; only when the person under whom an area falls [the key person] goes to the area, then they could earn gold'.[24] A living key person of Dahitwa lineage at Rajipur, who possessed a *Darshan* with a double-headed beast resembling a tiger and a wild boar and performed this ritual at his *Kafthan*, recalled that

> We had to worship our own respective *Bhutta*; offer a chicken in a basket, alcohol along with a miniature canoe and a *Khadau/chappal* [slipper of saints]; and install a sacred rock. We also worship the river to prevent bad spirits from harming us. A person can die, our canoe can capsize and a person can be drowned because of spirits.[25]

In addition to fishing and ferrying, canoes provide vital access to gold panning sites on the river. The Sonaha also feared spirits and revered their gods at the river. A Sonaha of Makunnaha lineage in his late 50s informed me that they used to perform a ritual annually adjacent to their *Kafthan* at Gola *Ghat* (ferry point), on the Geruwa River. This was for *Kalika Mai* (Mother Kali), a female goddess, to protect the *Ghat* from misfortune and to prevent the capsizing of canoes while ferrying. He recalled

> An idol of Lord Mahadev [her divine husband] was also created at the *Ghat*. We used to install a rock, offer a chicken or a goat and its blood [the practice known as *bhog dinu*], and place *Sindoor* [sacred red powder] and *Dubpatta* [female clothing] at the site. A shaman would also pierce his throat during the ritual.[26]

Likewise, an elder of the Golaha lineage at Rajipur, recalled the time when his clan used to perform a similar ritual and worship *Kanya Kumari Mai* or *Mata*, the river goddess, at the Gola Ghat. This elder expressed his belief and reaffirmed his fear, saying that

> We used to offer one female goat, and a chicken along with a miniature canoe, rice and other things. If we do not offer a goat, sometimes our canoe can collide or we can even drown in the river…..We used to pray, 'Please do not deceive us, and no crisis or danger shall befall upon us while we go fishing'. We are protected from tiger.[27]

Thus these rituals to appease spirits and gods that were performed at *Ghats* and *Kafthans*, had wider spiritual significance and meaning beyond gold panning. However, these practices were driven by a strong belief that, unless the rituals were performed, gold would not be available and misfortunes would plague the village. Whenever there was a sense of scarcity of gold at a particular *Kafthan*, or at a time of crisis, the rituals were performed. Often only wooden equipment would be used in the rituals and in gold panning because of a taboo that prohibited the use of metal and a belief that doing so would lessen the availability of gold dust. The wearing of slippers, making unwanted noise and whistling were also discouraged at these sites because of their associated taboos.[28]

After such rituals, the key person would allocate and demarcate sub-units in the given plot of land on a river bank under his de facto jurisdiction under a customary practice respected by all Sonahas known as '*Jasko gaon tesai ley bhag garchan*' (the person to whom the *Gaun* belongs also divides the area). Sonaha elders recall that their fellow Sonaha used to gather at the *Gaun* where the key person would use sticks to measure and allocate plots.[29] The portion at the farthest upstream point of the area (which was considered to have the highest availability of gold) would be allocated as the share of the key person. He would then allocate the remaining areas on the riverbank to his fellow Sonaha. Therefore, each Sonaha wishing to pan gold in the area, irrespective of their lineage, could only do so after the key person had allocated them a share in a given plot.

Based on the oral histories narrated by the two elders, who had performed the role of key person in their respective clans, two lines of explanation emerge with regard to lineage-based gold panning at the *Kafthans*.[30] First, since settlements were lineage based in the past, only members belonging to the same particular lineage who were living together could have a share in a gold panning plot. Therefore, *Kafthans* had the character of common property but were exclusive to that particular lineage/village. Secondly, as members of several lineages began to live together, in settlements containing different lineages, gold panning spaces regulated by the key person of a particular lineage became available to all local Sonaha irrespective of their lineage. A key person in one village could also delegate the authority to allocate plots for gold panning to a member of his lineage who was resident in a village close to a given gold panning area.

STATE CONSERVATION INTERVENTIONS

The gradual deterioration of those customary practices and institutions in the river delta described above, and therefore a weakening of the associated Sonaha moral ecology, have been brought about by multiple and complex factors. To fully grasp this complexity these changes need to be situated in the context of the Sonahas' dwindling access to and control of their ancestral riverine territory. Since the 1970s, the state's modern conservation regimes, and their restrictive policies and rules have had a growing impact on the river-based customary livelihoods and practices of the Sonaha.[31]

The creation of Bardia National Park was very much shaped by a discourse of tiger conservation, since the tiger was a key megafauna species in what was formerly a royal hunting reserve. The Park's establishment was supported by a network of powerful institutions and actors including the Nepalese royal family (hunters turned conservationists), the state forest bureaucracy, and foreign wildlife advisors.[32] Interestingly, several Sonaha elders remembered their encounters with the Nepalese monarch during royal hunts in the 1970s in positive terms, which indicates that there was some official level of tolerance of the Sonahas' presence and practices in the delta in the early days of the Park's creation. For the elders their memories of royal hunting trips in the Park were rich.

> King Mahendra or Birendra had come to the Bardia forest. I had also caught fish weighing 4-6 kg. I also spent a night at Baghaura [grassland in the western section of the Park]. King's hunting camp was set up there ….I expressed my wish to ride a helicopter with the King's guards and other officials……. I had offered them fish, they were happy, so they gave me a chance. Earlier Kings used to come here to hunt deer and tiger. They [park authorities] used to call all the Sonaha and ask us to go [to the river], and fish.[33]

Another elder recalled, 'We had to give big *Sahar* [Mahaseer fish]. They [the hunting party] used to take photographs of us with the fish. We received only bones with minimal flesh from their hunted game'.[34]

However, Sonaha access to and mobility in the rivers, their ability to dwell in the river islands and their fishing and gold panning practices and harvesting of forest resources in the Park were all gradually constrained with the imposition of restrictive rules and policies, enforced by the Park

management authority, armed military and guards. This disrupted their customary livelihoods and led to their gradual dispossession from their ancestral riverine territory. The livelihood crises and the hardships engendered by the Park's restrictive policies pushed many Sonaha away from their original settlements inside the Park to riverside settlements beyond the Park's jurisdiction. The Sonahas' customary livelihood practices were framed as punishable offences, rendering them subject to imprisonment, fines, and confiscation of their possessions.[35] Thus modern conservation intervention has brought about the criminalisation of the Sonaha, a phenomenon observed by Jacoby with respect to the criminalisation of custom and by Peluso with reference to customary rights over forest access.[36] Fears of harassment and of punishment by the Park authorities have triggered the adoption of exploitative bonded agricultural employment in the delta as well as seasonal labour migration to India by many Sonahas.[37] Access to the *Kafthans* and the ability to perform cultural practices associated with *Kafthans* on the Geruwa river have been gradually eroded, as have the customary roles of their community leaders.

However, it is also important to note that practice and system of *Kafthans* have also declined gradually on the river stretches outside the Park's jurisdiction. Multiple factors have contributed to this.[38] Increased migration of new settlers from the hills into the delta since the 1960s has resulted in the intensification of the Sonahas' ethnic minority status. With the growth in this migrant population, it became increasingly difficult for the minority Sonaha to enforce their customary rules and controls over the *Kafthans*. Furthermore, inter and intra Sonaha tensions concerning gold panning spaces have also increased. Restrictions on customary occupations in the river channels bordering the Park (at the northern tip and in the east of the delta) triggered increased competition over the remaining gold panning areas on the Karnali River to the west of the delta.

Since the Sonahas' lives and cultural practices have been undergoing changes, the values and meanings associated with key persons and with *Kafthans* have also changed. There has been a gradual weakening of kinship ties between and among members of the Sonaha lineages. Many Sonahas who have adopted Christianity have also relinquished their customary rituals and rites. The de facto authority that sustained these practices, based on customary rules, has also withered and weakened since coded rules and formal legal titles over the communal spaces which formed the gold panning sites of the Sonaha never existed. In addition,

since the 1990s local community forestry institutions have been set up under the state policy guidelines to manage and conserve the local forests. These Community Forest User Groups also began to enforce controls over forested lands in the riparian areas. There have been occasional conflicts between Sonaha and forest user groups over the issues of fishing and gold panning.[39]

CONTESTATIONS AND RESISTANCE

In the manner noted by Scott, the Sonaha have engaged in acts of passive, silent everyday resistance and even of active resistance to the conservation regime.[40]

> When Sonaha enter the river [at night], we are the smartest people. We know where the wild animals and the humans are more than the army and the game scouts [of the Park]. We wouldn't have survived if we had not possessed this knowledge. While fishing, we are always cautious about the wildlife and strangers…we are always alert at our *Dera* [temporary shelters]……. We never feel sleepy in the river. There is always a danger around us….We maintain silence when we paddle our canoe….even our enemy would not detect it. Sonaha are clever *Jati* [ethnic group], night in the river means daytime for us….If not how can we survive rhino, tiger and the army?[41]

These comments from a Sonaha fisherman emphasise the Sonahas' survival skills and vigilance when they are at their *Dera* during their fishing trips. Despite the Park restrictions and surveillance, and regardless of the risks of contact with the Park guards and wildlife encounters, the Sonaha secretly contravene the Park rules by fishing and gold panning in the rivers in the Park. Sonaha encounters with the Park Patrols, and subsequent arrests, confiscation of fishing and gold panning equipment, and monetary fines were more frequent when the water volume in the Geruwa river (on the Park boundary) was significantly higher than that in the Karnali river branch (west of the delta, outside the Park's jurisdiction).[42] Sonaha women then panned gold dust at night on the Park boundary. A Sonaha recalled the situation at that time:

> It used to be very difficult back then. The Karnali here [close to the village] was smaller. So we had to drag our canoe up the river and then take it to the Geruwa [until two to three years ago]. We also used to take our

canoe to Gola [closer to the Geruwa] in a bullock cart. We used to fish at night and then get out of the river before dawn. There was no time to sleep, we had to be cautious….There was always a danger of an army patrol.[43]

Direct encounters and tensions with the Park management authorities dramatically lessened after the Karnali River expanded its course, significantly lowering the river flow in the Geruwa over the past decade. Most of the fishing and gold panning now takes place in the Karnali River, outside the Park's jurisdiction. In a popular fishing ground, at the tip of delta adjacent to the Park boundary, Sonaha men, sometimes and cautiously, cross the Park boundary at night. However, occasional fishing also takes place in the Geruwa River notwithstanding the danger of the Park patrol. In 2011, Sonaha women in bigger groups occasionally fished by hand and with nets in the shallow rivers of the Geruwa River. Thus, albeit in a cautious, secretive, indirect manner, the Sonaha resist the Park regime. Their everyday experiences and practices, therefore, encompass resistance and the art of survival. Their anger at and antipathy to the Park authorities and the guards are often acknowledged among themselves, and sometimes also find expression in physical confrontations with the guards.

As I have discussed at length elsewhere, the Sonaha have also resorted to organised and collective resistance to the Park management and the conservation state to secure fishing and gold panning rights despite the challenges involved and limited success achieved.[44] In 2008, after vigorous campaigns by Sonaha backed by human rights organisations the Park administration issued fishing licences for regulated fishing for those residing in the Park's buffer zone.[45]

This granting of fishing licences was short lived. Within a span of three months, on May 10, 2008, all fishing licences were rescinded and further renewal and the granting of the licences was halted unilaterally by the Park administration. This was triggered by the involvement of two Sonaha youths from the village of Saijana, in the poaching of a rhino horn resulting in heightened mistrust of the Sonaha by the Park administration. Martin and Martin reported, that a rhino was shot inside the Park by 'a gang of Soncha [*sic*] tribal people' and that 'a Tharu tribal leader organised a gang of four Sonchas [*sic*] to kill a rhino'.[46] Sonaha leaders from the village Saijana contest that the rhino was killed by

Sonaha youths but do acknowledge that Sonahas were complicit in the uprooting of the horn from the dead rhino and that it was traded to a poacher by these youngsters. The incident is recalled as an unprecedented tragedy in the history of the Sonaha, since up to that date no Sonaha had ever been charged with poaching offences.[47]

Furthermore, the Sonahas' contemporary fishing practices are at the core of contention between the Park management and the Sonaha. This was evident during a dialogue between protesting Sonahas and the Park warden at the Park headquarters.

> The Park warden: Now what is the matter?
> A Sonaha leader (from Saijana): We have come for our licenses
> The warden: Haven't I issued licenses recently? [Temporary permits issued to the Sonaha from Saijana]
> The leader: No Sir! We gave it back to your office! How can we take a license to fish for only three or four hours?
> We want a license to use *Chaundhi* [gill nets].
> The warden: That cannot be done, it is not there in the regulations. Only traditional fishing practices with cast nets can be allowed.[48]

Later in this dialogue, the warden went on to reveal a profound mistrust of the Sonaha.

> Since the suspension of the fishing licenses two years ago not a single rhino has been killed. If, after the fishing licenses are reissued to you, even a single rhino is killed, then the fishing licenses will be suspended again…. What if a river dolphin or crocodile is trapped in your nets since you fish at night, and sometimes the nets are left unattended throughout the night? What if your license is misused by others? We cannot always monitor and check your licenses.[49]

A further root of this mistrust was a basic criticism of the Sonaha's then contemporaneous fishing practices, notably their use of gill nets. This was based on the presumed impact of this method on other aquatic species in the river. The warden's view was reaffirmed during a subsequent interview when he claimed that issuing fishing licences to the Sonaha would further deplete the fish stocks in the river.[50] He objected to the idea of permitting a modern practice and favoured strict adherence to the traditional fishing methods i.e. the use of cast nets, which is now considered impracticable by the Sonaha. Their leaders further arguing

that their fishing practices and use of gill nets do not harm the protected species and instead asserted that they are not involved in any form of destructive fishing practices and that they are supportive of conservation.[51] The Sonahas' struggle for sustained fishing and gold panning concessions continues.

In addition to the detrimental impacts of the Park policy on Sonaha customary livelihoods and practices, the Sonaha were invisible in the Park management plans until 2007. The recent plan mentions a proposal to offer fishing license for ethnic groups including the Sonaha in designated and monitored fishing zones.[52] However, no such licences had been issued to the Sonahas at the time of my latest study visit. Likewise, although the management plan treated the Sonaha as a 'Special Target Group' for livelihood improvement and as a 'Special Resource Group' to be mobilised for conservation, and recognised their traditional fishing practices and skills, gaps in practice remain.[53] Customary Kafthans and gold panning practices have been largely ignored in the conservation policies and plans to date.

The Sonahas' moral ecology has therefore been disregarded and their practices misrepresented in the official conservation discourses and studies. A powerful and narrowly scientific conservationist discourse of river wilderness in the Karnali floodplain has impacted on Sonaha practices and has led to the marginalisation of Sonaha worldviews.[54] During my interviews with the Park officials and conservation practitioners, the biodiverse Karnali floodplain and the riparian areas in and around the Geruwa river was constructed to be a critical habitat for endangered wildlife such as tiger, rhinoceros and elephant in addition to protected aquatic species as identified in the Park management plans and other literature.[55] Studies on freshwater dolphins in the delta identify multiple factors for their decline including overfishing and the use of modern gill nets and advocate strong legal protection of the prime riverine habitats of dolphins and other river species.[56] Indeed, this report contends that Sonaha fishing practices are harmful to the fish stocks and dolphins, and portrays the Sonaha as users of destructive nets and even of fish poisoning.[57] Based on the same top-down scientific principles, in a study of an otter conservation, Joshi ignores the historical interactions of the Sonaha with the aquatic ecosystem and characterises their gold panning practices as detrimental to otters. Declining otter populations in the Geruwa River are attributed in this myopic view to the disturbance and destruction of their habitat '… by the traditionally gold mining Sonaha community as well

as fishermen restricting the otter movements' and by their temporary shelters.[58] Powerful discourses of aquatic fauna crises, as articulated in the conservation literature either ignore Sonaha quotidian environmental entanglements and performances or merely offer simplistic representations, if not misrepresentations, of Sonaha practices. They thus contribute to a perception of the Sonaha moral ecological beliefs and performances as antithetical to conservation. These studies proscribe small-scale fishing practices and gold panning. They do not appreciate the specificities of the Sonahas' history, worldviews and moral ecology or the wider forces and circumstances that have shaped their changing fishing practices, nor do they recognise the possibilities of Sonaha coexistence with the river, if the possibility of achieving just livelihood options for the Sonaha is realised.

Although they are less powerful, the Sonaha have also provided counter claims to the conventional conservation discourses. The Sonaha contend that they do not engage in the destructive mass fishing practices that have been universally condemned. During my interviews, the Sonaha consistently claimed that there has never been a case of Sonaha net trapping of protected species and that the use of the gill net is not destructive or in any way harmful to the river dolphins.[59] In fact, their popular claim is that presence of dolphins in the river complements their fishing practices and thus they have always abstained from hunting dolphins. A strongly held belief is that they, as a small minority ethnic group, have a minimal impact on declining fish stocks in the rivers and that their traditional actions are insignificant given the larger ecological crises besetting the area. Rather, they view themselves as being on a par with the dolphins, and as victims of a threatened aquatic ecosystem. The Sonaha are aware of the decline in fish stocks since the times of their elders when the fish catch was plentiful. In the Sonaha view, fish stocks in the Karnali river would regenerate and be in abundance were it not for the threats posed by the destructive fishing activities of those who live away from the rivers, and in particular, the growth in numbers of non-Sonaha people now engaged in fishing. But more important, they feel, is the direct impact of river water diversion by a mega irrigation canal project currently undergoing construction on the west of the delta.[60] The Park management plans also cite commercial fishing operations using destructive practices such as poison, dynamite and the use of electricity which need to be brought under control. Likewise, the Sonaha also challenge the commonly held view that their gold panning could lead to riverbank erosion on the forest edges.

Conclusion

I have demonstrated in this chapter that the Sonahas' complex moral ecology emanates from their long historical occupation of, and relationships and interactions with the riverscape of the delta, and that it is shaped by their customary livelihoods and practices of fishing and gold panning. It is embedded in the riverine environment, to which are attached associated meanings and cultural practices. The pressures imposed by the Bardia National Park's conservation regime and their resultant detachment from their ancestral riverine territory have been critical and defining forces in the gradual weakening of the Sonahas' moral ecology and of their related customary livelihood practices notwithstanding the compounding influence of external factors such as the demographic and environmental changes impacting on the river delta. More importantly, these shifts have led to a weakening of the customary roles and authority of clan-based key persons which were vital in fostering relationships of mutuality, both among the Sonaha and with their non-human environment.

The contestation between the Sonaha and the conservation regime can be attributed to the tensions and politics generated by two competing worldviews, ontologies and discourses. First, the powerful conservation discourse and practice of science and the state either marginalises or problematises the Sonahas' customary practices and livelihoods, framing them as antithetical to conservation. This legitimises the Sonahas' exclusion from the riverscape and from any role in its conservation. By contrast, the marginalised Sonaha worldview and ontology constructs the riverscape as their lived environment and supports their claims to resource use rights and the continuation of their customary livelihoods which enable their cultural survival. It sees them as co-existing with and as having no major conservation impact on the local environment. The Sonahas' moral ecology contests simplistic and exclusionary scientific notions of environmental conservation and sustainability. It challenges both the conservation discourse and science as failing to appreciate Sonaha moral ecology, in order to situate Sonaha practice within the broader forces of change and ecological crisis. This case study has sought to illustrate some of the complexities and politics of environmental sustainability and conservation discourses as they encounter the moral ecology and practices of indigenous peoples like the Sonaha. It adds to discussions of the marginalisation of indigenous peoples by western

conservation practices as postulated by Colchester.[61] Given the current crisis facing the Sonaha and their moral ecology and the conservation challenges facing the Park and the river, I have sought to articulate the need for a just appreciation of the marginalised Sonaha moral ecology in order to reconcile Sonaha livelihoods and cultural practices, and thereby indigenous justice, with the broader goals of conservation, in line with the ideal articulated by Norget that 'in the indigenous moral ecology, social justice and sustainability come together in a sacred perspective on ecology',[62] and to pursue a just alternative to modern conservation practices.[63]

Notes

1. Thing, Sudeep Jana, "The Polemics and Discourse of Conservation in Nepal: A Case Study of Sonaha Indigenous Minorities and Bardia National Park" (PhD diss., Curtin University, 2014).
2. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001).
3. Carl J. Griffin and Iain Robertson, "Moral Ecologies: Conservation in Conflict in Rural England," *History Workshop Journal* 82, 1 (2016): 25–26, 44.
4. Ibid., 44.
5. Kristin Norget, "Surviving Conservation: La Madre Tierra and Indigenous Moral Ecologies in Oaxaca, Mexico," in *New Natures: Critical Intersections for Environmental Management and Conservation in Latin America*, ed. Catherine M. Tucker (Santa Fe: School of American Research, 2011), 87–108.
6. José E. Martinez-Reyes, *Moral Ecology of a Forest: The Nature Industry and Maya Post-Conservation* (Tucson: University of Arizona Press, 2016), 3–32.
7. Ben Campbell, *Living Between Juniper and Palm: Nature, Culture and Power in the Himalayas* (New Delhi: Oxford University Press).
8. Peter Gow, "Land, People and Paper in West Amazonia," in *The Anthropology of Landscape: Perspectives on Place and Space*, ed. Eric Hirsch and Michael O'Hanlon (Oxford: Oxford University Press, 1995), 43–62; Sudeep Thing, Roy Jones, and Christina Birdsall-Jones, "The Politics of Conservation: Sonaha, Riverscape in the Bardia National Park and Buffer Zone, Nepal," *Conservation and Society* 15, 3 (2017): 297–298; Tim Ingold, *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill* (London and New York: Routledge, 2000).

9. Sudeep Jana Thing, "Riverscape as Biocultural Heritage: A Local Indigenous Social Movement Contesting a National Park in Nepal," in *Heritage Movements in Asia: Cultural Heritage Activism, Politics, and Identity*, ed. Ali Mozzafari and Tod Jones (New York and Oxford: Berghahn Books, Forthcoming).

10. Forests are also significant to the Sonaha livelihoods. Canoes and some gold panning equipment are made from the forest timber. Historically, firewood Timber and driftwood have been important sources of energy and valuable resource for house construction, and making canoes and gold panning equipment.

11. Interview with Mahangi Sonaha and Dewari Sonaha, Rajipur, 2 April 2011.

12. Traditional nets were woven from fibres derived from forest creepers.

13. Small lead sinkers (*sisa*) is attached to the bottom edge of the net allow it to sink. A lighter than air container keeps the net afloat.

14. Interview with Mahangi Sonaha and Dewari Sonaha, Rajipur, 2 April 2011.

15. Interview with Ghumlal Sonaha, Rajipur, 26 February, 2012.

16. A flat wooden device (*Dundh*) is placed on the river's edge close to the water. A *Chabana*, an apparatus made out of small bamboo sticks tied together by threads, is placed on top of the Dundh to help filter small particles of sand from the mixture of sand and gravel deposits. Then a small wooden tool, known as *Odhana*, is used to churn the water while filtering the mixture. Fine deposits of filtered sand, at the bottom of *Dundh*, are then carefully placed on *Sanauta*, a smaller leaf-shaped flat wooden device, to separate unwanted particles from the gold dust. The gold dust is condensed later by burning with an addition of Potassium Alum. See Thing, "*The Polemics*," 152.

17. In recent years, many Sonaha have also adopted and practice Christianity after being converted from Hinduism.

18. Some of the revered idols include images of horses, wild pigs, tigers and birds. In addition to events at sacred sites in the Sonaha settlement, rituals were carried out at the ferrying points (*Ghats*) as well as at the gold panning sites.

19. Interview with Bhikari Sonaha, Rajipur, 4 June 2011; Interview with Ghumlal Sonaha, Rajipur, 10 June 2011.

20. Interview with Bhagi Sonaha, Rajipur, 25 March 2011.

21. Sonaha in their mid-30s during an interview recalled that these practices persisted until the mid-1980s; Thing, "*The Polemics*," 324.

22. Interview with Fulmati Sonaha, Rajipur, 1 April 2011.

23. Interview with Mahangi Sonaha, Rajipur, 2 April 2012.

24. Interview with Sonaha leaders, Rajipur, 28 April 2011.

25. Interview with Dewari Sonaha, Rajipur, 4 April 2012.

26. Interview with Banpath Sonaha, Rajipur, 2 April 2011.

27. Interview with Mahangi Sonaha, Rajipur, 2 April 2011.
28. Interview with Dewari Sonaha, Rajipur, 4 June 2011.
29. Interview with Mahangi Sonaha, Rajipur, 2 April 2011; Interview with Dewari Sonaha Rajipur, 4 June 2011.
30. Interview with Mahangi Sonaha, Rajipur, 2 April 2011; Interview with Dewari Sonaha Rajipur, 4 June 2011.
31. Thing, Jones, and Birdsall-Jones, "The Politics of Conservation," 298; Thing, "The Polemics," 181–201.
32. Thing, "The Polemics," 113–118.
33. Interview with Dewari Sonaha, Rajipur, 4 April 2011.
34. Interview with the Sonaha elder, Rajipur, 2 April 2011.
35. Thing, "The Polemics," 181–201.
36. Jacoby, *Crimes against Nature*; Nancy Lee Peluso, *Rich Forests, Poor People: Resource Control and Resistance in Java* (Berkeley: University of California Press, 1992), 44, 236.
37. Evidence of these livelihood impacts of the Park's creation is documented at length, see Thing, "The Polemics," 181–201.
38. Thing, "The Polemics," 155–161.
39. Ibid. In 2016, Sonaha women at Rajipur village expressed resentment against one such user group after they were obstructed from gold panning in the vicinity of the community forest.
40. James C. Scott, *Weapons of the Weak*: *Everyday Forms of Peasant Resistance* (New Haven and London: Yale University Press, 1985).
41. Interview with Tilku Sonaha, Rajipur, 25 April 2011.
42. Thing, "The Polemics."
43. Interview with Krishna Sonaha, Rajipur, 2 March 2012.
44. Thing, "The Polemics"; Thing, "Riverscape as Biocultural Heritage."
45. The regulation of the Park contains has a provisions special concessions for ethnic groups traditionally engaged in fishing. These are also reflected in the Park management plans. DNPWC/MoFSC, "Bardia National Park Management Plan (2007–2011)" (Kathmandu: Department of National Parks and Wildlife Conservation/Ministry of Forest and Soil Conservation, 2007); Bardia National Park Office, "Bardia National Park & Its Buffer Zone Management Plan (2016–2020)" (Thakurdwara, Bardia: Bardia National Park Office/Department of National Park and Wildlife Conservation, Government of Nepal).
46. Esmond Bradley Martin and Chryssee Martin, "Enhanced Community Support Reduces Rhino Poaching in Nepal," *Pachyderm* 48, 54 (July–December 2010): 50.
47. Interview with Ghumlal Sonaha, Rajipur, 12 February 2011; Group Interview, Saijana, 18 February 2011; Group Interview, Nakchikla River Island, 3 March 2012.

48. Observation, 28 February 2011; Thing, "The Polemics," 253–254.

49. Ibid.

50. Interview with Tika Ram Adhikari, Thakurdwara, 12 March 2012.

51. Observation, 28 February 2011; Thing, "The Polemics," 254–255.

52. Bardia National Park Office, "Bardia National Park & Its Buffer Zone Management Plan (2016–2020)".

53. DNPWC/MoFSC, "Bardia National Park Management."

54. Thing, Jones, and Birdsall-Jones, "The Politics of Conservation".

55. Interview with Rabin Khadariya, Thakurdwara, 28 March 2011; Interview with Ashok Bhandari, Thakurdwara, 24 April 2011; Interview with Tika Ram Adhikari, Thakurdwara, 12 March 2012; DNPWC/MoFSC, "Royal Bardia National Park Management Plan (2001–2005)," (Kathmandu: Department of National Parks and Wildlife Conservation/Ministry of Forest and Soil Conservation, 2001); DNPWC/MoFSC, "Bardia National Park Management Plan (2007–2011)"; Bardia National Park Office, "Bardia National Park & Its Buffer Zone Management Plan (2016–2020)"; Edward Prichard Gee, "Report on a Brief Survey of the Wild Life Resources of Nepal, Including the Rhinoceros," *Oryx* 7, 2–3 (1963): 72, 75; Shanta Raj Jnawali, "Population Ecology of Greater One-Horned Rhinoceros (*Rhinoceros unicornis*) with Particular Emphasis on Habitat Preference, Food Ecology and Ranging Behavior of a Reintroduced Population in Royal Bardia National Park in Lowland Nepal" (PhD diss., Norwegian University of Life Sciences, 1995); Eric Dinerstein, "An Ecological Survey of the Royal Karnali-Bardia Wildlife Reserve, Nepal. Part I: Vegetation, Modifying Factors, and Successional Relationships," *Biological Conservation* 15, 2 (1979): 127–50; StØen Ole Gunnar, "The Status and Food Habits of the Tiger (*Panthera tigris*) Population in the Karnali Floodplain of Royal Bardia National Park, Nepal," (MSc diss., Norwegian University of Life Sciences, 1994).

56. Brian D. Smith, "Status and Conservation of the Ganges River Dolphin Platanista Gangetica in the Karnali River, Nepal," *Biological Conservation* 66, 3 (1993): 159–169; Tej Kumar Shrestha, *The Ganges River Dolphin: A Study of the Wilderness and Biodiversity in the Himalayan Waters of Nepal* (Kathmandu: Bimala Shrestha, 1995); WWF Nepal, *Status, Distribution and Conservation Threats of Ganges River Dolphin in Karnali River, Nepal* (Kathmandu: World Wildlife Fund Nepal, 2006).

57. Rajesh Malla, *Dolphin Conservation Awareness Project* (London: The Rufford Small Grants Foundation, 2007), 1–26.

58. Dipesh Joshi, *Status of Smooth Indian Otter* (Lutra perspicillata) *and Conservation of Freshwater Ecosystem Outside Protected Areas of Bardia National Park in Karnali River, Nepal* (London: The Rufford Small Grants Foundation, 2009): 16–17.

59. Interview with Kalu Sonaha, Rajipur, 25 March 2011; Bikram Sonaha, Rajipur, 25 April 2011; Interview with Kallu Sonaha, Nakchikla River Island, 3 March 2012.

60. DoI/MoI, *Modernization of Rani Jamara Kulariya Irrigation Scheme Phase I: Environmental Management Plan Final Report* (Jawlakhel, Lalitpur: Department of Irrigation, Ministry of Irrigation, Government of Nepal, 2011), 1–35, http://documents.worldbank.org/curated/en/349051468059672710/pdf/E27710v20P11810mitted0by0Government.pdf. Department of Irrigation, *Modernization of Rani Jamara Kulariya Irrigation Scheme (MORJKIS) Phase 2: Biodiversity Impact Assessment* (Rani Jamara Kulariya Irrigation Project, Department of Irrigation, Government of Nepal, 2017), 1–35, http://documents.worldbank.org/curated/en/883771514399187366/pdf/SFG3896-EA-P158364-Box405318B-PUBLIC-Disclosed-12-27-2017.pdf.

61. Marcus Colchester, *Salvaging Nature*: *Indigenous Peoples, Protected Areas and Biodiversity Conservation* (United Nations Research Institute for Social Development Publications, 1994).

62. Norget, "Surviving Conservation," 24.

63. Martinez-Reyes, *Moral Ecology of a Forest*, 3–32.

Global Ecologies and Local Moralities: Conservation and Contention on Western Australia's Gascoyne Coast

Roy Jones, Joseph Christensen and Tod Jones

Introduction

This chapter considers the moral ecology of UNESCO World Heritage Site designations. Specifically, it examines how the processes by which Shark Bay and the Ningaloo Coast in Western Australia were inscribed on the World Heritage List were perceived by sections of the local populations as both dispossessing the "settler" populations and as delimiting and restricting their customary and, to them, supposedly environmentally sustainable practices. In so doing, it considers, as Karl Jacoby puts it, how "the pattern of beliefs, practices and traditions that governed how ordinary folk interacted with the environment" came into contact with "the decision making power of the state in the hands of a corps of highly trained technocrats" with, at least initially, divisive results.[1]

The Gascoyne region, located at Australia's North-western extremity, is arid and remote from major population centres and is therefore

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sparsely populated. Its 138,000 square kilometres are inhabited by a mere 14,500 people, over 8000 of whom live in and around the regional centre of Carnarvon. The two local authorities that contain most of the region's coastline, and are the main focus of this study, are the Shire of Shark Bay with ca. 950 inhabitants and the Shire of Exmouth with ca. 2500 (Fig. 3.1). In 1616, the Dutch navigator, Dirk Hartog, surveyed the coast of Shark Bay and left behind a plate as a marker of the first recorded European encounter with the Western Australian coastline on the island subsequently named after him. However, the reports of the early European explorers on the area were negative and the coastline became most known to them through its reputation for shipwrecks (characteristically of vessels losing their way *en route* to the Dutch East India Company base at Batavia) rather than as a potential site for European settlement.

The British established the Swan River Colony and the capital city of Perth ca. 1000 kilometres to the south in 1829 and, by the 1880s, pioneer settlers had established pastoral stations across the Gascoyne region. In this arid environment, land holdings tens of kilometres across were required to make an extensive sheep holding operation viable. In some locations, the sea offered an alternative, if precarious, livelihood. A pearling industry developed at Shark Bay, whalers established beach stations near North West Cape and a local fishing industry began to develop in the early twentieth century. Although these ventures were largely run by Europeans, the displaced Aboriginal population provided a labour force for both the pastoral and pearling operations. The cultural mix of what remained an extremely small population was further diversified by the use of Asian workers in the pearling industry in Shark Bay from its early stages.

Until and, for a time, even after World War Two, the population of the Gascoyne existed with minimal control by the Western Australian colonial and state authorities. Produce was shipped to and supplies obtained from Perth by sea. Bitumen roads reached no closer than the regional centre of Geraldton 500 kilometres to the south and the large scale of the pastoral leases, the decline of pearling, the small scale of the local fishing industry, and the remoteness of the area made government oversight both challenging and a relatively low priority.

As the twentieth century progressed, this isolation was breached. In the 1960s, a Cold War military base was established at North West Cape in response to the need for the US Navy to communicate with its submarines in the Indian Ocean, and Coral Bay's first caravan park and hotel
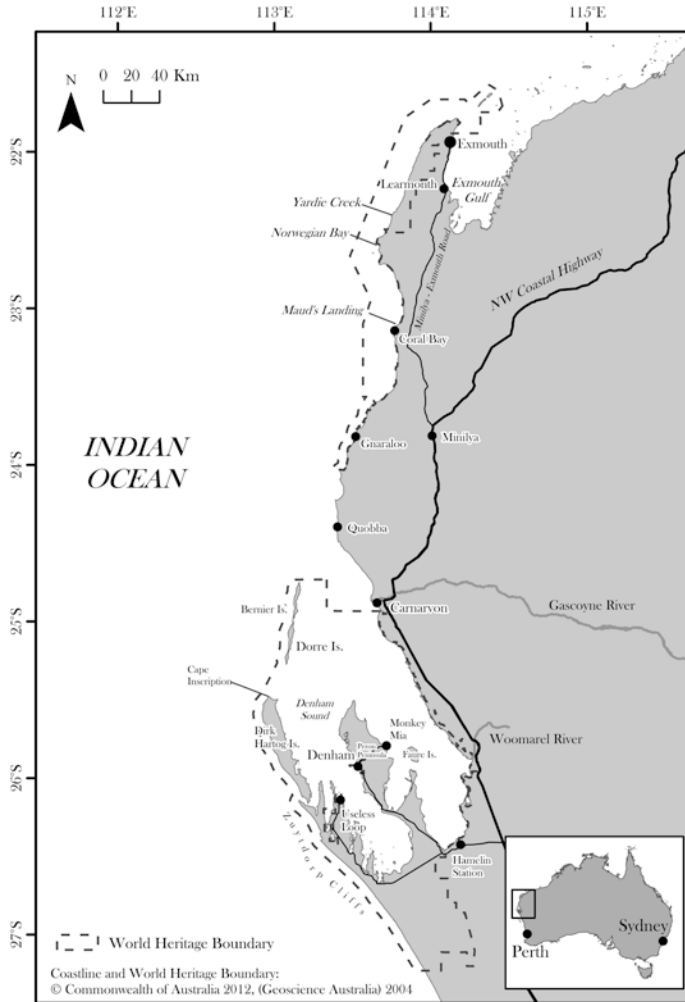
Fig. 3.1 Gascoyne Coast, showing Shark Bay and Ningaloo Coast World Heritage Areas (*Source* Joseph Christensen)

were built. In 1969, the highway between Geraldton and Carnarvon was bituminised. By the 1980s, the surfaced road network extended to Exmouth and to Denham, which is the main town on Shark Bay, and it became possible to drive around Australia on bituminised roads for

the first time. Remote areas like the Gascoyne coast began to experience what Holmes termed a "multifunctional rural transition".[2] He saw this as a "post productive transition with a difference" whereby remote (or outback) Australia began a shift from a dependence on largely productivist activities, such as pastoralism, fishing and mining, and began to incorporate consumption (tourism) and conservation values into its land management and economic development mentalities.[3]

The Gascoyne region offers exceptional opportunities for coastal recreation, including warm temperatures and warm seas year round, abundant fishing and snorkelling potential, several hundred kilometres of still largely pristine coral reef off North West Cape and possibilities for interaction with iconic marine species including dolphins, dugongs, manta rays and whale sharks. In recent decades, therefore, tourism has become both a major employer and a major contributor to the economies of both Exmouth and Shark Bay. This has, in itself, changed and disrupted the social structures of these hitherto isolated communities. But it is the growing importance of conservation, rather than consumption, values which has led to some of the most intense social and political conflicts. While a few small conservation sites had been identified in the early twentieth century, it was not until the 1950s that larger sections of the marine and terrestrial Gascoyne coast were designated as conservation areas. Over recent decades, both the areal extent and the level of conservation designation of these localities increased, culminating in successful World Heritage Area bids for Shark Bay in 1991 and the Ningaloo Coast (largely in the Shire of Exmouth) in 2011 (Fig. 3.1).

Many of the conservation initiatives, but particularly the two World Heritage bids, prompted local community concern and opposition. Conservation department workers were ostracised in Denham and Exmouth, state politicians were threatened with being "corralled" at a meeting near Ningaloo Reef and prevented from boarding a flight back to Perth and the World Heritage listings were even linked to global conspiracy theories in both cases. Following the Ningaloo Reef listing, the Western Australian Department of Environment and Conservation commissioned a report into the community aspects of both World Heritage listings.[4] This report is based on archival and local newspaper research and on interviews with a range of stakeholders from Exmouth, Shark Bay and Perth. It also draws on earlier work on Shark Bay[5] and Ningaloo.[6] These studies provide the basis for the following sections of this chapter.

Shark Bay

Historical Background

There is archaeological evidence of an Aboriginal presence across the Shark Bay area extending as far back as 30,000 BCE. Three language groups, the Yingkarta, the Nhanda and the Malgana occupied different parts of the region and the Malgana, who inhabited the central and western parts of the bay, are now regarded as the traditional owners.[7] While limited contact between the local Aboriginal population and wrecked, exploring and even mutineering European mariners occurred from the seventeenth century onwards, including a shooting incident when François Péron visited Shark Bay in March 1803, the Aboriginal way of life continued essentially unchanged locally until the mid-nineteenth century.

At that time, the pastoral frontier extended into the Gascoyne region. European settlers with flocks of sheep moved into more remote locations in Australia as ever more land was taken up by an expanding wool industry, and because existing grazing land was being eaten out.[8] These pastoralists were, often retrospectively, granted extended leases over the land that they had occupied. Colonial and, after Australian federation and independence in 1901, state governments held these leases over what remained officially Crown Land and, at least in theory, these governments retained control over how the land was used. For much of this period, however, the capacity of colonial and state governments to exercise oversight over the pastoralists' operations was very limited.

In the Gascoyne, Aboriginal resistance to this process of violent dispossession was sporadic and largely ineffective. In the late nineteenth and early twentieth centuries, many Aboriginal groups across Australia became incorporated into the pastoral labour force undertaking domestic and stock and land management tasks in exchange for subsistence supplies.[9] By the 1960s, wool prices and therefore stocking levels declined and, following the 1967 referendum, which granted Australian citizenship to the Aboriginal population, pastoralists were required to pay all their employees at the same rates. Most pastoralists subsequently dismissed their Aboriginal workers. In the Gascoyne, these families moved into the local towns and especially into Carnarvon.[10]

European entrepreneurs also commenced pearling operations around Shark Bay in the 1870s and 1880s. Like the pastoralists, they employed

local Aboriginal labour, though they also brought in an Asian ("Malay") workforce. Denham was one of the few sites with access to fresh water on Shark Bay and it eventually became the main centre for the local pearling industry. It was gazetted as a townsite in 1898 and, by the early 1900s, it had a store, a school, a pub and was the base for around 30 pearling boats. Fishing supplanted pearling as the town's major industry after the Great Depression and, although the town has maintained a polyethnic character, mixed race descendants of the original Aboriginal and Asian inhabitants are now largely likely to identify as Aboriginal.[11]

For most of its European history, Shark Bay remained in very limited contact with the outside world. A post and telegraph office was set up at Hamelin Bay in 1884, but otherwise the area was dependent on sea transport with the State Shipping Service establishing itself as the monopoly supplier of transport services to Perth in 1911, with a monthly service calling at Denham. It was only during World War Two, and under threat of Japanese aggression if not invasion, that the 130-kilometre dirt track from Denham to the (also dirt surfaced) North West Coastal Highway was upgraded to take motor traffic.

Following the sealing of the highway to Carnarvon in 1969, tourism began to develop in Shark Bay.[12] Initially, this was on a small scale. Before the road was sealed, this was a relative backwater with 10,000 visitors in 1984. The road to Denham was sealed in 1985, and, in 1986, extended a further 25 kilometres to Monkey Mia, where a pod of dolphins, which had been interacting with local fishers since the 1960s, became the subject of international scientific study in 1982.[13] From this time on, annual visitor numbers to Shark Bay exploded. In the mid-1980s, Monkey Mia was a camping ground and Denham possessed a single hotel, four caravan parks and a few rental cottages, all mainly used by Western Australian residents.[14] Largely due to the attraction of the dolphins, 150,000 tourists, over half of whom were interstate or international, were visiting the area by 1991.

This was also the year when Shark Bay was inscribed on the World Heritage list. World Heritage listing was the culmination of the evolution of conservation in Shark Bay. "Reserves for native game" were designated at Dorre in 1907 and the Bernier Islands in 1918, but no further moves were made until mid-century when these areas, together with several other islands in Shark Bay, were upgraded to A Class reserve status.[15] In 1962, a subcommittee of the Australian Academy of Sciences (WA) produced a report on the state's need for National Parks and nature reserves.

Its findings were largely followed by the Conservation through Reserves Committee which, in 1974, recommended to the state government that most of the Bay's inner gulfs be protected by aquatic reserve status, that most pastoral leases surrounding the Bay be resumed and that the area be managed as a National Park. The state government endorsed these recommendations, and declared Hamelin Pool as a marine reserve in the mid-1970s in order to protect a colony of stromatolites, the world's oldest life form. However, little further action was taken until the processes for World Heritage designation were instigated in the 1980s.[16]

World Heritage Listing

Just as tourism interest in Shark Bay had rapidly escalated from the state to the national and international scales in the 1980s, so did interest in the area's conservation and environmental accreditation. In 1982, the International Union for the Conservation of Nature and Natural Resources (IUCN) placed Shark Bay on its Inventory of *The World's Greatest Natural Areas*, noting in passing that the area possessed all four of the "outstanding natural universal values" (aesthetic value, geological value, biological processes and biodiversity conservation) required by UNESCO for World Heritage designation on environmental grounds.[17] Shark Bay's environmental assets include extensive seagrass beds which are the habitat, *inter alia*, of a globally significant dugong population, hypersaline pools containing the world's largest and most diverse examples of stromatolites, and peninsulas and islands where remnant populations of native animals and plants have found refuge from the predations of exotic species.

As a result of this international listing, national environmental groups such as the Australian Conservation Foundation began lobbying the state and federal governments to have Shark Bay nominated for World Heritage status.[18] The local population became aware of this initiative in 1987 when the state government set up a Ministerial Committee to consider whether to proceed with a World Heritage nomination. In turn, this Committee established a Working Group which included representatives from the Shark Bay and Carnarvon Shire Councils.

From the outset, local opinion on the proposed listing, as expressed publically, was extremely negative. At a public meeting held in Denham in 1990 residents voted 399 to 1 to support a motion that no intervention at Shark Bay by the Commonwealth Government should take

place in regard to World Heritage listing.[19] The size of this majority might be due, in part, to the social pressures acting against the public expression of dissent in a small and isolated community. Nevertheless, the reference to the Commonwealth (i.e. Australian) government in the motion underlines a consistent local framing of the debate over the World Heritage listing as a conflict between the moral ecologies of the residents, who saw the occupation of this vast area by such a small population as having relatively little adverse environmental impact, and of the conservationist outsiders who, as several locals believed, were framing at least some of their activities as "crimes against nature" in an exceptional and threatened habitat.

This framing was certainly reflected in the letters and articles published in the Carnarvon-based *Northern Guardian*, and in the attitudes of the staff and council of the Shire of Shark Bay.[20] This negative reaction by the local media and community leaders to the proposed World Heritage nomination had two components. One was an issue of scale and process, a resentment by the locals of non-locals making decisions which would affect their lives. More than twenty years on, some of our interviewees still expressed resentment at the overall lack of local consultation and in particular at the brevity of their stay and the lack of involvement shown by two federal government ministers during a (literally) flying visit to Denham within the consultation period. However, these concerns were intensified by both party political and issue-based disagreements between the local and non-local stakeholders.

The largely conservative pastoralists and local businesspeople who comprised the Shark Bay council at that time were ideologically opposed to the Labor state and federal government representatives who were supporting the World Heritage designation. The shire council therefore refused to cooperate with the higher levels of government during the consultation and designation periods. This disagreement extended to both extremities of the political spectrum. A local newssheet, the *Shark Bay Christian Herald*, attempted to link the World Heritage bid to globalist and socialist conspiracy theories. At the same time, the federal Labor government was seeking Green Party support and preference votes in the upcoming 1990 election. Simultaneously therefore, the World Heritage bid could be portrayed nationally as a benign conservation initiative in an area vulnerable to the activities of locals and tourists, and locally as a threat to traditional freedoms and ways of life.

Ironically, local primary industry groups used their national networks to bring representatives of the Mountain Cattleman's Association of Tasmania and the Queensland pastoralists to speak at Denham on their own negative experiences of World Heritage listings. Since Shark Bay was Western Australia's first attempt at securing a World Heritage listing, such interstate experiences of the process carried weight. But, in spite of the local opposition, the federal Labor government, having won the 1990 election, lodged Shark Bay's World Heritage nomination in October and it was approved by UNESCO in the following year.[21]

After World Heritage Listing

In the period leading up to the World Heritage listing, federal and state government rhetoric emphasised the potential positive impacts of such an initiative in terms of increased tourism and local investment. However, tourism numbers plateaued during the 1990s and, even though the economic recession in the early part of the decade and strong competition from newer dolphin interaction enterprises much closer to Perth contributed to this situation, the governments' statements could still be construed locally as a broken promise.

Two other factors also contributed to, at least medium term, local dissatisfaction with the World Heritage initiative. One was the continued negative attitude of local community leaders, especially from the Shire of Shark Bay and the pastoral industry, to the World Heritage listing.[22] This made it difficult for the state and federal governments to raise the profile of the area as a World Heritage site and discouraged them from investing in the area. Defeats of the Labor state and federal governments in 1993 and 1996 respectively compounded the situation since the incoming Coalition (conservative) governments reduced the levels of local World Heritage funding. At a more pragmatic level, it took six years for the three tiers of government to agree on the composition of an advisory committee for the World Heritage site and the so-called annual meetings of the Shark Bay Ministerial Council were seldom if ever held.

Dissatisfaction with the World Heritage listing was also exacerbated by local resentment towards several environmental initiatives, which were not necessarily World Heritage related, but which could be used to ascribe guilt by association. A major contributor in this regard was Project Eden. This initiative began in 1994 when a former pastoral station which had been resumed by the government was destocked, fenced

off, designated as a reserve and, following the removal of feral intro-
duced animals such as cats and foxes, used as a refuge for endangered
and reintroduced native species. One component of this project was
turning off the bores which had fed stock watering troughs, an initiative
which was blamed locally both for decreasing the numbers of birds and
animals on the former station and for increasing the numbers of emus
entering Denham and Monkey Mia. The collapse of the popular Pink
Snapper fishery in the mid-1990s, and the subsequent introduction of
strict management controls over this favourite recreational pastime, also
fed local dissatisfactions with state government agencies and the conser-
vation initiatives that they were responsible for managing.[23]

More generally, our interviewees often saw conservation initiatives
as inhibiting them in various ways. Some tourism operators complained
of excessive regulation of their businesses. Several respondents alluded
to what they saw as the excessively officious behaviour of the rangers
at conservation sites, particularly those controlling the human-dolphin
interactions at Monkey Mia. These issues, and the removal of exotic (but
shady) tamarind trees from a popular local beach, the closure of station
tracks that had once provided access to fishing and other recreational
spots, and controls imposed by the state Fisheries Department were all
environmental constraints that could be linked, in the local conscious-
ness, to the World Heritage listing despite attempts by conservation
department staff to correct these views.

In a community as small as Denham, even minor economic or popula-
tion shifts can bring about significant social change. Pastoralism has been
in slow decline for decades and the fishing industry is relatively stable at
best. By contrast, tourism began to grow again in the new century and the
Department of Environment and Conservation (DEC), with 28 fulltime
employees by 2010, became the largest employer in town, eclipsing even
the Shire Council's staff numbers. These economic and demographic shifts
eventually had a political impact. The 2009 Shire elections saw the DEC
officer with responsibility for World Heritage elected as Shire President
and the makeup of the council transformed, with most of the newly
elected councillors having tourism and/or conservation backgrounds.

These changes coincided with the, albeit belated, promotion of the
World Heritage area at an entry statement at the junction of the North
West Coastal Highway and the road to Denham (newly renamed World
Heritage Drive), the use of a new Shark Bay World Heritage logo by the
council and many of the local tourism businesses, and the opening of an

eight million dollar World Heritage Discovery Centre in the town. Most of our interviewees were of the opinion that, almost two decades after the World Heritage designation, there was a growing acceptance of and even support for the "post productive transition" of the town and district to an economy increasingly based on tourism and conservation. This view was strongly shared by both our Aboriginal informants, one from the fishing industry and one an ecotourism operator, who were supportive of both the conservation and World Heritage initiatives, which they saw as assisting in the maintenance of viable fish stocks and as contributing to the Aboriginal concept of "caring for country".[24] However, just as the conflicts over conservation and World Heritage designation were abating at Shark Bay, they were rising a few hundred kilometres to the north at Ningaloo Reef.

North West Cape and Ningaloo Reef

Historical Background

North West Cape is at the tip of a 100 kilometre long peninsula with the Indian Ocean to its west and Exmouth Gulf to its East (Fig. 3.1). Ningaloo Reef extends for over 350 kilometres along and beyond the peninsula's western edge. As a fringing reef, it is never more than a few kilometres from the shoreline and can be as close as 10 metres. As at Shark Bay, this area had long been occupied by Aboriginal groups, in this case the Yinikutura and the Baiyungu. Shell middens in the Cape Range, which extends along the peninsula, have been dated to 30,000 BCE.[25]

Pastoral settlers moved into this coastal zone from 1876 onwards, building up the sheep population and exporting their wool from jetties. The most important of these, Maud's Landing, was actually gazetted as a townsite in 1896 but virtually no development took place there. As at Shark Bay, most of the Aboriginal population moved into Carnarvon either at that time or following the granting of Aboriginal citizenship and therefore of equal wages in the 1960s.[26] Only a handful of people claim descent from the Yinikatura people, and they generally identify more strongly with other language groups. Descendants of the Baiyungu are considered to be the Traditional Owners of the southern part of the coastal area, and have been granted some rights over pastoral and tourist operations on the Ningaloo coast.[27]

Although fishing, whaling and pearling vessels regularly visited the area from the late nineteenth century onwards, there was little or no permanent settlement other than that of the coastal pastoral stations. Shortly before World War One, two lighthouses and a whaling station were established along the coast, but it was not until World War Two and the fall of Singapore that the area acquired strategic significance and experienced further development. In 1942, the US Navy established a submarine base on Exmouth Gulf, to the south of the current Exmouth townsite. An Australian support base, offering radio, radar and fighter cover for the submarine base evolved into both the present RAAF Learmonth and the region's (civil) airport. The submarine base closed after the cessation of hostilities, but, as previously mentioned, American military interest in the region was renewed during the Cold War. In 1962, the Australian and US governments signed an agreement for the construction of a military base at North West Cape that would use very low frequency radar to communicate with submarines in the Indian Ocean. The town of Exmouth was gazetted in 1963 to service the base and to provide support for the expansion of the local fishing industry and nascent tourism activity. Both the town and the base were officially opened in 1967.

At around the same time, the beginnings of tourism development occurred at Bill's Bay, at the southern end of the reef, near Maud's Landing. This coastal location had become a popular recreational spot, mainly for residents of Carnarvon, and the first beach shack had been constructed there in 1933. In 1968, roughly coinciding with the sealing of the coastal highway to Carnarvon, a hotel, caravan park and petrol station were constructed at the site. The hotel was named, and the locality renamed, Coral Bay. The developments at Coral Bay were undertaken with minimal oversight and planning on the part of the local shire. In this regard, they paralleled another form of Ningaloo Reef tourism development that also commenced around that time. The pastoral stations along the reef were experiencing financial challenges as a result of uncertain rainfall, uncertain wool prices and the recent unavailability of low cost Aboriginal labour. However, these properties were becoming increasingly accessible by land thanks to the road sealing programme and the growing popularity of four-wheel drive vehicles. Especially at Waroora station in the south and at Ningaloo station further north, the pastoralists began to obtain an extra income stream by allowing tourists to camp, fish and recreate on the beaches and dunes adjacent to the reef.

As at Shark Bay, the first pioneering tourists were largely Western Australians taking basic camping/caravanning holidays. Indeed, many were "grey nomads" who travelled north in the winter and spent long periods fishing and camping on the beaches.[28] Over the course of the late twentieth century, however, tourist numbers steadily increased and diversified and the region has gained a growing national and international ecotourism reputation.[29] Much of this has focussed on the local potential for human interaction with whale sharks. In 1989, Ningaloo became the first place in the world where this form of tourism took place, and a number of fishers and boat owners in Exmouth and Coral Bay are now licensed to operate in this field.[30] Although the American base closed down in 1992, at the end of the Cold War, tourism growth was sufficient to compensate for this population and economic loss. The 185 US Navy houses left vacant when 700 Americans left this town of ca. 2000 people were all sold within a year,[31] and their part gifting to the Exmouth Shire provided funds to upgrade the airport, develop a marina and upgrade roads, all of which facilitated further tourism growth. By the early 2000s, Carlsen and Wood estimated that almost 190,000 tourists were visiting the Carnarvon and Exmouth shires annually.[32]

A growth in conservation activity paralleled this expansion of tourism. A 13,000 hectare reserve was gazetted in the Cape Range at the northern edge of the peninsula in 1964. Its area was extended to ca. 50,000 hectares when, as at Shark Bay, a peninsular pastoral lease was resumed by the state for conservation purposes in 1969, and its status was raised to that of a National Park in 1971. A small marine reserve was established around Coral Bay in 1968 and this was followed by a major marine conservation initiative. 45,000 square kilometres of state and Commonwealth waters adjoining a coastal strip 260 kilometres long and 40 metres wide was proposed as Ningaloo Marine Park in 1974 and finally gazetted as such by both state and federal governments in 1987. Continued expansion of the level of conservation was also a factor during the World Heritage listing process.

World Heritage Listing

As at Shark Bay, the initial move for World Heritage listing of the Ningaloo Coast came from outside the area, but it was prompted, at least partially, by local developments. The Coral Bay Resort, which had "developed as a tourism settlement in a relatively *ad hoc* manner", was

experiencing capacity problems, in particular with reference to water supply and effluent disposal.[33] Given the continuing growth in tourism numbers, a development consortium investigated the potential for the development of a major (2500 bed) Coral Coast Resort at the adjoining location of Maud's Landing. In 1995, the state Liberal-National (i.e. conservative) government signed a heads of agreement with the developers to allow detailed planning of such a resort and, in 2000, the developers, the state Department of Land Administration and the Western Australian Tourism Commission commenced work on a land development agreement for a resort, a marina and a small boat channel through the reef at Maud's Landing.

These proposals were immediately contested by (non-local) conservationists. A "Save Ningaloo" campaign, which was launched in Perth, became associated with and received political and media advice from an established environmental pressure group campaigning against residential development adjacent to a metropolitan beach. Given its association with such environmental icons as coral reefs and whale sharks, "Save Ningaloo" soon attracted national and international attention and the support of Australian celebrities including the actor Toni Colette, the basketballer Luc Longley and the author Tim Winton. In the 2001 state election, several environmental issues, including the Maud's Landing development, experienced an unusually high profile. The Labor party gained a significant and unexpected victory and the Green Party obtained a pivotal position in the upper house of state parliament. In 2003, the state premier announced, simultaneously, that the Maud's Landing development would not proceed and that the state would seek World Heritage listing for the Ningaloo Coast.

Clearly, there are broad similarities between the Shark Bay and Ningaloo listing experiences in that both entailed the conferring of a prestigious global environmental status on remote, sparsely populated localities by national and international organisations in the face of local opposition. However, the differences are not insignificant and, in many ways, they relate to the time lag between the two processes. Simply, this was the second World Heritage listing process in the Gascoyne and therefore it became inexorably linked to the first. Several Shark Bay community members, most notably the former Shire President, had remained opposed to their own area's World Heritage listing and campaigned actively against the Ningaloo designation. In doing so, they repeated the arguments that the promised increase in tourism and investment had not

occurred, that a "land grab" excluded local people from areas and activities that they had formerly enjoyed, and that the area would face restrictions on further development.

Second, several restrictions on local activities either came into force, such as a 2004 expansion of marine sanctuary (i.e. non-recreational fishing) zones,[34] or were presaged, such as the excision of a 1–2 kilometre coastal strip from the pastoral stations when their leases came up for renewal in 2015,[35] while World Heritage status was being sought rather than after its occurrence. Nevertheless, these initiatives, both connected to state-led conservation of the coastal and marine zones, led to local dissatisfaction and conflict and could be associated with the growing loss of local control which some elements of the local community sought to associate with the World Heritage bid.

Third, the designation process was more protracted and consultative in the case of Ningaloo, extending from 2003 to 2011. In part, this resulted from a shift in UNESCO's own processes as "communities have moved to centre stage in the World Heritage debate" and more weight was given to local concerns.[36] Over this period, this led to significant changes in the proposed World Heritage Area boundaries. The first proposal encompassed not only the reef and the adjacent pastoral stations but also Exmouth Gulf and much of the land around it.[37] In response to local and resources (primarily oil and gas) industry concerns, only the (potentially) excised coastal strip from the pastoral stations and existing government-owned defence and conservation land were included within the terrestrial boundaries of the World Heritage Area proposed to UNESCO in 2011 and included in a National Heritage Listing in 2010. Even so, the IUCN, in its technical evaluation of the World Heritage bid, noted the pastoral lessees' concerns and all pastoral land was excluded.[38] The World Heritage Area, as eventually designated, is a predominantly marine entity.[39]

Finally, while important community leaders in both locations were opposed to the World Heritage bids, at Ningaloo differing visions for the future and therefore differing moral ecologies were evident within the local population. The aim of one faction was to maximise the possibility for greater change and development rather than, as at Shark Bay, to preserve something resembling the status quo. This divided the opposition. The pastoralists at Ningaloo were seeking to maintain their control over the coastal zones of their leases, whether these were being used for stock or for wilderness camping. By contrast, the Chairperson of the

Exmouth Chamber of Commerce and Industry and his supporters saw World Heritage designation as a barrier to the commercial and industrial development of the town. In particular, they saw Exmouth as having the potential to become a support base for the growing offshore oil and gas extraction industry on Australia's north-western continental shelf. A partnership of interests including the Chamber of Commerce and Industry, a sandstone miner and local pastoralists even provided funds for the Chairperson to attend the final hearing for the Ningaloo World Heritage bid at UNESCO in Paris. He met with the Chair of the World Heritage Committee but stopped short of opposing the Australian government's bid in the public hearing.

After World Heritage Listing

Given both the significant reduction to the boundaries of the World Heritage Area in the final listing and the protracted nature of the consultation period that led up to this, its approval was perceived locally as both a compromise and a relief. Most of our local interviewees hoped that this period of community division would come to an end and there was even a sentiment that "it was time to get on with it" through activities like devising a logo, setting up an Advisory Committee and branding and marketing the World Heritage Area accordingly. Whether this was consciously realised or not, there was a general aspiration to avoid a repeat of the period of drift and discord that had followed the Shark Bay listing 20 years earlier.

To a certain extent, this has been achieved. However, both the conservation and the development initiatives that paralleled the World Heritage bid have not been problem free. Under the pastoral lease renewal programme, five of the six stations adjoining the reef have been granted 50-year lease extensions following the excision of the coastal strip. The sixth station launched a Supreme Court action against the Department of Parks and Wildlife and the Minister for Lands in early 2016 and some months later this dispute entered mediation.[40] The coastal land excision is also not perceived as a very satisfactory arrangement by the other pastoralists. One has been granted the right to manage coastal camping in the exclusion zone for a further 10 years, but fears that this concession might be rescinded remain.[41] Another observed in an interview that, while the exclusion zone was only 10% of his property, it represented the best land and comprised 40% of its value.[42] More

broadly, the government seeks to develop a series of camping nodes along the reef coast, either itself or in partnership with private developers. Many of the existing wilderness campers fear that this will favour luxury "glamping" operators and exclude those who now enjoy inexpensive holidays by the reef. The moral ecologies of the Ningaloo Coast are complex and contentious.

More recently, the Shire of Exmouth council has been suspended for six months by the state Crime and Corruption Commission over irregularities in financial management relating to procuring and tendering for a science and research hub, the Ningaloo Centre, and for an aquarium.[43] For small, remote communities merely "getting on with it" in a context of both rapid change and increasing government oversight generates its own challenges and hazards.

Conclusion

In an afterword to his volume *Crimes against Nature*, Jacoby contends that "one facet that cries out for greater elaboration is the history of settler colonialism", a process which "produces a series of inversions in which the settlers become the new natives while the indigenous peoples become outsiders in their former homeland".[44] An inversion of this type certainly took place in the late nineteenth and early twentieth century along the Gascoyne coast as the pastoralist and pearler settlers dispossessed the local Aboriginal groups. What this study of the more recent history of this area suggests is that, albeit partially, this series of inversions has continued and that some of the area's settlers/new natives have come to perceive themselves as being outsiders in their homeland, at least in relation to the growing power of the conservation and planning arms of government over their lives, an experience shared by both Aboriginal and settler populations in remote areas of Far North Queensland, as documented by Veronica Strang.[45] Jacoby's insightful characterisation of settler colonialism introduces and interrelates the concepts of scale (natives/indigenous peoples as opposed to settlers/outsiders) and change (the series of inversions) which are central to the conflicts described here.

Graham, Ashworth and Tunbridge point out that "the array of different scales and the complex way in which these interact in cultural and economic terms significantly complicates the geography of heritage".[46] At the local scale, and over several generations, a small population,

largely dependent on pastoralism and fishing, pursued a productivist existence. While it would probably be an overstatement to argue that they "lived too close to nature to appreciate it for other than its value as raw material",[47] their impacts on the environment were at least gradual. In the context of their moral ecology, damage to the natural vegetation by commercial livestock, to native fauna by introduced species and to fish stocks by overfishing could be perceived by the local population as being small and gradual in relation to the huge expanses of land and ocean involved. On a global scale, within the IUCN and UNESCO, and at intermediate levels by the conservation arms of governments and NGOs, both the perceptions of the area and the moral ecologies of those viewing it were rather different. The Gascoyne coast came to be seen as an area containing globally significant ecosytems, such as the pristine Ningaloo Reef, Shark Bay's seagrass beds housing one-sixth of the world's dugongs and several insular and peninsular refuges for threatened native species, all of which were deemed to be in urgent need of protection.

A scalar clash was inevitable between a small and hitherto isolated local population that generally believed that they best understood the local environment and that they knew how to manage it in a way that preserved their lifestyles and livelihoods, and state and national governments and interest groups seeking to preserve ecosystems and natural landscapes which they perceived as being under serious threat. The two World Heritage bids took this conflict to another level as the local communities saw power and control being ceded to an even more remote authority. Liechti et al. quoted a letter sent to the editor of a local newspaper during the World Heritage nomination process for a part of the Swiss Alps which argued that "never should we allow foreign organisations, people from Paris, Berne… to decide what we have to do and how we do things in our mountains".[48] This mirrors the sentiments of many in the Gascoyne coastal communities about "their" beaches, reef, dunes and islands.

That these issues were being played out during a period of rapid tourism growth and economic change along the Gascoyne coast only added to the complexity of these disputes. The local expansion of tourism in recent decades simultaneously generated economic opportunities and environmental threats. Recreational fishing became so popular at Shark Bay that stocks of Pink Snapper, one of the most sought-after species, collapsed suddenly, necessitating the introduction of strict management controls that aimed to sharply curb recreational catches.[49] Wilderness

campers provided a much-needed income stream for struggling pastoralists but, as their numbers grew, the lack of adequate sanitary arrangements meant that their effluent and rubbish presented a threat to the nearby fringing reef.[50] Controls and regulations were required to prevent various species, from stromatolites through dolphins to whale sharks, from suffering too much from human attention and contact.[51]

More generally, these recent economic shifts have diversified the makeup of the local communities and therefore the attitudes of these populations to their environments. Compared to the broad consensus for a continuation of the status quo in Shark Bay three decades ago, the more recent attitudes of the communities at or near Ningaloo are varied. While the pastoralists saw little need for change, many of those in the growing conservation and tourism industries supported World Heritage nomination (albeit for somewhat differing reasons), and a segment of Exmouth's business community feared the impact of environmental restrictions on the town's industrial and economic growth, local social adaptations that invite comparison with the processes noted by Thompson in his study of "the English crowd in the eighteenth century".[52]

Walker et al. contend that "remote Australia's diverse regions are confronted by common issues: issues globally familiar and presenting complex local challenges. They are common to regions where people reside remotely from centres of political and economic power but are facing rapid economic and social change".[53] In part, this description fits the Gascoyne coast, but it fails to acknowledge the major factor that links scale and change to disputes over conservation and land management. In recent decades, much of remote Australia has become significantly less isolated and much more accessible as a result of transport and communication developments. These developments have driven remote area economic and social change and facilitated the exercise of political and economic power from afar over these areas inducing, for many of the local inhabitants, feelings of both loss of familiarity and loss of control. Just as the Aboriginal population experienced the "inversion" of settler colonialism more than a century ago, so are the current inhabitants of the Gascoyne coast experiencing dispossession of the places and resources with which their lives have long been entangled, as the ending of their isolation allows tourism and conservation initiatives to construct aspects of their traditional ways of life as "environmental banditry". It is only if we take the new constraints on residents' activities and the pain which accompanies the unravelling of their relations with their local

environments into account that we can understand residents' attitudes and actions (including their slow and partial acceptance) towards the "protection" and "development" of their home areas, largely by outside forces.

<div align="center">NOTES</div>

1. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation with a New Afterword* (Berkeley: University of California Press, 2014), 3, 6.

2. John Holmes, "Impulses Towards a Multifunctional Transition in Rural Australia: Gaps in the Research Agenda," *Journal of Rural Studies* 22 (2006): 142.

3. John Holmes, "Diversity and Change in Australia's Rangelands: A Post-Productivist Transition with a Difference?" *Transactions of the Institute of British Geographers* 27 (2002): 362.

4. Joseph Christensen, Shaphan Cox, Michael Hughes, Roy Jones, and Tod Jones, "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast: A Report to the Department of Environment and Conservation and Tourism Western Australia" (Curtin University: Tourism Research Cluster, 2013), 1–6.

5. Joseph Christensen, "Shark Bay 1616–1991: The Spread of Science and the Emergence of Ecology in a World Heritage Area" (PhD diss., University of Western Australia, 2008); Roy Jones and Brian Shaw, "Thinking Locally, Acting Globally? Stakeholder Conflicts Over UNESCO World Heritage Inscription in Western Australia," *Journal of Heritage Tourism* 7, 1 (2012): 83–96.

6. Roy Jones, Colin Ingram, and Andrew Kingham, "Waltzing the Heritage Icons: 'Swagmen', 'Squatters' and 'Troopers' at Ningaloo Reef and North West Cape", in *Geographies of Australian Heritages: Loving a Sunburnt Country?* ed. Roy Jones and Brian Shaw (Ashgate: Aldershot, 2007), 79–94; Tod Jones, David Wood, Michael Hughes, Marg Deery, Liz Fredline, Roy Jones, Beth Fulton, Tien Pham, Daniel Pambudi, Ray Spurr, Larry Dwyer, Kelly Chapman, Anna Lewis, Philippa Chandler, and James Catlin, *Ningaloo Collaboration Cluster: Exploring the Socio-Economics of Tourism Through the Ningaloo Destination Model* (Canberra: CSIRO, 2011).

7. Sandra Bowdler, "Archaeological Research in the Shark Bay Region, Western Australia: An Introductory Account," in *Research in Shark Bay: Report of the France-Australe Bicentenary Expedition Committee*, ed. P. F. Berry, S. D. Bradshaw, and B. R. Wilson (Perth: Western Australian

Museum, 1990), 1–12; Department of Environment and Conservation, "Aboriginal Occupation of Shark Bay," accessed 11 November 2012, www.sharkbay.org/aboriginaloccupation.aspx.

8. Geoffrey Bolton, *Spoils and Spoilers: Australians Make Their Environment 1788–1980* (Sydney: George Allen & Unwin, 1981), 81.

9. Nicholas Gill and Alistair Paterson, "A Work in Progress: Aboriginal People and Pastoral Cultural Heritage in Australia," in *Geographies of Australian Heritages: Loving a Sunburnt Country?* ed. Roy Jones and Brian Shaw (Ashgate: Aldershot, 2007), 118–21.

10. Sue Graham-Taylor, *Shark Bay Pastoral Voices* (Denham: Shire of Shark Bay, 2012), 125–36.

11. Christensen et al., "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast," 10.

12. Ross K. Dowling, "Tourism Planning, People and the Environment in Western Australia," *Journal of Travel Research* 31 (1993): 53–54.

13. Richard C. Connor and Rachel S. Smolker, "Habituated Dolphins (*Tusiops* sp.) in Western Australia," *Journal of Mammalogy* 66, 2 (1985): 398–400.

14. Dowling, "Tourism Planning, People and the Environment in Western Australia," 54.

15. Joseph Christensen, "Islands as Arks: Nature Protection and the Preservation Ethic, 1898–1918," *Studies in Western Australian History* 27 (2011): 14.

16. Christensen et al., "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast," 15–17.

17. Keith Suter, "Shark Bay, Western Australia: A Case Study of a UNESCO World Heritage Listing," *Environmental and Planning Law Journal* 11 (1994): 34.

18. Jon Nevil and Robert Lawrence, "Conservation Issues in the Shark Bay Region," Research Report of the Australian Conservation Foundation (1985), 29–30.

19. Hugh Edwards, *Shark Bay Through Four Centuries* (Denham: Shark Bay Shire Council, 2001), 379.

20. Christensen et al., "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast," 97–100.

21. Suter, "Shark Bay, Western Australia: A Case Study of a UNESCO World Heritage Listing", 37.

22. Sue Jones, "World Heritage Listing (If I Were Going There, I Wouldn't Start from Here!)", Parks and Protected Areas Forum, Fremantle, September 2007 (Perth: Promaco), 147–48.

23. Joseph Christensen and Gary Jackson, "Shark Bay Snapper: Science, Policy, and the Decline and Recovery of a Marine Recreational Fishery",

in *Historical Perspectives of Fisheries Exploitation in the Indo-Pacific*, ed. Joseph Christensen and Malcolm Tull (Dordrecht: Springer, 2014), 259–62.

24. Christensen et al., "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast," 29.

25. Kate Morse, "Who Can See the Sea? Prehistoric Human Occupation of the Cape Range Peninsula," in *The Biogeography of Cape Range, Western Australia*, ed. William F. Humphreys (Perth: Western Australian Museum, 1993), 232.

26. Hans Dagmar, *Aborigines and Poverty: A Study of Interethnic Relations and Culture Conflict in a Western Australian Town* (Nijmegen Catholic University of Nijmegen: 1978), 27–60; Dennis Gray, "'Identity' Among the Carnarvon Reserve Mob" (MA diss., University of Western Australia, 1978), 45.

27. Christensen et al., "Community and Socioeconomic Impacts of World Heritage Designation on Shark Bay and the Ningaloo Coast," 41.

28. Ross K. Dowling, "Public Views of Natural Area Tourism, North West Cape, Western Australia", *Australian Parks and Recreation* 28 (1992), 36–41; Remote Research, *Summary Report on the Findings of Surveys of Unmanaged Camping in the North West Cape Region of Western Australia* (Perth: Remote Research, 2002).

29. Tod Jones, Michael Hughes, David Wood, Anna Lewis, and Philippa Chandler, *Ningaloo Coast Region Visitor Statistics: Collected for the Ningaloo Destination Modelling Project* (Gold Coast: Sustainable Tourism Cooperative Research Centre, 2009), vii–x.

30. James Catlin, Tod Jones, and Roy Jones, "Balancing Commercial and Environmental Needs: Licensing as a Means of Managing Whale Shark Tourism on Ningaloo Reef," *Journal of Sustainable Tourism* 20 (2012): 165–70.

31. Roy Jones et al., "Waltzing the Heritage Icons: 'Swagmen', 'Squatters' and 'Troopers' at Ningaloo Reef and North West Cape," 83.

32. Jack Carlsen and David Wood, *Assessment of the Economic Value of Recreation and Tourism in Western Australia's National Parks, Marine Parks and Forests* (Gold Coast: Cooperative Research Centre for Sustainable Tourism, 2004), 19–25.

33. WAPC, *Ningaloo Coast Regional Strategy: Carnarvon to Exmouth* (Perth: Western Australian Planning Commission, 2004), 107.

34. Colin Ingram, "Parks, People and Planning: Local Perceptions of Park Management on the Ningaloo Coast, North West Cape" (MPhil diss., Curtin University of Technology, 2008), 168–69.

35. Jones et al., "Waltzing the Heritage Icons: 'Swagmen', 'Squatters' and 'Troopers' at Ningaloo Reef and North West Cape," 83–84.

36. Sue Millar, "Stakeholders and Community Participation," in *Managing World Heritage Sites*, ed. Anna Leask and Alan Fyall (Burlington: Butterworth-Heinemann, 2006), 53.

37. World Heritage Consultative Committee, *Report on a Proposal to Nominate the North West Cape—Ningaloo Reef Area for Inscription on the World Heritage List: Final Report* (Perth: Government of Western Australia, 2005), 108.

38. IUCN, *World Heritage Nomination—IUCN Technical Evaluation: Ningaloo Coast (Australia)* (Paris: IUCN, 2011), 18.

39. Tod Jones, Roy Jones, and Michael Hughes, "Heritage Designation and Scale: A World Heritage Case Study of the Ningaloo Coast," *International Journal of Heritage Studies* 22 (2016): 242–60.

40. Louise Merrillees, "Ningaloo Station Billie LeFroy Dies, with the Future of the Property Uncertain," accessed 4 July 2017, www.abc.net.au/news/2016-07031/ningaloo-station-future-uncertain-due-to-government-pastoral-leas/7633960?pfmredir=sm.

41. Merillees, "Ningaloo Station Billie LeFroy Dies, with the Future of the Property Uncertain".

42. Sean Murphy, "Quarrel Coast", Landline, ABC Television, Australian Broadcasting Commission, 12 July 2009.

43. Matthew Bamford, "Exmouth Council Suspended Amid Corruption Probe into Multimillion Dollar Project," 4 January 2017, accessed 4 July 2017, www.abc.net.au/news/2017-01-04/exmouth-council-suspended-over-governance-concerns/8162066.

44. Jacoby, *Crimes against Nature*, 202.

45. Veronica Strang, "Cosmopolitan Natures: Paradigms and Politics in Australian Environmental Management", *Nature and Culture* 3 (2008): 41–62.

46. Brian Graham, Gregory Ashworth, and John Tunbridge, *A Geography of Heritage*: *Power, Culture and Economy* (London: Arnold, 2000), 259.

47. Roderick Nash, "The Value of Wilderness", *Environmental Review* 3 (1977): 14–25, cited in Jacoby, *Crimes against Nature*, 3.

48. Karina Liechti, Astrid Wallner, and Urs Wiesmann, "Linking a World Heritage Site to Sustainable Regional Development—Contested Natures in a Local Negotiation Process," *Society and Natural Resources: An International Journal* 23 (2010): 731.

49. Christensen and Jackson, "Shark Bay Snapper: Science, Policy, and the Decline and Recovery of a Marine Recreational Fishery", 251.

50. Anna Rose Lewis, "Remote Camping Along the Ningaloo Coast, Western Australia: Relationship Between Management and the Variables of Visitor

Preferences, Resource Use and Environmental Impacts" (PhD diss., Curtin University, 2013), 191–212; Remote Research, *Summary Report on the Findings of Surveys of Unmanaged Camping in the North West Cape Region of Western Australia* (Perth: Remote Research, 2002).

51. Catlin et al., "Balancing Commercial and Environmental Needs: Licensing as a Means of Managing Whale Shark Tourism on Ningaloo Reef," 163.

52. Edward Palmer Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 76–136.

53. Bruce William Waler, Douglas J. Porter, and Ian Marsh, *Fixing the Hole in Australia's Heartland: How Government Needs to Work in Remote Australia* (Alice Springs: Desert Knowledge Australia, 2012), 10.

From Activists to Illegally Occupying Land: Aboriginal Resistance as Moral Ecology in Perth, Western Australia

Shaphan Cox and Christina Birdsall-Jones

INTRODUCTION

Settler colonial cities operate on inversions. By transforming the foreign into the familiar, settler cities create a spatial distinction between the "colonial self" and the "colonised other".[1] The cumulative effect is that Indigenous claims to place in the settler-city come to require authentication, while the city, for all its obvious inventions, comes to signify permanence. The discursive and physical eviction of Aboriginal people from their ancestral lands has been an ongoing trauma for Nyoongar people in Perth, Western Australia. In spite of this, the enduring presence and connection that Nyoongar people maintain to their land and significant sites within it, continues to present profound challenges to the settler-state. Aboriginal resistance in Perth, in particular, occupying land, provokes an uncomfortable situation for the state. These movements remind the government of its colonial ancestry and necessitate a negotiation by which it took possession. It is in this way that inversions come to dominate public

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discourse as the state seeks to reassert its position as host while original inhabitants who have survived, managed and cared for the land become the unwelcome guests.[2] In considering Aboriginal resistance to settler-colonial technologies of dispossession and elimination, this chapter seeks to extend the social justice work of Karl Jacoby.[3] In the Afterword to his updated edition of *Crimes against Nature* Jacoby reflects on his work and states:

> I find that the one facet that cries out for greater elaboration is the history of settler colonialism. At its most basic, this is a mode of colonialism in which newcomers seek to displace a locale's indigenous peoples and claim their land rather than exploiting them for trade or labor, as in other forms of imperialism. The ensuing replacement of one population by another produces a series of inversions in which the settlers become the new natives while the indigenous peoples become outsiders in their former homeland.[4]

These inversions do not just occur at the point of annexation, they rely on the ongoing systemic structure of settler-colonialism. The relevance to Jacoby's writings has to do with important questions over rights and access to land, social justice and the criminalisation of vernacular expressions of belonging. While much of the moral ecology literature has focussed on conservation movements in "natural" non-urban environments, this chapter brings Jacoby's conceptualisation of *Crimes against Nature* into the urban sphere exploring the tensions between settler colonialism and Aboriginal sovereignty at a Nyoongar sacred site in Perth known as Goonininup, upon which sits a Brewery. This chapter focuses primarily on the relationship between the Aboriginal activists who set up camp on the site in 1988–1989 in protest of a planned redevelopment of the Brewery and the alliances that formed with and against them. In the sections that follow we provide a brief description of the site before turning to an engaged discussion of settler-colonialism and sovereignty. We then present an analysis of the case study drawing on ethnographic writings and a review of scholarly work specific to the site.

The Site

The dominant landform of the city of Perth is the Swan River. The city is where the river is at its widest, just before it empties into the ocean at Perth's sister city of Fremantle. While the Perth riverscape is dominated

by the modernist development of its urban context there are also some important examples of late nineteenth- and early twentieth-century architecture, of which the Swan Brewery is one. The Brewery was established in 1888, early in Perth's urban development history to utilise a fresh water spring producing significant quantities of high-quality water. Not surprisingly, the spring was already known to the local Aboriginal people, for whom the spring and the associated river had acquired both sacred and practical significance over the millennia of their habitation of the area. For the local Wadjuk Nyoongar people, the spring and its associated land is known as Goonininup.

The local Aboriginal people of the Swan River Valley are one of a cultural bloc of peoples native to the south west of the state who call themselves the Nyoongar, from a language word simply meaning person.[5] The individual names of the constituent groups of this bloc are not well known, in the Perth area in particular. The reason for this is that the south west in general was the area of the most intense and concentrated period of conquest and colonisation in Western Australia. In the metropolitan region in particular, this period was particularly rapid, spanning a period of only thirty years. By the end of this period, most Nyoongar people had been forcibly removed from the Perth region. They were discouraged from inhabiting the area of the city proper, and indeed between 1927 and 1948 they were legally prohibited from entry there. These and similar exclusionist policies prevailed throughout the state, and they ranged from the draconian to the brutal. Despite this, the people of the Swan River Valley, like other Nyoongar groups, managed to retain links with their countries by striving, with varying degrees of success, to remain on land as close as they could get to those areas.[6] In this process, a number of cultural features were lost. What was not lost was group identification with country, the connection between people and sites of significance through story and myth, and the kin-based foundation of Aboriginal social organisation. These elements determined the structure of Aboriginal activism along the Swan River.

At Goonininup in 1988–1989, a group of Nyoongar activists set up camp across the road from the Old Brewery (the Brewery) during a protracted development controversy to advocate for the protection and rehabilitation of a sacred site. Aboriginal activists were asserting their sovereign right to be in place, but despite forming alliances with non-Aboriginal groups and provoking significant public interest, the

group were ultimately arrested and removed for illegally occupying land. The authority of the state to dismantle the camp and arrest activists, we assert, should be understood through a review of the critical scholarly work on settler colonialism. This is the theoretical lens we will now develop.

Settler Colonialism, Sovereignty and the City

Jacoby briefly outlines the general function of settler colonialism as developed by Wolfe in two ways.[7] Firstly, settlers come to stay and must therefore replace the unique connection Indigenous peoples have with land. Secondly, settler-colonialism requires land for production and is therefore infused with a need to continually expand and reproduce and does so in a creative destructive way. Yiftachel and Fenster argue that settler states seek to quickly establish patterns of control and oppression to blunt expected resistance to the appropriation and exploitation of Indigenous peoples lands and to minimise resistance to the necessary nation-building process through social exclusion.[8] Wolfe describes the settler state's requirement for land as its colonial "irreducible element" and presents the logic of elimination that runs through it in three strategic phases: confrontation; carceration; and assimilation.[9] Wolfe argues that Aboriginal people who survived the shock of the first phase had to improvise in radically altered landscapes. As a consequence, what can be seen in Australia, or at least the Western Australian context, is the emergence of a controlling discourse of protection whereby Aboriginal people were removed from their homelands and located on missions and reserves "for their own good".[10] Wolfe explains that such policies were also a temporary measure premised on the existence of an enduring third phase of assimilation. The removal of Aboriginal peoples from their land paved the way for what was usually pastoral settlement in the apparently "vacant" land. Kinnane describes this process in action during the expansion of pastoralism in the east Kimberley region of Western Australia.[11] He presents a set of figures that highlight the injustice of removals based on criminalisation and entrapment:

> Out of fifty-eight reported cases of cattle killing in police files for the East Kimberley in 1906, one-hundred and seventy-nine Aboriginal men were brought to trial, of which one hundred and fifty-nine were 'summarily convicted' of the charge… Even allowing for ten times the number of

reported cases of cattle killing, that would make maybe five hundred cows being killed out of tens of thousands.[12]

Haebich provides a thorough examination of the processes of dispossession and the development of protection policies (notably the Aborigines Protection Act 1905) in the southwest of the state that resonate to this day.[13] What Wolfe explains is that the logic of elimination does not only apply to the "liquidation of Indigenous people", which would consign it to an "event".[14] Rather, settler-colonialism is a structure and the logic of elimination in a settler-colonial context permeates all dealings of the state with Indigenous people. Therefore there are many forms by which processes of elimination are occurring. While land is the irreducible element for settler-colonialism, the logic of elimination relies on what is represented as a quality of "temporariness" of Aboriginal claims to place.

This function of elimination is reflected in the enduring representations of Aboriginal people and culture in the education systems in Australia often reduced to nomadic people who did not own the land but belonged to it. Another important aspect of Wolfe's work is that Indigenous peoples were removed, not as the original owners of the land, but as racialised others. In this case, the racial category of Aboriginal was imposed on the original owners and the complexity of cultural differences and identity smothered over. It is only recently that the diversity of Aboriginal peoples in Australia have been acknowledged in the education systems. The recent popularity of the Horton Map is a good example.[15]

Wolfe's ground-breaking work is not without its critics. Strakosch and Macoun discuss a range of criticisms of Wolfe's work, particularly its structuralist characteristics.[16] They point out that the structuralism is "its explanatory power, but it also makes it difficult for Wolfe's settler-colonialism to imagine colonial transformation".[17] The problem therefore is the potential to undermine Indigenous resistances while reifying white authority. In this critique, the authors argue that, at its best, Wolfe's work shows settler academics there is another side to the relationship and that "only genuine conversation and work with Indigenous people can create change".[18] In extending the possibility of Wolfe's structuralism, Aboriginal assertions of sovereignty can be viewed as a refusal of settler-colonialism. A number of Aboriginal scholars have worked to conceptualise the sovereignty movement of Aboriginal people

in Australia calling into question the lawful authority of Australia's existence. Such work asserts a position of Aboriginal sovereignty that was never ceded and continues to endure. The work of Aboriginal scholars such as Watson, Moreton-Robinson and Foley reposition Aboriginal people as having agency which is something of a deficiency in Wolfe's structuralist critique.[19] This is not to say that asserting sovereignty has been effective in overcoming settler-colonial regimes, but that they invoke important interruptions.

Sovereignty is a complex concept, particularly in the context of competing sovereignties. Wolfe describes the means by which states such as Australia came into existence. Supreme power or authority is expressed in the notion of dominion claimed by Britain. Disavowal takes place in the logic of discovery where European colonisers reserve rights to the power of dominion while Indigenous peoples are assigned occupancy. In this structuring, Indigenous people could transfer their rights of occupancy to the discoverer (this was particularly relevant to lands with competing colonial interests), but they could not transfer sovereignty because it was not theirs to transfer.[20] This is a phase of domination without conquest. Wolfe's framing is important for understanding the ensuing removal and elimination of Indigenous peoples but the critiques above reflect how it can be reproduced as hegemonic. Instead, other scholars have sought to explore how Aboriginal groups refuse this imposition. Simpson details resistance to the imposition of colonisation by the Mohawk nation in Canada and discusses how what might otherwise be seen as ordinary acts in a situation of pre-colonisation or decolonisation, such as travelling on Indigenous passports, call into question the authority of the colonial structure.[21] He suggests that

> Like Indigenous bodies, Indigenous sovereignties and Indigenous political orders prevail within and apart from settler governance. This form of "nested sovereignty" has implications for the sturdiness of nation-states over all.[22]

Simpson is particularly interested in Indigenous interruptions to the stories that settler colonial states tell about themselves. Stories that reiterate a sense of being new, beneficent and acts of colonial dispossession and violence "settled" or in the past. In the Perth context Kerr and Cox describe how "Aboriginal activists have been seeking to reassert their sovereignty to get away from the state violence of protection".[23]

The challenge for Aboriginal assertions of sovereignty in urban environments is complicated by the way cities work to alienate Aboriginal connections to land. Cities perform a key role in the process of imperialism. As Anderson and Jacobs contend, "imperialism is a fundamentally spatial project" and cities are implicated in this either as "the metropolitan heartland of imperial expansion", or as "important nodal points in the establishment of colonies".[24] The critical question Anderson and Jacobs pose is: "If the city was so important to the imperial project then why was it that so many contemporary analysts of cities so rarely register this imperial inheritance?"[25] The implication being a silence regarding Aboriginal claims to land in the city and an example of the unproblematic stories that settler states seek to tell about themselves.[26]

In the next section we trace the origins of, and construction of the Brewery at Goonininup before introducing context and specific detail about the Aboriginal group who gathered there in 1988–89 to defend their sacred site.

The Battle for Goonininup

Shortly after the Brewery on the Swan commenced operations in 1888 the company felt the need to expand as a consequence of the state's gold rush. At the time it was "internationally acknowledged as a state of the art construction" but by the 1960s the company was rationalising its production methods and reduced its operations at the Brewery to bottling and storage.[27] It finally closed in 1979 and the building lay idle.[28] But it remained central in the community's vision because of its prominence on the riverfront. It lies in the foreground of impressive panoramic views of Kings Park and the Perth CBD. At night, the side of the Brewery facing the river was illuminated with changing images of a sailing ship, an ocean liner and a stylised swan which was the logo of the Brewery. Both ships were affectionately dubbed "the Good Ship Swan" in reference to both the name of the lager, the bird and the river. This common vision of the Brewery as a central feature of the landscape, visible by night and by day, led to a general appreciation of it as belonging to everyone, despite the fact that few people went there. When a redevelopment of the site was proposed, therefore, the hue and cry was widespread and general among the population of the greater metropolitan area.[29]

The Aboriginal occupation at the Brewery sprang from a different imperative altogether. It occurred in the context of a long-standing

struggle for housing waged by a group of Nyoongar people who were among the traditional owners of the land and waters within the Swan Valley. This group was a small kin community led by their elder, Robert Bropho. They called themselves the Fringe Dwellers of the Swan Valley (FDSV). Theirs is a long story of struggle to remain within their own country, but prior to the time of our telling, they had been residents of a small, state-owned, Aboriginal community called Allowah Grove located on the outskirts of the metropolitan region. The community was closed and disbanded in 1968.[30] Although most of the former members of that community were rehoused, the group that became the FDSV either refused or abandoned this alternative housing, reforming their community by camping out together, in and around the city and the Swan valley. The primary objective of the FDSV became to induce the state government to provide them with land and housing to establish their own semi-autonomous community within their traditional lands. The occupation of the Brewery provided the group with a means to further this objective because in seeking to protect their sacred interest in the land and waters associated with the Brewery site, they demonstrated their precolonial, and indeed ancient, connection with the area they claimed as their traditional country.[31] In this way the occupation of the brewery site served to strengthen the pursuit of their case for housing and community with the state.

The occupation was therefore opportunistic but this is not to say that the heritage concerns of the FDSV were at all trivial. They mattered very much in the ongoing dispute over what should be done with the Brewery site. In the film *Always Was Always Will Be*, Ansara and Bropho describe the sacred significance of the site:

> The whole of this area here is all sacred to the Aboriginal people. Where we are now with our tents; under the old Swan Brewery, there's wells. Stones have been moved from there. Along these foreshores here, where the dreaming, water snake… the Waugal. He is responsible for creating all water ways, rivers.[32]

The parties concerned included those with concerns over the city's architectural heritage, conservationists, and the FDSV among others. A number of prominent Nyoongar activist and leaders were also pivotal to the protest. The common concern of all the Aboriginal interests was the unextinguished spiritual significance of the site. It was also

an opportunity to protest in a way that had not been possible in more authoritarian times. Mingli Wanjurri explains:

> Many of our people were set upon, they were shot because they spoke out… and it's still happening today with deaths in custody. So you know this is an opportunity, the first big opportunity that we've had to speak out to protect our land which is our right and we're going to continue doing it until the end.[33]

A number of other prominent Nyoongar activists were also quoted in the film including Nyoongar elder Ben Taylor who described the important platform that the Brewery protest had become:

> I was told when I was a small child by my father and grandfather of the Waugal and its meaning to us Aboriginal people. And I will go on to tell my family what it means to us … In the past we couldn't talk about this because we have never had a voice. But today we have got a strong voice.[34]

While opposite the Brewery the camp was disadvantageous being hard on a major urban thoroughfare, and it therefore lacked shade and was noisy and dusty.[35] This did not represent a great diminution in circumstance for the FDSV. They were, and had been, homeless for around twenty years by this time.

The act of establishing the camp served to demonstrate both their patent lack of suitable housing and their attachment to the river foreshore and surrounds. It was the point about their lack of suitable housing that was lost in the course of the larger issue of the redevelopment of the Brewery. They wanted to live as a community because they conceived it to be their right as the traditional owners of the land on which the city was built. The Brewery was an opportunity to demonstrate their recognised identity as traditional owners, but their rights as traditional owners went unacknowledged and in the end were rejected by the state and settler community in general.

The protest was not lonely. It was in fact well supported by unions and the churches. The Construction, Mining and Energy Union banned work at the site, and non-Aboriginal protesters regularly joined the FDSV, attending meetings at the camp and holding up signs to alert oncoming traffic that they were on Aboriginal land.[36] The end came after ten months, when in October 1989, one hundred police were

dispatched to clear the camp for "trespassing on Crown Land".[37] There were over 200 people at the camp, of whom fifty-four were arrested.[38] This was not the end of either Aboriginal or non-Aboriginal protest against the development of the Brewery site, but it was the end of the Nyoongar residence there.

ABORIGINALITY AND SETTLER COLONIALISM

A notable feature of the Aboriginal occupation of the Brewery site was the alliances that were formed, both for and against the Aboriginal activists' call for demolition and returning the site to parkland. Supporters of this initiative included some trade unionists, building workers, church and social justice groups, and nearby residents. However, the motivations of these supporter groups were varied.[39] Some distrusted the state government's close ties to business; some merely sought the demolition of a former brewery because of their moral position on alcohol. Indeed, much of the support for the brewery's demolition and its replacement by parkland came from settler establishment groups. Many residents from the surrounding suburbs opposed any riverfront building in order to preserve their own exclusive environment; the Royal Automobile Club and the Royal College of Surgeons supported demolition to improve road safety on a dangerous bend; for the state Liberal (i.e. conservative) party the dispute provided an opportunity to embarrass their Labor counterpart. Many of these pro-demolition groups were therefore unlikely to offer outspoken support for Aboriginal land rights or resistance to the police-led eviction of the camp.[40] Mickler extends his critique, and taking no prisoners, rebukes the Left for their refusal to engage with the complex questions relating to Aboriginal claims to place and belonging despite doing so in other comparable international and national examples such as land rights movements in remote parts of Australia.[41] He claims the lack of engagement shows up the limits of the so-called politically progressive to consider the possibilities of a decolonising movement. Mickler goes on to describe how colonial society often works to recuperate advances of the colonised "other" by controlling the terms of what is considered acceptable. In the battle for Goonininup, Aboriginal activists were described as "unreasonable", asked to "back off" and deemed to have "gone too far", not by their familiar enemies, as Mickler explains, but by those who professed to be sympathisers of Aboriginal rights such as Labor politicians, trade union leaders and

liberal journalists.[42] Certainly, the state Labor government's support for the building's retention constrained not only Labor parliamentarians, but also sections of the union movement. Others, who may well have been sympathetic in other—and perhaps non-metropolitan—circumstances found it difficult to privilege seemingly intangible Indigenous heritage over concrete and colonial industrial heritage. Issues that were central for the local Indigenous population were at best secondary and at worst a convenient weapon for elements of the settler community on both sides of this dispute.[43] Alexander and Yiftachel argue that "the interests of a peripheral indigenous minority— even when backed by large parts of the community— are time and again brushed aside by the government in the face of pressure from business and development interests".[44]

Also at the centre of the debate are complex claims to place and ownership as Aboriginal activists asserted their connection to the sacredness of Goonininup in the city. Even before Aboriginal people were physically excluded from their homelands they were discursively evicted by the European cartographic representations of the landscape. Place naming is a political practice and Mickler argues that Nyoongar claims may have been harder to dismiss if the name Goonininup survived and was used in public discourse to frame the contestation. As it stands, this part of the foreshore has no stated name, although the spring appears on maps as Kennedy's Fountain.

By Lewi's update, a resolution had been made and there was no mistaking which side of the preservation-demolition debate had won out:

> The completed redevelopment today includes apartments aimed at the top-end of the Australian market and foreign investors, private office rental, plenty of onsite parking and a large restaurant and bar complex. The paying public can gain entry to the bar and restaurant, while the non-paying can use the upgraded public walk and cycle track at the river's edge. Any previous intentions of an Aboriginal cultural centre, art gallery or theatre, along with earlier requests by the Aboriginal community for an alcohol-free site were not enacted.[45]

Lewi concludes "that the privatisation of both the sacred and the public landscapes have well and truly won the day".[46] Given the protracted and lengthy controversy, the absence of not only any Aboriginal representations in the refurbished suite of buildings or a gesture to the complex and protracted dispute is a "potent example of the erasure of difficult

and messy local significance and memory" instead it can be read as "an intentional memorial… to the very processes of colonial power and marginalisation of indigenous histories".[47] For the most part what was centred in this dispute was the battle to either preserve and develop or demolish and revert to parkland the Brewery site while the question of Aboriginal sovereignty remained silenced.

CONCLUSION

Returning to the Afterword in *Crimes against Nature* Jacoby gestures at the power of the settler-colonial lens to reveal the motivation behind the exclusion of Indigenous people from their homelands in relation to nation building.[48] Jacoby writes "the absence of indigenous peoples in the parks erased North America's history of human violence— its Indian wars— and suggested instead that the continent 's pivotal encounter was between Euro-Americans and the natural environment: the "conquest of nature".[49] The diversion resonates strongly with Wolfe's conceptualisation of settler-colonialism's logic of elimination, the appetite for land, and the power of nation-building.[50] Jacoby's resolve is that "by crafting as detailed a portrait of conservation as possible, one that acknowledges its vices alongside its virtues, we can take the first steps towards an environmental policy that protects not only nature but also the human communities with which it is intimately entangled".[51] This is certainly a desirable goal to arrive at. A just resolution for all sides. But as has been outlined in the case study above, different ontological and epistemological views abound and conflict.

More specifically on the site discussed and resisting the pressure to declare winners and losers, a rethinking of how space and place is conceived offers a provocative conclusion that resonates here. In Massey's reconceptualisation of space, it is conceived not as a fixed surface—which would represent a singular reading of the site—but as a space-time that invokes the here and now and the then and there.[52] For Massey, this is the event of place and it is produced by a constellation of components that momentarily converge only to disperse again. All of the parts that constitute place are in motion. Consequently, travelling across space is not to cross a fixed surface but is rather to traverse a landscape that invokes a multiplicity of ongoing stories, trajectories and social relations. To stand therefore on the grounds of the newly refurbished Brewery that as Lewi points out, has erased any reference to Aboriginal occupation in

its varied manifestations, does not mean that one is no longer standing on sacred Nyoongar ground.[53] Not because beneath the concrete surface the ground is the same dirt, that is shifting all the time, but rather to know the stories and the contested claims to the place is to recall the Aboriginality of the space. The significance of this resistance movement not only recalls a precolonial past but also creates the possibilities of a decolonised present. Taylor describes this as a double-geography. However, brief these movements are, or dramatically brought to a forceful end, the action works to disrupt a dominant social ordering.[54] This is a challenge to the powerful operation of the settler-colonial inversions presented in this paper and is an attempt to reframe the Aboriginal solidarity movements as at home while questioning the status of the forces aligned against them.

Notes

1. Kay Anderson and Jane J. Jacobs, "From Urban Aborigines to Aboriginality and the City: One Path Through the History of Australian Cultural Geography," *Australian Geographical Studies* 35 (1997): 19.
2. Thor Kerr and Shaphan Cox, and edited by Robert Briggs, Niall Lucy, and Steve Mickler, *Setting Up the Nyoongar Tent Embassy: A Report on Perth Media* (Perth: Ctrl-Z Press, 2013).
3. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, 4 (2006): 387–409; Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2014).
4. Jacoby, *Crimes,* 202.
5. Peter Bindon and Ross Chadwick, *A Nyoongar Wordlist from the South-West of Western Australia* (Perth: The Western Australian Museum, 1992).
6. Shaphan Cox, Christine Birdsall-Jones, Roy Jones, Thor Kerr, and Steve Mickler, "Indigenous Persistence and Entitlement: Noongar Occupations in Central Perth, 1988–1989 and 2012," *Journal of Historical Geography* 54 (2016): 13–23.
7. Jacoby, *Crimes*; Wolfe, "Settler Colonialism."
8. Oren Yiftachel and Tori Fenster, "Introduction," in *Frontier Development and Indigenous Peoples*, ed. Tori Yiftachel and Oren Fenster, *Progress in Planning*, 47 (1997): 251–260.
9. Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *The American Historical Review* 106, 3 (2001): 871.

10. Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900–1940* (Nedlands: UWA Press, 1992).

11. Stephen Kinnane, *Shadow Lines* (Fremantle: Fremantle Arts Centre Press, 2003).

12. Kinnane, *Shadow Lines*, 20.

13. Haebich, *For Their Own Good*.

14. Wolfe, "Settler Colonialism," 388.

15. David Horton, *AIATSIS Map of Indigenous Australia* (Aboriginal Studies Press, AIATSIS, and Auslig/Sinclair, Knight, Merz, 1996).

16. Elizabeth Strakosch and Elissa Macoun, "Patrick Wolfe and the Settler-Colonial Intervention," *Arena* 148 (2017): 36.

17. Strakosch and Macoun, "Patrick Wolfe," 36.

18. Strakosch and Macoun, "Patrick Wolfe," 36.

19. Aileen Moreton-Robinson, "Introduction" in *Sovereign Subjects: Indigenous Sovereignty Matters*, ed. Aileen Moreton-Robinson (Crows Nest: Allen and Unwin, 2007); Irene Watson, "The Future Is Our Past: We Once Were Sovereign and We Still Are," *Indigenous Law Bulletin* 8, 3 (2012): 12–15; Gary Foley, "The Australian Labor Party and the *Native Title Act*," in *Sovereign Subjects: Indigenous Sovereign Matters*, ed. Aileen Moreton-Robinson (Crows Nest: Allen and Unwin, 2007): 118–139.

20. Wolfe, "Settler Colonialism," 392.

21. Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham London: Duke University Press, 2014).

22. Simpson, *Mohawk Interruptus*, 11.

23. Thor Kerr and Shaphan Cox, "Media, Machines and Might: Reproducing Western Australia's Violent State of Aboriginal Protection," *Somatechnics* 6, 1 (2016): 92.

24. Anderson and Jacobs, "From Urban Aborigines," 18.

25. Anderson and Jacobs, "From Urban Aborigines," 18.

26. Simpson, *Mohawk Interruptus*.

27. Roy Jones, "Sacred Sites or Profane Buildings? Reflections on the Old Swan Brewery Conflict in Perth" in *Contested Urban Heritage: Voices from the Periphery*, eds. Brian Shaw and Roy Jones (Aldershot: Ashgate, 1997). 138.

28. Jones, "Sacred Sites," 139.

29. Jones, "Sacred Sites."

30. Sharon Delmege, "Allowah Grove Native Settlement: Housing and Assimilation," *Journal of Aboriginal History*, 15 (2015): 83–108

31. Cox, Birdsall-Jones, Jones, Kerr, and Mickler, "Indigenous Persistence."

32. Martha Ansara and Robert Bropho, *Always Was Always Will Be* (Sydney: Ballad Films, 1989), http://www.balladfilms.com.au/Backcatalogue.html#AWAWB, accessed 31 May 2018.

33. Ansara and Bropho. "Always Was."
34. Ansara and Bropho. "Always Was."
35. This is something Birdsall-Jones can attest to having visited the camp in connection with an unrelated research project she was involved in at the time.
36. Jones, "Sacred Sites."
37. Steve Mickler, "The Battle for Goonininup in Perth Between Aborigines and Land Developers," *Arena* 96 (1991): 72.
38. Jenny Gregory, *City of Light: A History of Perth Since the 1950s* (Perth: City of Perth, 2003).
39. Jones, "Sacred Sites," 144–145.
40. Patricia Vinnicombe, *Goonininup a Site Complex on the Southern Side of Mount Eliza: An Historical Perspective of Land Use and Associations in the Old Swan Brewery Area* (Perth: Western Australian Museum, 1989); Martha Ansara, *Always Was, Always Will Be: The Sacred Grounds of the Waugal, Kings Park, Perth WA; The Old Swan Brewery Dispute* (Balmain: NSW, 1990); Mickler, "The Battle"; Jane Jacobs, *Edge of Empire: Postcolonialism and the City* (London and New York: Routledge, 1996); Ian Alexander and Oren Yiftachel, "Sacred Site or Sacred Cow? The Frontier of Urban Racial Struggle in Australia," in *Frontier Development and Indigenous Peoples*, ed. Tori Yiftachel and Oren Fenster, *Progress in Planning*, 47 (1997): 275–290; Jones, "Sacred Sites"; Hannah Lewi, "Whose Heritage: The Contested Site of the Swan Brewery," *Fabrications* 15, 2 (2005): 43–61.
41. Mickler, "The Battle."
42. Mickler, "The Battle," 71.
43. Jones, "Sacred Sites," 154.
44. Alexander and Yiftachel, "Sacred Site," 286.
45. Lewi, "Whose Heritage," 55.
46. Lewi, "Whose Heritage," 55.
47. Lewi, "Whose Heritage," 56.
48. Jacoby, *Crimes against Nature*.
49. Jacoby, *Crimes against Nature*, 202–203.
50. Wolfe, "Settler Colonialism."
51. Jacoby, *Crimes against Nature*, 203.
52. Doreen Massey, *For Space* (London: Sage, 2005).
53. Lewi, "Whose Heritage."
54. Affrica Taylor, "'The Sun Always Shines in Perth': A Post-Colonial Geography of Identity, Memory and Place," *Australian Geographical Studies* 38, 1 (2000): 27–35.

Ghosts in the Forest: The Moral Ecology of Environmental Governance Toward Poor Farmers in the Brazilian and US Atlantic Forests

Scott William Hoefle

Ghosts in the Forest

To the visitor who casts a tourist gaze at the breathtaking scenery of peaks and Atlantic Forest in the federal- and state-administered full conservation parks of the Appalachians in the United States and of the Coastal Mountains in Brazil it would appear that no one had ever lived there when in fact extensive tracts were once deforested and occupied by Amerindians and later by poor immigrant farmers. During the twentieth century and continuing into the present century these areas as well as others located outside conservation units experienced large-scale forest regeneration.

The latter process involves what Hecht calls "invisible forests", robust resurgent anthropogenic and secondary forest.[1] This kind of forest is usually ignored by biologists and environmental activists who are

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obsessed with untouched "primary forests". Primary forests are artificial entities created to protect "nature" from "anthropic action". This dualistic view is based on Western environmental ethics opposing human society to nature.[2] A biocentric worldview often induces a historically false linear "misreading of the landscape" creating a "lie of the land" when in fact outside observers may only be gazing at regenerated or intentionally planted forest with a rich human past.[3]

CRITICAL PERSPECTIVES ON CONSERVATION

As the above language implies, Radical Environmental History and Critical Global Political Ecology perspectives are used in this work to evaluate the social implications of environmental policy toward poor rural folk in the Atlantic Forests of Brazil and the United States. Radical Environmental History and Environmental Studies have their roots in the work of Cronin, Crosby, Merchant, Pepper and Wilson and Critical Political Ecology in the work of Blaikie and Brookfield in geography, Wolf in anthropology and Redclift in sociology.[4] In the first decades of the twenty-first century both perspectives became increasingly radicalized in a global context of environmental backsliding, geopolitical wars over energy sources, violent counter-imperial movements and increasing social and regional inequality.

Contemporary environmental historians castigate conservation icons such as Marsh, Yellowstone and the Grand Canyon for involving ethnic and class cleansing of the landscape. In the hundred-year conflict between global conservation and native peoples and poor farmers the latter were criminalized and turned into conservation refugees in order to produce pristine nature to be visited by upper-class urbanites from rich regions. Biocentric Western worldviews of an essentialized nature without (rural) human presence resulted in nature enclosures. Traditional populations were removed from their ancestral territories or their productive systems deformed by restrictions meant to reduce their output to an idealized subsistence level. In contraposition to this, for radical environmental historians nature needs to be decolonized. Instead of US-style national parks, European-style conservation units and heritage sites with sustainable human use are promoted. In the place of biocentric environmental ethics, homo-ecocentric environmental ethics are advocated in order to attend to both human and ecosystem value and moral status.[5] In both of the cases treated here conservation officials had the chance to adopt policy akin to this second model but instead insisted on removing rural residents.

This line of action dovetails neatly with contemporary political ecology. Provoked by the refusal of the United States to adhere to the Kyoto Protocol in 2001 and recently to withdraw from the Paris Agreement, political ecologists increasingly came to view international environmental summits calling for mitigation of climate change as diversionary greenwashing tactics that occult the true destructive nature of capitalism as well as carbon colonialism and green wars undertaken by metropolitan elites against tribal peoples and poor peasants.[6]

The objective of the present study is more limited in scope: to question who benefits from the Appalachian National Parks in the United States and from the conservation units of the Coastal Mountains in Brazil. The comparison of historical trends in the North and South Atlantic Forests is meant to highlight parallel processes in similar biomes with nearly identical past experiences. Both biomes were the object of initial European colonization in each country at roughly the same time in which commodity production was undertaken on the coastal plains and highland areas became refuges for poor farmers. Later industrialization and urbanization were intense in coastal cities located nearby which caused problems with acid rain. A number of conservation units were set up in mountainous areas in both biomes during the twentieth century.

Considerable forest regeneration is shown to have occurred in both biomes but at a high social cost for the local rural population. The debates provoked by the Mather and Needles Forest Transition Model are used as a starting point for constructing models of regional complexity in both countries whereby trends in deforestation and afforestation can be reverted and then reversed again. After identifying broad regional patterns involving parallel nonlinear historical processes in the United States and Brazil the analysis in each country takes on a local and social focus showing how poor rural people were turned off the land and became specters of agrarian landscapes past where they still haunt the forests that replaced them. Other than the life experience of recreation activities undertaken in the forests and rivers of the Appalachians as a youth or visiting national parks as an adult tourist, the historical section on the United States is based solely on secondary sources while decades of field research have been undertaken in the Brazilian Atlantic Forest. Consequently, the section on the United States is brief and only meant to empirically and theoretically frame recent trends in the lesser known Brazilian counterpart.

AFFORESTATION AND BIOCENTRIC EXPROPRIATION IN THE NORTH ATLANTIC FOREST

Land Redundancy, Conservation Units and Hillbilly Removal

In recent years considerable debate exists concerning the Forest Transition Model with regard to the United States. This model is associated with Alexander Mather who was a Scottish geographer who studied afforestation in Europe.[7] He was also a past chair of the IGU Commission on Land Use and Land Cover Change, a group of researchers who study broad regional trends employing remote sensing and other geo-technologies. Mather argued that during the twentieth century a process of deforestation in industrialized countries was replaced by afforestation. This involved both planting forests for timber and cellulose production as well as forest regeneration on redundant marginal land taken out of agricultural production. Cole in a regional geography of the world independently showed that this was indeed the case for many Western European countries, the United States, Japan, Korea and Taiwan where one-quarter to one-third of the national territory was covered by forest by the end of the twentieth century.[8] The Forest Transition Model has been criticized for being too general[9] and for misunderstanding farming dynamics in underdeveloped countries[10] but the model had the merit of stimulating a lively debate concerning regional and local trends which resulted in a more complex view of deforestation and regeneration of forests.

The US geographers in particular have demonstrated that the nationwide trend of forest regeneration in North America during the twentieth century masks important cross trends at the regional and local levels. Ramankutty et al. argue that forest regeneration occurs in marginal far northern and mountainous areas, such as the upper Midwest and the Appalachians, respectively, at the same time that urban and farmland expands in economically dynamic states such as California, Florida and Texas.[11] Klepeis et al. show that regional factors of climatic conditions and soil quality are insufficient for explaining localized forest regeneration in prime farmland of New York state, which was caused by the life path decisions of children who left the countryside and entered urban professions.[12] Finally, Auch and Laingen point out that, with regard to the competing urban and rural land use, one can have it both ways in the lower Midwest, where farmland may have been lost to urban expansion but agricultural intensification has maintained overall production.[13]

Environmental and frontier historians have shown how the North Atlantic Forest was increasingly converted into farmland as European settlement of the United States advanced.[14] However, when the myth of the prairie and plains constituting the Great American Desert was overturned and excellent soils were discovered in the Midwest, poor farmland with incipient soils in mountainous areas of the Northeast was abandoned to regrowth. At the same time going to work in the industry and in urban areas provoked out-migration so that both rural and urban pull factors emptied the landscape of people.[15] Lewis presents an intriguing photograph of a cemetery from an abandoned village of the past which today is situated in the middle of the forest.[16]

The southern part of the Atlantic Forest has a milder climate and possesses better soils for agriculture. At the time of European colonization, magnolia, oak and red juniper dominated maritime forest on the outer coastal plains and pines on the inner coastal plains while oak, poplars, hickories and pines were common in the piedmont area and oaks, hickories, maples, sassafras and pine on the lower slopes of the Appalachians, oak-chestnut forest with laurel and rhododendron underneath further up the slopes and finally spruce and fir at the highest altitudes.[17]

The highlands are characterized by steep slopes prone to soil erosion, which is caused by violent thunderstorms in the summer, when small creeks with crystal clear water are transformed into muddy torrents. During the first centuries of European colonization, after eliminating most of the Amerindians, the highlands became the refuge of poor Scot and Irish farmers who were pushed off better land located on the coastal plains, the piedmont and the bottom of mountain valleys where tobacco and cotton export crops were developed by middle-scale and large farmers using slave labor. Poor farmers settled in grassy old fallows of fields originally opened by Amerindians who had died from introduced disease, colonial wars or were forcibly removed to the Oklahoma territories in a notorious death march in which half of them died on the way. As the colonists were accustomed to deforested landscapes of the British Isles the farmers cut down most of the surviving trees promoting the domestication of the landscape.[18] In my native South the descendants of these poor farmers are socially stigmatized and called "hicks", "hillbillies", "rednecks" and "white trash". They were exactly the ones who suffered biocentric expropriation at the hands of upper-class conservationists during the early twentieth century in order to make way for the full conservation units in a second wave of depopulating the landscape.

The apparently pristine nature reserves of today thus occult a sinister past of violent dispossession and so create a "lie of the land".

White and Foscue were two regional geographers at the time when the conservation units were being created and held the opinion that the hill farmers practiced "suicidal agriculture" on steep denuded slopes. As this provoked heavy erosion the land should not be cultivated at all but instead kept in forest.[19] This in fact occurred over time, with part of the highland farmers on the leeward slope down from the Appalachians being benefited by the Tennessee Valley Authority while the rest of the highland farmers were removed to set up the Shenandoah National Park, George Washington and Jefferson National Forests, Cherokee National Forest, Pisgah National Forest, Great Smoky Mountains National Park, Natahala National Forest and Chattahoochee National Forest.

The Appalachian Trail, dubbed the *Footpath for the People*, now connects all of these conservation units and can be hiked from Maine to Georgia.[20] Johnson and Govatski in a book with a similar name, *Forests for the People*, recount the detailed history of the conservation movement against agrarian, logging and mining interests in the Appalachians,[21] but the question remains: forests for which people? Certainly not for the poor mountain folk who became conservation refugees.

Reeder and Reeder present a study of this process in what became the Shenandoah National Park. Between 1924 and 1934 it took ten years to remove the farmers and to set up the national park. Based on the data from the *Shenandoah National Park Evacuation and Subsistence Homesteads Survey* published in 1934, the authors show that before removal over half of the farmers present rented land from large holders whose main operations were located in the valley and not in the highlands where they also owned land. To make way for the national park the tenant farmers were simply removed without compensation and thrown off the land during the Great Depression. Small landowners were relocated to the Ida Valley where only 10% received enough land to be full-time farmers. The other 90% received small plots only adequate for part-time farming and were expected to find other employment.[22] Jacoby shows that this was a common policy in the South where "parks … [and] lawmakers instituted regulations … to drive country folk into the labour market".[23]

The classic Marxist Kautsky called this kind of worker-farmer *semi-proletarians*, i.e. farmers who did not have enough land to be independent small commodity producers had to work for other farmers with more land. Kautsky held the view that the presence of semi-proletarians could

even be encouraged by large capitalist farmers who had difficulty in retaining full-time workers whose salaries and conditions of living were normally so deplorable that they left the countryside.[24] Hillbilly removal can also be interpreted with the 1970s Neo-Marxist concept of *expropriation* whereby peasants lose access to land, either their own land, in which case they were external or independent peasants, or land rented or sharecropped, in which case they were internal peasants. If we apply this concept to the process of removing poor farmers from future full conservation units this can be characterized as *bio-centric expropriation*. This involved biocentric environmental ethics which only take the good of the ecosystem into consideration. The removal and/or marginalization of the farmers can also be seen as a process of *nature enclosure*. Echoing Marx in Part 8 of *Capital*, in which he showed how pasture for sheep raising and forest for deer hunting replaced grain cropping and caused the rural poor to be expelled from the Scottish countryside, in Appalachia trees in conservation units caused this to happen.[25]

Independently of whether one accepts resurrected Marxist interpretations or not, the process of removal was unjust and deeply resented by those who lost land. In the words of the son of one person involved, "Yes, they took my people's land and didn't pay'em. And they'd worked that land for years" and another "They said they was givin'us the farms in Ida Valley and then they tried to make us pay. The gov'ment lied to us then same as it does now".[26] Reeder and Reeder include a photograph of an abandoned hearth in the middle of the forest, a ghost of an agrarian past, much like the abandoned cemetery presented by Lewis (1990).[27] The symbolic importance of these relics of a family's ancestral memory is emphasized by Reeder and Reeder who encountered people who still visited the ruins of old house sites in the national park.

Gated entrances were built in the parks as well as installations for rangers who were to defend the forest from illegal logging and the animals from poaching. Roads and tourist facilities were built so that urban middle-class families could visit the parks in the comfort of their car. Jacoby criticized the former for turning native peoples and poor rural folk into poachers and thieves[28] while Wilson questioned the tourist gaze of nature as seen from the roadside.[29] Finally, luxurious lodges with marble bathrooms built with cheap labor provided by the Works Progress Administration during the Great Depression added insult to injury for expropriated hill farmers who lost their land and family homes in order to make way for upper-class tourists from the cities.
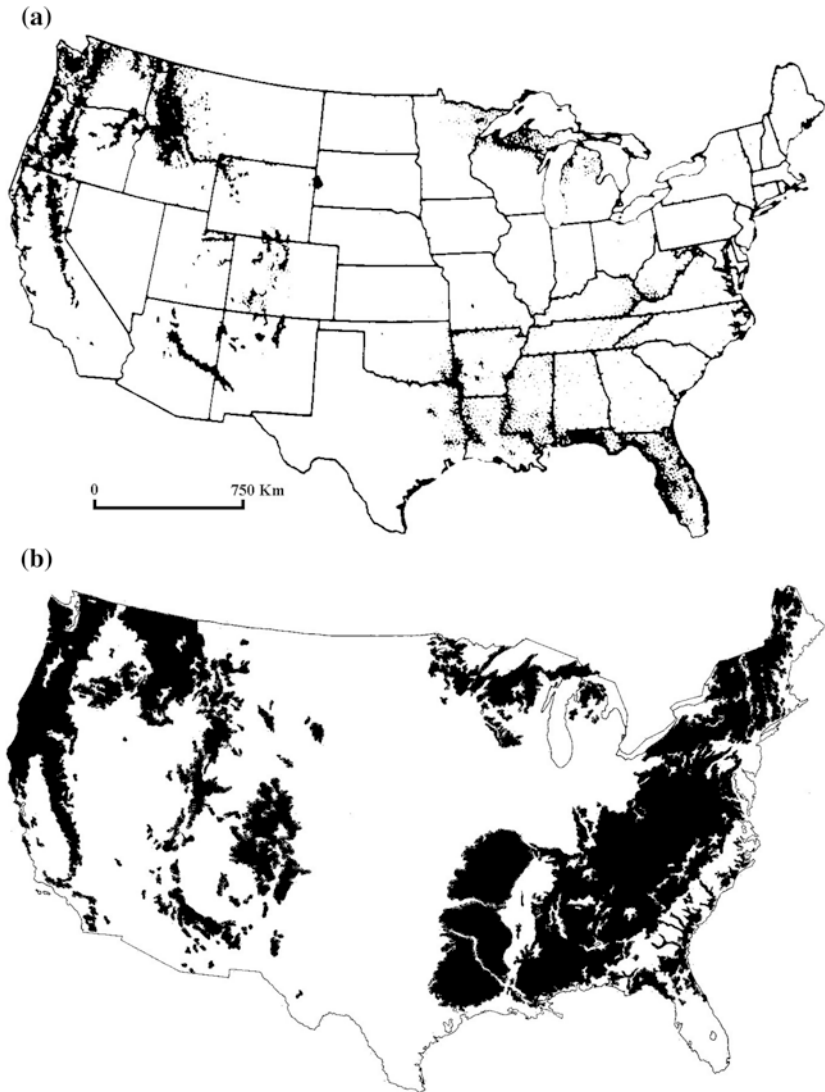
(a)

(b)

Fig. 5.1 Remaining "visible" primary forest in 1920 (a); planted and regenerated forest in 1993 (b)[30]

So a broad trend in accordance with the Forest Transition Model was set in course during the twentieth century whereby much of the upland area of the US Atlantic Forest was converted into conservation units and forest was planted for timber and cellulose or simply regenerated in other areas of redundant agriculture which more than compensated the growth of cities (Fig. 5.1).

From Regeneration to Deforestation and Back Again?

However, from mid-century onward, SO_x and NO_x emissions from old industries and power stations in the North and new industries installed in an arc around the Appalachians in the South expanded exponentially and acid rain and ozone depositions caused medium- and high-altitude deforestation in the national parks and regenerated forests. This trend was reversed after 2008 when considerable progress was made in reducing SO_2 emissions. In Ohio, the state which pollutes the most, emissions fell from 2,169,000 tons in 1990 to 1,085,500 tons in 2005 and to 281,990 tons in 2013 while at the other extreme in Virginia emissions increased from 158,630 tons in 1990 to 207,750 tons in 2005 before falling to 38,778 tons in 2013.[31] This notwithstanding, emissions were still high enough in the early twenty-first century to continue affecting the forests of the Great Smoky Mountains.[32]

After 1980, wooded suburbs advanced into areas of secondary growth in the piedmont and mountains slowing down forest regeneration and further weakening the central thesis of the Forest Transition Model. The process was further complicated by the shift to shale gas in substitution of coal and the post-2008 economic crisis which reduced overall emissions and could cause a shift back to regrowth in areas previously blighted by acid rain. This could be reinforced by the large-scale adoption of solar energy and other sources of clean renewable energy in the future. However, a new US president contrary to green solutions and environmental safeguards could lead to forest degradation again.

Taking all of these trends into account one can conclude that it has been a long time since agriculture has caused deforestation in the US Atlantic Forest, a responsibility that industry and suburbanization assumed over time. However, the question remains: did the hill farmers have to lose their land in order to set up the conservation units?

Rickard contrasts the US model of conservation units as exemplified by Yellowstone and the Grand Canyon, which exclude people from living within but are ringed by gaudy tourist development just outside the park limits, to the European model of regional governance, which includes both nature reserves and sustainable human land use within the same planning units.[33] This is not just an academic question raised long after the events of the 1920s and 1930s because a similar debate existed at that time between proponents of full preservation on one side and on the other those in favor of something akin to the European model.

Reeder and Reeder cite a memo from the Office of the Director of the Department of the Interior concerning a meeting with editors of *National Geographic* who presented an alternative model for the Shenandoah in which the local people could have stayed in the park. The editors argued that American tourists went to Europe not just to see the natural scenery but also picturesque people with unique customs. Hence it would be a mistake to remove the mountain folk from the park or to seriously try to change their habits. This alternative was rejected and the socially unjust full-preservation model implemented because decision-makers held a biocentric worldview separating society from nature as well as class prejudice against the rural poor. For urban tourists of that time a quaint Swiss dairy farmer next to a snowy Alp is one thing, poverty-stricken hillbillies in a denuded landscape is another matter all together.[34]

AFFORESTATION AND BIOCENTRIC EXPROPRIATION IN THE SOUTH ATLANTIC FOREST

Preservation Governance in the Most Threatened Brazilian Biome

Brazilian environmental protection agencies, activists and international development agencies consider the Brazilian Atlantic Forest to be the most threatened biome in the country and a critical global hot spot for conservation. The biome occupies an area of 1,315,460 km² located along the east coast of Brazil, stretching from Rio Grande do Norte state in the North to Rio Grande do Sul state in the South and extending westward as one moves down the country where it reaches eastern Paraguay (Fig. 5.2).

The biome encompasses two parallel mountain ranges which run North–South: the Serra do Mar (hereafter the Coastal Mountains) and
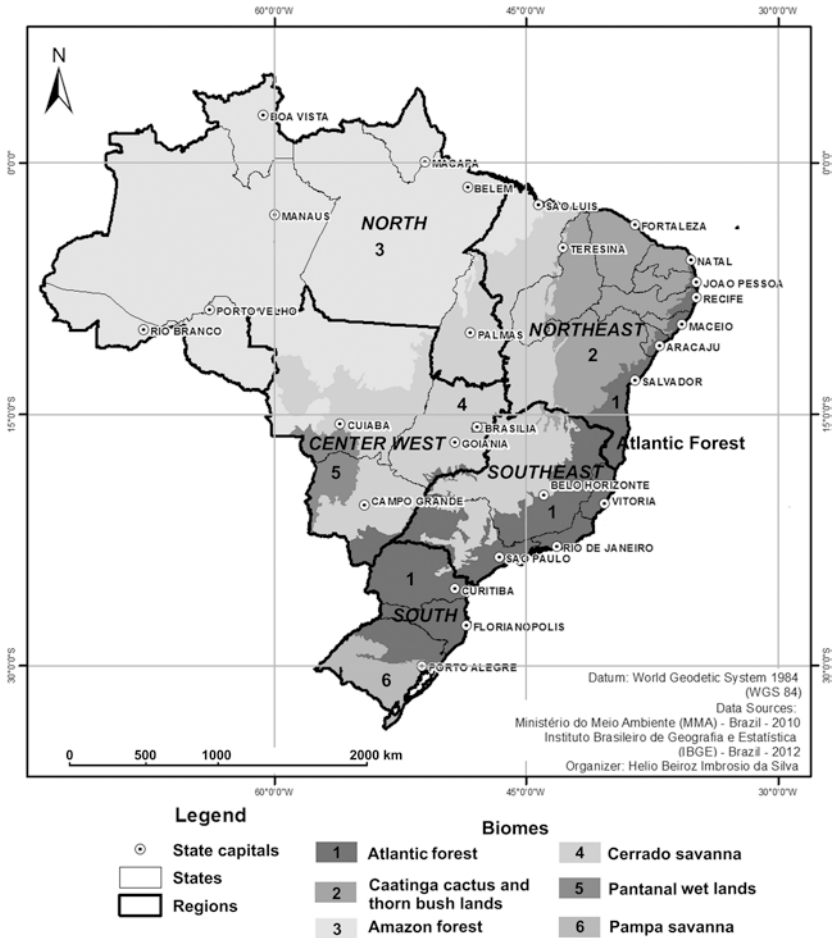
Fig. 5.2 Brazilian biomes and political map[35]

the Serra da Mantiqueira located further inland. With altitudes ranging from sea level up to almost 2400 m in the highest peaks, the Atlantic Forest presents a huge variety of tropical and sub-tropical micro-environments and has one of the greatest biodiversities on the planet, being home to about 15% of the world's species. Before Portuguese colonization, mangroves once dominated the coast, bays and estuaries

and low thickets of cacti, bromeliads and stunted trees occupied dunes located up to 30 km away from the shoreline. The flora of the piedmont consisted of a four-story canopy of broad-leaf evergreens, palms and giant ferns. Due to the presence of thinner soils on the slopes the forest was lower and the canopy had fewer stories. At the highest elevations montane grasses, sedges and forbs predominated. Similar but lower forest to that present in the piedmont was found in the inter-mountain valleys. Finally, in the cooler southern part of the biome Araucaria conifers dominated an open forest in highland areas.[36]

Dean's definitive historical study of the Atlantic Forest up to 1990 traces how successive export cycles provoked extensive forest clearing in one region which then leveled off during periods of slow growth, followed by new cycles in other regions until the whole biome was affected and reached the low point of only 7–8% of the original forest cover remaining in 1990. The first cycle involved sugarcane in the Northeast from the seventeenth century onward, which devastated the relatively narrow strip of Atlantic Forest in the Zona da Mata of that region. Then after 1840 coffee production deforested the Paraíba valley of Rio de Janeiro and São Paulo states, moved further inland to other states of the Southeast and finally reached the North of Paraná state in the South by the 1970s. In the rich soils of this region production boomed until the climatic limitations for coffee cropping so far South became evident. Two successive years of freezing temperatures killed trees and caused Brazilian primary exports to plummet so that after this climatic event production shifted back to the Southeast.[37]

Even before coffee, the Atlantic Forest of the South was already under assault by frontier expansion and lumber export after 1920 and then soy cropping from the 1960s onward. This crop arose in the western part of this region then moved North into patches of Atlantic Forest in the southern part of the Central West region and after that into the savanna lands of the same region and westerly parts of the Southeast and Northeast, giving rise to an agro-industrial complex which competes with the US Midwest for dominance of world commodity markets. Rapid industrialization and urbanization also occurred throughout the Atlantic Forest biome during the second half of the twentieth century and provoked widespread conversion of woodlands and farmland into metropolitan conglomerations. The final blow was the rise of agribusiness sugarcane production of methanol centered in São Paulo state from the late 1970s onward. Recently, the spread of eucalyptus for cellulose

and for renewable energy has replaced the eroded pastures of the cattle ranches that had followed in the wake of abandoned coffee land in the past.[38]

Within this historical context, environmental activists were right to be alarmed at what seemed to be a linear trend toward to ever greater deforestation. In 2000 on the occasion of the fifth-centenary celebrations of the Portuguese discovery of Brazil the World Wildlife Fund protested against 500 years of deforestation and placed the word "discovery" between quotations marks denoting irony about European colonization. According to this linear view, if left unchecked, the other biomes of the country would surely suffer the same fate as the Atlantic Forest.

Perhaps the most active and effective environmental group working in this biome has been the Brazilian NGO SOS Mata Atlântica. This organization was created in 1986 by a group of concerned scientists, business people, journalists and environmental activists who pressured the newly re-democratized government to declare the biome to be national heritage that should be preserved and this was enshrined in the 1988 Constitution. The NGO is an example of new more environmentally conscious elites, which arose in many Latin American countries during the late twentieth century and replaced traditional agrarian and extractive elites who had historically degraded landscapes. However, the need for revenue generated by the latter produces contradictory alliances and policies.[39]

The SOS Mata Atlântica became a clearinghouse for scientific research and work mapping the biome in order to provide exact information with which to lobby federal and state governments. The NGO was also responsible for pressuring for the establishment of a number of conservation units, particularly in the Coastal Mountains of the Southeast and South, where most of the remaining forest was encountered. Lobbying resulted in the federal decree 99.547, which prohibited cutting and commercially exploiting primary Atlantic Forest. The ban was then extended to regenerated forest by the Ministry of the Environment in 1992,[40] giving rise to the conflict with smallholders treated here.

Contradictory class issues are clearly visible when one looks at the urban actors responsible for founding SOS Mata Atlântica as well as the corporate partners who make contributions and constitute a Who's Who of Brazilian and transnational industrial and financial institutions in the country. The NGO has achieved considerable success at promoting environmental conservation in the Coastal Mountains where the same

social actors have weekend homes. Since the nineteenth century, beginning with the Emperor who had a summer palace in Petrópolis in the mountains behind Rio de Janeiro, the most powerful social groups of the country undertake weekend tourism in the mountains or on the seashore of the biome. The marginality of the mountains for Brazilian agribusiness producing for global commodity markets also made the task of SOS Atlantic Forest far easier than promoting conservation in other regions. The extension of SOS Mata Atlântica activities into coastal and maritime preservation in 2007 must also be seen in this light as an act of self-interest to protect their beach houses.[41]

Inter-regional agricultural restructuring, involving large-scale conversion of the Cerrado savanna and bushlands into cropland on the Central Plateau in the Center West region, mentioned above, also induced forest regeneration in the Atlantic Forest. Much in the same way as in the US Midwest, land on the Central Plateau was long thought to be poor for cropping but after 1980 the introduction of Green Revolution farming systems in mechanized commodity production for global markets completely transformed the region. As in the case of the United States this trend marginalized mountainous areas of the Atlantic Forest inappropriate for commodity agriculture and where historically there has been a high concentration of smallholders.

These farmers are situated near the first conservation units created in Brazil in the 1930s, which imitated the full conservation national parks of the United States. The Bocaiana National Park and the Itatiaia National Park are located in steep mountainous areas situated in southern Rio de Janeiro and northern São Paulo states in a zone which was inappropriate for coffee cultivation in the past. Even smallholders were few in number and some were allowed to stay so these conservation units did not directly promote biocentric expropriation at that time.

Conflict arose when protected areas expanded significantly in the 1990s onward. More land was incorporated into the existing parks and a string of new conservation units were created to link and preserve the last stretches of Atlantic Forest present on the steep windward escarpment of the Coastal Mountains. Small farms present in the buffer areas lost land which was incorporated into the older parks and those located within the new conservation units were removed. Farmers bitterly complain about not being compensated for the land which was taken from them. Farmers present in buffer areas around the new conservation units came under increasing pressure from environmental GOs and NGOs to

reduce their cropping activities well beyond the 20% of the farm which must be kept in forest according to environmental legislation passed in 1998. As the mountains are located close to major metropolitan areas rural livelihoods were also pressured by urban-industrial encroachment, water-capture projects flooding their best land and urban dwellers tempting them to sell out to order to make way for second homes and hobby farms.

The emphasis on full conservation units in the Atlantic Forest needs to be explained because Brazilian environmental policy has changed over time and has added aspects of the European model of conservation which permits sustainable land use. The Forest Code of 1934 created the first three full-preservation national parks, where ideally only nature tourism could be practiced. In fact some farmers were allowed to stay who were later bought out by city people for weekend houses and since 2000 the environmental agencies have been trying to remove farmers still present but do not have the funds to properly compensate them. The Forest Code of 1965 created new kinds of conservation of units: full-preservation biological reserves where only biological research can be undertaken and National Forests where economic use can occur. In 1990 in a context of neo-liberalism, the federal government enacted legislation permitting Private Natural Reserves.

A sea change in policy occurred in 2000, when the National System of Conservation Units (SNUC) was implemented, making an important distinction between full-preservation units on one side and on the other nature reserves with multiple sustainable uses. Full-preservation units, such as national parks and ecological stations, do not permit economic use or resident population. Sustainable-use conservation units, such as National Forests and Indigenous Territories, allow low-impact land use and permit prior residents to stay, particularly if they are native people and traditional peasants. All federal conservation units are administered by the Instituto Chico Mendes (ICMBio), which in 2005 was separated from the Brazilian environmental protection agency Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (IBAMA). The latter agency now deals only with preservation outside conservation units. Indigenous lands are administered by a separate federal agency, the Fundação do Índio (FUNAI), which deals exclusively with Amerindians.

Just like what occurred in the US Appalachians, policy for the Brazilian Atlantic Forest could have permitted the local population to stay, but given the advanced stage of deforestation of the biome and

class perceptions, at the end of the twentieth-century policy opted for full conservation units. In a similar vein, the ban on farming in areas of regenerated forest must also be seen as a desperate move to preserve forest at any cost, though, the cost was borne by the weakest political actors, namely smallholders who were transformed into "enemies of conservation".[42] Cutting trees with a diameter of more than a hoe shaft (3 cm) was prohibited and a tree of this size is roughly the equivalent of that encountered in a one-year fallow. However, one year of fallowing is insufficient time for soil fertility to recover in a sustainable way so that this land is effectively lost for production, a severe blow for farmers who have little land to begin with.

Environmental Policy and Marginalization of Poor Farmers in the Coastal Mountains of Rio de Janeiro State

Environmental restrictions proved to be a disaster for interviewed farmers located in a mountainous area of Atlantic Forest between 40 and 80 km inland from the Rio de Janeiro metropolitan area. Research in five municipalities has been undertaken since 1994 at the point of transition from essentially rural space inland to the metropolitan region of Greater Rio de Janeiro located on the coastal plains. Three different kinds of rural landscape are encountered in this area, from North to South in direction of the metro area: (1) deforested landscapes in Paty do Alferes and Bom Jardim municipalities, which are situated on the leeward side of the Coastal Mountains, (2) mixed field and forested landscapes situated in the inter-mountain valleys of Nova Friburgo and Petrópolis municipalities, and (3) forested landscapes in parts of Cachoeiras de Macacu and Nova Friburgo which are positioned on the high windward slopes of the mountains. Each municipality is subject to different kinds of pressures from the nearby metropolitan area and from an environmental policy which induce multi-functional combinations of agricultural and non-agricultural activities in a way not common in essentially rural areas of Brazil.

With regard to the agrarian history of Southeast Brazil, Paty do Alferes and Bom Jardim are more typical and were subject to greater deforestation in the past. These municipalities are located at altitudes between 600 and 1000 m and had relatively good soils and climatic conditions for coffee so that they took part in this important export activity during the late nineteenth and early twentieth centuries. However, coffee

cropping at that time was land extensive so that after the natural fertility of the land was exhausted and the topsoil eroded away, coffee farming shifted westward to São Paulo state. Typical coffee producing areas left behind degraded, deforested landscapes occupied by extensive cattle ranching.

Marginal areas, which had reverted to secondary forest, were sold off to smallholders and during the last sixty years, a relatively prosperous class of capitalized small farmers arose on the leeward slopes of the Coastal Mountains. These farmers use family and sharecropper labor, plant tomatoes, yams and to a lesser extent, vegetables for the metropolitan market. Farming methods are basically those of the Green Revolution with use of tractors, synthetic fertilizers and pesticides, resulting in the typical environmental problems of soil erosion and chemical pollution involved with conventional modern agriculture.

Before the advent of modern agriculture in the narrow valleys of Paty do Alferes municipality, food staples, such as beans, corn and rice, were planted in the bottomlands. With the introduction of irrigation, farmers started to plant less in the bottomlands and shifted to cash cropping tomatoes and, to a lesser degree, green peppers on the hillsides. The latter had been pasture previously and as cropping advanced up to the hilltops, the last remnants of secondary forest were cut down. Farmers also began to buy staples instead of planting basic food crops, which were shipped in from more competitive regions being consolidated behind the advancing Brazilian frontier in the Center West. Attempts to cash crop cucumbers, green beans and swash in the bottomlands ran up against problems with the greater incidence of fungi and crop pests in these lands, which was now aggravated by the irrigation water running off the hillsides. Barren areas and toxic weeds appeared which further hindered cropping and stock raising activities in the bottomlands.

Nova Friburgo and Petrópolis municipalities are located at higher altitudes, between 800 and 2300 m, making their climate too cool and humid for coffee in the past and even for most tropical fruit today. Consequently, deforestation occurred later in these municipalities. Many outlying areas were only settled from the late nineteenth century onward by Brazilian and North European immigrant farmers who established themselves on smallholdings scattered throughout the mountain valleys. These farmers grew a wide variety of cereals and vegetables for self-provisioning and for the local market. Transport improvements connecting the municipalities to the affluent Rio de Janeiro market

encouraged farmers to shift into commercial vegetable cropping and conventional modern agriculture methods were adopted from the 1950s onward.

With the advent of modern agriculture in the inter-mountain valleys of Nova Friburgo, farmers concentrated their activities in bottomlands which had been benefited by drainage works during the 1960s. Bottomlands were previously waterlogged so that farmers previously planted crops on the hillsides and pasture on the hilltops. With drainage of the bottomlands farmers reduced cropping on the steeper hillsides and let the hilltops revert to forest. This latter development was provoked as much by the desire to enhance water sources for irrigation in the lower lands as by the sharp increase in the price of timber. As the deforestation of the Atlantic Forest progressed during the twentieth century, timber became increasingly scarce and started to be shipped in at great cost from the advancing frontier in the Center West and the North regions. Local farmers reached the conclusion that it was cheaper to buy UHT milk and have wood supplies for their farm needs close at hand than to maintain a few cows on the poor pasture of the hilltops for their subsistence needs.

All of this set in course a shift toward agroecology in Nova Friburgo and organic farming in Petrópolis resulting in significant forest regeneration which stands in sharp contrast to the practice of conventional modern agriculture in the eroded deforested landscapes of Paty do Alferes. Agroecology involves downscaling mechanization, using manure, natural and chemical crop defensives and allowing forest regeneration of steep marginal land while organic farming eliminates agro-chemicals all together. Alternative farmers of Nova Friburgo interviewed in 1997 had on average 27% of their land in forest while organic farms visited in Petrópolis in 2008 and 2013 only planted in bottomlands so that roughly one- to two-thirds of the farms were afforested (Fig. 5.3).

In addition to these land use systems, until 2000 one could still encounter slash-and-burn agriculture in steeper parts of Bom Jardim, Nova Friburgo and Cachoeiras de Macacu municipalities where deforestation had been more limited in the past. Little or no bottomlands are present in these places and the use of modern agricultural methods was limited. The lower hillsides were cultivated with shifting agriculture and the hilltops were covered by 50- to 100-year old secondary forest, which considering the growth rate of the Atlantic Forest was practically in a climax stage.[43] According to oral history, when the area was settled

Fig. 5.3 Organic cropping in bottomlands and forest regeneration on slopes (*Source* Author, field research, 2013)

a century ago farmers quickly realized that removing the hilltop forest caused extreme erosion in lands with slopes of more than 60°. Where cut, the hilltop forest was allowed to revert back to secondary growth. Food crops, such as corn and sweet potatoes as well as a large number of vegetables were planted for self-provisioning on the lower slopes together with yams, manioc and bananas for the market. A system of shifting agriculture with six-year fallows was practiced so that fertilizers were seldom used. The great variety of rustic crops planted also reduced the need for pesticides, which were rarely employed.

As these areas are located near to the conservation units set up from the 1990s onward, farmers were pressured by environmental agencies to curb rotating fields and the practice of slash-and-burning. This represented the final blow to farming because during the 1980s farmers had been changing crops and methods to adjust to the loss of children and workers who left for other forms of employment in urban areas. Farmers ceased producing low-price staples on the drier convex part of slopes and concentrated on planting bananas in concave depressions located in hollows and along small creeks flowing down the slopes. Once planted this permanent crop

involves little work, does not need expensive agro-chemical products and generates reasonable income, but low in comparison to that earned in vegetable farming in the inter-mountain valleys. These changes caused considerable forest regeneration on slopes and mirrored the experience of New England in the United States where afforestation occurred when the farm population was drawn off to work in industry and in the large cities.[44]

Where farmers tried to continue cropping in old fallows, the IBAMA forced them to stop or be fined. Today farmers become anxious when a helicopter flies nearby for fear that it may the IBAMA checking for illegal fields. Recent legislation requiring farmers to geo-reference their land will make IBAMA's work easier. The agency now has access to satellite imagery in real time which has been used effectively to reduce deforestation in other critical biomes of Brazil.

However, as fields are no longer shifted, land degradation occurred. Farm extension agents in vain tried to show that the fallowing system was sustainable as did more enlightened EMBRAPA researchers like the late Heitor Coutinho who argued that in addition to promoting recovery of soil fertility the practice of fallowing also resulted in better soil structure than that found in permanently cultivated fields. These arguments fell on deaf ears because the IBAMA officials are usually biologists with little or no training in the human and agricultural sciences and they tend to consider people to be a menace.

As a result, rural population has not been renewed and elderly farmers now predominate in forested rural landscapes. Of interviewed farmers in Cachoeiras de Macacu, 22% are between 50 and 59 years of age and 58% 60 years and over. Farming now makes up a small part of their annual income, on average only US$247 in 2011. In that year no income was received for environmental services and farmers resent this fact. Some family members manage to find menial jobs as caretakers on nearby weekend homes, work weekends in a local hotel or full-time in a small mineral water plant and earned US$374 from these sources of income. Most income came from pensions and other government transfer payments: US$382.

Similar trends were encountered in the Pitu Aceso valley, situated at the upper reaches of the leeward side of the Coastal Mountains in Bom Jardim municipality. This area is not part of a buffer zone of a conservation unit but has suffered the same restrictions to cutting fallows, has an aging rural population and has lost population since 1980. Over the

last three decades all workers and most children left the countryside so that of the 61 families previously present only 19 remain today. Closed houses and homes in ruins are a common sight. Farmers between 50 and 59 years of age now constitute 39% of the total and 28% are 60 or over. In practice elderly couples try to till the land but they are no longer in physical conditions to do this and the only temporary labor available is that of neighbors who also lack labor.

All of these contrary pressures to farming resulted in forest cover increasing significantly, particularly in the higher part of the valleys. Before 1980 in the Batatal Valley of Cachoeiras de Macacu farmers had deforested much of their land while farms located in the upper valley now have 65% of their land in forest and farms of the middle valley 38%. This is well above the mandatory 20% of farms that must be maintained in forest land. To make matters worse farmers who still plant bananas along creeks located on the slopes in the upper valley are infringing environmental legislation which protects watercourses and if enforced could exclude what little land that they still till. As one moves down the valley it widens so that more bottomland is present in the middle part. Most farmers there no longer farm on the slopes and concentrate their activities in the bottomlands. However, many farmers have sold out to weekend tourists. Rural residences and weekend houses have spread throughout the mountains and it is a good question just who provokes more deforestation today, farmers or urbanites consuming the rural.

Farmers of the mountain municipalities have thus suffered forced afforestation without just compensation and they are no longer the culprits for loss of forest cover. In 1980 22.9% of their land was in forest, which increased to 27.5% in 1985, 30.4% in 1996 and 35.4% in 2006.[45] Araujo et al. in a remote sensing study of the whole biome found that primary and secondary forests had increased to 20.8% at the time of their study.[46] Walker cites GO and NGO data in which only 10.6% of the biome was covered by forest in 2005 and the figures for Rio de Janeiro state do not reflect what was observed in the field by the author in research undertaken throughout the state over the last twenty years.[47] Official sources show forest decreasing in Rio de Janeiro state from 10,692.3 km^2 in 1990 to 8155.38 in 2005 while the independent study made by Araujo et al. detected an increase to 11,607.52 km^2.[48] Maybe the official sources use a more rigorous definition of what is forest or perhaps the reasons are not so noble.

CONSERVATION AND GUILT

It can be concluded that the breathtaking scenery of mountains and Atlantic Forest in the full conservation units of eastern Brazil and the United States is haunted by specters of the Amerindians and poor farmers who once lived there in the past. The scenery cannot be contemplated without feeling guilt for how the original inhabitants of the land were removed and their agrarian landscapes erased in order to make way for nature to be consumed by middle- and upper-class urbanites, i.e. cleansed of the visual pollution of poor rural people. It can be conceded that the denuded landscapes of the past cannot be defended and the beautiful forest should be celebrated but the cynical way that the natural landscapes were constructed must be condemned.

Misguided by biocentric environmental ethics, conservationists in both countries attempted to preserve the last remaining tracts of Atlantic Forest by stopping poor farmers from pursuing their livelihoods. This pressure was unjust because it took the punitive form of removal or fines for cutting secondary growth instead of compensation for environmental services. Farmers also come under pressure, sometimes involving duress, to sell land to developers who build suburban sub-divisions and vacation homes. This trend together with acid rain from expanding heavy industry threatens to reverse forest regeneration, turning to naught the social price which farmers suffered to set up the conservation units.

What can be done to compensate the conservation refugees? The process of biocentric expropriation in the United States took place nearly a century ago and not much can be done today for farmers who lost their land so long ago. However, they should be remembered in the visitor's centers of national parks where the historical change of the landscape could be presented to tourists much like what is done in European heritage sites. In addition to this, an official apology should be issued by the National Parks Service in the same spirit that the US Bureau of Indians Affairs did in 2000 when it formally apologized to Native North Americans for previous acts of genocide and cultural repression.

Biocentric expropriation in the Brazilian Atlantic Forest is recent and still in course. A first measure would be to limit all forest reserves required on farms to 20% as the 1998 law mandates and revoke the decree prohibiting new fields in secondary forest. Large land holders in less roughed terrain of the Atlantic Forest can use up to 80% of their land so why not poor farmers who do not have much land? For

the environmental GOs and NGOs to insist on the contrary is cynical and indeed cowardly. Rich farmers have the financial means, social savvy and political clout to resist the abusive action of environmental agencies while small farmers do not. Environmental organizations must show work to justify their existence and this is easier to do against poor farmers. The latter are dismissed as ignorant country bumpkins considered to be enemies of conservation without feeling the slightest sense of guilt for perpetrating crass social injustice. To paraphrase Ball et al., the large GOs and NGOs practice "bad governance" as opposed to the more humane approach used by local social actors in the case these authors studied in the Ribeira Valley of São Paulo state.[49]

Notes

1. S.B. Hecht, "Invisible Forests: The Political Ecology of Forest Resurgence in El Salvador," in *Liberation Ecologies*, eds. R. Peet and M. Watts (London: Routledge, 2004), 58.
2. W.M. Adams and M. Mulligan, "Introduction," in *Decolonizing Nature: Strategies for Conservation in a Post-Colonial Era*, eds. W.M. Adams and M. Mulligan (London: Earthscan, 2003), 5–10; P. Descola, *Beyond Nature and Culture* (Chicago: University of Chicago Press, 2014/2005), 68–80; A. Wilson, *The Culture of Nature* (Oxford: Blackwell, 1992), 1–14.
3. J. Fairhead and M. Leach, *Misreading the African Landscape* (Cambridge: Cambridge University Press, 1996), 1, 3–4; M. Leach and R. Mearns, "Environmental Change and Policy," in *The Lie of the Land: Challenging Received Wisdom on the African Environment*, eds. M. Leach and R. Mearns (London: The International African Institute, 1996), 1, 4.
4. W. Cronin, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill & Wang, 1983); W. Cronin, *Nature's Metropolis* (New York: W. W. Norton, 1991); A.W. Crosby, *Ecological Imperialism* (Cambridge: Cambridge University Press, 1986); C. Merchant, *Radical Ecology* (London: Routledge, 1992); D. Pepper, *Eco-Socialism* (London: Routledge, 1993); D. Pepper, *An Introduction to Modern Environmentalism* (London: Routledge, 1996); Wilson, *The*

Culture of Nature; P. Blaikie and H. Brookfield, *Land Degradation and Society* (London: Methuen, 1986); M. Redclift, *Sustainable Development* (London: Methuen, 1987); E.R. Wolf, *Europe and the People Without History* (Berkeley: University of California Press, 1982).

5. Adams and Mulligan, *Decolonizing Nature*, 5–10; M. Dowie, *Conservation Refugees: The Hundred-Year Conflict Between Global Conservation and Native Peoples* (Cambridge: MIT Press, 2009), xxi, 1, 82, 89–91; K. Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves* (Berkeley: University of California Press, 2014/2001), 11–15, 99–105, 147–154; Merchant, *Radical Ecology*, 2nd edition (2005), 63–80.

6. A.G. Bumpus and D.M. Liverman, "Carbon Colonialism," in *Global Political Ecology*, eds. R. Peet, P. Robbins, and M. Watts (Milton Park: Routledge, 2011), 217–218; B. Büscher and R. Fletcher, "Under Pressure: Conceptualising Political Ecologies of Green Wars," *Conservation and Society* 16, no. 2 (April–June 2018): 1–9; T. Forsyth, *Critical Political Ecology: The Politics of Environmental Science* (Milton Park: Routledge, 2003), 147–154; S.W. Hoefle, "Beyond Carbon Colonialism: Frontier Peasant Livelihoods, Spatial Mobility and Deforestation in the Brazilian Amazon," *Critique of Anthropology* 33, no. 2 (June 2013): 194–197, 207–209; S.W. Hoefle and A.M.S.M. Bicalho, "Nature Enclosures: Historic Peasants Versus Public and Private Conservation Units of the Paraguay River in the Pantanal Wetlands of Western Brazil," *Belgeo* 2016, no. 4 (December 2016): 4–5, 9–10; K. Kelly-Raif and S. Wing, "Urban-Rural Exploitation: An Underappreciated Dimension of Environmental Injustice," *Journal of Rural Studies* 47, no. 4 (2016): 350–352; R. Peet, P. Robbins, and M. Watts, "Global Nature," in *Global Political Ecology*, 10–13, 21–23, 37; M. Taylor, *The Political Ecology of Climatic Change Adaptation* (London: Routledge/Earthscan, 2015), 1–6, 12–15.

7. A. Mather, "The Forest Transition," *Area* 24, no. 4 (December 1992): 267–379; A. Mather, "The Changing Role of Forest," in *The Geography of Rural Change*, ed. B. Ilbery (Harlow: Pearson, 1998), 117–124; A.S. Mather and C.I. Needle, "The Forest Transition," *Area* 30, no. 2 (June 1998): 117–124.

8. J. Cole, *Geography of the World's Major Regions* (London: Routledge, 1996), 113, 213, 186, 200, 396.

9. S.G. Perz. "Grand Theory and Context-Specificity in the Study of Forest Dynamics," *The Professional Geographer* 59, no. 1 (February 2007): 108–112.

10. Forsyth, *Critical Political Ecology*, 39–40.

11. N. Ramankutty, E. Heller, and J. Rhemtulla, "Prevailing Myths About Agriculture Abandonment and Forest Regrowth in the United States,"

Annals of the Association of American Geographers 100, no. 3 (May 2010): 502–512.

12. P. Klepeis, P. Scull, T. Lalonde, N. Svajlenka, and N. Gill, "Changing Forest Recovery Dynamics in the Northeastern United States," *Area* 45, no. 2 (June 2013): 239–248.

13. R.F. Auch and C. Laingen, "Having It Both Ways? Land Use Change in a U.S. Midwestern Agricultural Ecoregion," *Professional Geographer* 67, no. 1 (February 2015): 84–97.

14. Cronin, *Changes in the Land*, 127–130, 159–162; M. Williams, "The Clearing of the Forests," in *The Making of the American Landscape*, ed. M.P. Conzen (New York: Routledge, 1990), 149.

15. R.V. Hine and J.M. Faragher, *The American West* (New Haven: Yale University Press, 2000), 160–161; P.F. Lewis, "The Northeast and the Making of American Geographical Habits," in *The Making of the American Landscape*, ed. M.P. Conzen (New York: Routledge, 1990), 84–87; G.G. Whitney, *From Coastal Wilderness to Fruited Plain* (Cambridge: Cambridge University Press, 1994), 248.

16. P.F. Lewis, *The Making of the American Landscape*, 87.

17. T. Silver, *A New Face on the Countryside: Indians, Colonists and Slaves in South Atlantic Forests, 1500–1800* (New York: Cambridge University Press, 1990), 14–24.

18. Hine and Faragher, *The American West*, 177, 174–179; Silver, *A New Face on the Countryside*, 104–105.

19. C.L. White and E.J. Foscue, *Regional Geography of Anglo-America* (New York: Prentice-Hall, 1943), 214–215.

20. "Footpath for the People," National Park Service, accessed May 1, 2016, www.nps.gov/appa/index.htm.

21. C. Johnson and D. Govatski, *Forests for the People: The Story of America's Eastern Forests* (Washington: Island Press, 2013).

22. C. Reeder and J. Reeder, *Shenandoah Heritage* (Washington, DC: The Potomac Appalachian Trail Club, 1978), 77–81, 86–87.

23. Jacoby, *Crimes against Nature*, 67.

24. J. Baniji, "Selected Parts of Kautsky's, *The Agrarian Question*," *Economy & Society* 5, no. 1 (July 1976): 31–32.

25. K. Marx, *Capital*, Vol. 1 (Chicago: Great Books, 1952/1869), 361–363.

26. Reeder and Reeder, *Shenandoah Heritage*, 86–87.

27. Lewis, *The Making of the American Landscape*, 87.

28. Jacoby, *Crimes against Nature*, 1–2

29. Wilson, *The Culture of Nature*, 37–39.

30. USDA Forest Service, "Area of Virgin Forest 1920" (Map), 1925. Compiled from US Geological Survey, "Level 2 Land Cover" (Map), Denver, 1993.

31. "Progress Reports SO$_2$ Emissions Reduction," Environmental Protection Agency, accessed September 19, 2015, http://www3.epa.gov/airmarkets/progress/reports/emissions_reductions_so2.

32. "Along the Appalachian Trail Through the Smoky Mountains from Newfound Gap to Fontana Dam, October, 2007," University of North Carolina, accessed April 5, 2015, http://www.unc.edu/~leith/Pix/Southern%20Smokys.htm.

33. T.J. Rickard, "Rural Sustainability Issues for National Parks," in *Progress in Sustainable Rural Development*, ed. T. Sorensen (Cairns: IGU Commission on the Sustainability of Rural Systems, 2007), 191–192.

34. Reeder and Reeder, *Shenandoah Heritage*, 82.

35. Ministério do Meio Ambiente, "Biomas," accessed March 23, 2012, www.mma.gov.br/biomas; Instituto Brasileiro de Geografia e Estatística (IBGE), "Divisões políticas," accessed March 23, 2012, www.ibge.gov.br/geociencias-novoportal/cartas-e-mapas/mapas-de-referen-cia/15816-politico.html?=&t=downloads.

36. Dean, *With Broadaxe and Firebrand*, 6–9; C.F. Lino, *Reserva da Biosfera da Mata Atlântica: Plano de Ação* (Campinas: UNICAMP, 1992), 1; "SOS Mata Atlântica: história, parceiros e nossa causa," SOS Mata Atlântica, accessed June 11, 2015, www.sosma.org.br.

37. M.C. Andrade, *O Processo de Ocupação do Espaço Regional do Nordeste* (Recife: SUDENE, 1975), 14–20, 33–35; Dean, *With Broadaxe and Firebrand*, 55–57, 173–182, 239–241, 265–267, 348–350; M.L. Margolis, *The Moving Frontier* (Gainesville: University of Florida Press, 1973), 3–4, 11–18; C. Prado Jr., *Histórica Econômca do Brasil* (São Paulo: Brasiliense, 1987/1945), 31–40, 225–233.

38. J.A. Bernardes, "Circuitos espaciais da produção na fronteira agrícola moderna," in *Geografias da Soja BR-163*, eds. J.A. Bernardes and O. Freire Filho (Rio de Janeiro: Arquimedes, 2005), 16–22; A.J. Brum, *Modernização da Agricultura: Trigo e Soja* (Petrópolis: Vozes, 1988), 64–66, 72–80; Dean, *With Broadaxe and Firebrand*, 266–267, 273–275, 298–299.

39. B. Bull and M. Agullar-Stoen, "Changing Elites, Institutions and Environmental Governance," in *Environmental Governance in Latin America*, eds. F. Castro, B. Hogenboom, and M. Band (Basingstoke: Palgrave Macmillan, 2016), 137–139.

40. SOS Mata Atlântica, "SOS Mata Atlântica: história, parceiros e nossa causa."

41. For more on the impact of tourism and urban-industrial development on craft fishers and trends of forest regeneration on the islands of coastal Rio de Janeiro see S.W. Hoefle, "Fishing Livelihoods, Seashore Tourism and Industrial Development in Coastal Rio de Janeiro," *Geographical Research* 52, no. 2 (May 2014): 202–210.

42. Cf. Dowie, *Conservation Refugees*, 48, 82.
43. R.R. Oliveira, *O Rastro do Homem na Floresta* (Unpublished doctoral thesis, Departmento de Geografia, Universidade Federal do Rio de Janeiro, Rio de Janeiro, 1999), 43.
44. Whitney, *From Coastal Wilderness to Fruited Plain*, 247–248.
45. Instituto Brasileiro de Geografia e Estatística (IBGE), *Censo Agropecuário* (Rio de Janeiro, 1980–2006), www.ibge.gov.br.
46. M.H.S. Araujo, C.B.M. Cruz, and R.S. Vicens, *Levantamento da Cobertura Vegetal Nativa do Bioma Mata Atlântica* (Rio de Janeiro: Instituto de Estudos Socioambientais do Sul da Bahia, 2007), 41.
47. R. Walker, "The Scale of Forest Transition: Amazonia and the Atlantic Forests of Brazil," *Applied Geography* 32, no. 1 (January 2012): 15.
48. Araujo et al., *Levantamento da Cobertura Vegetal Nativa do Bioma Mata Atlântica*, 37.
49. A.A. Ball, A. Gouzerh, and P.H.S. Brancalion, "Multi-Scalar Governance for Restoring the Brazilian Atlantic Forest: A Case Study on Small Landholdings in Protected Areas of Sustainable Development," *Forests* 5 (April 2014): 619.

Conservation as Occupation

Crimes against Cultures: How Local Practices of Regulation Shape Archaeological Landscapes in Trowulan, East Java

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Karl Jacoby's recounting of the arguments of various rural-dwelling Native American and non-Native American groups in *Crimes against Nature* challenges the narrow focus and appreciation of contemporary practices of heritage conservation today. His goal was no less than to:

> [R]ecreate the moral universe that shaped local transgressions of conservation laws, enabling us to glimpse the pattern of beliefs, practices, and traditions that governed how ordinary rural folk interacted with the environment—a pattern […] that I have come to term the participants' moral ecologies.[1]

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Jacoby's exacting research on the practices, arguments and responses to what was generally an unresponsive officialdom and public commentariat continues to confront contemporary accounts of conservation, whether of cultural heritage or the environment, on two broad fronts: it called into question what it means to regulate nature; and in doing so revealed, in his words, 'strikingly different sense of what nature is and how it should be used'.[2] Both fronts are as relevant for cultural heritage conservation as nature conservation, although each case requires full consideration of the specifics of topic (in this chapter, cultural heritage), time (contemporary), and location (peri-urban Surabaya in East Java in Indonesia). The full brilliance and horror of Jacoby's painful recounting (or recounting of the pain) of the advent of contemporary spatial regulation of conservation is possible because of his attention to the small, silent ripples left behind from the transformations of entire landscapes.

This chapter responds to Jacoby's approach to resident relationships, with both their surrounding environments and externally imposed conservation regimes, through an examination of first the relevance and applicability of this focus for heritage, and secondly through a case study of the issues arising from the presence of Majapahit heritage and conservation regimes from local perspectives in the small town of Trowulan in East Java, Indonesia. In examining what we conceive to be Jacoby's challenge to heritage studies, we elaborate a framework for approaching heritage drawing on the work of Tim Ingold as well as critical heritage research. We then turn to the context of Trowulan to understand the time-space of resident practices and interventions. The third section briefly outlines our research methods. The fourth section is a case study split into two parts: resident relations with artefacts; and resident relations with sites. We conclude by considering the lessons from *Crimes against Nature* for heritage studies, and what a sustained response to our analysis could look like and achieve.

Heritage and Moral Ecology

The primary reason for the importance of Jacoby's approach for heritage research is his fuller recognition of the presence and operation of local regulatory practices and of how these are displaced or influenced by externally imposed conservation regimes. The term 'fortress conservation', where a conservation area establishes a hard perimeter

in order to forcefully keep people out, applies to both environmental and heritage conservation.[3] However, the representation of local people who seek to continue their customary practices and use of local resources differs between environmental conservation and heritage. According to Jacoby, conventional accounts of conservation histories located local people on one side of a binary that hides the moral complexity of this transformation: heroic, civilized, law-abiding conservationists were confronted by underhand, uncivilized, criminal residents. In cultural heritage conservation conflicts, the binary is different: civilized, community-minded conservationists are generally opposed to uncivilized, profit-minded developers, and researchers position local residents as either split between these groups or convinced by one or the other.[4] Resident concerns are generally not with either side, but, like Jacoby's protagonists, with continuing their practices and livelihoods. This is the realm of heritage unrecognized by, and in many circumstances unrecognizable to, official conservation management regimes,[5] or what historical geographer Iain Robertson labels 'heritage from below'.[6]

Furthermore, Jacoby recognized and recorded how the object of conservation, elements of environments misrecognized as nature, is shaped by its use (by animals and plants as well as humans) in conjunction with physical forces. There is no natural environment separated from humans, but it is instead both a product of relations as well as constituting the terms of those relations. A useful way of conceptualizing this 'environment' is Tim Ingold's concept of meshwork, or 'entangled lines of life, growth and movement':

> It is rather a trail along which life is lived. Neither beginning here and ending there, nor vice versa, the trail winds through or amidst like the root of a plant or a stream between its bank. Each such trail is but one strand in a tissue of trails that together comprize the texture of the lifeworld. This texture is what I mean when I speak of organisms being constituted within a relational field. It is a field not of interconnected points but of interwoven lines; not a network but a meshwork.[7]

Residents' moral ecologies are entangled with the environments they interact with and shape. An environment like the Adirondacks in New York State was shaped by the learnings and arrangements of the communities who lived there in conjunction with the growth and movement of

plants and animals and in interaction with its physical geography. Human movement through this meshwork is skilled, and is communicated by stories: 'we can understand the nature of things only by attending to their relations, or in other words, by telling their stories'.[8] The importance of this recognition is that the moral ecologies of residents cannot be separated from their environments; they are their environments.

Cultural heritage phenomena, whether a dance, recipe, book, building or landscape, is similarly the crystallizations of human activity within their environments. However, it would be incorrect to focus on the crystallization itself as this mistakes the fluctuating object or event for the flows of materials that give it a form. This is the mistake of contemporary heritage regulation; it focusses on the correct categorization and treatment of objects.[9] Instead, here we understand heritage as being the movement of humans and non-humans through the meshwork. Heritage is configured movement. For instance, a *tayuban* dance performance in Indonesia requires skilled practitioners' responses to their environment in their posturing and movement, including constant adjustments with fellow performers, audiences and conditions. While more fleeting than a temple, it is no less physical. The temple itself is a constantly changing physical form that responds to plants, animals, wind, rain and upkeep. Heritage, like ecology, is therefore much more widespread and entangled than most conservation regimes would allow, and is constituted by flows.[10]

There are differences between local people's relationships with 'nature' and cultural heritage, just as there are differences between environmental and heritage conservation.[11] The enlightenment legacies of nature and heritage allow for a greater engagement between people and heritage when compared to the separation of people and nature in the natural sciences. Nonetheless, a focus on maintaining the physical fabric of heritage objects has created a legacy in heritage management that, despite strong critiques[12] and, as is often the case in nature conservation, continues to overlook local peoples' practices and community regulation. Following Jacoby,[13] it is also important to not replicate a division between nature and culture that has bedevilled heritage management including world heritage. The concept of meshwork dissolves 'nature' as a category as it is no longer detached from the world of humans, but is part of interconnected environments. Ingold writes that trees, like houses, 'have life-histories, which consist in the unfolding of their relations with both human and non-human components of their environments'; he notes that the extent to which they seem like a building or a landform relates to whether the human or non-human prevails.[14]

A field of research that has critically engaged with the application of conservation regimes is political ecology.[15] Political ecology researchers differentiate how state institutions 'have a predilection for management through abstract space, through the establishment and enforcement of strict boundaries of conservation and use' and local institutions that 'are seen as managing through complex spatial arrangements, using overlapping and flexible boundaries of use and tenure'.[16] However, this should not be conceived as a binary because, as demonstrated by Jacoby, the separation of state authorities and local people is impossible to maintain as 'each category flowed into the other, complicating any easy moral tale about conservation'.[17] Hence, following Robin Roth, the establishment of conservation zones should be understood 'not as a conflict between state space and local space, but as a process of spatial reorganization instigated by insertion of state space into a landscape long managed through non-state institutions'.[18] An issue that permeates this literature is the contention that the state asserts an 'abstract space'.[19] The application of a conservation regime, as Jacoby demonstrates in great detail, requires large and intensive movements of resources and people from the time of its inception until its dissolution. Most flows do not recognize boundaries, but are only countered by other flows, such as state-funded heritage management, or local practices, or, as is generally the case, a mish-mash of arrangements.[20] In practice, there is no abstract space except in the imagination of planners and researchers. Our attention should be directed to the presence and effects of flows from residents' perspectives and how they shape archaeological landscapes.

Our approach links Jacoby's concerns with recent research that confronts the rhetoric about looting and collecting in archaeological writings, in particular the division between archaeology, elite collecting and vernacular practices of collecting.[21] Archaeologists are, unsurprisingly, firmly opposed to artefact collecting. This was not always the case. Renaissance collecting was driven by curiosity, which came into tension with science during the Enlightenment period in Europe.[22] Archaeologists have characterized artefact collecting and looting as 'self-interested, antiscience and an assault on collective rights to history and memory'.[23] Hart and Chilton[24] and Dennis Byrne[25] strongly challenge these characterizations, pointing out that antiquities collecting continues to overlap with archaeology in both its practices and how it values artefacts. Furthermore, Byrne argues both of these along with local excavations are within the collective of antiquities appreciation

and circulation that is global in scope. Looting, or informal excavations of artefacts for private collection or sale, is the heritage equivalent of poaching within nature conservation.[26] Like poaching, looting is a characterization of a social practice that both ignores its sociality, local regulations and the complexity of its economics, while strengthening heritage experts' claims for external intervention in regulation and exclusive control. These practices require a nuanced and contextualized account in order to avoid being hidden behind the ideological condemnation of class,[27] postcolonial characterizations, and the claims for primacy of the nation-state.[28] What we bring to this research is a broader account of what constitutes engagement with artefacts (adding to Rose-Greenland's account of the artist Omero Bordo in Italy),[29] and more attention to how local entanglements regulate, respond and shape artefacts and sites in the meshwork of local environments.

A Brief History of Majapahit

The Majapahit Kingdom was founded in the late thirteenth century by Nararya Sanggramawijaya. Under the direction of the famous Prime Minister Rakryan Mapatih Pu Mada, better known as Gajah Mada, the Majapahit army conquered the eastern part of Java and invaded Bali. This kingdom reached its heyday in the fourteenth century, when it traded with China and had vassal states stretching from the Malay Peninsula to the eastern part of archipelago. A Franciscan friar, Odoric di Pordenone, also visited the Majapahit capital in Trowulan and witnessed its wealth in the fourteenth century. He wrote that materials in the palace from the roof to the floor were made from gold and silver.[30] Given its epic scale and reports of opulence, it is not surprising the Majapahit became an indispensable part of modern Indonesian political identity and nationalist history, much like Rome is for Italy and Athens is for Greece.

Majapahit rule only lasted until the fifteenth century. After its disappearance, the people of Java and the surrounding islands retained memories of and attachments to the Majapahit kingdom. Sundanese and Balinese aristocrats regularly undertook pilgrimages to former capital of Majapahit in Trowulan. Thomas Stamford Raffles initiated the first modern documentation of the ruins of Majapahit in Trowulan, and dedicated more than 30 pages to the history and antiquities of Majapahit in his *History of Java*.[31] Interest in archaeological exploration declined when the British gave back Java to the Dutch and returned in the late

nineteenth century. Official archaeological activities in Trowulan were accompanied by private ventures, in particular through the Majapahit Archaeological Association (OVM) founded by architect Henry Maclaine Pont and the Regent of Mojokerto (*Adipati*), Kromo Adinegoro in 1925. Maclaine Pont and Kromo Adinegoro collected many artefacts in Trowulan and its surrounding area, and together built the Majapahit Museum in Trowulan. When the Japanese interned Maclaine Pont during their occupation of Java in 1942, his archaeological projects in Java halted. The next wave of official archaeological activities, which was the largest investment by far, came under Suharto's New Order regime.

While state activities expanded during Constitutional Democracy (1950–1958), they declined along with state revenue during the Sukarno-dominated Guided Democracy (1958–1965) period as Indonesia became increasingly internally divided and isolated internationally.[32] Public funding limited state archaeological activities until the rise, on the back of international aid then oil revenues, of the General Suharto-led powerhouse state.[33] Following the success of the reconstruction of Borobudur between 1970 and 1983, the Indonesian government increased its investment in reconstructing Majapahit sites in Trowulan in the mid-1980s.[34] A large team, which included the foremost archaeologists of the period including Soejono and Soekmono, the Director-General of Culture Haryati Soebadio, as well as locals, published an extensive *Archaeological Masterplan of the City Remnants of the Trowulan Majapahit Kingdom*.[35] The extent of the Majapahit capital's underground remnant structures is thought to be spread across an area between 90 and 100 square kilometres.[36]

By 1995, six of a planned sixteen sites had been reconstructed at a cost of Rp.2.2 billion.[37] The reconstruction effort survived the financial crisis and the fall of Suharto, but slowed after the decentralization process through Regional Autonomy was instituted in 2002. Eight sites were reconstructed. While decentralization transferred control of most regional cultural institutions (such as the *Taman Budaya*, Provincial Museums and the regional Cultural Offices) to the city or regency level, the Bureaus for the Conservation of Cultural Heritage (Balai Pelestarian Cagar Budaya, BPCB) remained under centralized control within the Directorate of Culture. Hence the national government was the focus of much of the criticism for the two major Majapahit controversies of the Reform Period.[38] In 2009, the Archaeological Conservation Bureau (the former name of the BPCB East Java) approved a plan to build a

Majapahit Information Centre on a site where there were a large number of Majapahit era structures. This controversy, the most prominent heritage conflict of the Reform Era, started a national conversation about heritage that led to new national heritage legislation in 2010.[39] The second controversy occurred in 2013 when BPCB East Java supported a plan to build a steel factory in Trowulan, once again on the site of buried Majapahit structures. A coalition of resident groups and Indonesian heritage activists opposed the factory and, with support of the World Monument Fund, pressured the Mojokerto and national parliaments to reject the proposal. The second controversy led to Trowulan being listed as a National Heritage Area (Kawasan Cagar Budaya Nasional) in December 2013, and a Masterplan (*Rencana Pengembangan Kawasan Cagar Budaya Majapahit Trowulan Mojokerto*, henceforth Majapahit Masterplan) that was released for discussion in 2016.

The push for heritage protection and related industries (tourism and craft) constitutes one of three drivers of landscape transformation in Trowulan. The second driver is constituted by long-established smallholder farming practices, in particular the production of rice and sugar, that continue to support many of Trowulan's inhabitants. However, these practices and heritage protection are coming under pressure from what we term the Surabaya effect, or the expansion of the peri-urban fringe in connection with increasing urbanization in and around Surabaya, the second largest city in Indonesia after Jakarta. Trowulan is less than an hours drive from Surabaya, a city of approximately 3 million, and part of an urbanizing region with a population of 9 million in 2010.

The production of bricks and sand mining is the source of much tension given the extent of Majapahit artefacts. While Trowulan residents have produced red bricks and other building materials for hundreds of years, production has increased to keep up with the demands of urbanization. Production of building materials can be divided into large and small-scale production. Large scale, such as we observed in Jatirejo district in 2016, includes the diversion of rivers and large-scale excavation. Small-scale production is based on local brick manufacturers renting part of a field where they excavate the top one to two metres of soil, mould bricks, then fire them in a brick kiln that they construct in the field. A brick maker we interviewed was renting 300 square metres for three years for US$1200 (Rp.16 million), and was selling his new bricks for 2–3 US cents (Rp.300–400) each. Excavation of the top layer of soil

often includes excavation of Majapahit-era structures, and an Indonesian research project in 2014 counted over 300 traditional brick factories in Trowulan. In terms of volume, traditional brick manufacturers are the leading excavators of Majapahit era structures and artefacts.[40] Manufacturers sell the excavated older bricks for over three times what they get for new bricks (Rp.1000–2000 or eight to fifteen US cents). These large-scale changes to the landscape and the pressure for new factories in proximity to Surabaya are in tension with the local, national and international groups who are seeking the conservation and promotion of Majapahit heritage.

Our Approach

We utilized a mixed methods approach to the case study constituted by archival research and two periods of fieldwork, all of which is built on a long-term engagement with both heritage and cultural policy issues and local players. While Tod Jones has over sixteen years of experience undertaking research into cultural and heritage issues in Indonesia, Adrian Perkasa developed the more important set of relationships with local residents and officials in BPCB East Java and the Province of East Java through his Master's research into heritage controversies in Trowulan. The archival research was limited to documents following the 1983 decision to begin restoration of a series of local sites. Data was also collected on the demographic and economic characteristics of the region. While we engaged with secondary sources about the archaeological and historical characteristics of Trowulan, these topics sit outside the scope of this chapter.

We undertook fieldwork in May 2016 when we conducted site visits and eight interviews, and in May 2017 when we undertook a smaller number of site visits and six interviews (two were with people interviewed in 2016). The site visits were recorded using a field journal and photographs. The visits to the smaller sites included a meeting and discussion with the site caretaker, a local who lived nearby. All interviews utilized an interview schedule and were recorded and transcribed. They took place in Indonesian with the exception of one interview (with a brick manufacturer), which was in Javanese. Following Cope and Mayring, the data was thematically coded using NVIVO software following an inductive method.[41]

ARTEFACTS

Like Jacoby observes in relation to the history of conservation movements,[42] the relationships between Indonesian residents and artefacts have long been diminished then ignored in archaeological research and management. Thomas Raffles proposed that the historic structures he discussed in *The History of Java* were the product of Indian migrants and not the Javanese,[43] a colonial proposition that was still believed by a minority of Dutch archaeologists in the 1920s.[44] While most archaeologists by this time thought local people built the structures, they were still debating whether there was local appreciation and utilization.[45] A postcolonial echo of this debate was still reverberating in the 1980s as indicated in the *Majapahit Masterplan*:

> The interview results from residents who live around Trowulan's archaeological sites indicate that they do not feel they 'own' or do not value archaeological remains as valuable heritage and the achievements of past cultures.[46]

The *Majapahit Masterplan* then states that residents only appreciate the economic value of the Majapahit artefacts through the sale of artefacts and bricks, and respond to 'to the threat of law'.[47] Senior staff at the BPCB East Java, which is based in Trowulan, now have a more nuanced understanding of local relationships and acknowledge local appreciation and that the conservation of artefacts will clash with local socio-economic systems that mesh with broader changes (such as the urbanization of Surabaya). However, also they hold the misperception that increasing understanding of archaeology and the reasons for laws will prevent local rituals, like touching objects at heritage sites.

Similarly to the rural dwellers and native Americans in *Crimes against Nature*, our interviews and observation of residents indicate local residents have an appreciation of artefacts that is nuanced and critical. Trowulan appears to differ from Byrne's observations at archaeologically rich Bantuan in the Philippines in that working-class local people in Trowulan have their own collections of lower value artefacts.[48] For instance, Fig. 6.1 is a small collection of statue heads that was shown to us in 2016. These are not *pusaka*, or powerful objects capable of intervening in daily and spiritual life, but a reflection of local interest in Majapahit material culture. Residents also have their own set of

sanctions, generally expressed as a strong dislike, if another resident sells an artefact to a dealer who takes the artefact out of the region. It is not illegal to sell an artefact to a collector within Indonesia, so local sanctions are geographically more restrictive than formal sanctions. Furthermore, local religious beliefs can prevent people from taking artefacts from important sites. One respondent said:

> What is effective is when they take something, they become sick, possessed, crazy. That is an effective sanction because our community is a religious community.[49]

The effects of dealing with powerful objects are tracked quite closely in relation to dealers, whose health is thought to be regularly subjected to attacks from the objects they deal. Formal sanctions protecting artefacts can result in jail time of up to fifteen years and a fine of up to approximately $US375,000,[50] but our informants only mentioned a single time a person was prosecuted, which occurred in the 1970s to a BPCB staff member. Local sanctions are both more restrictive and more often applied.

Fig. 6.1 A personal collection of small statue heads. 2016 (Photograph by Tod Jones)

A moral ecologies framework needs to recognize the complexity of relations between the state and local residents. As in Deerfield, Massachusetts (USA),[51] there is local distrust of the state archaeological managers (BPCB). When artefacts are reported to BPCB, they are often not seen again as they go into storage. Furthermore, there are rumours that staff at the museum have sold objects or exchanged them for new objects. However, the division between BPCB staff and Trowulan residents is not clear-cut. BPCB staff live in Trowulan, and there are a large number of long-term local residents who work in various capacities in or for BPCB. This includes most of the caretakers (*juru pelihara*) for local shrines, eight of which receive large numbers of visitors. As a retired BPCB staff member whose family has lived in Trowulan for many generations asserted, socialization of understanding about the history and value of artefacts spreads through the knowledge of local people.[52] Trowulan residents also selectively make use of conservation rules and policing, and will contact the police or BPCB staff if they see activity that they regard as suspicious. Many of our respondents reported that residents had in the past sold artefacts to brokers who are likely to have sold them to overseas collectors. As in Byrne's account of 'looters' in Batuan,[53] there was a strong economic motive given the low level of wealth in Trowulan historically, but there was also local resistance to these sales. In the present, locating artefacts of higher value is rare and, as stated by the Head of the History, Museum and Archaeology Section in the East Java Office of Culture and Tourism, most such 'finds' now are newly manufactured by Trowulan artists whose skill is such as to make the new artefacts indistinguishable to Trowulan Museum staff.

The intimate relationship between contemporary Trowulan artists and Majapahit artefacts has a long and fascinating history. It can be traced to the relationship between the Dutch architect Maclaine Pont and a local man, Sabar, who lived in the village of Bejijong.[54] Sabar was born in the 1900s to a farming family. Sabar began working for Maclaine Pont in 1924 when he started designing the old Majapahit Museum. Maclaine Pont and Sabar built a close working relationship that included working together on a bronze statue of Jesus in the Pohsarang Catholic Church in Kediri, East Java, that Maclaine Pont designed (itself important to Indonesian architectural history due to its combination of European and

Indonesian architectural design) completed in 1936. After Maclaine Pont was interred by the Japanese and his archaeological work stopped, Sabar continued to look after his collection and correspond with him.[55] Sabar's grandson Nuryadi stated:

> Nuryadi: When Maclaine Pont returned to the Netherlands, Sabar had a moral obligation to protect Maclaine Pont's collection.
> Adrian: Did Sabar continue to protect it?
> Nuryadi: Yes, as the legacy of Maclaine Pont, Sabar felt a moral responsibility to protect the collection.[56]

Sabar moved his workshop to the front of the museum and lived behind it. From 1949 until his retirement in 1965 he worked in an unwaged capacity at the museum, generating income from commissions from visitors and other work connected to the collection. In the 1950s, his son Hariadi Sabar stated that his family with his second wife Rubeni[57] and his seven children were very poor and at times could not afford the Javanese staple of rice. A few months before he retired in 1965 he was appointed to a waged position in BPCB so that he could claim a pension.

While the history to 1965 demonstrates one family's strong connection to Majapahit material culture, Sabar was also a key contributor to what can be called the New Majapahit Art following his retirement. At this time he moved back to Bejijong and began experimenting with producing Majapahit statues, initially using lead and simple forms (such as animals), then progressing to metal and bronze and more complex forms. He started to sell his statues in front of the museum and to shops in Surabaya. His orientation, based on his extensive knowledge of Majapahit artefacts, was towards classical work in the style of the Majapahit with the goal of replicating their skill and design. It is difficult now to locate Sabar's statues, and it is likely that his mark on them has worn down with time. The one statue we located was a bust he made of himself in the workshop of his son Hariadi (see Fig. 6.2). Sabar taught his family, friends and neighbours how to manufacture metal objects including large statues. Hariadi Sabar is the most well-known bronze artist, and has worked with the staff and students of the nationally prominent Jakarta Arts Institute (*Institut Kesenian Jakarta*, IKJ) since 1986. According to Hariadi, over 150 people in Bejijong work in some capacity in the production of metal statues, jewellery and other objects. Sabar passed away in 1996.

Fig. 6.2   Sabar. A bronze bust of the artist. Date unknown (Photograph by Tod Jones with permission of Hariadi Sabar)

Today, Trowulan artists are perhaps even better known for their stone statues. Stone statue production began after metal in 1977 with the work of a blacksmith, Harun and then Wagiran in the nearby village of Jatisumber. With the decline of blacksmith work, Harun turned to stone sculpture. Most of the stone sculptors today relate directly to these two founders. Wagiran was the father of Wakidi, who taught many of the sculptors in Jatisumber, including the internationally successful Ribut. Stone sculpture has become a successful exporting business, with 75% of the production of the sculptors we interviewed being produced for an international market. A third industry, which has not received the same level of national recognition, is in the production of terracotta Majapahit art. Terracotta tends to receive lower prices and is more easily mass-produced.

The presence of the museum and sites is essential to the emergence, forms and operations of the New Majapahit Art. The museum was the only point of reference for early artists, and Sabar's close relationship with artefacts in the museum both inspired his experimentation and led his practice. Both Hariadi and Ribut, currently the two most successful artists, still visit the museum weekly and make regular visits to sites both in and outside Trowulan. While younger artists are more likely to work from images, the connection to the museum remains. A younger artist, Tono, said to us: 'If I get stuck, I go to the museum'.[58] Stone sculptor Ribut links the presence of Majapahit art to the meshwork:

> I myself still really feel that it [the art] is an impact from the museum, from the sites. Maybe not just here. One example in Magelang, there are sculptors… There are lots of sites… Its an impact from the environment, an effect of the environment.[59]

Majapahit stone sculpture in particular has reached a level of technical production that, with contemporary techniques for ageing, makes it very difficult to know if an artefact is new or from the Majapahit era. Furthermore, the museum now asks senior artists to make such determinations, such as their familiarity and understanding of Majapahit artefacts, old and new.

Until now, the New Majapahit art has been understood to be making replicas, which threaten to undermine museums, galleries and collectors' efforts to protect the provenance and value of Majapahit art. Such judgements rely on a modern conception of creation that divides the processes

of design and making,[60] and is inappropriate to regional art production in Indonesia and similar systems of production elsewhere.[61] The division between design and making, essential to modern ideas about creativity and copyright,[62] hides both the way creating art occurs in the acts and combinations of making, and the creativity and skill required for imitation. We quote Tim Ingold at length here because he captures the dynamics of the New Majapahit Art that are missed when complaints are levelled at replication:

> Far from yielding a concrete and objectified end-product, every performance is just one moment in the work's concrescence—its ongoing generation. This idea is reinforced by a method of learning in which, through repetitive practice in copying or imitating previous or classic exemplars, novices incorporate the movements and sensibilities of the masters into their own bodily comportment, only to surpass them in the development of their own personal style. At no point, however, do they cease to copy. For every original is a copy in that it is modelled on previous studies, and every copy is an original in that it can become a model for those who follow.[63]

Replication of an exceptional art form is a rare creative achievement. Replication of art that has not been practiced for over four hundred years and the achievement of art of such quality that experts struggle to identify its providence is phenomenal. Trowulan artists understand the process of creating Majapahit artefacts better than internationally educated experts. To represent the New Majapahit Art as underhand or criminal misunderstands its origins, operations and achievements, and inhibits opportunities for museums to work together with Trowulan artists.

While the attitude of museums to local production is a negative colonial legacy, an important insight from Trowulan is how colonial relationships are transformed in the meshwork of local lives. The New Majaphit Art is the best example of this transformation. Here the focus on the historical markers of Greater India (that still dominates archaeology), through extensive engagement and experimentation, has become the basis for a skilled local engagement that is entwined with connections to place, family, livelihoods and history. Furthermore, this is not an isolated incident. Magelan in Central Java also has many artefacts, sites and artists. Furthermore, it occurs in other countries. Rose-Greenland's ethnography of 'looters' in Italy also identifies a 'moral code that militates

against certain practices', detailed knowledge passed down within families, and their criminalization by the state.[64] She also identifies replication of, in this case, Eritrean wares as a basis for local manufacturing that were also dismissed by educated elites despite their remarkable similarity to ancient ceramics. Similar complexities and dismissals of local knowledge and relationships were identified in Northern Peru.[65] If heritage is the relationship between objects and environments that explains a valued past, then there is an argument to be made for the equivalence of New Majapahit Art with the original artefacts. The difference is that, while museums use state funding and expert knowledge to control flows of materials to prevent change to existing objects, Trowulan artists skilfully engage in material flows, learnt through knowledge gained from an extended community engagement with Majapahit art, to create anew. The colonial legacy that remains to be overcome is the vast gap in appreciation and attention to these categories, and resistance to returning cultural control of these artefacts to their places of origin where the meshwork of local lives has more chance of creative engagement and entanglement with livelihoods. While artefacts in museums are sustained through state funds, separation from visitors and expert knowledge, the New Majapahit art is sustained through Trowulan livelihoods and economics, family networks, private sales and artists' skilled interaction with materials.

Sites

With eight such monuments, Trowulan is one of the sub-districts (*kecamatan*) with the largest number of state-reconstructed archaeological sites in Indonesia. Trowulan became a focus of reconstruction efforts due to the representation of the Majapahit kingdom as the precursor for Indonesia in nationalist histories, the success of the reconstruction of Borobudur,[66] and, building on Raffles and Wardenaar, the archaeological work of Dutch scholars and local elites in the 1920s and 1930s. The presence of both locally maintained and reconstructed sites invites comparative analysis between them, particularly in relation to resident relations and state regulation. A moral ecologies approach recognizes the adaptiveness of local residents to new flows of people and resources, including those derived from state conservation initiatives and regulation, while also acknowledging the pain caused when relationships with heritage are severed by these changes.

A job that runs across and complicates the division between the reconstructed sites and the locally managed sites is the *juru kunci*, or keeper of the key. The term derives from the Javanese *juru kuncen*, where certain staff were tasked with the role of protecting particular sites, communicating their history, and facilitating related rituals. These are particularly important at sites of pilgrimage and tomb visitation (*ziarah*). James Fox identifies that *juru kunci* 'keep these traditions alive and relevant to contemporary Javanese'.[67] There are many people who have performed the role of the *juru kunci* on Java, and they have been appointed and paid through a variety of different methods and institutions. In 2016, the East Java Office of Culture and Tourism paid 420 *juru kunci*, who are state employees, at various fractions and levels.[68] The *juru kunci* employed through the state system are now known as *juru pelihara* (Caretaker), and have a set of defined tasks and roles. While the two terms are both used now, we use *juru pelihara* to refer to state-paid and regulated roles, *juru kunci* to refer to roles regulated by non-state institutions with greater continuity with earlier roles, and caretaker to refer to all site caretakers. Most of the positions in Trowulan were waged, with *Juru Pelihara* at the local sites receiving a small salary through a fractional position. The Dutch East Indies government similarly paid a small stipend to *juru kunci* at certain sites. Generally caretakers live next to or quite near their site, and often the position is retained within the same family. Other *juru kunci* are appointed by local institutions, including villages. A village that oversaw one small shrine in Trowulan elected a new *juru kunci* for life just before we undertook fieldwork in 2017, leading to a local controversy when the winner overspent the agreed amount for campaigning.[69] This position was unwaged but, due to this shrine's connections to Suharto, it often attracted senior Golkar figures who tipped well, and it generated money through parking.

The restored sites correspond most closely to the notion of monumental sites[70] and fortress conservation.[71] These sites, like Bajang Ratu (see Fig. 6.3), are surrounded by fences that have a specific BPCB style. They are open to the public during the day and generally closed at night. A critique of a senior staff member of BPCB was that 'There are no visitor facilities [at the archaeological sites in Trowulan] because it has the features of conservation, not of utilization'.[72] The sites are surrounded by Western-style gardens with grass and often intricate hedges, but few tall trees, little shade, and no seating for visitors. This reduces their usefulness for locals who, on their day off on Sundays, prefer the Buddhist

Fig. 6.3 Bajang Rau in Trowulan, Mojokerto, East Java, Indonesia (Photograph by Tod Jones)

Wihara (see Fig. 6.4), the location of the large, new sleeping Buddha statue that is surrounded by a garden, reproductions of other Buddhist sites (like Borobudur), and has many places to sit and relax. The restored sites have large numbers of staff, mostly attract visitors on day trips, generally from Surabaya, who stay at the sites for short periods before journeying to the next site.

In contrast to the state-restored sites, the locally regulated sites are smaller and are not surrounded by gardens. Large trees provide shade, and there is often a shaded place for guests to rest. Whenever we visited a site, we would initially be alone, but a caretaker would generally arrive within five minutes. The sites were clean and well maintained. Often the trees and some of the structures had sheets tied around them, in a style similar to Bali, which indicated their spiritual qualities. Graves are a recurring feature of the locally regulated sites. As has been observed across Indonesia,[73] the dead play an important role in the lives of the living. By visiting tombs and places where spirits inhabit, Islamic people in particular are able to ask for their intercession with Allah.[74] Ancestors

Fig. 6.4 The Buddhist Wihara in Trowulan (Photograph by Tod Jones)

and these other spirits are powerful beings, able to influence the physical world, in particular through sickness or assistance. These beliefs are important to site maintenance and discourage unauthorized excavations. Our local informants noted the frequency of graves at sites, not just in Trowulan but across East Java, and that the most popular sites have graves. Graves at sites are often acknowledged as potentially false, but pilgrims still visit the sites, often because of the presence of other spiritual beings. Indeed, the large trees do not just provide shelter for the living. Henri Chambert-Loir observes that 'The place is usually marked by the presence of big trees (often banyan), which are themselves sacred as they are the domain of the spirits'.[75] Most of the locally regulated sites therefore have the characteristics of Javanese Islamic pilgrimage sites. These sites are constantly shifting form in relation to changes in use.

The physical characteristics of these sites and the rhythms of their use are shaped through their relationship to local people. As these sites are places of local gathering and pride, they are cleaned physically and spiritually. The patterns of their use correspond to special days and times in the Javanese calendar. For instance, a harvest festival (*ruwat desa*) in May will fill a local shrine for an entire day, ending with a Wayang performance

Fig. 6.5   Rice drying in front of the Watu Ombo shrine, Trowulan, East Java

late into the night. On Friday Legi Eve (*Malam Jumat Legi*),[76] a time for making prayers and seeking intercession, pilgrims come from across East Java, in particular to Troloyo's Tomb, a site made popular through the visits of ex-Indonesian President and Islamic leader Gus Dur. On this day, the village and local tourism office close the road and it turns into a busy street festival. We visited a different grave with a group of local men on *Malam Jumat Legi* in 2016 where they prayed, then ate together at midnight. Women and children went earlier in the day where they ate a traditional food. Furthermore, as can be seen in Fig. 6.5, at other times of the day these sites are used for other activities like drying rice, and are used by local guides as a tourist site that they can interpret out of the way of the official guides who tend to stick to the museum and larger sites. The physical forms of these sites take their shape through their presence in the environment of Trowulan residents.

The restoration of Majapahit era artefacts was in fact the transformation of locally regulated shrines into state-regulated, national monuments. These transformations took years and billions of Rupiah. Often they necessitated the movement of homes and gravesites. Sabar's grandson Nuryadi, who worked for over two decades supervising restoration work, observed

that 'moving people is much easier than moving graves.'[77] While no graves or houses were moved at Candi Brahu, at Bajang Ratu over fifty graves and one house were moved, necessitating many ceremonies and much negotiation so as to not upset ancestors. Furthermore, the physical form of the reconstructed temples requires builders to imagine the shape of their original form. What is more, the actual construction is done by local people who place and set new and old stones. The massive investment in reconstruction does not stop with the end of a restoration. Physical forces and lines of life constantly transgress the boundaries of official sites, necessitating large teams to maintain the gardens and the monuments. In the experience of Marsaid, the senior *juru pelihara* at Candi Brahu and local resident, the wet season requires far greater work than dry season due to the phenomenal growth of plants, grass and lichen. Marsaid and the other caretakers clean the Buddhist temple monthly using bamboo ladders and ropes (see Fig. 6.6). The shifts then from local to state regulation

Fig. 6.6   Candi Brahu, a reconstructed Buddhist temple at Trowulan, East Java (Photograph by Tod Jones 2017)

require a large initial and ongoing state investment to shape and maintain the site in its imagined original form. Such investments should not then be assumed to sever relations or destroy moral ecologies. Moral ecologies shift with these investments, often shaping new relationships and forms, while older forms wither and become memories if their flows are no longer sustained.

The postcolonial nationalist imagining of a monumental and impressive past is most obvious in the restored sites. However, as is usually the case, the situation is more complex because the restored sites also exist in local environments that give them their shape and form. Candi Brahu has a garden with plants trimmed to look like stupas and a Majapahit-inspired star-shaped hedge along with some larger trees and a large grassed area. Its design was conceived and executed by the caretakers, all of them local residents. What is more, the responsibilitiesof an effective *juru kunci* are very similar to that of an effective *juru pelihara*.[78] They must undertake regular maintenance and keep the site clean. They should know the site's history and not make things up. They should always be available for guests, day or evening. Marsaid and his team do these things and have the respect of people who carry out spiritual activities, and they often make use of the reconstructed Candi Brahu. They also use it for larger community events. Candi Brahu, as a Buddhist temple that was not a location for graves, was not used previously to any great degree by the local community. As a site with some shade and local caretakers, it has become more visited due to the restoration.

While residents then shape both restored and locally managed sites through their engagement and work, resident relationships are stronger and visits more frequent to local sites. However, as Marsaid and Candi Brahu demonstrate, this does not have to be the case, and local relationships with sites can take different forms and modes of engagement. These are intimately linked to the moral ecologies of the site, its physical form, and how the physical and organic forces that work on the temple are countered through residents' physical engagement. However, in neither case should the structures be considered monuments because it is that conception that poses the greatest danger to local relationships. A Trowulan artist and regular visitor to shrines addressed this issue:

> The current method [of site regulation] is where old structures are considered as only monuments that are only to astound. If we are astounded, it means we cannot do anything but be astounded, and not do anything, and

only do activities that are in the name of astonishment. We do not deeply consider; we are the astounded. That's all, but if societal enrichment is economic—ok, spiritual—ok, scientific—ok, I think it can come alive.[79]

Living relationships, and all its benefits, requires flows linked to perceptions of what sites are and can be. Moral ecologies centres these relationships in our research and thinking.

Conclusion

In *Crimes against Nature*, Jacoby foreshadowed an important critique in social science research of assumptions of progress and a turn towards alternative sets of relations, themselves particular and historical, that are ignored by scalable knowledge that seek universal application.[80] Through his concept of moral ecologies, Jacoby practiced what Anna Tsing calls 'arts of noticing' that allow for lower level engagements that cannot be scaled up and rolled out.[81] By doing so, Jacoby highlighted the violence done and what has been lost when the narratives of conservation as progress go unchallenged. His detailed method and research avoided the romanticism that threatens research about geographically smaller, 'local' levels,[82] and was an early contribution to a body of work that is now charting alternatives to singular paths of progress. Due to its attention to the particular and historical, cultural heritage is a field of practices that should be deeply engaged in these debates and conversations. It still has much to learn from Jacoby's method and findings.

The attention we have paid to resident relations to cultural heritage in Trowulan reveals similarities today in the realm of cultural heritage to Jacoby's observations about environmental conservation. Local histories of relations and 'becomings-with' are marginalized and ignored.[83] The remarkable story of the New Majapahit Art becomes copying and a threat to the provenance of valuable museum and collector pieces. The moral ecology of heritage we explore reveals the continuing colonial relations that marginalize and denigrate the skilled re-creation of Majapahit art. More efficient and integrated local heritage sites have been reterritorialized as national monuments at great and ongoing cost and with great difficulty. The rhythms of local sites come into focus when conceived as local moral ecologies, including their connections to local systems of belief, as do the ways in which a small number of sites are protected from and changed by the encroachment of peri-urban Surabaya.

We also demonstrate that considering heritage as movement in configuration with environments, as we do through our use of Ingold's concept of meshwork, opens up finer grained considerations of resident-heritage interactions. Considering the New Majapahit Art as artefacts required us to acknowledge a new evolving knowledge and scale of perception that transforms postcolonial relations by using them as a resource within the meshwork of resident lives and livelihoods. Attention to flows of materials reveals the broader sets of relations that generate the production and care for these objects. Focussing on movement also complicates our consideration of resident relations with monumental sites. Even prescriptive state regulations cannot prevent resident meshwork from prising open and transforming these sites through residents' daily interactions as gardeners, caretakers, visitors and community members. Moral ecologies' challenge to the hierarchies of power that reinforce singular approaches at the expense of resident relationships and livelihoods must remain a focus of cultural heritage research if this research is willing to take on its conceptual limitations with regards to heritage practice. Being attentive to the multiple connections between cultural heritage and its environments both acknowledges the pain of unravelling entanglements caused by institutional interventions (however well-intentioned), and provides the tensions that will force important conceptual and ethical changes in how researchers consider and approach cultural heritage.

Notes

1. Karl Jacoby, *Crimes against Nature*: *Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2003), 3.
2. Ibid.
3. See, for instance, Lynn Meskell, *The Nature of Heritage: The New South Africa* (Malden, MA: Wiley-Blackwell, 2012).
4. Jacoby, *Crimes against Nature*, 1–7.
5. Denis Byrne, *Counterheritage: Critical Perspectives on Heritage Conservation in Asia* (Abingdon, Oxon: Routledge, 2014).
6. Iain Robertson, "Introduction: Heritage from Below," in *Heritage from Below*, ed. Iain Robertson (Farnham: Ashgate, 2012), 15–42.
7. Tim Ingold, *Being Alive: Essays on Movement, Knowledge and Description* (London and New York: Routledge, 2011), 69–70.

8. Ibid., 160.
9. Denis Byrne, "Archaeology and the Fortress of Rationality," in *Cosmopolitan Archaeologies*, ed. Lynn Meskell (Durham, NC: Duke University Press, 2009), 68–88.
10. Animals, as a group that has historically been subjugated to human achievements while also essential to them, has a complex relationship with commemoration. See, for instance, Hilda Kean's research on commemoration and the role of animals in the tangled relationships that shape cities. Hilda Kean, "Traces and Representations: Animal Pasts in London's Present," *The London Journal* 36, 1 (2011): 54–71.
11. Jacoby, *Crimes against Nature*.
12. Laurajane Smith, *Uses of Heritage* (London and New York: Routledge, 2006); Byrne, *Counterheritage*; Rodney Harrison, *Heritage: Critical Approaches* (Oxon: Routledge, 2013).
13. Jacoby, *Crimes against Nature*.
14. Tim Ingold, *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill* (London and New York: Routledge, 2000), 187.
15. Paul Robbins, *Political Ecology: A Critical Introduction* (Malden, MA: Wiley, 2012); Roderick P. Neumann, *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa* (Berkeley: University of California Press, 1998).
16. Robin J. Roth, "'Fixing' the Forest: The Spatiality of Conservation Conflict in Thailand," *Annals of the Association of American Geographers* 98, 2 (2008): 374.
17. Jacoby, *Crimes against Nature*, 146.
18. Roth, "'Fixing' the Forest," 142.
19. Ibid.; George Holmes, "Defining the Forest, Defending the Forest: Political Ecology, Territoriality, and Resistance to a Protected Area in the Dominican Republic," *Geoforum* 53 (2014): 1–10.
20. Ingold, *The Perception of the Environment*.
21. Byrne, *Counterheritage*; Siobhan. Hart and Elizabeth Chilton, "Digging and Destruction: Artifact Collecting as Meaningful Social Practice," *International Journal of Heritage Studies* 21, 4 (2015): 318–35; Fiona Rose-Greenland, "Looters, Collectors and a Passion for Antiquities at the Margins of Italian Society," *Journal of Modern Italian Studies* 19, 5 (2014): 570–82.
22. Byrne, *Counterheritage*, 165–8.
23. Hart and Chilton, "Digging and Destruction," 320.
24. Ibid.
25. Byrne, *Counterheritage*, 159–99.
26. Jacoby, *Crimes against Nature*.
27. Rose-Greenland, "Looters, Collectors".

28. Byrne, *Counterheritage*; Benedict Anderson, "Cartoons and Monuments: The Evolution of Political Communication under the New Order," in *Language and Power: Exploring Political Cultures in Indonesia*, ed. Benedict Anderson (Ithaca: Cornell University Press, 1990), 282–321; Benedict Anderson, *Imagined Communities* (London: Verso, 1991), 163–206.

29. Rose-Greenland, "Looters, Collectors".

30. James R. Rush, *Java a Travellers' Anthology* (New York: Oxford University Press, 1996), 1–2.

31. Thomas Stanford Raffles, *The History of Java* (London: Open University Press, 1965/1817).

32. Tod Jones, *Culture, Power, and Authoritarianism in the Indonesian State. Cultural Policy Across the Twentieth Century to the Reform Era* (Leiden: Brill, 2013), 71–111.

33. See Clifford Geertz, "Afterword: The Politics of Meaning," in *Culture and Politics in Indonesia*, ed. Claire Holt (London: Cornell University Press, 1972), 319–35; and James Schiller *Developing Jepara in New Order Indonesia* (Melbourne: Monash Asia Institute, Monash University, 1996).

34. The Indonesian Archaeological Service's treatment of archaeological sites, in particular its preference for reconstruction, dates back to fierce debates in the 1910s and 1920s between Dutch experts in Indonesian antiquities: Marieke Bloembergen and Martijn Eickhoff, "Save Borobudur! The Moral Dynamics of Heritage Formation in Indonesia across Orders and Borders, 1930s–1980s," in *Cultural Heritage as Civilizing Mission: From Decay to Recovery*, ed. Michael Falser (Cham: Springer, 2015), 83–119; Marieke Bloembergen and Martijn Eickhoff, "Conserving the Past, Mobilizing the Indonesian Future Archaeological Sites, Regime Change and Heritage Politics in Indonesia in the 1950s," *Bijdragen Tot De Taal- Land- En Volkenkunde* 167, 4 (2011), 405–36.

35. Proyek Pemugaran dan Pemeliharaan Peninggalan Sejarah dan Purbakala, "Archaeological Masterplan of the City Remnants of the Trowulan Majapahit Kingdom (Rencanca Induk Arkeologi Bekas Kota Kerajaan Majapahit Trowulan)," (Jakarta: Direktorat Perlindungan dan Pembinaan Peninggalan Sejarah dan Purbakala, 1986).

36. Two of our informants who were senior officials in BPCB East Java stated that the extent was 91 square kilometres, which is the extent of the National Heritage Area.

37. Koos Siti Rochmani, "Upaya Pelestarian Situs Kota Kerajaan Majapahit Di Trowulan, Mojokerto, Jawa Timur 1983–1995," (Jakarta: Bagian Proyek Pembinaan Peninggalan Sejarah Dan Kepurbakalaan Bekas Kota Kerajaan Majapahit, Direktorat Kebudayaan, Departemen Pendidikan dan Kebudayaan, 1995).

38. The political period that began with the forced resignation of Suharto in 1998.

39. Adrian Perkasa, *Orang-Orang Tionghoa Dan Islam Di Majapahit* (Yogyakarta: Ombak, 2012), 184–95.

40. Amrit Gomperts, Arnoud Haag and Peter Carey "Stutterheim's Enigma: The Mystery of His Mapping of the Majapahit Kraton at Trowulan in 1941," *Bijdragen tot de Taal-, Land- en Volkenkunde* 164, 4 (2008): fn.2. They estimated that since 1816 over 500 million cubic metres of soils with medieval bricks had been removed.

41. Meghan Cope, "Coding Qualitative Data," in *Qualitative Research Methods in Human Geography*, ed. Iain Hay (Melbourne: Oxford University Press, 2010), 22–33; Philipp Mayring, "Qualitative Content Analysis," *Forum Qualitative Social Research* 1, 2 (2000), accessed 21 May 2018, http://nbn-resolving.de/urn:nbn:de:0114-fqs0002204.

42. Jacoby, *Crimes against Nature*, 1–7.

43. Raffles, *The History of Java*.

44. Bloembergen and Eickhoff, "Conserving the Past".

45. Ibid., 414–8.

46. Proyek Pemugaran dan Pemeliharaan Peninggalan Sejarah dan Purbakala, "Archaeological Masterplan," 14.

47. Ibid.

48. Byrne, *Counterheritage*.

49. Interview with Trowulan artist, Trowulan, 31 March 2016.

50. Undang Undang Nomor 5 Tahun 1992 tentang. Benda Cagar Budaya pasal 105. This is the fine for destroying an artefact. The maximum jail term for trading is five years and the maximum fine is still a substantial $US110,000.

51. Hart and Chilton, "Digging and Destruction," 328.

52. Interview with Nuryadi Sabar, Jatisumber, Trowulan, 2 April 2016.

53. Byrne, *Counterheritage*.

54. It should be noted that this is an oral history based on interviews with Sabar's family and artists in Trowulan, supported by some archival research and should be regarded as an overview. The history of the New Majapahit Art requires much greater documentation, archival research and interviews both within and outside Trowulan.

55. Sabar's son and nationally renown bronze sculptor Hariadi Sabar told us that Sabar used to take messages to Maclaine-Pont when he was interred concealed in grass that he said he brought into feed the horses.

56. Interview with Nuryadi Sabar, Trowulan, 13 May 2017.

57. Sabar's first wife, Sumi, had three children and passed away before Sabar married Rubeni, who gave birth to four children.

58. Interview with Trowulan stone artist, Trowulan, 1 April 2016.
59. Interview with Ribut, Trowulan, 13 May 2017.
60. Tim Ingold, "Introduction [to First Section]," in *Creativity and Cultural Improvisation*, ed. Elizabeth Hallam and Tim Ingold (Oxford: Berg, 2007).
61. Lorraine V. Aragon and James Leach, "Arts and Owners: Intellectual Property Law and the Politics of Scale in Indonesian Arts," *American Ethnologist* 35, 4 (2008): 607–31.
62. James Leach, "Creativity, Subjectivity, and the Dynamic of Possessive Individualism," in *Creativity and Cultural Improvisation*, 99–116.
63. Ingold, "Introduction [to First Section]," 50.
64. Rose-Greenland, "Looters, Collectors," 571.
65. Kimbra L. Smith, "Looting and the Politics of Archaeological Knowledge in Northern Peru," *Ethnos* 70, no. 2 (2005), 149–70.
66. Bloembergen and Eickhoff, "Save Borobudur!"
67. James Fox, "Interpreting the Historical Significance of Tombs and Chronicles in Contemporary Java," in *The Potent Dead: Ancestors, Saints and Heroes in Contemporary Indonesia*, ed. Henri Chambert-Loir and Anthony Reid (Sydney and Honolulu: Allen & Unwin and University of Hawaii Press, 2002), 172.
68. Interview with East Javanese official in the Office of Culture and Tourism, Surabaya, 4 April 2016.
69. Interview with Trowulan artist, Trowulan, 31 March 2016.
70. Smith, *Uses of Heritage*, Chapter 3.
71. Meskell, *The Nature of Heritage*.
72. Interview with official in PBCB, Trowulan, 1 April 2016.
73. Meskell, *The Nature of Heritage*.
74. Jörgen Hellman, "Living Together with Ancestors: Cultural Heritage and Sacred Places on West Java," *International Journal of Religious Tourism and Pilgrimage* 5, 1 (2017), accessed 21 May 2018, https://arrow.dit.ie/ijrtp/vol5/iss1/8.
75. Henri Chambert-Loir, "Saints and Ancestors: The Cult of Muslim Saints in Java," in *The Potent Dead: Ancestors, Saints and Heroes in Contemporary Indonesia*, ed. Henri Chambert-Loir and Anthony Reid (Sydney and Honolulu: Allen & Unwin and University of Hawaii Press, 2002), 136.
76. *Malam Jumat Legi* is the night before the coincidence of Friday in the seven day cycle and Legi in the five day cycle in the Javanese calendar.
77. Interview with Nuryadi Sabar, Jatisumber, Trowulan, 2 April 2016.
78. Interview with Trowulan artist, Trowulan, 31 March 2016.
79. Interview with Trowulan artist, Trowulan, 31 March 2016.

80. Anna Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins* (Princeton and Oxford: Princeton University Press, 2015).
81. Ibid., 37.
82. David C. Harvey, "Heritage and Scale: Settings, Boundaries and Relations," *International Journal of Heritage Studies* 21, 6 (2015): 577–93.
83. Donna Jeanne Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008).

Of Necessary Work: The *Longue Durée* of the Moral Ecology of the Hebridean *Gàidhealtachd*

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The ground-shifting impact of *Crimes against Nature* as pioneering study of the histories of nature/culture interactions from below is beyond doubt. If there is less certainty around a similarly seismic impact for moral ecology, it is only because this vital concept has remained somewhat underdeveloped to date. It is the ambition of this chapter to do something about that. In testing, extending and making problematic this concept, we aim to unveil what moral ecology in action looks like and demonstrate that it has traction in times and spaces significantly different to those of the original.

The space and time in which we set this unveiling is that of the *longue durée* of the Hebridean *Gàidhealtachd*, an identifier that can refer variously to the geographic space that is the Highlands and Islands or the more fluid cultural and linguistic 'Gaelic' areas of Scotland; and to

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various subjective interpretations in-between. Here, the focus is on the Outer Hebrides where the Gaelic language is still part of a relatively continuous diachronic experience and history. We have settled on this space partly because of its enduring orality, partly to counter the dominance, in studies of dispossession and resistance in a United Kingdom context, of work that focuses on England and the English landscape, but also because the Highlands underwent a version of Jacoby's top-down imposition of scientific conservation. New structures and regulation were imposed, either for sport or to serve the values and spatial arrangements of the market economy. In effect, conservation was settler colonialism by sheep and practised against subjects who, geographically, were part of the metropole but who were viewed and treated as if a type of colonial subject by government and landowners.[1]

From the late seventeenth century, a combination of the rationalist, modernising tenets of agricultural Improvement and the development of full-blown capitalism in the region ultimately materialised into the Highland Clearances and concomitant crofting agriculture. This assault on vernacular environmental arrangements was both material and mental. New tenurial arrangements and new land working practices were brought into being, accompanied by enforced physical relocation and attempts to extirpate older belief systems.[2]

These processes were not pursued as far as they might have been. Crofting—the endpoint of those shifting arrangements and practices— was a hybrid coming together of the old and the new. Notably, the practice of commoning remained a vital part of crofting life, both materially and as way in which ideologies and practices of being on the land were drawn forward into the nineteenth and twentieth centuries. One such belief, that those who worked the land had a right to permanent occupation of it, underlay, legitimised and impelled actions of the tenantry in their resistances to dispossession from the 1740s to after World War One.[3] What this amounts to is a landscape, lifeworld and history that is both sufficiently similar to, and sufficiently different from, those of *Crimes against Nature* to permit useful comparison and critique.

To enable comparison and critique we draw on the archaeological and historical record and methods to detail three episodes from the vernacular environmental history of the Isle of Lewis. These episodes comprehensively illuminate the dynamic and contested nature of landscape, lifeworld and the human/non-human assemblages inscribed therein and thereby. Whilst we do not suggest that the nature/culture binary which

lies at the heart of environmental history has been without scrutiny—
that would be to ignore the monumental contributions of both Jacoby
and Bill Cronon, to name but two, it is the contention of the current
chapter that there are benefits to be had by taking a further turn towards
non-representational theory and to the performative in particular.[4] From
this multidisciplinary vantage point, we seek to draw the concerns of
environmental history ever closer to studies of rural resistance through a
mutually beneficial dialogue.

Our empirical sections engage with the *emergence* of an embryonic
moral ecology and suggest that at first forming it is not axiomatically
based on principles and practices that can be described and celebrated as
wholly morally driven as understood in the most strict definition of that
somewhat slippery term. In this first stage we recognise experimentation
with the resource, testing and exceeding its endurance, and the tracing of
taskscapes, out of which a lifeworld would ultimately emerge that those
who lived on and from the land and in morally shaped assemblages of
the human and non-human were prepared to defend against hegemonic
and antithetical beliefs and assemblages.

From there, we discuss the response to the *challenges* represented by
dispossession and the imposition of alien values and practices. Before
finally exploring the meaning and implication of the *persistence* of a pre-
cognitive and muscular performance of a quotidian moral ecology.
Emerging from this triadic structure—emergence; challenge; persistence—
is a deep, grounded counter to first the arguably romanticised connota-
tions of moral ecology first formulated in *Crimes against Nature* and
second, the somewhat naïvely implicit assumptions of an axiomatic con-
nection between resource use and sustainability. Indeed we have much
sympathy for Paul Warde's view that whilst the peasantry, wherever and
whenever they may be found, may have been "highly preoccupied" with
practices we now call "sustainable", they never talked about it.[5] This is
an insight that lies at the heart of *Crimes against Nature* which Jacoby
circumscribes by reading against the grain of the archive, to see in rural
folks' practices as proscribed by moral ecological attitudes, transgres-
sions and regulations. Warde, on the other hand, sees the emergence of
the **idea** of sustainability as socially, culturally and intellectually contin-
gent; emerging within the European intellectual elite towards the end
of the early modern period. He, however, makes the important point
that "one does not have to hold the concept of sustainability in order to
engage in practices that might, quite inadvertently, promote that goal".[6]

This chapter takes inspiration from this significant insight, even if, we contend, the *Gàidhealtachd* moral ecology arose rather more proactively than Warde allows. In their bodily performances, grooved by many years of experimentation, false turns and practice, crofters and cottars of the Scottish Highlands enacted a moral ecology that was shaped through episodes of conflict, as much as it was performed through everyday taskscapes. The fragility of their environment, the human/non-human assemblages thereby called into presence and the relationships of power and inequality the *Gàidhealtachd* was in friction with, combining to call moral ecology into being and into lifeworld.

Our first step in this triadic journey through the *Gàidhealtachd* moral ecology takes us back to the archaeological record and to the deep time investigation of Gearrannan township on the western, Atlantic coast of Lewis (Fig. 7.1).

Socially and culturally the island was Norwegian for around 450 years from c. AD800, and probably bilingual in Gaelic and Old Norse for much of that period. Thereafter a succession of feudal Gaelic Lordships emerged and controlled Lewis until the mid-nineteenth century. In that period feudal, paternalistic Clan Chiefs metamorphosed into capitalist landowners, imposing estate reorganisation and encouraging emigration towards the end of their tenure. This process continued under new owners with Lord Leverhulme, in 1918, having the most ambitious plans for island modernisation.

Gearrannan was no exception to this sociocultural buffeting, although, despite its agricultural marginality, the township was not Cleared. Running since 2012, the Gearrannan Project is uncovering new oral and documentary material, place name and archaeological evidence to build up a deep-time understanding of landscape interactions which, at times could lead to inappropriate assemblages of the human and non-human but which would ultimately give way to what we recognise as a *Gàidhealtachd* moral ecology.[7] The name of the township reflects its location, in a small valley exposed to significant maritime influence. Stray finds suggest that Gearrannan has been in use as a settlement since the Neolithic period, with permanent occupation since at least the eighteenth century.[8]

Setting the documented and oral history of the township into the context provided by archaeological information in the way here undertaken reveals rich and deep temporal entanglements around resource use and acts to underpin our more time-narrow material. This is our base for
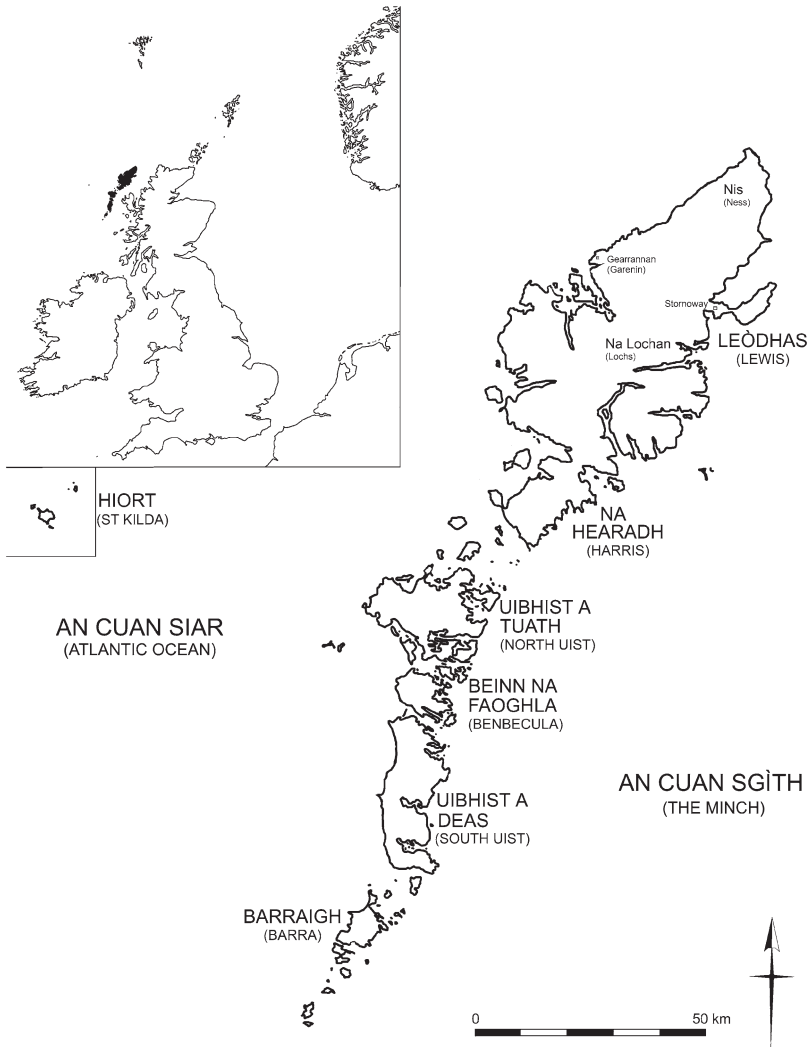
Fig. 7.1 Location map (Courtesy of Anne Campbell)

consideration of those quotidian practices which inhere to modern croft-ing, and the extent to which they materialise beliefs and performances older than crofting itself.

Our second study examines the 50 years from 1880, when crofter resistance and reassertion was at its height. In part, this is offered as counterpoise to the *longue durée* of the Gearrannan Project, but it also opens up to scrutiny the beliefs and performances that made their way into, and helped make, the crofting taskscape. We approach these beliefs largely through the lens of the struggles of the land working population to regain land which they believed had been expropriated from previous generations of their families in the Clearances era and beyond. These beliefs propelled an extraordinary period of land disturbances that had and still have long-reaching ramifications in the contemporary *Gàidhealtachd*.[9] Our study draws on the little used archives of the 775 testimonies by the Napier Commission, established in March 1883 "to inquire into the conditions of the crofters and cottars in the Highlands and Islands of Scotland".[10] To bear witness was both personal and communal psychological liberation involving the "sudden release" of the "pent-up memories of generations of savage exploitation … as the people spoke out and told their history in the open to strangers".[11] Data mining of this evidence reveals an overwhelming preponderance of concerns which relate directly to conflicts between two sets of beliefs over the correct way(s) of working natural resources.

The final episode examines a different moment in time—the two decades after 1945—and methodology, taking advantage of the enduringly oral culture of the Outer Hebrides. Indeed, it is a fundamental precept of this chapter that it is within collective and individual memory that we are most likely to find the strongest expressions of moral ecology.[12] In searching for such expressions and the ways in which they were materialised, we adopt and adapt the methodology of elite oral history to the individual testimony of Dr Finlay MacLeod of Shawbost, although he was born in and speaks of Ness, an area to the far north-west of Lewis where the older ways of life were perhaps preserved the longest. Elite oral history tends to seek to elucidate 'the operation of power' but our objective is not that.[13] Dr Finlay is celebrated and feted by 'new nature' writers and commentators on Hebridean environmental/spiritual belief systems, such as Alistair McIntosh and Robert Macfarlane. For McIntosh, Dr Finlay is his "Darwinian Druid guide", whilst Macfarlane casts him as "naturalist, novelist, broadcaster, oral historian, occasional selkie-singer and seal-summoner, … known throughout the Western Isles and the Scottish *gaeltacht* [*sic*] as one of the eloquent and combative presences of the Atlantic coast".[14]

We approached his testimony, then, for a perspective on Hebridean vernacular culture/nature interactions; as expert in his chosen field of vision.[15]

This was offered and taken as a standalone discussion; a lone voice offered not as representative of the collective memory of the community but rather as representation of his Ness experience. As standalone discussion with one non-naïve collaborator, however, we must acknowledge the challenges that inhere to this approach, the most significant of which is the breadcrumb trail Dr Finlay laid for us. This was undoubtedly deliberately pointing in one direction of travel, and we have taken it freely. Further, and reflecting this signposting, such was his presence in this work it approached that of the co-generator of knowledge, even if he did decline to be identified as joint author.[16] Methodological concerns notwithstanding, there is no doubt that this was a totally heartfelt perspective and, as Macfarlane asserts, his "love for the landscape and histories of the Western Isles is intense but unsentimental. His filter for straining out romanticism … finely meshed".[17]

Dr Finlay's is one voice, captured in one place at one time. There was only one theme. To dice, slice and paraphrase his words diminishes their power and fails to represent the time and place-bound nature of their rendering. Thus, to retain faith with the richness of his voice, and inspired by the work of Svetlana Alexievich and Cave and Sloan's *Listening on the Edge*, we present Dr Finlay's words as verbatim as is possible with the confines of part of a book chapter.[18]

Together, these three insights serve to deepen and nuance the concept of moral ecology; to address the criticism that Jacoby's initial formulation was suggestive of, rather than detailing, how moral ecology worked in practice. What emerges from these case studies of vernacular environmental entanglements on the Isle of Lewis is a moral ecology that is more robust, complex, critiqued and nuanced than the original.

Emergence: Gearrannan

An understanding of the deep-time connotations of moral ecology dictates that we look at both the reciprocal relationship between environmental change and shifting settlement patterns, and the *longue durée* of vernacular resource utilisation. The environmental past of the islands was fluid, an interaction between a very fragile environment and its dependent populations.

The arrival of humans in the islands was marked by a decline in arboreal pollen, as clearance and management of woodland began with the ubiquity of hazelnut shells on Mesolithic sites indicating the importance of woodland resources to this mobile community.[19] The introduction of farming, at the beginning of the Neolithic period, continued this process of environmental change, and Neolithic settlement in Gearrannan was consequently established in the context of a very different natural environment to the present day, with more woodland and much less extensive peatland. The consequence of this is revealed in the area around Loch Langabhat, with its Neolithic island settlement, where a system of small fields, now buried beneath later peat and modern rough grazing, is evidence for the development of permanent, year-round land use of moorland in this period.[20]

This permanent settlement on Loch Langabhat, however, appears not to have survived into the Bronze Age, and the evidence then suggests that settlement moved from the interior of the islands towards the coast, possibly as a result of environmental change.[21] This abandonment of cultivated land, in the face of change, reflects a presumable lack of curation of fertility, and a failure of ecological understanding. However, the reuse, elsewhere in western Lewis, of early Bronze Age settlements for later Bronze Age burial, suggests that, despite this abandonment of field systems, mobility and memory were cultural characteristics of prehistoric landscape use, reinforcing identity whilst shifting settlement foci and cultivation around a bounded area of land.[22] Landscape setting and ongoing management of a wider cultivable area can, therefore, be seen to have had a moral and cultural value as early as the second millennium BCE.

These principles and practices of wider landscape management appear to have been maintained into the Iron Age. From c.800 BCE, settlement in Gearrannan was located at a distance from the most sheltered and cultivable land in the township, with the remains of a monumental block house on one Atlantic coast promontory, and round houses and pottery shards on another, on either side of the valley.[23] By this stage, the valley itself may not have been occupied year-round, given the lack of settlement evidence on the lower land, but it was clearly an active, perhaps seasonal, part of a wider settlement landscape.

Seasonal settlement probably continued to be a feature of Gearrannan into the Norse and Middle Ages; the presence of corn kilns and ruined shielings in the current inbye area of the crofting township suggest that the area was a subsidiary asset to surrounding townships.[24] The place

name, Gearrannan, which can date no earlier than the Norse period, is neither specifically settlement-related, nor a shieling name, in contrast to surrounding settlements such as Laimisiadar (ON lamb shieling) and Borghaston (ON fort village), but refers instead to its value as cultivable, if not permanently cultivated, land. This seasonal and communal use of land, for grazing and intermittent cultivation, is a key component of the developing sensitivity to the fragility of the taskscape, as phenomenon of incorporation and appropriate assemblages and performances of the human and non-human. At its most muscular and corporeal this was the shifting of stock from the arable around the settlement, to protect crops, and maximise the use of summer grazing on exposed hill and moorlands. In the case of Gearrannan, this dates back at least 1300 years, to the Norse occupation of the islands from AD 800 onwards and further suggests that resource management must have been characterised by ideology and practices which maximised the land's productivity on behalf of the whole population and controlled over-exploitation.

Counterintuitively, the environmental stresses of the Little Ice Age, and the resultant land hunger of the late sixteenth and seventeenth centuries, may have triggered Gearrannan's permanent reoccupation. As the poorer climate reduced the carrying capacity of the land, this is likely to have created land hunger, pushing the population to expand the cultivated area using intensive techniques, such as the creation of anthropogenic soils using dung, seaweed, peat and sand. The first areas which were permanently occupied in this phase of colonisation of outfield would have been the better grazing areas with superior soil fertility and depth. This suggestion of a Late Mediaeval/Early Modern phase of colonisation is supported by the fact that there are a number of townships throughout the Outer Hebrides with place names using Gaelic and Norse loan-word elements such as '*achadh*' (G. field), and '*gearraidh*' (ON. loan to Gaelic, meaning 'field/enclosure'), including Gearrannan. That none of these are on the best agricultural land, combined with the post-Norse dates of the township names, suggests that they are Mediaeval or Early Modern settlements.

Documentary sources for the Isle of Lewis are first available from the early eighteenth century, with the Forfeited Estates Rentals listing the Gearrannan area as part of one very large tack, or landholding, covering the whole of the peninsula north of Loch Carloway.[25] However, by the mid-eighteenth century, the township is listed separately, held jointly by the heads of household.[26] From this point forwards, the integration of

documents, oral history and the archaeology demonstrates a variety of strategies towards an embryonic moral ecology pursued by the community, namely land management, adding value to products, and moving people.

Initially, the estate rentals suggest that Gearrannan was a communally run township, held perhaps in runrig, with land being reallotted on a regular cycle. In 1781, for instance, each head of household paid the same rental and purchased the same amount of meal from the estate.[27] They also paid for land in kind, with the generation of cash income often problematic. Oral traditions, until recently exclusively amongst the men of the township, talk about illegal distilling as a source of income, particularly well-illustrated in the story of nineteenth-century emigrant *Iain an 'ic Iain*.[28] The sites of as many as six still-houses have been located in the inner grazings immediately around the inbye, and excavation on one with access to the shore, has found the debris of distilling and bottling of whiskey on a commercial scale, presumably as a source of cash income to pay rents.[29]

Communal management of arable land—a keystone of vernacular ecological practices—is reflected in the 6 inch, Ordnance Survey map of 1854, which shows a nucleated group of houses in undivided cultivated land near the shore. This pattern of arable use, however, was already breaking down at the point of its recording. Archaeological evidence reveals that large areas of cultivation to the north of the village were overtaken by peat cutting and then succeeded by reseeding established in the 1950s. This succession was a product of key shifts in land management. Initially, the land was cultivated by spade for oats and barley, but, with the introduction of potatoes, more calories could be produced from less land, and cultivation fell back to the core of the inbye around the settlement. As elsewhere in the islands, potatoes were introduced late, and adopted reluctantly, probably just before the mid-eighteenth century.[30] This resistance to change and experimentation reflects the marginality of being on the land; there was no room to risk a new crop that might fail, with social pressures in a communal settlement inhibiting risk taking. Peat cutting then expanded in this area as the township population grew in the nineteenth century and encroached on the earlier cultivation beds. Crofting, and individual land-holding, were introduced in the mid-nineteenth century. Then, by the mid-twentieth century, with a population decreasing due to emigration, and cash income from crofting becoming important, fencing and reseeding by a group of the crofts

in the township took some land out of the common grazings for their exclusive use.[31] These changing patterns of land management demonstrate a gradual move away from communality, marked on the landscape by the shift towards the enclosure of arable land in rectangular crofts, and, later, the enclosure of reseeding from the communal grazings for the exclusive use of specific families, although the wider grazings continue to be managed for the benefit of the whole township to the present day.

Movement of people off and back to the island, and the resultant input of external resources (cash, luxury items, marriage partners) was also key to staying on the land and was deeply tied to the *Gàidhealtachd* way of being and dwelling. The ecology of the communal lifeworld made and maintained through movement along lines inscribed in and by space and time. Both oral and documentary history record frequent local, national and international moves of longer and shorter duration. In the summer, the shielings on the moor were used for grazing until the 1930s, with women and children spending most of the period between May and September out there with the livestock, taking the pressure off the inbye land. Many of the moorland shielings are located on top of large mounds comprising the accumulated archaeological remains of earlier buildings, suggesting very long-term continuity of use of the moor, a physical representation of a social structure which maintained fertility, and maximised the use of land. The small houses on the moor are linked by routes and paths, stepping stones over burns and, also, by intangible social connections. The summer at the shielings provided an annual social change remembered as a holiday by children, and as a courting opportunity by young people, and the landscape was peopled by memories, stories and place names.[32]

Both men and women worked with the fishing fleet from the nineteenth century onwards, the women processing fish, and the men on the boats, sending cash back to island families. Longer periods of migration were also not unusual; for example Robert MacLeod, born in 1854, was absent from the township from his early 20s, returning in his 30s, having been in South Africa to earn sufficient capital to establish himself.[33] If the function of a belief system of moral ecology is to stay linked to the supporting landscape, to maintain its productivity, and to incorporate its use into the moral heart of the community then, in this case, absence from the land was key to staying on it and was therefore part of that moral ecological system.

After the Second World War, the island's population started to decline. From that time forward, the landscape of Gearrannan became less essential to the survival of its occupants, as more resources were available to each occupant, more government support and external work was available, and living standards and conditions rose. Croft 24, which had supported three families in the 1920s, was occupied by a single woman in 2000. Croft 25, which had supported six families in the 1930s, was occupied by three adults in 2000. The population decrease, and ageing, reduced the amount of work done on the land, and reduced communal activity. However, the principles of access to resources shaped by an evolving moral code, rights to land and communal responsibilities remain theoretically and ideologically at the heart of cultural identity; in the words of an older community member "never sell the croft; you can't eat money".[34]

In what follows we explore the power and presence of the croft and the crofting taskscape to embody, through a particular set of emotional relations, the desire to dwell and a deep sense of rootedness, informed by vernacular and moral understandings of nature/culture relations. We do this through a search for a *Gàidhealtachd* moral ecology in the Highland Land Wars.

CHALLENGE: THE NAPIER COMMISSION AND THE HIGHLAND LAND WARS

Our excerpt from the *Gearrannan* project has offered a time-deep perspective on the birth, scaffolding and protean nature (to borrow Graham Seal's formulation from this volume) of a *Gàidhealtachd* moral ecology. This excerpt, by way of contrast, turns to a time-shallow but culturally, socially and politically deeply resonant period—the forty years after 1880—that has had a transformative impact on the region and during which the tenets of this moral ecology become visible in the archive for virtually the first time.

As the ongoing *Gearrannan* project is affirming, the period from the Norse era onwards is marked by the emergence of a society, economy and culture that, whilst punctuated by regular subsistence crises, has been a relatively resilient one.[35] Clearance, crofting and Improvement seemingly irrevocably altered that and struck at all aspects of the tenantry's lifeworld, including the cultural. And yet the transformation

that was wrought was an incomplete one, with the outcome a hybrid way of life that drew into it significant material and mental aspects of the old. Crucially, the cultural baggage freighted by this incomplete transformation was the ongoing belief in rights to land—to rent, not to own.[36] Together, these mental and material assets form the basis of a *Gàidhealtachd* moral ecology in which the sense of morality is held in tension to what was clearly understood as the morally repugnant and inappropriate beliefs, assemblages and practices that were being imposed on the Highlands from at least the late seventeenth century, driven by capital, Enlightenment rationalism and the concomitant transformation of Clan Chiefs into landlords.

These mental and material assets were also the basis to the resistance to dispossession, gradually formulated within the land-working tenantry from the 1740s, which exploded in the 1880s; the time lag being explained by the profound nature of the collective trauma occasioned on the tenantry and the residual deference that continued to shape the attitudes of the tenantry until at least the 1880s. By this period the vast majority of Clan Chiefs, who had largely clung to vestiges of pre-capitalist beliefs and behaviours, had either fully adopted property-owning mores, or had sold their estates those for whom traditional beliefs were antithetical. On Lewis, for instance, ownership of the island passed out of the hands of the House of Seaforth Mackenzie in 1825. As our previous episode made clear, Clearance began in this post-Mackenzie era, with a succession of owners, and the estate managers who served them, representing the intervention and imposition of alien and antithetical world views, against which their tenants resisted. Resistance which, moreover, was both sharpened by and in turn sharpened the embryonic *Gàidhealtachd* moral ecology into a force of change.

Land disturbances took a number of forms but, from the 1880s onwards, the characterising action came to be the land raid. This was the seizure of often quite small parcels of land to which those occupying it believed they were entitled by right of inheritance and which had been expropriated from previous generations of their family and/or township. This was both an individual and a collective belief and legitimisation of action.[37] It was this eruption of proactive resistance that led to the establishment of the Napier Commission.

The gentlemen of the Royal Commission of Inquiry into the Condition of Crofters and Cottars in the Highlands and Islands

arrived in Lewis on 4 June 1883, leaving some eight days later.[38] The Commission sat in six different locations, taking evidence from 81 witnesses. As elsewhere, testimony was dominated by members of crofting townships but also included factors, other estate representatives, Church Ministers and merchants.[39] Whilst the crisis and collective trauma to which the tenantry testified had a distinct Lewis flavour, occasioned by its particular social relations and demographic and landowning history, the collective grievances given voice to were those which echoed across the Highlands and Islands. It was always loss—land, access to grazings, peat cutting rights, etc.—without reduction in rent. This economic rationalisation was only the immediate, visible manifestation of a much deeper structural conflict, for these were also grievances which spoke eloquently of a set of community/ambient-environment interchanges that had been outlawed.

What emerges from the Napier evidence is the proscription and overwriting by a very different assemblage of the human and non-human. As Donald Mathieson stated, summer grazings and moorland pasture had enabled "a comfortable living" but, with their loss, township crofters had to give up both horses and cattle and "if I have about a dozen sheep or so at Martinmas, they will be worried by the neighbouring tacksmen, whose dogs continually harass them, and poind [*sic*] them, so that we are scarcely able to live at all".[40] Elsewhere corn mills were destroyed and charges or severe constraints imposed "for the sake of sport and not disturbing the deer" on the hitherto customary practices of peat cutting and heather taking for thatching. Finally, in this litany of the proscription of custom, townships were disaggregated from their commons and made to pay for the upkeep of the fences which materialised profound divisions between lifeworlds.[41]

For Malcolm McPhail, this imposition of an alien lifeworld was manifested in attitudes to the souming—the customary means of grazing regulation upon which Estate regulation was placing a new discipline. His cattle had been pounded because they exceeded the souming but his view was that "so long as the rent was properly paid, that was no business of the landlords". It was instead a matter of township self-regulation: "my neighbour's grievance".[42]

Expressing similar feelings, George Macrae testified to the implications of a fire on the moor that ran into his township. The township constable was sent to Stornoway to investigate and was told by the Lewis Estate officers that:

the gamekeepers … might burn heather wherever they pleased … a most oppressive and terrible thing for us, because this very place that was burned was the place that kept alive our cattle during the winter in snow time ….

Are you not in the habit of burning heather for your own purposes?—We would be burning places that we did not think of much use, but the place that kept our cattle alive in winter … we would never think of burning …. There was another spot on the same piece burned fifteen years ago, and not a blade of grass has grown on it since. It is a black bog where the cattle go into it, and where they are very much injured by it …

Do you think this heather was burned from ignorance or from spite on the part of the gamekeeper?—They should have come to us and asked if it was of any use.[43]

The most clear and profound statement of these antagonistic assemblages can be found in the tenantry's pejorative designation of land under the wrong type of sheep as 'waste'. The sin here was that this land was "uncultivated" when "under the turf … lies the possibility of plenty of oatmeal and barley-meal for the sustenance of … people … whom God created for His own glory".[44] This was a view shared widely across the Lewis crofting community and often based in vernacular ecology. When pressed by the Commission to justify his view that land under sheep run was "waste", Alexander Morrison suggested that it was because "the country is getting wild, and the grass itself does not grow right, and the heather is coming to grow again".[45] In the *Gàidhealtachd* moral ecology there was clearly a proper place for heather, and grass was expected to grow in the "right" manner. To go against this was a denial of the fact that "God gave [the land] to the children of men, and our right is better than the tackman's".[46]

Contained here in McPhail's testimony is the belief that drew the tenantry together, lay at the heart of the *Gàidhealtachd* moral ecology, sustained it in the face of the sociocultural havoc wreaked by Clearance, crofting and Improvement and legitimised and impelled Highlanders' resistance to dispossession. This can be seen in the frequent calls in the Napier evidence to restore "the land which belonged to their forefathers".[47] It was present too as motivation in events of land seizure.

Both legitimation and the moral ecology that was its wellspring can be approached through drawing together "the classically phenomenological manoeuvre of … embedding the [performing] body in landscape"

and the concept of taskscape. Enveloped in taskscape, Ingold asserts, is the only partially erasable record of the lives and work of past generations who have dwelt within it and who have left and gained there something of themselves.[48] Thus, written into the bodies of those displaced by the Clearances were the performed tasks of the pre-Clearance taskscape. The record of these past lives and past associations of humans and non-humans endures within mind, body and space. In other words, for those who had been cleared and for their descendants, the pre-Clearance world remained comprehensible. Tasks and a particular form of association between the human and non-human being reinforced by material mnemonics of that past life. The Cleared crofting landscape was not a wholly eviscerated one. Not only did the remains of a past way of life litter the landscape in the form of abandoned houses, redundant field boundaries and the stories that were told about them, but people were able to both gaze on and poach on land that had been formally emptied of their (and their ancestors') presence. Thus, the nature of the overwriting of the spatial technology of sheep run and deer forest from the late seventeenth century onwards contained within it the seeds of its own destruction.

Consequently, the forms taken in protest were fundamentally expressions of the proscribed taskscape. Land was ploughed, seeded and manured. Cattle, horses and sheep were placed on the land, which was allotted to individuals who often built homes and byres on it and from which antithetical work tasks were performed. Here, driving forward resistance to the removal and criminalisation of customary behaviours, are near-direct expressions of a *Gàidhealtachd* moral ecology. Protestors were imprinting beliefs in rights to land and reasserting a sociocultural-shaping taskscape through the placing of their bodies in an exclusionary, and contested, space. The body positioned as local political and affective statement and as given clear indication in the testimony of Dr Finlay Macleod of Shawbost as materialisation of moral ecology.

Dr Finlay: Performing Moral Ecology

Interviewer: So that sets the scene. I'll pass it over to you now for a wee while, and we can just chat.

Dr Finlay: Well, I can take you best to maybe the 1950s when I was growing up on a typical croft in a typical crofting area of Lewis, in Ness, in the northern tip of Lewis …. Each family had its own croft

… a relatively small croft, a few acres—maybe three to six, something like that. Very often one cow for the family, a number of sheep, hens and so on. The croft cultivated very thoroughly each year, and sheep to be out on the common grazing part of the time … and that was the way of life … and the cow was the centre of the family … One cow, which calved each year, and then when the calf was not very old it was slaughtered in the barn, and that provided extra sustenance for the family. In the house I grew up in … my father… he'd gone to Canada on one of the 1920 ships, Marloch. He came back … And he renovated the house so it was a two-up, two-down … Attached to it was the thatched byre where the cow was, and where the young lambs were in during the winter, where the hens were … Something else that was in was the manure. Inside. So that it built up over the winter, right up almost to the rafters, and then comes spring. A wide door … was opened at the end of the byre, and … with creels the manure was taken up to the croft … Added to that manure was turf that was broken up, taken in from the moor, turf cut up and added to the manure, to add richness to the manure and, though they probably wouldn't have seen this, minerals, probably, to the manure. So the cow and the family … all the manure went up on the croft. That was very important.

I: Were there set places where you could take the turf from, from the moor? Was it on the common, or was it?

It was on the common for that turf … Although you had your own peat banks in a very different place. But the turf needn't be near the peat banks; it was from a separate part … What was controlled very much on the common grazing was called a souming: how many sheep or head of cattle the common grazing could hold. So there was a grazings committee that ideally looked after that and monitored that each house had a certain portion of it, as it were.

I: Yes. And do you think the grazings committees worked well?

Sometimes well, sometimes not. Sometimes controversial. A thankless job.

I: Yes, very much so. Local rivalries, of course.

Local rivalries, and if there was disputes over peat banks or something like that, somebody had to arbitrate, and that was never easy.

I: No. What would be the disputes around? I mean, without naming names or anything, just so as I can get a sense of it. What would be the disputes around peat banks? Where they were, how they were cut?

Yes, how one sector may have begun to run into another one, into a neighbour's. It was very infrequent, very, very seldom. I only heard of it maybe two or three times in my whole life … They were worked very carefully. Once you learned it as a young person, you knew exactly what you had to do: How to cut the turf; where to place each individual wet peat, and how to replace the peat bank after the year's work, after the spring's work, so that it would not be damaged or affected, or be as flat as possible so that next year's peat would lie on that. So it was carefully looked after, and there was a certain pride in that the face of the bank would be cut very neatly. People were well aware of that, that the quality of the peat, the higher it was in the peat bank, the lighter it was; the lower, the darker it got, and so on … All the peat were looked after very carefully.

I: Why do you think that was? Why were people so careful?

Just a sense of competence, I suppose. People always would have varied as to who was really careful and neat and who wasn't. But the barn floor and around the peat stack, all of these things were kept very neatly. No …

I: What about traditions around peat cutting?

Very often a household would do it on the same day of the year. Certainly within the same week.

I: Yes. And any reason for that?

Just the time of year, and it was believed that the oil would have come up into the peat.

I: Okay. And that was a good thing, was it?

Yes, oh yes.

I: Yes. Because it burned better?

So it was believed. Oh yes, the more oil in the peat. It was believed … you had your peat … the bank since you were, in my case, a boy. I knew which banks belonged to us. I can still visualise them in my mind.

I: You could take me to them, couldn't you?

Oh my goodness. I could take it and I could cut proficiently [*mimes peat cutting*]. Because once you learn the skill, first of all you're conscious of what you're doing, but after a while the skill goes into your body, as with driving … it is with crofting skills, or working the land, or working peats. This is where the issue about consciousness is interesting: how much is natural; how much is custom; how much you do without thinking about it. Because you can be thinking about

something else while you're doing all these physical tasks, so that in the peat banks, which was in pairs, it was talk and joking and laughter and everything else all the time.

I: Yes. But never actually talking about what they were doing, or consciously

Well, they may be commenting on the peat or something like that, but not on the skill, not on the speed. Each pair paced themselves.

I: Yes. So talk me through that in a bit more detail, because I know very little about how this works.

Well, it's not easy to describe when you're not seeing it. You're standing on 18 inches, maybe, a width of 18 inches. You've taken the turf off and placed it very carefully. And then the first pair starts and takes the first layer of peat, and then the second pair is coming and taking the next layer. And all of this is rooted in Gaelic. It's very difficult for me to be talking about it in English.

I: I'm sure it is.

I can do it, but it's not the same, because all of these terms… This is where Gaelic was, in terms of the physical culture, very, very strong indeed … In a community like that, the family unit was prime. You defended your family; you kept its good name in every sense, in every sense. Because you know hundreds and hundreds of families. You had your relatives as well, your blood relatives, and then you had your neighbours. So you cooperated with your neighbours on certain tasks such as peat cutting or bringing the peats home from the peat banks, which was later on in the summer, or planting potatoes. Part of the crofting life that required more than two or three people. If it needed half a dozen people then it was communal. But other than that, it was individual croft work. And you protected your family. There was reasonable relationships and close relationships with other people in the community, but also you knew about the other families, what they were like, what personalities they had.

I: Yes. And those were family personalities rather than individuals, were they?

Both, both. But tendencies for families as well…

I: Yes. And I guess that reputation for good or bad, or middling, lasted down the generations?

Yes it would, yes.

I: So in a close-knit community it becomes really important, does it not, to stand up?

Oh yes, at the same time, as cooperating where it's necessary. I don't know of anyone who didn't cooperate in what needed to be done cooperatively … I loved going to the peats as a boy…

I: When did you start cutting?

When you'd be about 14, I suppose. 14, 15. Carefully first, because it's a long sharp … It's a very sharp edge, and somebody else is standing beneath you, so you have to watch their fingers, you have to know what you're doing.

I: Absolutely, yes. How do you learn that?

Just by doing the skill very carefully at first, and then it becomes custom … the cycle of the year was followed very tightly, very much so. When the cow would go to the bull, the best time of year to have a calf, what time of year when the cow wouldn't be milking … All of that was patterned into the year …. The pattern of the year was very, very closely followed.

I: And how was that set?

Oh, by long custom. And also when you're talking about potatoes, when you would plant them, when you would clean them, when you would lift them in October. You'd know in my case that that would be the time when the Ness communions were on, in October, and the family would be working lifting the potatoes. Before then the corn would have been cut, and then some of the potatoes would be taken into the house … I don't think people were conscious of much of what they were doing in these skills, not deliberate. It had become custom; people had done it before them. It had worked. It had worked. And what worked: the kind of seed that worked, the kind of seed potatoes that worked. And then once the oats were brought into the oat enclosure, then the oats, the corn stacks were made. And then wound round the corn stack was of course hemp rope, and that had to be put on clockwise, always.

I: Always clockwise?

Always clockwise on the corn stack. I've heard of people who were checked, who as young men had not known that that was, and had been checked by somebody who said, "You're not doing that right. You should be putting it on the other way" … I'll instance another very interesting topic and that is buildings, houses, homes. There was a very, very old tradition, continuous tradition, probably varied along the way for what are called blackhouses or thatched houses … What happened was the Board of Agriculture and the boards after the first

world war … started giving grants for people to build white houses … So that people like Matheson would say "You cannot have the animals living next to the humans." But of course, that didn't work well … I knew one couple in Ness, and the man had started building the gable wall and the woman had pulled it down before he'd hardly begun so that the cow could still see the fire.

I: Why did the cow need to still see the fire?

Because it was thought to be good for it, and that had been learned from your grandmother … So the sense of belonging was amazing. But of course, the sense of control, also, because so many people knew of you … That comes with the community. The main element of control would be to avoid shame. Not guilt, shame. You weren't aware all the time of shame, but you knew when something had happened that was shameful in some way … and there was also gossip. It was the way the villages defined themselves, to themselves … gossip, of what people were like. What people's products were like; they would see which, what, the corn enclosure with the stacks, how many people had, and how many were done well, who were renowned for not doing them very well.

I: Actually, the pressure on an individual within that system is really intense. Because you've got to perform, haven't you?

Oh, you've got to perform. Aye, you've got to perform, because there'll be chit chat…

I: Changing the topic completely I was thinking on the way over of the peat moor glossary that you were involved in, and all those different terms

The peat banks were named, yes … why there are so many names comes back to what I was saying in Gaelic. The peatland, ah, the peat moors were known intimately, functionally, through their feet. Literally. The families knew because part of the year was spent out on the moorlands in the past, at sheilings, to relieve the croft … they took the cow with them out to the shieling … So, naming was close … people used the moorland—they had their sheep out there; they cut their peat out there; they got their salmon from rivers out there, and the place had been named across generations … It comes back to consciousness. Consciousness and morals and ethics. Uh, uh. They were, their contract was with the land … They knew that if they looked after the land, looked after the moor, the moor would look after them … It was a relationship, a symbiosis, with the physical surroundings,

with the cow, with the sheep, with the family, with the land, physically … Empathetic relationship, with all these things. With the tools you used, you looked after them. Because if you didn't, they wouldn't be able to look after you. The cutting, the instrument cutting the peat, it was covered in grease and bandages in my father's case, so that it wouldn't rust … And the same one lasted in our family from the whole time I knew him. It was known as a good instrument, in that it cut straight …. Right, I think we've done enough!

ON A *GÀIDHEALTACHD* MORAL ECOLOGY AS NECESSARY WORK

At the heart of this chapter lies a time-deep but place-specific engagement with the *longue durée* of vernacular entanglements between nature/culture on the Hebridean island of Lewis utilised as 'proving ground' for moral ecology. In so doing we recognise that, if this important concept is to be anything, it must be (literally) grounded in place, space and landscape and the tasks performed therein. Jacoby's concept also needs to be made more robust if it is to survive the rigours of the journey it must undertake in order to be made more widely applicable. Increased durability, we believe, arises from the type and depth of critique here undertaken; out of which a multifaceted and more nuanced moral ecology has emerged. One, we suggest, comprised of a dynamic and fluid assemblage of land, people, cattle, sheep, heather, water and fish and the senses of the appropriate entanglements therewith. This moral ecology was made in and through material practices and performances which are necessarily mutable and fluid but which are also, as the Gearrannan project shows, not axiomatically sustainable, in the sense somewhat unproblematically implied by *Crimes against Nature*. Moral ecology could, in addition, be brought into focus through a variety of prisms: through beliefs in rights to land for instance, and through the values of the market economy. But where this sense of the moral universe of the local rural poor emerges most directly is in the evidence given to the Napier Commission. Such open articulations are highly unusual, to say the least, and offer evidence of the imposition of profound changes to the tenantry's lifeworld and assemblage of the human and non-human.

Whilst the Napier Commission testimonies teem with the beliefs and grievances highlighted here, they fail to fully point to the roots of the

Gàidhealtachd moral universe, and to offer a full explanation for the fluid foundations upon which it was built. For Michael Newton these can be sensed in the density of Gaelic place names on the landscape and in the deep association with the place of one's birth found in Gaelic culture but, primarily, they are located in the endurance "of the Palaeolithic worldview regarding nature and humankind's relationship to it".[49]

It is fortunate that the healthy scepticism engendered by this last claim need not detain us long here as our focus is necessarily on *tasks* and their performances in place and over time. What this suggests is that *direct* expressions of a vernacular and morally driven engagements with a very specific Highland land and taskscape are manifest *only* at moments of crisis and when the defeated and the dispossessed are given a platform upon which they can air their grievances. Our emphasis on the *longue durée* of moral ecology reveals that the interaction of people and environment has precipitated a series of crises out of which a nascent set of practices were forged. Prehistoric landscape degradation caused both the spread of peat and changed the settlement pattern. Similarly, crofting reduced the diversity of landholding and land management types away from a communal commitment to land. In both instances, therefore, the question 'whither moral ecology' is an appropriate one. The response may well be that it was forged in adversity; born out of out of an awareness of processes of over-exploitation, and vulnerability—a direct parallel with Jacoby's own case studies of a post-European contact, colonised, depleted and damaged culture.[50]

What this further suggests is that moral ecology cannot arrive fully formed or prefigured. Over time a set of fluid but more robust practices and assemblages emerged alongside a recognisably 'crofting' taskscape. Moral ecology gets made and maintained in the fragile Lewis landscape as much by absence as presence. We should not look on moral ecology as a fixed set of beliefs and perspectives. More convincing is to conceive of it as co-produced "nature-cultures", emerging from activity.[51] Being thus constantly in the doing, moral ecology is built, figured and refigured through the lay knowledge present in the archaeological record, expressed by crofters and cottars in and through their conflicts and vividly testified to by Dr Finlay. The emphasis here, then, is on the performative in which landscape and nature is known "as a body"; a "deeply sensuous, habitual and corporeally enacted" sense of being in the world.[52] In the resultant practical ontology, nature is constituted

through everyday events in which the agency of the non-human comes to the fore and performed action "brings into being a felt and sensed world of experience in connection with the natural".[53]

The "reiteration of the mundane, habitual and the everyday" is base for a performed moral ecology made and maintained in the doing and working to "a given choreography" and body discipline "often learnt in childhood and which pushes us in particular ways even before cognition begins to have its say".[54] The way of cutting the peat—with rhythm, neatness and without measuring, commenting on or comparing the cut, stroke, thrust and lift—is exactly that: a motion, meaning and muscular practice, precognitively grooved in childhood. In performing these everyday tasks crofters and cottars are immersed in and by performed space. Movement on the moor, in the byre and at the peat banks, as described and mimed by Dr Finlay, is a multisensual encounter in which the body—hands and feet especially—is paramount; "a feeling through which [it] can express itself".[55] The affectual aspects of the bodily performance in working land and sea in its multifarious manifestations, in its assemblages of human and non-human and in its "transpersonal capacity … to be affected", shape the ongoing and dynamic performance of moral ecology.[56]

The *Gaidhealtachd* moral ecology was as much process and protean as it was a sedimented and cemented set of beliefs; a form of necessary work from an entwining of human and non-human, culture, cultivation and nature. Community prescriptions of what was, and proscriptions of what was not an acceptable set of interactions clearly were present at the heart of the vernacular lifeworld and taskscape. But these understandings shifted over both time and space and under differing pressures, proscriptions and performances. Moral ecology is made and maintained in the encounter and through the doing. It is made sense of through practical action and constantly, but inconsistently, refigured and reworked in multisensuous embodied practice.

Notes

1. Iain Mackinnon, "Colonialism and the Highland Clearances," *Northern Scotland* 8, 1 (2017): 22–48.
2. This is a necessarily much simplified version of this complex set of interwoven processes. Full discussion can be found in James Hunter, *The Making of the Crofting Community* (Edinburgh: John Donald, 1976); Eric Richards, *A History of the Highland Clearances*, Vol. 1 (London:

Croom Helm, 1985); Eric Richards, *A History of the Highland Clearances*, Vol. 2 (London: Croom Helm, 1985); Charles W. J. Withers, *Gaelic Scotland: The Transformation of a Culture Region* (London: Routledge, 1988).

3. This is a huge simplification of an important set of events. For the most recent discussion of these see Iain J. M. Robertson, *Landscapes of Protest in the Scottish Highlands After 1914: The Later Highland Land Wars* (London: Routledge, 2016). For earlier discussions see Eric Richards, "How Tame Were the Highlands During the Clearances?" *Scottish Studies* 17 (1973): 35–50; Hunter, *The Making*; Withers, *Gaelic Scotland*; Kenneth Logue, *Popular Disturbances in Scotland 1780–1815* (Edinburgh: John Donald, 1989).

4. William Cronon, "The Trouble with Wilderness: Or, Getting Back to the Wrong Nature," *Environmental History* 1, 1 (1996): 7–28. For the performative see, for instance, Nigel Thrift, "Performance and Performativity: A Geography of Unknown Lands," in *A Companion to Cultural Geography*, eds., James Duncan, Nuala C. Johnson, and Richard H. Schein (London: Wiley, 2004), 121–36; Nigel Thrift, *Non-Representational Theory: Space, Politics, Affect* (London and New York: Routledge, 2008); Emma Waterton, "Non-Representational Theories," in *The Routledge Companion to Landscape Studies*, eds., Peter Howard, Ian Thompson, Emma Waterton, and Mick Atha (London: Routledge, 2013); David Crouch, "Spacing, Performing and Becoming: Tangles in the Mundane," *Environment and Planning A* 35, 11 (2005): 1945–60; David Crouch, "Affect, Heritage, Feeling," in *The Palgrave Handbook of Contemporary Heritage Research*, eds., Emma Waterton and Steve Watson (London: Springer, 2015).

5. Paul Warde, *The Invention of Sustainability: Nature and Destiny, c. 1500–1870* (Cambridge University Press, 2018), 1.

6. Ibid., 4.

7. The Gearrannan Project Facebook Site, accessed 30 May 2018, https://www.facebook.com/The-Gearrannan-Project-620732337999211/.

8. "Gearrannan," Western Isles SMR, accessed 21 February 2018, http://smr.cne-siar.gov.uk/smr/simplesearch.aspx. The earliest documentary evidence for Gearrannan as a separate tack is in a rent book for 1753–1760, in the Seaforth Papers in the National Archives of Scotland (GD46/1/267).

9. Fiona Mackenzie, "A Working Land: Crofting Communities, Place and the Politics of the Possible in Post-Land Reform Scotland," *Transactions of the Institute of British Geographers* 31 (2006): 383–98.

10. "Report of Her Majesty's Commissioners of Inquiry into the Condition of the Crofters and Cottars in the Highlands and Islands of Scotland," The

Internet Archive, accessed 8 April 2017, https://archive.org/details/reportofhermajes00grea; "Napier Commission Documents," University of the Highlands and Islands, West Highland College, accessed 8 April 2017, https://www.whc.uhi.ac.uk/research/napier-commission.

11. Iain Fraser Grigor, *Mightier Than a Lord: The Highland Crofters' Struggle for the Land* (Stornoway: Acair, 1979), 70.

12. It is hard to imagine, for instance, that Calum Ferguson's wonderful *Children of the Black House* (Edinburgh: Birlinn, 2003) could have emerged from anywhere else in Britain other than the islands of the Outer Hebrides.

13. Virginia Berridge, "'Hidden from History': Oral History and the History of Health Policy," *Oral History* 38, 1 (2010): 91–100.

14. Alastair McIntosh, *Poacher's Pilgrimage: An Island Journey* (Edinburgh: Birlinn, 2016), 255; Robert Macfarlane, *The Old Ways: A Journey on Foot* (London: Hamish Hamilton, 2012), 144–6.

15. Lynn Abrams, *Oral History Theory* (London: Routledge, 2016), 161; Anthony Seldon and Joanna Pappworth, eds., *By Word of Mouth: 'Élite' Oral History* (Taylor & Francis, 1983). Dr Finlay has asked that we refer to his byname throughout.

16. Yasminah Beebeejaun, Catherine Durose, James Rees, Joanna Richardson, and Liz Richardson, "'Beyond Text': Exploring Ethos and Method in Co-Producing Research with Communities," *Community Development Journal* 49, 1 (2013): 37–53.

17. Macfarlane, *The Old Ways*, 145.

18. Svetlana Alexievich's, *Voices from Chernobyl: The Oral History of a Nuclear Disaster* (London: Macmillan, 2006) also offers large blocks of verbatim text whilst in Mark Cave and Stephen M. Sloan, eds., *Listening on the Edge: Oral History in the Aftermath of Crisis* (Oxford: Oxford University Press, 2014) there are large blocks of text followed by discussion. See also Paul Thompson and Joanna Bornat, *The Voice of the Past* (Oxford: Oxford University Press, 2017).

19. David Gilbertson, Martin Kent, and John Grattan, eds., *The Outer Hebrides: The Last 14,000 Years* (Sheffield: Sheffield Academic Press, 1996); Derek D. A. Simpson, Eileen M. Murphy and Richard A. Gregory, *Excavations at Northton, Isle of Harris* (Oxford: BAR British Series 408, 2006).

20. "Gearrannan Survey 2013, Data Structure Report," Academia, accessed 18 April 2018, https://www.academia.edu/6982171/GEARRANNAN_SURVEY_2013_DATA_STRUCTURE_REPORT; "The Submerged Neolithic of the Western Isles," CMA University of Southampton, accessed 18 April 2018, http://cma.soton.ac.uk/submerged-neolithic-western-isles/.

21. Mike Parker Pearson, Niall Sharples, and Jim Symonds, *South Uist, Archaeology and History of a Hebridean Island* (Stroud, UK: Tempus, 2004).

22. Mary MacLeod Rivett, "Barabhas Machair: Surveys of an Eroding Sandscape," Archaeology Data Service Scottish Archaeological Internet Reports, 76, accessed 18 April 2018, http://archaeologydataservice. ac.uk/library/browse/issue.xhtml?recordId=1158354&recordType= MonographSeries.

23. I. McHardy, C. Barrowman, and M. MacLeod, "The Severe Terrain Archaeological Campaign: Investigation of Stack Sites of the Isle of Lewis 2003–2005," Archaeology Data Service Scottish Archaeological Internet Reports, 36, accessed 18 April 2018, http://archaeologydataservice.ac.uk/library/browse/issue. xhtml?recordId=1076841&recordType=MonographSeriesChapter.

24. Christopher Burgess, "Garenin Landscape Survey: Interim Report 1a 1994–1995" (Unpublished Report, 2005); "Gearrannan," Western Isles SMR, SWE41175, accessed 18 April 2018, http://smr.cne-siar.gov.uk/ smr; Christopher Burgess and Melanie Johnson, "Excavations & Survey at Garenin, Isle of Lewis" (Unpublished Report, 1998).

25. National Archive of Scotland (hereafter NAS), Forfeited Estates Rentals, E655/1.

26. NAS, Seaforth Papers, GD46/1/267.

27. NAS, Seaforth Papers, GD46/1/213.

28. Maletta Nicphail, *Iain 'an 'ic Iain - From Garenin to the Oregon Country* (Stornoway, UK: The Garenin Trust, 2015).

29. Burgess, *Garenin Landscape Survey*; Burgess and Johnson, *Excavations & Survey at Garenin*.

30. Margaret M. Mackay, ed., *J. D. Walker 1764 & 1771 Report on the Hebrides* (Edinburgh: John Donald, 2004), 42–3.

31. Garenin Common Grazings Letters Book.

32. Shieling practice, and the dates when families went to the shielings, are discussed in a letter in the author's private papers, from previous tenants of 24 Gearrannan.

33. Robert MacLeod appears on the 1871 census at the age of 17. Family oral tradition has it that he left the island within the next few years, and he is absent from the census in 1881. He reappears, unmarried, living with his widowed mother and youngest siblings, in 1891, at the age of 36.

34. I. M. Galbraith discussing her father, Rob Calum MacLeod, and his attitudes to land.

35. See also Hunter, *The Making*; Withers, *Gaelic Scotland*.

36. Robertson, *Landscapes of Protest*.

37. Ibid.

38. 'Index for the Napier Commission,' accessed 18 April 2018, http://www.adb422006.com/Napier%20Index.htm.

39. Ibid.

40. Donald Mathieson, Kneep, to Napier Commission, accessed 10 April 2018, https://www.whc.uhi.ac.uk/research/napier-commission/napier-commission-documents/highlands-and-islands-commission-volume-2, 884.

41. Nicholas Blomley, "Making Private Property: Enclosure, Common Right and the Work of Hedges," *Rural History* 18, 1 (2007): 1–21; Briony McDonagh, "Making and Breaking Property: Negotiating Enclosure and Common Rights in Sixteenth-Century England," *History Workshop Journal* 76, 1 (2013): 32–56; Robertson, *Landscapes of Protest.*

42. Malcolm McPhail, Barvas, to Napier Commission, accessed 20 April 2018, https://www.whc.uhi.ac.uk/research/napier-commission/napier-commission-documents/highlands-and-islands-commission-volume-2, 962/3.

43. George Macrae, Keose, to Napier Commission, accessed 10 April 2018, https://www.whc.uhi.ac.uk/research/napier-commission/napier-commission-documents/highlands-and-islands-commission-volume-2, 1154/5.

44. Donald Campbell, South Tolsta, to Napier Commission, accessed 10 April 2018, https://www.whc.uhi.ac.uk/research/napier-commission/napier-commission-documents/highlands-and-islands-commission-volume-2, 1024/5.

45. Alexander Morrison, Stornoway, to Napier Commission, accessed 10 April 2018, https://www.whc.uhi.ac.uk/research/napier-commission/napier-commission-documents/highlands-and-islands-commission-volume-2, 1058.

46. Malcolm McPhail, Barvas, to Napier Commission, 965.

47. Donald Campbell, South Tolsta, to Napier Commission, 1024.

48. John Wylie, "A Single Day's Walking: Narrating Self and Landscape on the South West Coast Path," *Transactions of the Institute of British Geographers* 30, 2 (2005): 234–47; Tim Ingold, "The Temporality of the Landscape," *World Archaeology* 25, 2 (1993): 155–8.

49. Michael Newton, *Warriors of the Word: The World of the Scottish Highlanders* (Edinburgh: Birlinn, 2009), 288.

50. Mackinnon, *Colonialism.*

51. Bronislaw Szerszynski, Wallace Heim, and Claire Waterton, "Introduction," in *Nature Performed*, eds., Bronislaw Szerszynski, Wallace Heim, and Claire Waterton (London: Blackwell/*Sociological Review*, 2003), 4.

52. Michael S. Carolan, "More-Than-Representational Knowledge/s of the Countryside: How We Think as Bodies," *Sociologia Ruralis* 48, 4 (2008):

408–22; Emma Waterton, "Landscape and Non-Representational Theory," in *The Routledge Companion to Landscape Studies*, eds., Peter Howard, Ian Thompson, Emma Waterton, and Mick Atha (London: Routledge, 2013), 69.

53. David Crouch, "Performances and Constitutions of Nature: A Consideration of the Performances of Lay Geographies," in *Nature Performed*, eds., Bronislaw Szerszynski, Wallace Heim, and Claire Waterton (London: Blackwell/*Sociological Review*, 2003); Szerszynski et al., "Introduction," 4.

54. Crouch, "Performances," 18, 22, and 23; Nigel Thrift, "Performance and.….," *Environment and Planning A* 35, 11 (2003): 2019–24; Nigel Thrift, *Non-Representational Theory: Space, Politics, Affect* (London: Routledge, 2008); Nicky Gregson and Gillian Rose, "Taking Butler Elsewhere: Performativities, Spatialities and Subjectivities," *Environment and Planning D: Society and Space* 18, 4 (2000): 433–52.

55. Crouch, "Performances," 23.

56. Ben Anderson, "Becoming and Being Hopeful: Towards a Theory of Affect," *Environment and Planning D: Society and Space* 24, 5 (2006): 735.

Demographic Fluidity and Moral Ecology: Queenstown (Tasmania) and a Lesson in Precarious Process

Pete Hay

INTRODUCTION

Karl Jacoby's adaptation of E. P. Thompson's thesis of "the moral economy of the English crowd in the Eighteenth Century"[1] into a theory of long-term local ecology/local community sustainability is compelling in both concept, evidence and argument. This notwithstanding, it is argued here that Jacoby's case[2] for a "moral ecology" could be usefully enriched through recognition that there is a fragility to moral ecology; a precarious element pertaining to both its formation and capacity for longevity. The development of moral ecology can be frustrated by the channelling of community ethics into non-compatible pathways, and its longevity can be threatened by several factors external to the moral ecology context. Jacoby points to one of these—externally-imposed 'conservation'

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regimes driven by science and policy imperatives formulated in remote cities. I have myself pointed to another—the obliteration of community-controlled resource-based industry by state-promoted industry existing at a scale and with a decision-making locus that pays scant regard to local ways and mores.[3]

But other factors can be adduced, most notably the unprecedented rates of demographic fluidity within the western world today. The threat this poses is, of course, to the longevity of the traditional community itself and, where a community dissolves, so, necessarily, does the moral ecology it has sustained. Rural and small-town gentrification now probably constitutes the greatest threat to moral ecology. Such gentrification does not pose a threat to the presence of ecological values per se, but we need to acknowledge that the existence of conservationist values is not, of itself, sufficient to constitute moral ecology. A gentrified rural community may well possess such values, but they will not be the specific, time-honed relations of reciprocity identified and described by Jacoby, these requiring the persistence of communities of long-standing.

I develop this case through an investigation of the (in)famous mining town, Queenstown, on Tasmania's West Coast. Queenstown is as much a misfit within Australia's landscape iconography as it is possible to be—cold, not hot; wet, not dry; mountainous, not flat; tangled temperate forest, not sandy desert. Its history has been fashioned by mining; within a national context, it is one of a handful of Australia's larger-than-life mining communities. I have had four periods of immersion in the life of Queenstown, and it is the data gathered on three of these occasions that form the basis of the case presented here. The first of these took place late in 1993, when I was employed as a consultant by the State Government to ascertain what regime, if any, the people of Queenstown wanted implemented to promote or prevent reforestation of the famous denuded hills that have provided such a dramatic background to the township. The details of my project are given at the appropriate place in this chapter. My second sustained stint took place in 2015, when I undertook a creative writing residency in Queenstown. I was there to produce an essay on the 1903 visit to the West Coast by the English socialist firebrand, Tom Mann, and to generate a body of Queenstown-themed poetry. Since then I have accepted a position on the Creative Directorate of The Unconformity, a high-end Queenstown arts festival held for the first time in 2016. I took advantage of this commitment

to interview six of Queenstown's opinion leaders, and insights gained thereby have also informed the paper.

E. P. Thompson and the Idea of the Moral Economy

When E. P. Thompson formulated his concept of the "moral economy" he assumed, wrongly in part, that it was historically bounded; that the construction of an economy based upon informal rules of reciprocity could not survive the advent of the hyper-rationalist economic formalisation of industrial capitalism. The old economy of reciprocity did not go down without a fight: it is central to Thompson's analysis of the English food riots in the eighteenth century: "the men and women in the crowd were defending traditional rights and customs."[4] Their actions, in general, "operated within a popular consensus as to what were legitimate and what were illegitimate practices in marketing, milling, banking, etc.," and this was "grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor."[5]

Thompson was adamant that the triumph of the "political economy of the free market" was so comprehensive as to signify the "final demise" of the moral economy.[6] But a socially constructed view of the norms and obligations of parties within any given community remains a significant aspect of social discourse and power relations within that community. As I observed in an earlier paper, "most contemporary commentators… proceed from an assumption that [the moral economy] is *not* historically bounded—and certainly not insofar as its normative relevance is concerned."[7] I argued that "vernacular and organic formulations of the moral economy have survived to become, now, a discourse of resistance to the amoral and place-obliterating interactions of the global market."[8] Further, "the place discourse not only accords with the moral economy tradition—it may be that the former has become the latter's contemporary standard-bearer, for much of the literature of place contains observations that correspond with the idea of the moral economy."[9] Much literature of place valorises the re-construction and/or preservation of local economic and social relations of reciprocity. Likewise, scholarly attention has been drawn to analysis of local socio-economic systems and their relations with other characteristics of place, particularly the natural settings within which communities function.

Developing Jacoby's Idea of Moral Ecology

In 2001 the American scholar, Karl Jacoby, took Thompson's idea of the moral economy as an economy of informal, trust-based reciprocal relations and applied it to a mode of relationship between "the community, its socio-economic norms and practices, and the natural world upon which they draw—and this, too, is an ethical relationship."[10] Jacoby studied local conservation norms and practices within communities in the Adirondacks, around Yellowstone, and at the Grand Canyon, describing his project thus:

> I seek to recreate the moral universe that shaped local transgressions of conservation laws, enabling us to glimpse the pattern of beliefs, practices and traditions that governed how ordinary rural folk interacted with the environment – a pattern that, paraphrasing E.P. Thompson, I have come to term the participants' *moral ecology*. This moral ecology evolved in counterpoint to the elite discourse about conservation, a folk tradition that often critiqued official conservation politics, occasionally borrowed from them, and at other times even influenced them. Most of all, though, this moral ecology offers a vision of nature 'from the bottom up'…[11]

Jacoby's coinage of "moral ecology," then, identifies quite specific relationships of reciprocity and trust between grounded, place-attuned individuals, their local communities, and terrain recognised (both internally and externally) as embodying significant ecological values. He points to a mismatch of value between officially imposed, often protectionist, policy regimes, and communal mores that have, over time, "fashioned a variety of arrangements designed to safeguard the ecological basis of their way of life."[12] Though it is more nuanced than this (as the quote above indicates), for Jacoby the counterpoint to his moral ecology is professional conservation, characterised by its external and science-based derivation, and its official codification and sanctioning. Against the preservationist ethic of much official environmentalism, Jacoby sets an ethic of sustainable use, this being necessary to enable a treasured way of life to continue, one based on a mandated usage, but a usage that is governed by a time-forged and time-honoured ethic of wise husbandry. His sympathies are firmly with the latter; indeed, he makes a grand claim for his findings: that "the belief that, prior to the advent of conservation, rural folk, in keeping with the supposed rugged

individualism of the American frontier, did as they pleased with the natural world,"[13] fails the test of empirical investigation.

In 2008, the present author took Jacoby's formulation of a grounded moral ecology and applied it to a community of small sawmillers in the high country of the upper North Esk valley in the southern Australian island, Tasmania. This is an island similar to Sri Lanka and Ireland in size, though with a population of only half a million people, and with a pronounced conservation sensibility. Much of it is uninhabited, under dense wetland forest, and accorded national park and even World Heritage status—and it is managed accordingly. A mountain national park abuts the northeast uplands that were the focus of my investigation, and the park is managed for preservationist purposes (although it contains a ski field). The only commercial use activities permitted therein are normally, then, activities associated with tourism. Nevertheless, the adjacent region "is currently the epicentre of perhaps the most rapid conversion of native forest to plantation on the island." In terms of infrastructure, "there is no shop, school or church, not even a graveyard," though "this was once core sawmilling country, with a network of self-contained villages attaching to each mill." Now "there are only the diehards left, small sawmillers—not necessarily even old—retired millers, retired 'fallers' (as they call themselves), more men than women, and, as yet, no sea-changers."[14] This last observation will be of increasing relevance to the argument mounted in this paper.

I found, amongst these remnant timber communities, a strong expression of the reciprocal person-environment relationship that Jacoby has described, with the significant variation that, in the case of the sawmillers of Tasmania's upper North Esk valley, the assertion of the relationships of reciprocity that characterise the condition of a moral ecology was not articulated in opposition to environmental agencies and externally-imposed conservation regimes, but in opposition to aggressive, externally-imposed forestry regimes, and the capital city-based agencies that promulgated them. I supplied elaborative quotes from interviews; for example:

> That bush up there is all I know. I can take you up there and show you how the wind shifts when you go a yard or so that way, and how the temperature pools differently over there. And this summer they'll flatten that bush. They'll plant it out in *nitens* [the favoured eucalypt, one not native

to Tasmania, of Tasmanian plantation practices], but it wouldn't matter if they let it grow back – it still wouldn't be the bush I know. And that's *all* I know. They might as well cut my brain out.[15]

I catalogued the elements of the pronounced moral ecology of this largely unrecognised cohort within Tasmania's timber communities. These included a contempt for forest science and a strongly expressed affirmation of the value of careful vernacular observation; a sadness for the fate of fauna destroyed through the application of clearfell technologies; and pride in the old forest worker's craft: "'we used to spend hours working out how to fall a tree so as to do the least damage to the forest', said one retired 'busher'—another local colloquialism—and then, with bitterness: 'I don't know why we bothered.'"[16]

A Suitable Site for Investigation? Queenstown, Tasmania's Iconic Mining Town

Searching for another Tasmanian site against which to test the moral ecology paradigm, I hit upon the western mining town of Queenstown, a town almost as geographically distant from the upper North Esk as it is possible to be in Tasmania, and one with a different economic base, different cultural traditions, and a different ambient ecology (though there are similarities here in some respects) (Fig. 8.1).

Queenstown sits within a cold and mountainous terrain of tangled wet temperate forests—rainforest connected by an ancient lineage to the Gondwana supercontinent; wet sclerophyll forest that, although dominated by more recent planetary arrivals—eucalypts—contains ancient Gondwanan rainforest species; and sodden "button grass" moorlands dominated by sedges and heaths, which occur within flat valleys of poorly-drained, peaty soils entirely unsuited for agricultural production. They are, indeed, "some of the most nutrient poor situations to be found in the world."[17] Aboriginal people dwelt in the region, though mainly near the coast, and for almost a hundred years after the arrival of Europeans it was of scant interest to colonial settlers. Today the vast majority of lands surrounding Queenstown are within national parks which have been accorded World Heritage Area status by UNESCO, listed for both natural and cultural values, although primarily for the former.

The scarcely-penetrable forests of the West Coast held a secret, though—a highly mineralised ore belt (the Cambrian Mt. Read

Fig. 8.1   Locations of Queenstown and Upper North Esk

Volcanics), which runs almost the length of the coastal hinterland. As early as the 1850s speculation persisted that fabulous riches were to be found below the forests and moorlands. Initially defeated by the forbidding nature of terrain, climate and flora, from the mid-nineteenth century a small number of true believers prosecuted the search for a Tasmanian Eldorado. Enough intriguing indicators were reported to maintain enthusiasm and, finally, in 1873, a determined farmer-turned-prospector, James ("Philosopher") Smith found payable tin near Mt. Bischoff, towards the north of the mineralised belt, tipping

what had previously amounted to little more than curious scratchings into an earnest "rush." The search for profitable ore bodies was on in earnest.[18]

The pattern of settlement that ensued was typical of gold rush country. Mines were opened up and new towns sprang into existence with the civic confidence that signifies an expectation of permanence—the perpetual myth of mining towns everywhere. Inevitably, most of these passed away as quickly as they came, the main streets with their grand hotels rapidly swallowed by the fecund bush. Some few generated significant wealth, though briefly—and one did make good its presumption of permanence, surviving, albeit barely, the vicissitudes of economic uncertainty that invariably characterise mining economies, and giving rise to a combative place mythology along the way which has been both a consequence and a cause of its communal resilience. This is Queenstown.

Queenstown came into being in the early 1890s as a gold rush shantytown on the banks of the then-beautiful Queen River. The fledgling village, Penghana, was razed by fire in 1896, but a new town with a new name quickly came into existence a little further downriver. Mining here was not, in the main, characterised by the endeavours of the heroic individual. With attention not on gold, but copper, Queenstown was soon became the preserve of capital-intensive enterprise, which ultimately coalesced into two companies. The portentous early history of Queenstown features a dramatic struggle between these two colossi, the North Mount Lyell Copper Co. and the Mt. Lyell Mining and Railway Company. The resultant 1903 merger, very much to the favour of the latter—indeed, the newly-merged entity retained the latter's name—was, in Blainey's words, "the greatest merger in Australian mining history," one in which "the largest and the fourth-largest copper producers in the British Empire… were one."[19] Queenstown's prosperity was guaranteed, grand buildings proliferated (many of them extant, endowing Queenstown with a main street—Orr Street—characterised by a dramatic grandeur), and the town set about acquiring a distinctive place mythos.

Much of this has to do with the drama of the surrounding landscape. The central figure in Queenstown history is Robert Sticht, "a short, scholarly American"[20] (Blainey 1967, 74) given, in his private life, to obsessive collecting.[21] He arrived in Queenstown in 1885 as chief metallurgist for the Mt. Lyell Company, and in 1903 took control of the newly-merged company as General Manager. He was, Blainey observes, "probably the greatest figure in the huge Australian mining industry of

the day."[22] Sticht was a man of mercurial temperament and of technical genius. He pioneered pyritic smelting—indeed, he was the world's foremost champion of it. This was "the most attractive in theory of all smelting techniques, for it utilised the heat generated by the combustion of the iron and sulphur in the pyritic ore as a fuel in the furnace, thus dispensing with large quantities of expensive coke. But the process was full of practical pitfalls…"[23] Sticht was accustomed to getting his way, and the force of his character overrode all opposition. So it was that Mt. Lyell had bestowed upon it the world's first successfully operating pyritic smelter.

The most visible long-term consequence was the creation of the "lunar landscape" for which Queenstown became notorious, and for which Sticht's new smelting process was in largest part responsible:

> Sulphur was the curse of Mt. Lyell. When the big company smelted its pyrite in ten or eleven furnaces Queenstown found its climate changing. In still weather sulphur from the smelters thickened fogs into pea-soupers, choked Queenstown, and blanketed the valley. For days on end men working in the flux quarries on the hills above the town basked in the winter sun, and looked down on the creamy waste of cotton wool in the valley… Sulphur was in every breath of air; even tobacco lost its taste.[24]

The sulphurous fumes given off by the smelting process poisoned the surrounding vegetation over a very large area, though an unsustainable rate of tree felling and almost annual wildfires also contributed to the rapid denudation of the mountains. Once stripped—and the surrounding hills, mountains and valleys were entirely denuded by 1900—"the omnipresent rain eroded the mountain to bare rock."[25] The same processes that had caused the denudation also conspired to preclude regrowth.

Sticht's mettlesome nature was also one that had no truck with organised labour. And his workforce was militant. Unionism came early to Queenstown, and Sticht's first decade in charge of the company was spiced by several rancorous strikes. Leftist agitators abounded in both mine and town. Though he lived in Melbourne, the colourful Labor pioneer, King O'Malley, represented the miners in the new federal parliament. The English-speaking world's most prominent socialist agitator, Tom Mann, was twice on the West Coast in the early 1900s. West Coast newspapers tended to take the view of the men, not management. In 1912 an underground fire at the North Lyell mine killed 42 miners, after

which time the company recognised Sticht's bellicose attitude towards the men as unhelpful, and responsibility for labour relations shifted to his talented deputy, Russell Murray.[26]

In this decade, the fundamentals of Queenstown's combative sense of place were formed. In 1900 the town was the third largest in Tasmania, with a population in excess of 5000, rising to 11,000 once the inhabitants of several nearby hamlets and mining camps are added in. Blainey thinks "the summer of 1902-3," immediately prior to the company amalgamations, was when "the Mt Lyell field was probably most populous."[27] This sense of confidence in the perpetuity of the mine, and the fierce, future-focused socialist politics subscribed to by working families, supplied the bedrock of a muscular, workingman's *weltanschauung*, central to which was a conventional pioneering ethos with its strong belief in the utility (as opposed to the intrinsicality) of the natural world, and, slightly less conventionally, a faith that the workingman's paradise would be a manly, industrialised one, a future in which the inevitable conversion of Marx's "first nature" into "second nature" would be complete.[28] Far from a source of communal shame, the bare, eye-blindingly white landscape was a source of communal pride, evidence of "man's" heroic capacity to wrest an exclusively human prosperity from the gifts of nature.

Over the next hundred years the town's fortunes fell victim to the whims of a volatile copper market, and a steadily declining resource. Though by all measure this has to be accounted an extremely profitable mine, it underwent, through the second half of the twentieth century, death by a thousand cuts. In 1963 the last of the famous Abt-system trains left Queenstown for the coastal port of Strahan (the railway has since reopened as a tourist venture, though without the remarkable central cog mechanism that hauled trains up the 1:16 gradients[29]). In 1965, the refinery, set up in 1928 to much fanfare, closed. The smelters that had so revolutionised mining 70 years beforehand ceased work on Christmas Eve, 1969, and the last shipment of smelted copper left Strahan early the following year. The "open cut" closed in 1972. Major mine retrenchments occurred periodically thereafter—400 jobs were lost in one hit in 1974, for example. Queenstown bled population. Brass bands amalgamated and then passed away. The 13 pubs that existed in 1903 had become four by the end of the century. In 1994 the Western Tasmanian Football Association folded, leaving only a single team to carry on playing that most physically demanding of games, Australian football,

on Queenstown's famous gravel oval. And the copper mine itself closed at the end of 1993, though its imminent reopening is constantly rumoured.

Through all these vicissitudes Queenstown's fiercely articulated sense of place remained intact, perhaps even strengthening as the town's economic basis slowly eroded. As I once wrote (with an excess of lyricism, perhaps) in a West Coast-themed art exhibition catalogue essay:

> The struggle of this pitiless world and its elemental familiars takes on an essential heroism. Up the rivers, winning the gold heart from the pine, living a life as unmediated as any white lives have been lived in this country. Heroic. Fighting Gondwana off the Queenstown mountains. Heroic. Tom Mann scattering visions of the End of History. King O'Malley all fire and socialist brimstone from the balcony of Hunter's Hotel. The flame of revolution ablaze in the mines. Heroic.[30]

In the 1970s Queenstown's "heroic" productivist place mythos came under sustained attack (Fig. 8.2). The former port town of

Fig. 8.2 The derelict balcony of Hunter's Hotel from which King O'Malley delivered fiery political speeches

Strahan, situated as it is on a large sunken harbour into which disgorges Tasmania's grandest river, the Gordon, had already started to reconstruct itself as a tourist town rather than an industrial port. It looked inland and up the mighty river rather than out to the sea, its local economy increasingly river tour based. When the state government, its world view very much in line with that of Queenstown, proposed a large hydro-electric dam on the lower Gordon River, a dam that would swallow up the lower reaches of the Gordon's major tributary, the Franklin (the last major river still "wild," in the sense that no part of its system was dammed), a wilderness preservation movement swung into action. This movement was already tactically and strategically fine-tuned from the recently lost battle to save Lake Pedder from inundation; and the Save the Franklin campaign was born. This was to be Australia's first nationally-scoped wilderness preservation battle, the conflict dramatically fought out in the glare of national television on the river itself. It played a crucial role in the election of the Labor Party in the 1983 federal elections, and the river was finally saved when the High Court ruled 4-3 that the Federal Government had the constitutional power, through its international responsibilities as a signatory to the World Heritage Convention, to override the State of Tasmania in matters pertaining to the World Heritage Area, within which the dam was to have been built.

It is unnecessary to reprise here descriptions of this tumultuous time in Tasmanian politics. It has been much analysed previously.[31] What is significant for our present purposes is how these events were received in Queenstown. Unlike Strahan, which had moved on in large part (as we have seen), Queenstown remained fixated on its industrial mythos. With its mine sputtering towards closure, the thought of becoming the base for a large programme of dam building fitted both its sense of self-interest and the muscular clarity of its *weltanschauung*. The town was, accordingly, enraged. "Work on the Gordon-below-Franklin dam was seen as the saviour of the town," observed prominent anti-dam campaigner, Geoff Law, "and attempts to stop it were regarded as economic and social sabotage."[32] Protestors travelling from Hobart to the block-ade's headquarters in Strahan had to pass through Queenstown, often needing to stop for fuel or food, and to do so was to risk serious violence. When the leader of the Save the Franklin campaign, Dr. Bob Brown, was assaulted by a gang of pro-dam youths in Strahan on 13 January 1983, it was taken as fact that they were from Queenstown.[33]

"The loathing," I have written, "with which the people of Queenstown fixed upon 'greenies' may not have been surpassed in Australian history."[34] For the national media covering the blockade on the river, the Queenstown angle was irresistible. The town found itself nationally dubbed the most anti-green community in all Australia and, on the evidence, this seems a reasonable assessment.

Even this, though, may not fully capture the depth of the town's feelings. As I have noted:

> There was even a tendency to transfer hatred of greenies from the people themselves to the objects of green affection. Along the coast, and under cover of night, boat-borne saboteurs torched venerable Huon pines – how more eloquently to say "all this verdant life might impress you, but we value it at precisely nought?"[35]

Then, in 1982, a state election was held, and the dam was the only election issue. In Queenstown "the socialist sons and daughters of socialist mothers and fathers were suddenly voting Liberal,"[36] the Australian Labor Party now being seen as dangerously infected with the "green poison":

> For the people of Queenstown and the West Coast the old divide over industrial class interests was now seen as less fundamental than the divide between adherents of the old humanist faith in progressive modernism… and the supporters of a new trans- or post-modern politics that rejected the very context in which the old industrial struggle was played out… Conflict's fulcrum shifts. No longer capital/labour, [it] becomes industrial modernity against ecological late- or perhaps post-modernity… And the children of red revolutionaries vote for the party of the bosses.[37]

Queenstown in 1993: Seeking a Moral Ecology

It would seem, on the basis of the foregoing, that Queenstown is not likely to be a community in which any articulated sense of moral ecology would be evinced. The mine closed in 1993 after a century of continuous operation, reopened on a dramatically reduced scale (and with a very much smaller workforce) as Copper Mines of Tasmania in 1995, closed again in 1998, then resumed production until closing again in 2014. It has remained idle ever since, though it is in caretaker mode, and stories

of a restart as a high-tech "green mine," employing only a small and specialised workforce of skilled technicians, continue to circulate.[38]

In late 1993, with the mine's closure certain and imminent, I had a chance to test community views first-hand. The company had earlier negotiated a site rehabilitation plan with the government, and was now legally obliged to put it into practice. Central to the commitment was an ambitious revegetation programme ('the reveg') for the large area of the mine lease. To say that "the reveg" was unpopular with the community is an understatement. Finding itself in a bind, being obliged by law to activate a legal requirement for which there seemed no communal support, and with every chance that the program would be subject to sabotage, I was engaged by government to conduct a community consultation, aimed at determining the strength of communal opposition to "the reveg," and to ascertain what it was, exactly, that locals wanted to see happen to the hills.

I found, as expected, an extremely anti-green community, but no longer fanatically so. Parks and Wildlife was still a deeply unpopular face of government, but the Hydro-Electric Commission, the most visible official face of the industrial productivism central to the town's long-standing sense of place, was also unpopular. Most surprisingly, the World Heritage Area (the designation of which, just prior to the 1982 state election, had given the federal government the constitutional trigger it need to fulfil its 1983 election promise and halt construction of the dam) was largely accepted. Attention had now turned to how the WHA could be put to good economic use.

Rather than the WHA itself, it was the perceived preservationist philosophy underpinning it that was the focus of antagonism. Typical of the responses I received was this:

> They say people come here to experience wilderness, but driving through a tunnel of trees, is that experiencing it? You have to get people into the middle of it. Into the bays on the coast, for example, and where the Huon pine is. We should be running day and half-day walks into the wilderness from here, but the government doesn't encourage that, because their definition of wilderness is that no-one goes into it – you look at it from the outside. Parks and Wildlife want to close things up. We want to develop it.[39]

Several aspects of this observation intrigue. This is a mere decade on from the tumult of the Franklin Dam debate. A decade on from a

tangible transference of hatred of green people to the objects of green reverence. The above observation could not, I think, have been made by a typical Queenstowner at the end of 1983. In this observation we have agreement that the wild lands merit experiencing. That people *should* experience them. And that the people of Queenstown are best placed to direct outsider experience; further, to hold custodianship of those wild places. It is an articulation of a frustrated moral ecology.

I was intrigued by my interviewees' attitude towards trees. It was certainly the case that most Queenstowners wanted the hills to remain treeless, because the denuded mountain backdrop was what gave the town its signature as an exceptional place: "for most people the fate of the hills had come to symbolise the fate of the town itself."[40] There was much complexity in this response, and it should not be taken as a dislike of trees per se. In part it is a response from self-interest. The bare hills constitute a formidable firebreak in a region excessively fire-prone, and as the bush was returning with ever greater rapidity in the quarter-century since the closing of the smelters, the risk that wildfire posed to the town was growing by the summer. But as I have noted, "most respondent sentiment was of a loftier nature. The affectionate regard with which the bare hills are held surfaced again and again in interviews," such that "the hills constitute the single most important icon of the people of Queenstown's sense of belonging to this place."[41] It should be noted that, by 1993, the hills were no longer that stark "eye-blinding white" to which I was subjected when working there in the late 1960s. By 1993 the hills, though still largely devoid of trees, had taken on an array of subtle and complex colouration, evidence of the simpler organisms that had colonised the slopes and valleys over the preceding 25 years. As one interviewee said:

> Everyone thinks trees are beautiful, but other things are beautiful. The colours in the rocks are beautiful. You should see the colours in the rocks on a fine summer sunset. It's got all the colours in it. Red. And the white is a beautiful white. The black is the jettest black. And we've got hundreds of miles of bush either side of the town. Why would anyone want to put trees here, too.[42]

Again, such views suggest a state of mind receptive to the relationships of reciprocity that constitute a moral ecology, though a sense of a lack of agency was frustrating its realisation. In this case, the welcomed softness

of the complexly coloured landscape that had succeeded the dazzling whites of yesterday presaged an eventual return of trees to the hills and mountains.

In constructing a place mythos with the defoliated hills at its centre, Queenstowners also had to confront the indignity of outsider reactions that were typically discordant, often primed by guidebooks telling the prospective visitor to expect to be horrified. In 1993, most Queenstowners were accepting of this, though not always complacently. As I have written:

> One interesting response – quite common, whilst not a majority response – constitutes a retreat from the heroic construction of Queenstown; an acknowledgement that the past should have unfolded differently. A sample: 'We could hold it [the bare hills] up as a monument to what can happen, and don't let it happen again. A scar. A reminder of what we need to avoid.'[43]

The majority position, by contrast, was an assertion of the *weltanschauung* of long standing, "an aggressive affirmation of the heritage value of the cultural against the natural—an affirmation of the heroic project and an insistence on the rightness of ensuring its fair treatment by posterity."[44] As one interviewee put it: "It's the destruction of the human history that concerns me. What Parks and Wildlife are doing to the Raglan Road, the lighthouse, Jane River. God that makes me mad. It's the preservation of the mining heritage that should happen here."[45]

Even when affirming the tenacity of Queenstown's venerable place narrative, the Queenstowner of 1993 was a more nuanced person than the Queenstowner of 1983. The place story was slowly ecologising; the rift between community and ambient landscape was starting to close. The affirmation of the cultural was not always, or even often, a rejection of the natural. Instead of "we value it at precisely nought" I found people who spoke of trees with an unashamed affection, informing me, with a conspiratorial hush of tone, that they knew where to find as fine a stand of sassafras or King Billy pine as grew on the island, and to guarantee its security they were revealing its locality to no-one, least of all to a transient such as myself.[46] In some instances these were the same informants who staunchly articulated the old and familiar values.

None of this amounted to a fully-rounded moral ecology sensibility. It was, rather, a moral ecology in-waiting, one fit to evolve in the years

ahead—given favourable material conditions—into the sort of vernacular ecology, one in which the cultural and natural seamlessly blend, that I had earlier catalogued in the case of the small sawmilling community of the upper North Esk, on the other side of the island. I stowed my recorder and clipboard and returned to Hobart, my report to government following, roughly, these lines:

> Given that Queenstowners want the hills to remain bare, and given that the regrowth is returning at an ever-quickening rate, what interventionist strategies were strongly supported? Strangely – none. The most common response – by an impressive margin – was a wistful "let nature take its course". Leave us our hills for the moment, but let there be no chemical defoliation, and no army of the unemployed scrambling on the mountainside pulling out the resurgent bush. My impression was that this was not the counsel of despair and hopelessness, but a rather more complex response, Buddhist almost, and certainly a long way from the image of redneck ratbaggery that… [is the] outsider's construction of Queenstown.[47]

QUEENSTOWN TODAY: A MORAL ECOLOGY FOR THE PRESENT?

Robert Sticht, mercurial metallurgist whose pyritic smelter wrought more spectacular damage to Tasmania's natural systems than any other single post-European environmental intervention, was a nature-loving conservationist. A member of Tasmanian Field Naturalists,[48] his "sympathy for the preservation of the natural environment" was such that "in 1911 he wrote to parliamentarian Sir Elliot Lewis… with a plea for saving the Gordon River from the 'desecration' of the construction of a saw milling enterprise on its banks," and warning of "'the damage to the present beauties of the river.'"[49]

In no way can Robert Sticht be made to fit the moral ecology paradigm. But this does illustrate the attitudinal complexity behind human relationships with the natural world. One of the most valuable lessons from Jacoby's work is his insistence that the proof of the pudding must be in the eating. The principles that inform an individual and a community's being-in-place must structure a way in which aspects of the ambient environment are utilised *in practice* that is nonetheless conducive to long-term ecological vitality. We need to acknowledge that the mere possession of nature-positive attitudes is not a sufficient condition (though

it is certainly a necessary one) to configure a moral ecology. Back to Queenstown in 1993, then.

1993 is a quarter of a century ago. I have deliberately used past tense in the previous section of the paper, because what I found in 1993 is not necessarily what I would find if I were to replicate the exercise today. Given that the responses I gathered in 1993 are counter-intuitive for "the most anti-green town in Tasmania," the question arises: could I have found similar responses back in 1983, a decade earlier? Except at the margins, I doubt it. I doubt that the attitudinal complexities exhibited by the legendary mine manager of Queenstown's formative years would have been much in evidence in Queenstown at the height of the Franklin Dam fracas, excepting perhaps in the case of a small few individuals, but these would have kept their heads down during the white heat of outrage that prevailed, letting others define the communal place meanings (a "key informant," one of several people interviewed by the author in 2017, stated that one prominent local "used to run a safe house for greenies, though this is disputed," and that it is now possible "to find people who say 'even at the time I was an environmentalist but I never let it out'" (key informant A, interviewed April 19, 2017). As I have argued, the problem is that Queenstowners were never afforded the conditions within which they might develop a sense of moral ecology. For decades the dominance of the mine and the muscular, hegemonic values that stemmed therefrom meant that interactions with "the bush" were occasional and utilitarian in the extreme, and certainly not conducive to the sort of understanding of ambient ecological processes that I identified in my study of the small-scale sawmillers of the upper North Esk. It could be argued, in any case, that Queenstowners were not dependent on a regime of reciprocity in order for nature to keep supplying what they wanted from it (in contrast to regimes based upon natural 'product' that grows). Nature is not going to replenish itself with minerals if you treat it kindly—so it could be argued that there was never a real need to include relations with nature in any moral code. The evidence from my interviews of 1993 would seem to confound this view, however.

A decade later the communal world view of the people of Queenstown was becoming more complex, more receptive to a values framework that could foster the development of a moral ecological sensibility. Again, though, the top-down management prescriptions of the World Heritage Area now established on the town's doorstep seemed to

preclude any possibility for intensive economic engagement. The perception of Queenstowners at the end of 1993 was that they had been frozen out of the WHA. What has happened in the quarter of a century since? Does a moral ecology based upon "informal rules of reciprocity" now exist? In short, no. Such relationships exist. But they do not constitute moral ecology.

Continuities, Discontinuities

In 2015 I renewed an active engagement with Queenstown, courtesy of a Landscape Art Research Queenstown (LARQ) residency. LARQ was in the tenth and final year of its existence, having been established in 2006 by nationally prominent artist and new Queenstown resident, Raymond Arnold. LARQ'S charter was "to develop a wilderness art space and artist residency program exploring the natural and heritage values of the region,"[50] and during its ten-year existence "it hosted five funded international artist residencies, five unfunded international residencies, staged nineteen exhibitions, managed eleven art workshops, mentored young local students and welcomed many visitors to its gallery [located in the main living space in the home Arnold shared with his artist partner, Helena Demczuk] for openings, artist talks, 'arts industry' nights and casual visits."[51] It was a "community development business fostering connections, sense of place and artistic interventions in the contested space of the west where wilderness branding slugs it out with the technological forces of the mining, forestry and power industries—a hotspot in the constant debate between development and conservation forces in Tasmania."[52] Queenstown is "a unique place," Arnold was quoted as saying. "With this completely unique World Heritage Area and this incredible mining heritage that exists here, the clash of the two things is a very powerful thing."[53] Though his presence in the town was initially resented by many, Arnold became a local maker and shaker, a person whose force of character and clarity of vision was in large part responsible for creating a radically new place meaning for Queenstown—one of a town of high artistic sensibility.

Along with LARQ, there are two prominent signifiers of change in Queenstown. They are also major contributors to that change. These are the reopening of the railway that had formerly linked the mining town with its industrial port, Strahan, as a wilderness-experience tourist railway, and the nationally-profiled fine art festival, "The Unconformity."

At the end of 2002 the 35 km railway between Queenstown and Strahan reopened. No longer, though, was this the old industrial life-blood between a mining town and its port. It was now a 'wilderness experience' and the old Mount Lyell Mining and Railway Company had given way to the West Coast Wilderness Railway. It shut for several months in 2013, when its licensee, Federal Hotels, bailed out with min-imal warning, but some months later it reopened with different opera-tors and its future now seems assured. As with LARQ, 'the wilderness railway' has played no small part in the reconfiguration of Queenstown's profile away from mining town to tourist centre with the natural world at the centre of what it has to offer. It also gives jobs to locals, offsetting in large part the perceived absence of opportunities to profit from direct involvement with the World Heritage Area. In any case, the lack of eco-nomic opportunities available in the WHA that was the source of such frustration in 1993 was later to change, and there are now wilderness tour enterprises operating out of Queenstown.

In 2010 a biennial Queenstown Heritage and Arts Festival was inau-gurated. It ran until 2016, when it was rebranded 'The Unconformity'. In its original incarnation, the festival was unashamedly nostalgic, an uncomplicated celebration of the town's mining heritage. In its sub-sequent incarnation that heritage is retained in part. The town's past remains central to the new conception. But there has been a shift in emphasis from heritage to art—the new version, indeed, promotes itself as a festival of the 'high' arts. "It's part of the change from being solely reliant on mining," festival Director, Travis Tiddy (a man of impecca-ble Queenstown provenance) was quoted as saying at the time.[54] The present author is on the Artistic Directorate of the 2018 festival, held in October, and can affirm that the intent is to step even further away from uncritical celebration of the past, with a more overt questioning of aspects of the town's values heritage (further confirmed in conversation by key informant B, interviewed April 19, 2017). The festival's website foreshadows this, speaking not of an unproblematic past, but of "remark-able cultural paradoxes."[55]

It was noted earlier that Queenstown has never accepted that mining towns inevitably pass away. And it has not, though it has had to meta-morphose to survive—and nothing that has occurred, since the body blows endured in the 1960s, has been able to halt the ebbing away of population. In the 2016 census the town's population was a mere 1790[56];

attrition from a decade earlier, when the census recorded 2117, being very much in evidence.[57]

Possibly more significant than population decline, though, is a dramatic demographic change, one that may have been imperfectly picked up by the Census. "Fifty-five percent of the people living here now weren't here five years ago," was the observation of one prominent local (key informant C, interviewed April 19, 2017), though the most recent Census reported that the percentage was almost precisely 33%.[58] Even at the official rate of turnover, over a ten-fifteen year period the outcome will be a reconstituted community. Who are the newcomers? "People trying to find a bolthole who have run out of options elsewhere—damaged people. And some authors. Other creatives. Climate refugees sick of the heat elsewhere. Some with capital and entrepreneurial skills—not many of these, but they are important. And they're all slightly nutty" (informant B). A similar, though not identical view was articulated by informant C. He instanced men whose marriages or farms had gone bust, and "people who say quite openly, 'it was too hot up there in Queensland.' Every year there is a flotsam and jetsam ebb and flow. About one in four stay on." Key informant A does give more credence than key informant B to the cohort of artists and environmentalists who have arrived, whilst key informant D (interviewed April 20, 2017) dramatically declaimed: "this has become a town of artists and environmentalists." Certainly this is overstated, but such people, "those who are a bit spiritual," are more inclined to stay than professionals or those further down the social scale (according to informant A). Concerning the latter, most of the influx occurs in the summer, with the ready availability of cheap, albeit humble, housing a major attractor. Having endured a West Coast winter, many of these people subsequently decamp. When the mine closed the professionals left (observation of informant B) whilst, of the pick and shovel miner population, from whom Queenstown's anti-green culture drew its oxygen, few remain. Informant A puts it at 20% (their now grown-up offspring included). "Those who didn't leave are dead or going into old folks' homes, and their kids left ages ago," said informant B. This seems to be largely but not entirely accurate. The Unconformity in 2016 featured a "night club." One journalist flown in to cover the event observed: "each night the festival club resembles the late hours of an unlikely wedding, with boundaries between locals and incomers dissolving on the dance floor where Bruce Springsteen, as ever,

proves the great unifier."[59] In fact, the boundaries failed to perfectly dissolve. Tensions boiled over on at least one occasion at the night club, with the young of "old Queenstown" reacting physically to the presence of city hipsters. At least some continuity with the past, then, is still in evidence.

The most tangible evidence of continuity with the past is the Miners' Siding memorial on the decommissioned line of rail from the town station to the mine. In recent years a series of bronze sculptures portraying 21 "stations" in the pioneering history of the town has been installed at Miners' Siding. These are extreme valorisations of the old values of the West Coast. The central plaque reads thus:

> Over five generations of Tasmanians have mined for copper, zinc, tin, iron, lead, silver and gold. Mining has been a prime factor in the community life of the West Coast region, and a major contributor to the Tasmanian economy. With less than 2% of the States [sic] population, the West Coast produces 35% of the States wealth. The hard working pioneer spirit of these mining communities lives on today…

We can conclude that the town that exists today has been able to proudly carry its past with it, without any sense of incongruity. It can do this because those values have now become historically bounded, no longer constituting a fulcrum of conflict in the present.

The best signifier of change is to be found in the shifting shape of politics. "if you hadn't gone through the turbulent times of the Franklin Dam blockade you don't have that antipathy towards the environmentalists," observed informant B, and "there was a bloke handing out Green Party how-to-vote cards at the last election—that couldn't have happened a couple of decades ago." A State Upper House election took place on a day when the present author was in Queenstown. The sitting member was an independent with a progressive voting record. Her opponent was an outspoken champion of the values of the old Queenstown. Both candidates lived on the more populous North-West Coast—but the only placards in evidence in Queenstown were those of the progressive incumbent and, whilst she often visited the town during the campaign, her "old school" challenger was nowhere to be seen. She won handsomely.

Queenstown is a mining town, then, that has bucked reality. It did not die, but it almost did, and to live on it has had to become something

else. With the passing of traditional Queenstown a fledgling moral ecology was stillborn, though the newcomers seem to have brought with them a more generalised, less context-specific set of environmentalist values. There is an ominous, more general lesson here for moral ecology.

CONCLUSION

Thompson assumed that the moral economy could not withstand a new world in which economic relationships, vastly more complex in the wake of the industrial revolution, were rationalised and codified. Where such relationships were based upon long-standing socially-sanctioned practices of reciprocity and sustainability in the matter of community/ambient environment interchange, a condition described by Jacoby as "moral ecology," Thompson's scepticism can be largely discounted. I say "largely," because the conditions that create and sustain a moral ecology are fragile—and are especially precarious in times of demographic fluidity.

Queenstowners were denied meaningful interaction with their hinterland for the 90-odd years that followed the mining town's creation by, firstly, the grip of the muscular industrial place myth that set human endeavour and the natural world within a fiercely adversarial, zero-sum relationship, and, secondly, the reality of the total destruction of that natural world for as far as the eye could see. With the mine winding down through the 1980s to its closure in 1993/4, and the need to reconstruct a local economy in part based upon opportunities for nature-focused tourism within the adjacent Tasmanian Wilderness World Heritage Area, and with the ambient environment re-naturalising rapidly of its own accord, the conditions for the creation of a moral ecology were finally in place, as interviews conducted by the present author with Queenstowners at the end of 1993 demonstrate.

This did not happen. In part this was because the top-down management prescriptions of the WHA precluded significant local involvement. This has gradually changed, and the tourist economy has come to Queenstown, and with it a different local economic profile. In terms of the argument presented here, though, this came too late—because it is simply no longer the case that Queenstown remains a 'traditional' community, one existing in direct descent from those who angrily upheld the old industrial mythology in the confrontational days of the Franklin Dam dispute in the early 1980s. The memory chain has been broken, and the incomers' more positive attitudes towards the natural environment are

generalised, not specific. Their environmentalism is abstracted, not based in concrete local knowledge systems. "You talk to people who've been here a few years about the old path to a particular falls," said informant A, "and they don't know what you're talking about."

For a moral ecology to persist through time the community within which the relevant mores were slowly formed also has to persist. The lesson of this paper is that, in times of demographic dynamism, and particularly when the perceived enchantment of exotic small-town life lures an affluent, mobile, unsettled middle class, one cast upon the four winds in search of an elusive authentic way of living, it will become increasingly difficult for those stable, geographically confined communities to resist gentrification. The newly gentrified community is likely to romanticise the way of life of the community that it has displaced, but this is because that way of life will by now have been sealed behind the glass wall of history. The new community is likely to valorise the natural values of the ambient environment, but in ways that do not square with the conditions of 'moral ecology' as set down by Jacoby. And if this can happen in the case of grim, cold, wet, remote Queenstown—the last place I would have thought amenable to gentrification—then it can surely happen anywhere.

To Jacoby's conceptual schema, then, the following ideas could usefully be added: that the processes of forming a moral ecology are precarious, certainly not inevitable, and vulnerable to frustration via the intervention of incompatible ideas and historical developments; and that the persistence of relationships of environment/community reciprocity is almost impossible to sustain in times of robust demographic fluidity.

Notes

1. Edward Palmer Thompson, *Customs in Common* (New York: The New Press, 1993), 185–351.
2. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation* (Berkeley, Los Angeles and London: University of California Press, 2001).
3. Pete Hay, "'Balding Nevis': Place Imperatives of an Invisible Cohort within Tasmania's Forest Communities," *Geographical Research* 46, 2 (2008): 224–33.
4. Edward Palmer Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past and Present* 50 (1971): 78.

5. Ibid., 79.
6. Ibid., 136.
7. Hay, 'Balding Nevis', 228–29.
8. Ibid., 229.
9. Ibid., 229.
10. Ibid., 229.
11. Jacoby, *Crimes against Nature*, 3.
12. Ibid., 193.
13. Ibid., 193.
14. Hay, 'Balding Nevis', 226.
15. Quoted in Ibid., 228.
16. Quoted in Ibid., 227.
17. "Buttongrass Moorland—A Unique Habitat," Parks and Wildlife Service Tasmania, accessed 18 August 2017, www.parks.tas.gov.au/?base=3224.
18. Christopher Binks, *Pioneers of Tasmania's West Coast* (Hobart, TAS: Blubber Head Press, 1988), 11–25; Geoffrey Blainey, *The Peaks of Lyell*, 3rd edn. (Carlton, VIC: Melbourne University Press, 1967), 12–19; Margery Godfrey, *Waratah: Pioneer of the West* (Waratah, TAS: Municipality of Waratah and Morevale Investments, 1984), 2–9; Nic Haygarth, *Baron Bischoff: Philosopher Smith and the Birth of Tasmanian Mining* (No Place Listed: Self-Published, 2004); and Charles Whitham, *Western Tasmania: a Land of Riches and Beauty* (Queenstown, TAS: Board of Management, Robert Sticht Memorial Library, 1949), 74–77.
19. Blainey, *The Peaks of Lyell*, 161. For a detailed account of the events leading up to and immediately consequent upon this merger, see Ibid., 102–74.
20. Ibid., 74.
21. Heather Gaunt, "Robert Sticht and the Relics of the Past", in *The Jewelled House of Art and Nature: The Mt. Lyell Mining and Railway Company Office*, ed. Raymond Arnold and Travis Tiddy (Queenstown, TAS: Mt Lyell Office Development Committee, 2010).
22. Blainey, *Peaks of Lyell*, 161.
23. Ibid., 74.
24. Ibid., *Peaks of Lyell*, 99.
25. Pete Hay, '"These Blarsted Hills": Affectionate Regard for a Despoliated Landscape', in *Vandiemonian Essays*, ed., Pete Hay (Hobart, TAS: Walleah Press, 2002), 73; see also Blainey, *Peaks of Lyell*, 100–101.
26. Ann G. Smith, "Murray, Russell Mervyn (1877–1945)," *Australian Dictionary of Biography*, accessed 22 May 2018, http://adb.anu.edu.au/biography/murray-russell-mervyn-7713/text13509, hardcopy 1986; Blainey, *Peaks of Lyell*, 265–67. Murray succeeded Sticht as General Manager in 1922. He retired in 1944, and his son, Hugh Murray, became General Manager in 1948.

27. Blainey, *Peaks of Lyell*, 173.

28. On this distinction see Karl Marx and Friedrich Engels, *The German Ideology* (London: Lawrence & Wishart, 1965/1846), 58.

29. Lou Rae, *The Abt Railway on Tasmania's West Coast* (Sandy Bay, TAS: Self-Published, 1988).

30. Cited in Hay, "'These Blarsted Hills'", 70.

31. For example, Tim Bonyhady, "The Photo That Changed Us," *Weekend Australian*, Features Section, April 20–21, 1996; Bob Brown, "Wilderness Versus Hydro-Electricity in South West Tasmania," in *Fighting for Wilderness: Papers from the Australian Conservation Foundation's Third National Wilderness Conference*, ed. J.G. Mosley and J. Messer (Sydney: Fontana/Australian Conservation Foundation, 1984), 59–68; Greg Buckman, *Tasmania's Wilderness Battles: A History* (Sydney: Allen & Unwin, 2008); Henry Chen and Pete Hay, "Dissenting Island Voices: Environmental Campaigns in Tasmania and Taiwan", in *Proceedings*, Islands of the World VIII: Changing Islands—Changing Worlds, Kinmen Island, Taiwan, 2004, 1110–31.; Bruce W. Davis, "The Struggle for South-West Tasmania," in *Interest Groups and the Policy Process: Case Studies from the Australian States*, ed., Roger Scott (Melbourne: Macmillan, 1980), 152–69; Gary Easthope, and Geoff Holloway, "Wilderness as the Sacred: The Franklin River Campaign," in *Environmental Politics in Australia and New Zealand*, ed., Pete Hay, Robyn Eckersley and Geoff Holloway (Hobart, TAS: Centre for Environmental Studies, University of Tasmania, 1989), 189–201; Roger Green, ed., *Battle for the Franklin: Conversations with the Combatants in the Struggle for South West Tasmania* (Sydney: Fontana/Australian Conservation Foundation, 1984); Pete Hay, "Will the Tasmanian Disease Spread to the Mainland?: The Politics of Tasmania's World Heritage Area," *Current Affairs Bulletin* 63, 3 (1987): 4–12; Geoff Law, *The River Runs Free: Exploring and Defending Tasmania's Wilderness* (Camberwell, VIC: Viking/Penguin, 2008); Doug Lowe, *The Price of Power: The Politics Behind the Tasmanian Dams Case* (South Melbourne, VIC: Macmillan, 1984); James McQueen, *The Franklin: Not Just a River* (Ringwood, VIC: Penguin, 1983); Cassandra Pybus and Richard Flanagan, eds., *The Rest of the World Is Watching: Tasmania and the Greens* (Sydney: Pan Macmillan, 1990); M. Sornarajah, ed., *The South West Dam Dispute: The Legal and Political Issues*, Sir Elliot Lewis Memorial Publication (Hobart, TAS: University of Tasmania, 1983); and Peter Thompson, *Bob Brown of the Franklin River* (Sydney: George Allen & Unwin, 1984).

32. Geoff Law, *The River Runs Free: Exploring and Defending Tasmania's Wilderness* (Camberwell, VIC: Viking/Penguin, 2008), 151.

33. Law, *River Runs Free*, 185.

34. Hay, 'Blarsted Hills', 70.
35. Ibid., 70.
36. Hay, 'Blarsted Hills', 70. The Liberal party in Australia is pro-business and development and socially conservative.
37. Ibid., 71.
38. For example, *ABC News, Hobart*, 'Mount Lyell Copper Mine Restart Moves Closer after $9 Million Cash Injection', April 28, 2017.
39. Hay, 'Blarsted Hills', 72.
40. Ibid., 73.
41. Ibid., 73–74.
42. Ibid., 74.
43. Ibid., 75.
44. Ibid., 75.
45. Ibid., 75.
46. Ibid., 73.
47. Ibid., 76.
48. Gaunt, *Robert Sticht*, 12.
49. Ibid., 12–3.
50. Emily Woods, "Arnold Finishes LARQ Work," *The Advocate* (Tasmania), February 12, 2015.
51. "About LARQ – landscapeartresearchqueenstown," accessed 31 March 2018, https://landscapeartresearchqueenstown.wordpress.com/about-larq-2/.
52. Ibid.
53. Woods, "Arnold Finishes LARQ."
54. Carla Howarth, "Queenstown's The Unconformity Arts Festival Helps Mining Region Evolve, Celebrates Past," *ABC News*, 15 October 2016, accessed 31 March 2018, http://www.abc.net.au/news/2016-10-15/the-unconformity-arts-festival-begins/7935670.
55. "Unconformity, The," accessed 28 January 2018, https://theunconformity.com.au/.
56. Australian Bureau of Statistics, "2016 Census QuickStats," accessed 31 March 2018, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC60526.
57. Australian Bureau of Statistics, "2006 Census QuickStats," accessed 31 March 2018, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2006/quickstat/UCL613200.
58. Australian Bureau of Statistics, "2016 Census QuickStats, Community Profiles—Queenstown, G42," accessed 28 May 2018, http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC60526.
59. Rowe, Josephine, "The Unconformity: Devastation and Beauty Collide in Isolated Tasmanian Mining Town," *The Guardian*, 21 October 2016.

'Fearless, Free and Bold': The Moral Ecology of Kelly Country

Graham Seal

Introduction

Between 1878 and 1880 Edward 'Ned' Kelly and a gang of accomplices conducted Australia's most notorious episodes of outlawry in the northeast region of colonial Victoria. This area became known as the 'Kelly country' as the police and even military resources of the state were deployed to hunt the bushrangers down with little success until an eventual showdown, largely engineered by the outlaws themselves, at Glenrowan.

Ned Kelly's rebellion was a response to the effective pre-dispossession of the environment by the pioneer colonising occupiers, or 'squatters' and their continued benefit from those resources in collusion with the colonial government, the police and the local power structures, which they monopolised. Kelly, and those 'free selectors' who came to the land thirty or more years after the squatters, who sympathised with him and, in some cases, supported him, perceived—rightly or wrongly—their economic and social disadvantage to be the consequence of this arrangement. Lacking a coherent political theory or organisation to challenge

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this hegemony, Ned Kelly articulated his grievances and their solution in terms of a folk politic derived from his inherited cultural tradition of Irish resistance to English domination, convictism and the figure of the bushranger as a resistant hero. These events and the complex pattern of tradition, belief and historical experience that underpinned them provide a rare opportunity to observe the evolution of a local moral ecology.

'Moral ecology' is a term used in various ways in philosophy and theology but also by historians. In his study of environmentalism in the United States of America, *Crimes against Nature*,[1] Karl Jacoby adapts his version of the term from one proposed by E. P. Thompson in his studies of vernacular forms of protest and resistance.[2] Thompson posited that a largely unarticulated but fundamental 'moral economy', an implied social and economic compact, could exist between the various groups in a community. This compact assumed certain customary understandings and arrangements that, while not matters of law, were nevertheless mutually understood by the main constituencies involved to be the appropriate and proper way to maintain stable relationships between competing interests.[3]

Jacoby intended his 'moral ecology' adaptation of Thompson's idea to highlight the implicit sense of place—their place—that motivated the resistance of disempowered indigenous and settler groups to the imposition of legal sanctions on their traditional practices by environmental conservation movements and the government regulations that followed. These frequently criminalised hunting, fishing, foraging and related activities that had previously been traditional pursuits, usually of necessity. Jacoby's extensive case studies provided an understanding of:

> … the moral universe that shaped local transgressions of conservation laws, enabling us to glimpse the pattern of beliefs, practices, and traditions that governed how ordinary rural folk interacted with the environment…[4]

Subsequent scholarship has found the moral ecology principle valuable in trying to better understand the complexities and imperatives involved in resistance to the curtailment of common rights and other traditional rural practices,[5] and to other forms of communal resistance.[6]

Ned Kelly's outlawry, and the historical sources related to it, provide a rare opportunity to understand the origins and, in this case, the dramatic consequences, of that local underculture pattern. This situation arose before modern conservation movements and consequent

environmental regulation studied by Jacoby, but it reveals the usually suppressed potency of local tradition and its potential to mobilise resistance to other forms of imposed state and private power. In this rural social crisis can be discerned the fundamental sets of perceptions, assumptions and practices that underlie the forms of local resistance to imposed conservation regulation. This pattern evolved within the colonising settler community—firstly the 'squatters, followed by the 'selectors'—who successively displaced the original inhabitants of 'Kelly Country'.

The region in which these events took place was a finely balanced social and environmental system. In this system, competing and potentially conflicting forces were maintained in a more or less stable situation through a complex and mostly unarticulated set of understandings and relationships between free selectors, squatters, police and other constituencies, such as local businesses, government officials, trades and itinerant peddlers, or 'hawkers'. Resources such as land, water, livestock and access to markets via limited transport infrastructure were the focus of continual contestation between the primarily English and Protestant squatters, who initially appropriated the land from the indigenous inhabitants, and the more ethnically and religiously diverse 'selectors', that large group of mainly unskilled workers and their families left looking for livelihoods in the wake of convictism and the gold rushes. These people, and the threat to social stability that their largely unemployed status implied, led to pressure on the colonial government to 'unlock the land' to prevent the rise of an indigent and potentially troublesome underclass. Blocks of land were made available for 'selection' under very favourable terms designed to encourage selectors to, eventually, become respectable landholders, colonial 'bush yeomen'.[7]

That did not happen. Instead, a frequently disaffected faction of selectors struggled to get by on inferior lands, often getting by through illicit activities and practices that often brought them into confrontation with their established squatter neighbours and with the police. In this community, many were often prepared to turn a blind eye to illicit 'poddy dodging' and other forms of stock stealing, or quietly inform to the police where necessary. Tensions were more-or-less managed in a moral economy in which everyone got something, even if some got decidedly more than others. When this moral economy was unbalanced by the actions or omissions of any one of its constituent elements the unarticulated compact of mutual convenience that kept it functioning immediately broke

down. The violent outbreak of social banditry, fuelled by the shared sense of injustice of the Kellys and their supporters over their share of the region's resources, destabilised this fragile equilibrium. From the moment in 1878, when Ned Kelly killed three policemen at Stringybark Creek, the implicit antagonisms that underlay these murders were made explicit and so subject to potential punishment by the legal and coercive apparatuses of the colonial government, including the subsequent outlawing of the four Kelly gang members. People began to fear each other and coalesced into various factions based on their relationships. The usually unremarked lineaments of class, ethnicity and religion were now precipitated into clearly observable constituencies of interest. In this case (and arguably in others) the extraordinary allows us to better understand the ordinary. Through that understanding we can perceive not only a moral economy but also the origins of a moral ecology in northeastern Victoria, as mediated through an outbreak of social banditry.

Heroic outlaws, noble robbers or 'social bandits' are found in many cultural traditions around the world.[8] The historian Eric Hobsbawm proposed that such figures could be understood as Robin Hoods, individuals seen by their supporting communities as righteous resisters of coercive state or private power.[9] Many of these social bandits were legally outlawed. In the western world, the concept of outlawing malefactors— that is of expelling them from the community, removing their property as well as their right to live, and placing them in the wild to be hunted like a wolf—can be traced back to the medieval period, and earlier.[10] From this era, the process began to be legally codified and an outlaw could be proclaimed for many reasons. The named individual/s were subject to the death penalty, should they survive their pursuit by the duly constituted forces of authority.

Proclamations of outlawry are essentially an admission that the law has failed to mediate social relations. The legislation suspends the usual rights and guarantees of the law in order to protect society from the perceived threat posed by an individual or group of individuals and unknown numbers of similarly disaffected individuals who might join the outlaws in their defiance of authority. If sufficient numbers of sympathisers, supporters and harbourers of outlaws are disenchanted with the *status quo*, there is always the possibility that they might mobilise around an outlaw figure, as has occurred many times in many places.[11] There was deep concern within the Victorian establishment that the Kelly outbreak might precipitate such a broad challenge to authority.[12]

Before the events of 1878–1880, the Kellys and their supporting constituency had a close relationship with the northeastern Victoria environment. The outlawing of the Kelly gang forced them into an even more intensive relationship with their country, the place they knew intimately and to which Kelly professed a deep connection in his 'Jerilderie Letter', a major primary source for investigating otherwise unarticulated oral traditions of the kind so deftly deployed in Jacoby's case studies. As outlaws, the Kellys were legally and literally thrust beyond the pale and into the wilderness. As fugitives, they needed to embrace its secret gullies, little-known tracks, terrain and climate in order to elude pursuit and survive. In a sense, they became the land, as Sidney Nolan's famous Kelly series of paintings suggest.[13]

The Terrain

'The bush' was where the Kelly tragedy played out. Since European settlement, it had been the terrain of 'bushrangers'. Ned Kelly's mentor, old Harry Power, operated there, as did Daniel 'Mad Dog' Morgan. They hid in the bush, lived in it, escaped through it and to it. Eventually, they were nearly always captured in the bush, usually by the police with the aid of informants. Kelly country is classic outlaw territory. But it was also the location of many other activities introduced by Europeans after the dispersal of the original inhabitants.[14]

After explorers Hume and Hovell showed the way to northeastern Victoria on their way to further explorations in 1824, pioneer settlers arrived in increasing numbers from 1835, staking out the best locations by the mid-1840s. There was resistance to these 'squatters' by Aboriginal people, notably in 1838 when seven Europeans were killed, along with their stock. An unknown but significant number of indigenous people were killed in retaliation and it is thought that possibly less than 40 Aborigines were left in the region.[15] These initial acts of colonisation were implicitly and explicitly justified as improving the productivity of the land previously occupied by people considered to be unproductive savages.[16] This act of dispossession established a form of prior occupation by the first comers in which the free selectors who came later were locked out of equitable access to the resources of the land, including water, as well as transport links essential for accessing regional and urban markets. This was the basis of the subsequent struggle over access to the land and the conflict of opposing views over how to manage it and its resources.

Before that, thousands came to the region when gold was discovered in the early 1850s. They were followed in the aftermath of the gold rushes by the free selectors, the poorer elements of the population and the class to which the Kellys, their kin and their kind belonged.[17] The nature of the northeastern Victorian environment, considered to be around 1600 square miles in extent, and of settler interaction with it, was concisely described by the Royal Commission into the Victoria Police that followed the Kelly outbreak:

> It is in parts well suited for agricultural purposes, and settlement of late years there has been rapid and permanent; but in the main, especially to the north-east, it consists of mountain ranges with innumerable spurs, forming steep ravines and slopes so heavily timbered, covered with scrub, and encumbered with huge boulders, that for the greater part it is almost inaccessible. The country is intersected by numerous creeks and rivers; and recently bush tracks have been cut, and roads capable of vehicular traffic constructed; land has been taken up eagerly, and an intelligent, honest, and hard-working population is steadily settling on the soil.

A rapidly increasing settler community inhabited this wilderness. But, with the wisdom of hindsight, the Royal Commission went on to note the extent to which this environment was conducive to the activities of 'lawless' groups like the Kelly clan:

> It was, however, evident from the first that the peculiar characteristics of the country afforded special facilities for the operations of such lawless characters as the Quinns, the Lloyds, and the Kellys, who, if pursued by the police, could seek refuge in the fastnesses of the mountains and defy all the attempts of the authorities to arrest them…[18]

In this terrain, community and crime were intricately linked with the environment and with different views as to how it should be managed, and to whose benefit.[19] The main criminal activity in which this relationship was manifested and, in some quarters celebrated, was in 'duffing', 'poddy dodging' or stock stealing. This form of poaching rarely attracted moral censure from those who carried it out or from the many who benefitted from it. It was, of course, illegal in colonial Victoria as it was in Britain and elsewhere. But it was an element of that hidden culture in which all was not as straightforward and official as many liked to believe.

Duffing was, until the Kelly outbreak itself, the major flashpoint in the region for differing views of the world. In his memoirs, Superintendent Chomley, who was stationed at Beechworth when the Kellys broke out, recalled:

> The popularity of cattle 'duffing' in the neighbourhood may be accounted for, partly by the fact that it was largely settled by men of bad and lawless antecedents, and partly by the tremendous temptations to criminal adventure which the conditions of the country afforded. The King, the Ovens, and the Buffalo, the Broken River, and a number of minor rivers and creeks, all flow through fertile valleys, sparsely settled by farmers and graziers, into plain country, much of which is thickly forested; and all the streams have trackless ranges not far distant from either bank. North of these is the Murray River, forming the border of New South Wales and Victoria, and also flowing, in its upper reaches, through a jumble of hills and mountains, while the headwaters of all the rivers named are absolutely uninhabited mountain country, stretching east and north for hundreds of miles.[20]

Chomley observed that even the towns were adjacent to mountains and provided endless opportunities to avoid detection. The country itself conspired to produce its problems:

> … A careful study of the map of Victoria and of the relative positions of the towns and rivers named would be necessary to enable anyone to follow the doings of the outlaws and the police with proper understanding of the exploits of the former, and the terrible difficulties of the latter in attempting to capture them.[21]

He was able to give the policeman's view of the links between local business and the terrain in which it was carried out;

> Enough has probably been said, however, to explain the temptations and opportunities which the country offered to cattle and horse stealers, who were encouraged in their pursuits by the conduct of law abiding, honest stock owners almost as much as by nature. While comparatively very little of the country was fenced, cattle and horses belonging to different individuals were allowed to run together far from the homesteads, in the good land by the banks of creeks and rivers in the mountains, where their owners, who were, almost without exception, splendid bushmen, could

periodically inspect them, and muster them when required. This casual system of grazing would have worked better than it did but for the fact that dishonest adventurers, who were also skilled bushmen, found it easy to muster other people's stock. Having done so, they drove them away by devious mountain tracks to some distant market, generally in New South Wales, and disposed of them, often months before their owners knew that they had suffered loss.[22]

Closely linked with duffing cattle was horse stealing. Horses were prized much more than stock, of course, not only for their use as personal transport across the long distances usually needing to be traversed in this country but also for the status imparted to the rider and the romance of the steed, a powerful tradition among both squatters and selectors, if with radically different views as to its observation. The Kellys and their compatriots were as serious about horses as many youthful males are enamoured of high-performance cars today. Like those youths, the Kellys and their friends knew all there was to know about horses—how to care for them, ride them, steal them and sell them.[23] Pivotally, they knew how to use the country to hide their booty and ultimately to get it to market. Ned Kelly boasted openly of his prowess as a horse stealer and the general love of horses evinced by himself and by other bushrangers was widely acknowledged. Autumn was becoming the winter of 1879 when 'an old friend of the force' wrote to the editor of Melbourne's *Argus* newspaper, concerned at the threat to the many law-abiding citizens of the district.

> In addition to this, in many rural districts cattle, sheep, and horse stealing has been pursued as a regular occupation by persons well known to those in their neighbourhood, and even to the police; but their plans are so well laid, and the fear of not being supported by the local bench of magistrates, or of giving offence to some one of political influence, naturally deters the constabulary from taking any avoidable responsibility, and thus the comparative impunity with which such offences have been committed leads on from bad to worse, till at last those who commence by what are considered minor offences develop into hardened bushrangers and murderers.

The author identified the cause of bushranging as 'an inordinate love of horseflesh and a passionate admiration for every act of daring on horseback' and observed:

> Of all the bushrangers who have given trouble here or in New South Wales, there was not one who was not remarkable as a good horseman, nor would any of them have taken to the bush or eluded capture for any length of time if on foot?[24]

Crucially, the Kellys and their selector community saw no moral conflict in their attitudes to, and exploitation of, livestock.[25] Evidence at the subsequent Royal Commission would show that the Kellys and their kind had little chance of survival without taking from the wealthy squatters. This was their belief and their practice.[26]

Within this challenging, but for those so-disposed, harbouring environment lived a multifaceted community connected, yet often divided by, networks of religion, ethnicity and class. These everyday realities conditioned the various responses to the news that the Kellys were 'out', as their outlawry was often described.

The Community

Northeastern Victoria was a cluster of social, economic, political and cultural constituencies, each with its own interests, assumptions and attitudes. While attending to their own needs and activities, each of these constituencies was obliged to fit into the broader canvas of the regional population and to interact with other constituencies in the daily lives and doings of each.

Not only were the authorities aware of these complexities, so were the bushrangers and the members of their supporting community. Reactions and responses were quickly polarised. You were either a supporter/sympathiser of the Kellys or you were opposed to them, usually discreetly. All sides deployed local environmental understandings.

On 18 October 1878, an unknown resident wrote to Inspector Nicolson. He (presumably) wished to inform the police of the possible hideouts the bushrangers might use. The description shows a deep knowledge of the terrain, not shared by the police, as well as an awareness of the potential dangers involved in providing this information: "… I beg to inform you that directly on the line of Country between String Bark Creek and Euroa on the Blue Range near the Hills Hole Diggings there is a 'cave' which such persons as the 'Kellys' might stay for years." The writer suggested the police visit the cave without

mentioning his name 'as if by any chance these fellows friends knew it would be easy to burn my establishment out. I hear that there are a good many of there [sic] relations near here farming, so I will rely on this being perfectly private….' The advice went on to describe the whereabouts of the cave and was accompanied by a map of the location.[27] The Kellys never used this cave, aware that it was well known and so an obvious target for informants.

Others vented their spleen—usually anonymously—in the local and Melbourne newspapers: "That a mere cut throat, vulgar ruffian like Ned Kelly should pit himself against Captain Standish and the whole police force of the colony of Victoria for a number of months is surely derogatory in the highest degree…" thundered one unidentified local, later referring to Ned Kelly as the murderous fiend in human form.'[28]

Some displayed a more nuanced response. Later the same month a letter from 'Mary Jane' appeared in newspapers. It showed a sound understanding of the local situation and the web of usually hidden relationships that underlay affiliations within the community: "… the people are really afraid to open their mouths, so many friends and sympathisers have the Kellys, and so great is the reign of terrorism created thereby."

The lengthy letter went on to castigate the police for incompetence and negligence, as well as noting the state of the country and the insidious effect that had on residents:

> It is so simply an apparent fact (if apparent fact is not a bull) that fear rides so rampant throughout the entire districts named, that in every shop, house, or hotel, the information you gather is said to you, so to write, in whispers. Why? Because your next door neighbour, or your man on your right or your left, in shop or bar, is thought to be - believed to be - dreaded as being - a sympathiser! Why? Because directly, or indirectly, he supplies (fairly, honestly, by way of trade), rations as a grocer, as a butcher, as a baker, as a publican, as indeed a trader in each and every form you choose to put it; and he, or she, cannot help to that extent - being a sympathiser.[29]

At the other end of public opinion from this dilemma, many of the friends, families and accomplices of the Kellys immediately expressed their support for the bushrangers in both practical and other ways. Some of the Kelly family, their extended family networks and friends led the police on wild goose chases through the bush.[30] The eldest Kelly sister, Maggie Skillion used her bush knowledge and skill to fool the police

on a number of occasions, leaving home in the early hours and riding towards the mountains with a full saddle pack. When the police caught up with her she was sitting on a log "her two hands extended from her nose, and taking what is called a 'lunar' at them". When the police examined the woman's saddle pack they found only an old tablecloth.[31] Others in this group also assisted by misleading police through the provision of false information about the location of the Kellys and giving material assistance of food, clothing and ammunition to the outlaws.

Another relative within the Kelly camp by virtue of marriage was the elder Patrick Quinn. In his careful evidence before the Royal Commission, Quinn admitted that he had often provided the police with information about the activities of the bushrangers and their sympathisers and that, although the police offered to pay him for it, he had refused.[32] Needless to say, Pat Quinn was considered one of the worst traitors by the sympathisers; they called him 'the Blacktracker', a lopsided insult that also indicated respect for the skill of Aboriginal people to navigate the environment that had once been theirs alone.

The bush skills of Aboriginal men were legendary among settlers. Within and near their own country black trackers performed many feats that amazed settlers, including tracking down lost children as well as fleeing criminals. The indigenous people of northeastern Victoria were by now mostly gone and so the police had to rely on a group of six Murri trackers brought in from the Queensland police force. While they had no direct knowledge of this country, their skills were highly adaptable to pursuing anyone who moved through the local environment. Kelly's own bush craft was considerable and any of the bushrangers could track police horses through the bush—their bush—with ease. Ned Kelly knew enough to understand that these black trackers would be his main threat, even though they do not seem to have been very deftly deployed by the police.[33]

Ned K's Moral Ecology

It is through Ned Kelly's own words that we glean something more of the protean moral ecology of northeastern Victoria. The 'Jerilderie Letter' was left after the bushrangers' raid on the Bank of New South Wales across the border in the town of Jerilderie in February 1879.[34] The letter Ned Kelly dictated to accomplice Joe Byrne is infused with awareness of the local environment, its seasons, its flora, fauna and the earth itself. The letter opens with an incident involving the use of horses and

the miscarriage of a practical joke involving calves' testicles in "… the spring of 1870 [when] the ground was very soft …". The mosquitoes were bad, as they usually were during a wet spring. Throughout the letter, Kelly is acutely aware of the quality and characteristics of horseflesh and descriptions of incidents—usually the cause of alleged illegality—involving horses are liberally sprinkled throughout.

Kelly also details his activities involving bulls and cows. Claiming that he was wrongly accused of stealing calves, his account of the activities of two prominent squatters highlights the interconnection of land, stock, the agricultural cycle and the interests of various local constituencies, at least as the Kellys saw these.

> I started wholesale and retail horse and cattle dealing. Whitty and Burns not being satisfied with all the picked land on the Boggy Creek and King River and the run of their stock on the certificate ground free and no one interfering with them paid heavy rent to the banks for all the open ground so as a poor man could keep no stock, and impounded every beast they could get, even off Government roads. If a poor man happened to leave his horse or bit of a poddy calf outside his paddock they would be impounded. I have known over 60 head of horses impounded in one day by Whitty and Burns all belonging to poor farmers they would have to leave their ploughing or harvest or other employment to go to Oxley. When they would get there perhaps not have money enough to release them and have to give a bill of sale or borrow the money which is no easy matter.

He returns to this theme at the end of the letter, specifically identifying the trouble over livestock, police corruption and what he sees as inequitable treatment with the social system of the region:

> I wish those men who joined the stock protection society to withdraw their money and give it and as much more to the widows and orphans and poor of Greta district where I spent and will again spend many a happy day fearless free and bold as it only aids the police to procure false witnesses and go whacks with men to steal horses and lag innocent men it would suit them far better to subscribe a sum and give it to the poor of their district and there is no fear of anyone stealing their property for no man could steal their horses without the knowledge of the poor if any man was mean enough to steal their property the poor would rise out to a man and find them if they were on the face of the earth…

Kelly went on to make his point even more sharply:

> …it will always pay a rich man to be liberal with the poor and make as little enemies as he can as he shall find if the poor is on his side he shall loose [sic] nothing by it. If they depend in the police they shall be drove to destruction, As they can not and will not protect them if duffing and bushranging were abolished the police would have to cadge for their living I speak from experience as I have sold horses and cattle innumerable and yet eight head of the culls is all ever was found I never was interfered with whilst I kept up this successful trade.

The bushranger's final threat is a rebalancing of the social and economic system of the region. Failure to obey will bring consequences worse than environmental catastrophes:

> I give fair warning to all those who has reason to fear me to sell out and give £10 out of every hundred towards the widow and orphan fund and do not attempt to reside in Victoria but as short a time as possible after reading this notice, neglect this and abide by the consequences, which shall be worse than the rust in the wheat in Victoria or the druth of a dry season to the grasshoppers in New South Wales…

Throughout the document, Kelly's striking language is infused with metaphors and similes drawn from the natural world. He leaves the policeman Hall "helpless as a big guano after leaving a dead bullock or horse…". Then he "threw big cowardly Hall on his belly I straddled him and rooted both spurs onto his thighs he roared like a big calf attacked by dogs…"[35] He is intimately acquainted with his country—"my own native land." He knows that Stringybark Creek "is very rich [with gold] within half a mile from where I shot Kennedy."

These statements point to a set of assumptive practices, customary behaviours and implicit understandings beneath the distribution of and access to the natural resources of northeastern Victoria. These were a product of the nature of settler society in this part of Australia, specifically the pattern of land settlement from the initial squatting and land granting of the pioneers, followed by the incursion of gold diggers, themselves followed by 'free selectors' whose need for land was mostly for subsistence and was satisfied through government land settlement schemes. These groups, particularly the free selectors and the squatters

came into almost immediate conflict over the distribution of and access to the natural resources of the region and the economic benefits associated with those resources and their exploitation. The largely unfenced, and so frontier nature of the region encouraged stock to roam widely, encouraging the false assumption among many that the area was essentially a commons from which and on which they were entitled to do certain things, despite their unlawfulness.

This took its fullest expression in attitudes towards the ownership of livestock, especially horses. These were subject to a variety of customary practices that included borrowing for personal transportation, branding and re-branding, impounding and rounding up for movement elsewhere with the intention of resale. The unfenced condition of the country encouraged "dishonest adventurers, who were also skilled bushmen" to muster stock found grazing in the bush and drive them along bush and mountain tracks to markets where they were sold, often before their rightful owners were aware of their loss. Another popular ploy was "to impound Victorian horses or cattle in the pounds of New South Wales border towns, purchase them for the trifle which impounded stock usually bring, and then resell them to innocent buyers, to whom the thieves were able to give an apparently good title."[36]

The bushranger's warning to his enemies is a crude but potent formulation of a moral ecology within the realities of frontier colonialism. Kelly is arguing for a redistribution of the squatter profits from their control of the natural resources and a redistribution of power. He suggests that money should be given to the poor—the bushranger's selector constituency—making them a kind of community guard to prevent the kind of activity that he and his cronies largely live by. If the squatters remedy the inequitable distribution of the profits from the land in this way, the police will no longer be necessary, or in Kelly's more apocalyptic language "they shall be drove to destruction." Within the jeering bluster and bravado of the Jerilderie Letter, Ned Kelly the outlaw is advocating a new economic and social compact between the constituencies occupying his country—a moral ecology that will maintain the proper balance between the exploitation of the environment and those who depend upon it for their livelihoods. His 'manifesto', the blood-curdling Jerilderie Letter, is the longest threatening letter in the history of agrarian rebellion. Like most such documents, it ends with a proposal to make things better.

The then-radical idea of wealth redistribution, together with some myth-making[37] has led some commentators to posit that the Kellys intended to establish a republic of northeastern Victoria.[38] This is a more sophisticated political apparatus than anything Ned Kelly's experience and limited education would suggest. As with those American situations studied by Jacoby, this is a much more folkloric and fundamental notion of natural justice, common rights and customary assumptions that lies beneath his suggested balancing of the ledger—economic, social and environmental. Illusory—or even delusionary—as it might be, this is a proposal for a moral economy, a compact between the various constituencies of the Kelly country.

And a moral ecology. Although the bush of northeastern Victoria was no longer a 'commons' after the local inhabitants were dispossessed, for many people in the region the bush was effectively a common resource and they treated it as such. It was a large, heavily forested area, mostly unfenced and over which both wild and domesticated animals roamed. While the land was legally owned by either private or government interests (the latter renting it to selectors), its resources were difficult to control. People used the bush, even when it belonged to someone else, for hunting, foraging, wood gathering, constructing shelter and working structures, some medicines, as well as to seek gold and to sustain their stock if they had any. Ned Kelly's ethnic, sectarian, personal and political revolt instantiates an underlying network of assumed social and environmental relationships.

Conclusion

The Kelly outbreak and its consequences in the local rural community has provided a possibly unique opportunity to discern the formation of a rudimentary moral ecology and crude accompanying politic. The 'pattern' of tradition, custom, and belief that existed beneath the official surface of northeastern Victorian society held local tensions and conflicts in check until the rupture of the murders at Stringybark Creek. In the aftermath of that traumatic incident, the outlawry of the Kellys and Ned Kelly's response in his Jerilderie Letter provides a unique source for understanding the local underculture. The records of the subsequent Royal Commission, although an official source, also allows us to hear from many others involved, including extended family, neighbours,

sympathisers, antagonists and police. In this attempt of the government and the law to reconstruct the origins and causes of the disaffection that produced the Kelly outbreak we find further evidence of otherwise unarticulated local traditions. Jacoby was able to use both official and unofficial sources in his case studies of American moral ecologies and, while the colonial situation in Australia had significant differences to that in America, this combination of sources is a fruitful approach for historians seeking alternative narratives and unheard voices in the many places they are needed.

Notes

1. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (with a new Afterword) (Berkeley: University of California Press, 2014).
2. Edward Palmer Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century", *Past and Present* 50, 1 (1971): 76–136.
3. Edward Palmer Thompson, *The Making of the English Working Class* (London: Gollancz, 1963 [Revised 1968]). Other studies of moral economies and their disintegration into communal violence include Thompson's *Whigs and Hunters: The Origin of the Black Act* (London: Penguin, 1985); Eric Hobsbawm and George Rudé, *Captain Swing* (London: Lawrence & Wishart, 1969); and Graham Seal "Tradition and Agrarian Protest in Nineteenth Century England and Wales", *Folklore* (UK) 100, 2 (1988): 146–69.
4. Jacoby, *Crimes against Nature*, 3.
5. Carl Griffin and Iain Robertson, "Moral Ecologies: Conservation in Conflict in Rural England", *History Workshop Journal* 82, 1 (2016): 24–49.
6. James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990).
7. Joseph Powell, ed., *Yeomen and Bureaucrats: The Victorian Crown Lands Commission, 1878–9* (Melbourne: Oxford University Press, 1973).
8. Graham Seal, *Outlaw Heroes in Myth and History* (London: Anthem Press, 2011).
9. For an overview of the origins, deployment and critiques of this concept see Graham Seal "Social Bandits", in *The Encyclopedia of Criminology and Criminal Justice*, ed. Jay S. Albanese (New York: Wiley, 2014).
10. J. de Lange, *The Relation and Development of English and Icelandic Outlaw-Traditions* (Haarlem: H. D. Tjeenk Willink & Zoon, n.v, 1935).
11. Eric Hobsbawm, "Bandits"; Graham Seal, "Social Bandits".

12. As noted by Sir Redmond Barry, judge at Ned Kelly's trial, and in many letters and articles in contemporary newspapers, see Graham Seal, *The Legend of Ned Kelly*, Revised ed. (Carlton: Hyland House, 2002).

13. Sidney Nolan's extensive series on this theme is well known and, while it visually displaces the Kelly's environment from the 'bush' to the 'outback', its symbolism refers to identity through place: National Gallery of Australia, accessed 3 December 2016, http://nga.gov.au/nolan.

14. Barry J. Blake and Julie Reid, "The Dhudhuroa Language of Northeastern Victoria: A Description Based on Historical Sources", *Aboriginal History* 26 (2002): 177–210. The area was the location of a notorious massacre of Aboriginal people by the early squatters and, by 1861, a local squatter and member of a board belatedly appointed by the government to look after the interests of Aborigines, estimated that only around 60 survived, just 24 years after the initial colonisation of northeast Victoria, see Jacqui Durrant, "Where Were the Aboriginal People During the Beechworth Gold Rush?", accessed 16 April 2018, https://lifeonspringcreek.com/2017/08/08/where-were-aboriginal-people-in-the-gold-rush/.

15. Blake and Reid, "The Dhudhuroa Language", 177.

16. Richard Broome, *Aboriginal Victorians: A History Since 1800* (Sydney: Allen & Unwin, 2005).

17. "Thematic Environmental History of the Alpine Shire of North East Victoria", A Report Prepared by LRGM Services—Robert J. Kaufman and Ruth E. Lawrence (Latrobe University, Bendigo Campus, June 2004).

18. Police Commission, *Second Progress Report of the Royal Commission of Enquiry into the Circumstances of the Kelly Outbreak, the Present State and Organization of the Police Force*, etc. (Melbourne: John Ferres, Govt. Printer, 1881) [Hereafter PC].

19. John McQuilton, *The Kelly Outbreak: The Geographical Dimensions of Social Banditry* (Carlton: Melbourne University Press, 1979).

20. C. H. Chomley, *The True Story of the Kelly Gang of Bushrangers* (Melbourne: Fraser and Jenkinson, 1906), 20.

21. Ibid., 21.

22. Ibid., 21–22.

23. Doug Morrissey, "Ned Kelly and Horse and Cattle Stealing", *Victorian Historical Journal*, 66 1 (1995): 40–41.

24. *The Argus*, 6 January 1879, 7.

25. On local attitudes as observed and documented by a Kelly Country insider, J. J. Kenneally, *The Complete Inner History of the Kelly Gang* (Moe: Self-Published, 1929).

26. Joseph Powell, ed., Q 8723–8726; Also McQuilton, *The Kelly Outbreak*, 48–56.

27. Public Record Office Victoria, Australia, Citation No, VPRS 4969, Consignment P0 Unit 2 Item 72, Record 1.

28. Reprinted in the *Ovens and Murray Advertiser*, 11 January 1879, 8.

29. *The Ovens and Murray Advertiser*, 11 January 1879, 8. For further evidence of the fluid nature of social and economic interactions in these circumstances, see Brian W. Cookson, "The Kelly Gang from Within", *Sydney Sun*, 27 August–24 September 1911. Also Doug Morrisey, "Ned Kelly's Sympathisers", *Historical Studies* 8, 71 (1978): 288–96.

30. *Argus*, 30 October 1878, 6.

31. Francis Augustus Hare, *The Last of the Bushrangers* (London: Hurst & Blackett, 1892), accessed December 2016 at https://archive.org/stream/lastbushrangers00haregoog/lastbushrangers00haregoog_djvu.txt.

32. RC Q 17691–17718.

33. See, *The Maitland Mercury and Hunter River General Advertiser*, 15 July 1880, 4. Although promised a share of the 8000 pounds reward for the capture of Ned Kelly, the *Murri* men never received it.

34. "The Jerilderie Letter", transcript at http://handle.slv.vic.gov.au/10381/211066. All following quotations are from this original version.

35. Ned Kelly to Sgt James Babington, 28 July 1870. Earlier, in July 1870 and when he was still a teenager, Kelly wrote in a note to the police that [*sic*] "Every One Lookes on Me Like a Black Snake".

36. Chomley, *The True Story*, Chapter 3.

37. Stuart Dawson, "Ned Kelly and the Myth of a Republic of North-Eastern Victoria" (Unpublished manuscript, 2018).

38. Ian Jones is the original and chief proponent of this theory, advanced in his influential writings on the subject, including *Ned Kelly: A Short Life* (Melbourne: Lothian, 1995) and *The Friendship That Destroyed Ned Kelly: Joe Byrne and Aaron Sherritt* (Melbourne: Lothian, 1992).

Squatting as Moral Ecology: Encroachment and 'Abuse' in the New Forest, England

Carl J. Griffin

At its heart, moral ecology can be conceived of as an ethics of the land. Conceptually, and as a practice of the poor, it posits a deceptively simple question: to whom should the land belong? This is not an obsessing about ownership, about private property, but rather about use rights. Put differently, it responds to the question 'who should be able to use the land?' In pursuit of this understanding, Karl Jacoby's *Crimes against Nature* analyzes a variety of ways of being on the land, or to use Tim Ingold's (via Heideigger) phrase *dwelling*: the taking of game, the use of wood and other natural resources, and, the most fundamental act of all, building and residing upon. Reinscribed as crimes, these acts became poaching, the stealing of wood and other natural resources, and squatting.[1] The resistances of the rural poor, beyond adopting the classic tools of rural terror,[2] figured on simply continuing to live their lives as before, to ignore (in as much as it was practicable and possible) the inscriptions of the law and the policies of elites to take wood, game and continue to literally live on the land.

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While, as the existence of this book attests, Jacoby's concept has proved influential in a variety of geographical settings and contexts, applications have tended to figure most immediately in relation to other examples defiantly writ in the languages of environmental conservation.[3] In particular, given that Jacoby's study drew direct inspiration from work by histories of conflict in rural England, it is surprising that his concept has stimulated so little notice in the vibrant field of rural protest studies.[4] Given that Jacoby's concept was a conflation of the demotic environmental ethics of the poor (in what became US national parks) and E. P. Thompson's 'moral economy' (the set of legitimizing practices as to what constituted a 'just' price and how that might be enforced) the example of rural England matters.[5]

As the introduction to this volume details, the reinscriptions in Jacoby's tale mirror the concept of social crime devised by Eric Hobsbawm, and refined by subsequent historians of rural Britain, to describe the process of the criminalisation of those practices that were once either tolerated as customs, or whereby the spaces in which they were practiced had been enclosed and made private.[6] But, whereas poaching and wood-taking form part of the social crime canon, squatting has not only remained apart from such classifications and has been subject to remarkably little systematic study.[7] Beyond Thompson's moral economy concept, Jacoby's work also drew explicit inspiration from Thompson's endlessly suggestive *Whigs and Hunters*, his study of the battle between the forest dwellers of rural southern England and the Whig-appointed forest officers who sought personal advantage by limiting the exercise of customary rights and practices. For Thompson's deer stealers and wood thieves in the early eighteenth-century forests of Berkshire, Hampshire and Surrey, see Jacoby's late nineteenth- and early twentieth-century squatters, poachers and thieves in the Adirondacks, Grand Canyon and Yellowstone.[8] Indeed, forests, as Crown lands, represented the most significant and extensive state spaces in England,[9] and, although quite different in terms of scale to federal and state lands in the United States, they may be considered to be broadly analogous in terms of bringing local populations into direct contact—and ultimately conflict—with the will of the state.

Drawing these strands together, this chapter returns Jacoby's concept to its contextual roots—rural England—and acts to test the concept's wider validity through a study of the moral ecology of squatting. The precise geographical focus is the New Forest in the southern county of

Hampshire. Legally encoded as forest in the aftermath of the Norman Conquest, the New Forest at 37,907 hectares was the largest remnant English Crown forest, a patchwork of 'state'-owned lands and private lands subject to the strictures of forest law and set aside as vast 'lordly' hunting preserves. Being the largest single expanse of Crown land in the country, it therefore offered the greatest opportunity for practicing 'crimes against nature' in the realm.[10] The temporal focus is the period from the aftermath of the Restoration to the late eighteenth century, that episode in English forest history when the focus of governance shifted decisively to the management of forests for fiscal ends rather than for the pleasure of the monarch. Here, trees (and the other biotic resources of the forest) were now a resource to be protected from 'abuse' as opposed to either 'venison' or that which supported it, 'vert'.

It is important to note that what we are dealing with here is not a conflict between vernacular beliefs and the expression of ecological beliefs given form in the practice of conservation policy. Rather, conservation here is understood as the act of conserving, the end being the protection of the fiscal resource of the state—both as the supply of timbers to build and repair naval vessels and as a source of income through timber sales—rather than maintaining ecosystems and biological diversity. This distinction is not anachronistic. Jacoby's federal and state legislators and officers were in no sense conceiving of conservation in the ecocritical sense—of protecting ecosystems and biological diversity—but rather framing their policies and practices in terms of protecting unique landscapes from manifold abuses. Besides, as Jacoby notes, the discourse of conservation was but a fig leaf to cover the deeper policies of dispossessing and depopulating by race and class.[11] As Paul Warde's recent study of the 'invention' of the concept (and practices) of sustainability relates, not only was the period of this study that in which the idea of a need to sustainable manage finite natural resources came to be formulated, but it was the European forest that was the space in which these ideas were most clearly articulated. The belief that even an industrial economy could be fuelled by well-managed forests and woodlands meant that these spaces became inextricably linked to growth and progress, their management to prevent a scarcity of wood tied not to ecological ideals but to economic and political ones.[12]

What follows starts with a brief outline of the changing governance structures of the forest and the shifting priorities of forest management, both at the national and the local level. The chapter then goes on

to systematically explore, first, the resort to squatting and how this was responded to, and second, the way in which squatting was conceived of as, variably and paradoxically, both abuse and opportunity. The chapter concludes by returning to Jacoby's concept and critically considering the ways in which squatting, and its defence, in rural England might be considered to be an expression of moral ecology. It is also important to note at this juncture that squatting stands here as a shorthand for all practices that involved the illicit taking of forest land ('encroachment') and settling upon it, whether in the form of a dwelling or other premises, or by simply farming the land.

Governing the Forest

The history of English and Welsh forests has recently enjoyed a resurgence of academic interest. Although never completely moribund, multiple influences—from critical considerations of spaces apart from 'modernity', renewed interest in the history of the making of the state, to the rise of environmental history and concerns for tree-bound spaces in the present—combined to refocus scholarly attention on the survival, use and regulation of forests. Indeed, the phrase 'half our history' pithily describes, as John Langton and Graham Jones have asserted, "the hunting-and-gathering side of Britain's ancient rural economy."[13] By the time of the Domesday survey of 1086, some 50% of the 12,580 recorded settlements included woods. If this figure fell in subsequent years, by 1250 a more stable picture had emerged.[14] A more intensive woodland management system emerged, this combined with the creation of legally codified Norman forests—though afforestation was not synonymous with woodland—meant that wooded spaces were now subject to far greater control and stricture.[15]

Southern England was especially defined by forests. During the Middle Ages a larger proportion of land was afforested in Wiltshire than in almost any other English county. In neighbouring Hampshire there were at least fifteen forests and chases—Ashley ('West Bere'), Alice Holt, Buckholt, Chute, Forest of Bere ('East Bere'), Freemantle, Harewood, Hambledon Free Chase, New Forest, Pamber, Parkhurst, Pernhill Wood Chase, Stourfield Chase, Waltham Chase and Woolmer—these covering over half the county.[16] Not all of these persisted beyond the Middle Ages, many southern forests subsequently being disafforested, this meaning being removed from forest law as opposed to being denuded

of trees. Nor did the extent of the New Forest—the largest of the Hampshire forests—remain unchecked: the bounds were much reduced during the reign of Edward I, the disafforested areas becoming purlieus, no longer (legally) forest but over which common rights to the forest still pertained and on which restrictions to hunting remained. Yet, as the pioneering work of John Langton and Graham Jones has shown, forests—so often writ as remnant mediaeval spaces—survived in far greater numbers and in terms of geographical extent up to the English Civil War, and even beyond the Restoration, than we have hitherto realized.[17] The distinction here is important. While it was proposed that most surviving Royal forests should be sold off to fund arrears in army pay during Oliver Cromwell's protectorate, the New Forest was to be saved,[18] and made to make pay in other ways.[19]

The attempt to make Crown—or, during the protectorate, 'state'—land productive gets at the fundamental tension at the heart of forest governance. As noted in the introduction, the creation of Royal forests during the early years of Norman rule was to provide sanctuary and sustenance ('vert') to the deer ('venison'). As noted, English and Welsh forests were, post-1066, spatio-legal entities created by the Normans and early Plantagenets as lordly hunting grounds, typically for the Monarch, but many forests were the privilege of 'earls, barons and high clerics.'[20] Collectively, they formed a "vast deer preserve" on which lordly privileges, encoded as laws in Henry II's 1184 Assize of the Forest and given statutory force in 1217 by the Charter of the Forest (aka the Charter of Woodstock), were imposed to protect the deer above all else.[21] It is also important to note that the New Forest, and also many other English and Welsh forests, was not exclusively Crown land. Other divisions and jurisdictions existed within the forest and overlapped with both the land and authority of the Crown. Beyond the aforementioned purlieus, private lands comprised 27% of the New Forest, 10,035 hectares, which were subject to the jurisdiction of manorial courts (essentially limited to matters land tenure and contract). The forest was also divided into parishes—the unit at which rates and tithes were levied and responsibility for ecclesiastical, policing and most other social policy functions held—and those extra-parochial areas which were without the rate, ecclesiastical and social policy functions of parishes.[22] But forest law trumped all.

The ultimate and unqualified power of the Monarch was exercised through the appointment of a Lord Warden, their position being to protect the 'pleasure' of the Monarch. The Monarch also appointed

the Justice-in-Eyre (the highest magistrate in forest law) who sat at the essentially symbolic Court of Justice-seat, the supreme forest court, and was responsible for the practice of forest law, though it was at the Attachment Court that offences against forest law were first presented and at the Swainmote that cases were actually heard (by the verderers, the judicial officers of the forest). Beneath the Lord Warden were manifold other forest officials responsible for on-the-ground management, the direct line being through the Deputy Wardens. Under them were agisters (who collected fees for animals grazing illicitly in the forest); regarders (who presented transgressions against forest law at the forest courts); and rangers (who returned the deer that strayed into the purlieus back within the forest bounds). Under the direct aegis of the Warden were also the Chief Foresters, sometimes known as Master Keepers, each being responsible for one of the nine 'bailiwicks' in the New Forest. The bailiwicks divided into fifteen walks each managed by an underkeeper (or groomkeeper) who were charged with the welfare—and thus the feeding—of the deer. Woodwards were also responsible for the maintenance and sale of Crown wood and timber.[23]

This ancient, and slowly evolving, structure changed with the creation of the office of the Surveyor General of Woods in 1542 under the power of the 'Preservation of Woods Act.' Being an appointment of the Exchequer rather than the Monarch, the creation of this new office represented a profound shift in the governance of the Crown forests, challenging the total control of forests as exercised by the Monarch through Lord Wardens and positioning forests as fiscal resources.[24] The office of the preservator was also created to protect Crown wood and timber, while other powers in relation to the conserving and sale of timber now shifted from the Lord Warden to the Surveyor General. The shift in the balance of powers was extended in 1567 when the Justices in Eyre were stripped of their power to sell wood.[25]

As John Manwood, author of the *Treatise of the Lawes of the Forest*, put it, there was now a 'divisum imperium' in forest governance, the competing and often contradictory impulses in governing the forest putting the offices (and officers) of the Warden and the Surveyor General at odds. Indeed, as Richard Reeves has detailed for the New Forest, the Warden's officers "resisted the Exchequer in their attempts to reform their often long established and often questionable practices."[26] This situation remained until the Civil War, and then, on the Restoration, the same structure of forest governance was reimposed on the New Forest.

What changed was the imperative to make forests fiscally useful. And as their strategic importance as reserves of Naval timber quickened, so their value increased and consequently the tensions between the two sides of forest governance deepened. The Exchequer exacerbated tensions by bringing repeated cases under common law against forest officers for their taking of timber as perquisites. Further, a close surveillance of keepers and their staff resulted in cases being brought under forest law for their supposedly excessive cutting of wood under the pretence of feeding the deer.[27]

Beyond that, the Exchequer policy of making the forest productive through sylviculture, and the related policy of eliminating 'abuses' as necessary to facilitate and protest the enclosures, to be successful required scrutiny and surveillance, thereby further engendering tensions in the forest. The policy, however, was not easily effected: the first plan being launched in 1669 to enclose 13,000 acres, 1000 acres for every walk of the forest, but it was not until 1702 that the first sylvicultural plantations proper were established—these supported by dedicated acts of parliament and created by the office of the Surveyor General—in the form of seven distinct plots totalling 1022 acres.[28] Opposition by those who sought to live off the resource of the forest provided a real challenge to the creation and success of the plantations, the battle between the two branches of forest government meaning that the Warden's officers were reluctant to protect the new enclosures.[29]

As James Scott has asserted in the context of German scientific forestry, "when several agencies superintending the forest have conflicting utilitarian agendas, the result can be incoherence and room for the local population to maneuver."[30] This was undoubtedly true of the New Forest. Given the relative paucity of on the ground officers, that the forest boundary was contested, and that no systematic cartographic survey of the forest existed, opportunities 'to manoeuvre' were further increased. Squatting and encroaching was only one such way in which local populations took advantage of the dissonance in forest government; poaching and (especially) the stealing of wood were also persistent 'abuses.'[31] In the context of the intensification of agrarian capitalism that followed the Restoration but that notably gathered steam in the middle decades of the eighteenth century an increasing number of individuals and families did need to find somewhere to eke out an existence.[32] As the number of commons and wastes declined, and as the pool of day labourers increased, so the rural poor were ever more dependent on

the vagaries of the demand for agricultural labour and the prejudices of parish vestries and overseers in giving poor relief in getting by. That so many individuals turned to acts of criminality and the illicit economy to survive speaks to both a need and a desire to find ways of existing outside of the narrow strictures and surveillances of agrarian capitalism. Forests—at least those that survived the same commercializing imperatives and remained unenclosed—provided an increasingly rare haven and opportunity. Indeed, squatters might be those individuals trying to eke out an existence from the land combined with practicing a variety of trades and providing seasonal labour for agriculturalists. Others literally tried to hide their illicit activities southern forests supporting smugglers, poachers and wood-stealers who existed by selling their illicit wares through fences and dealers to growing urban markets.[33] Forests also allowed for other mobile peoples to find temporary shelter, support and work, tinkers and Romanies' routes often taking in forests. Indeed, the wooded spaces of England were long associated with a variety of peripatetics practicing their craft using the biotic resources of the forest: bodgers, besom makers, peg makers, hurdle makers.[34]

Understanding the Resort to Squatting

Understanding the *precise* resort to squatting and encroachment on commonable land after the Restoration is an impossible task.[35] As Sara Birtles has stated, commons and wastes were "magnets for the poor and dispossessed," their location "at the fringes of settlements" meaning that squatting here was "less obtrusive." The very gaps in surveillance—whether in forests, commons or wastes—that meant squatting was possible also meant that the encroachment was out of sight of the local (and central) state. Beyond spatiality, the "diverse natural products" that commons and wastes provided allowed squatters to eke out a "basic subsistence."[36] The record of squatting and encroaching therefore is necessarily reliant on a *need* to survey commons and wastes. We know that, on manorial commons, there was some incentive to keep encroachments under surveillance to clear and reclaim or to enrol in the manor and levy fines.[37] Official acknowledgement of the problem of squatting came with the passing of the 1589 Erection of Cottages Act, which required that all newly erected cottages must have at least four acres of freehold land attached to them, this a deliberate attempt to prevent squatting. Those

cottages erected with less land were to be presented to the relevant Quarter Sessions.[38]

In the context of the New Forest, the complex web of overlapping jurisdictions and legal systems meant that there were potentially many ways in which squatting and encroachment might be recorded. Complexity, however, meant that encroachments might not be reported as they fell between competing agencies and officers: the manorial officers leaving it to the forest officers who left it to the magistrates and so on. The fact that the operation of forest law was sporadic is a further issue. As Thompson has shown, it was, at least in part, the attempt to reinvigorate a moribund forest law that spurred the 'Waltham Blacks' to their protests in the early 1720s. The Blacks were not active in the New Forest, this in part a function of the fact that, as Thompson put it, that it was "comparatively well-governed," though this speaks more to the complete failure of governance in other southern forests.[39]

The decline of forest law was largely due to the fact that justice-seats stopped being held, that for 1670 being the last ever held in the forest and that some 35 years after the Justices in Eyre had last sat. Without the regular holding of the justice-seat there was little reason to hold Swainmotes (supposed to held triennially) and as such no statutory reason to hold Attachment Courts at which the regarders were supposed to present encroachments.[40] This is not to say though that the system absolutely collapsed. Writing in 1811, Exum Percival Lewis noted that the "Attachment and Swainmote are still summoned, the former with a tolerable degree of regularity, and the latter when a sufficient number of verderers can be summoned." However, that the justice-seat was "suffered to lie dormant" meant that the means of appeal against the Swainmote were lost and therefore the court in essence rendered unconstitutional.[41] The legal record, then, was uneven. How uneven it was also remains unknowable, both over time and across the extent of the forest. This is further complicated by the fact that some encroachments were cleared and the squatters' dwellings levelled, while others—as recent Lidar surveys show—were abandoned, the land presumably becoming too marginal to bother tilling.[42]

It is the context of not knowing the extent and ways in which the forest was being 'abused' that framed the first systematic survey of claims to rights in the forest. Being the largest Crown forest and also being close to the important naval dockyard at Portsmouth, it was especially necessary, in the aftermath of the Civil War and the Protectorate that

followed, for the Crown to know its asset and to try and restore order to protect this important state resource.[43] To this end, with no register of claims to common rights existing, in 1670 the justice-seat for the New Forest enrolled all claims to rights in the forest. The *Abstract* detailed 307 separate assertions of rights—by manorial lords relating to their estates, the mostly small copyhold and customary tenants of the manor, and the freeholders of holdings usually between 20 and 50 acres—appertaining to 65,000 acres of private lands within the perambulation of the forest and in the purlieu without.[44] As Peter Roberts has suggested, on the basis of a comparison between the number of listed freeholders on Minstead Manor and the claims listed in 1670, it would appear that the Eyre also deliberately attempted to limit the overall number of allowed claims.[45] Note, whatever the attempt to delimit common rights, the *Abstract* did not represent an attempt per se to challenge the title of those that claimed rights. As such, among the claimants are quite possibly lands against which claims were made which had previously been cleaved from the forest. And, by making their claims official, the *Abstract* acted to formalize their once illicitly taken property.

The Resort to Squatting

The *Abstract* was to be the final and definitive account of rights in the forest, and as such was supposed to clamp down on future disputes, claims and further 'abuses' of the forest. It failed. Almost as soon as the ink was dry on the *Abstract*, complaints were made to the Treasury about new encroachments. A complaint made in 1672 detailed that an encroachment had been made in Norley Thorns with the woods thereon cut down.[46] The issue of new claims to rights to fuel wood also exercised later complaints: the verderers writing to the Treasury in 1698 detailing such claims, the response being that rights should be allowed and exercised in "such proportions as you think reasonable," but that "no erections made since the 27th Eliz." should be granted any rights.[47] Forest law was also mobilized against squatters in the early years after the Restoration. In the very year the *Abstract* was published, a regarder claimed expenses for his surveying "the new erected cottages in Burly, Linwood and Godshill Bailiwicks and forbidding workmen."[48]

We know that beyond complaints—which were not systematically made—encroachment and the throwing up of illicit dwellings were of sufficient concern to be subject to Commissions of Inquiry. The

earliest post-Restoration Commission was held in 1673, a mere three years after the supposedly definitive *Abstract*. The result of the enquiries made found that new dwellings had been erected in several of the forest walks, 15 new dwellings being so reported, though, again, this tally might not be definitive. We also know a little about the squats: some added to existing settlements in the forest at Burley, Fritham and Lyndhurst, then and now the primary settlement in the forest; two were erected for widows, evidence of the consolidation and making of squatters' communities.[49] One of the dwellings at Fritham had been presented to the Swainmote in September 1672. Erected by Henry King "without license" and "to the damage of the land of the beasts of the Lord King," King entered into recognizances of £20 to appear at the next Justice-Seat, this evidently no disincentive to encroach on the forest.[50]

The ineffectiveness of forest governance to meet the challenge of encroachment is further evidenced by a 1691 Commission specifically into "purprestures and encroachments in New Forest," most earlier Commissions being either nationwide or relating to forests either south or north of the Trent as opposed to individual forests.[51] The 1691 Commission followed Surveyor General Philip Ryley being granted a warrant in 1691 to survey all the Crown woods and forests south of the Trent as regards to "what purprestures or encroachments have been made in any part of the said forests, etc., and by whom and in what manner."[52] These Commissions and surveys, together with a 1698 House of Lords committee into 'abuses',[53] represent a high point for turn of the century forest governance. This zeal to know and limit encroachment seemingly fell away thereafter, this mirrored by an apparent falling into abeyance of some or all aspects of practiced forest law. For instance, a Swainmote held in 1746 noted that the court had "of late years… become obsolete," this clearly something of an understatement.[54] The declining intensity in governing the New Forest coincided with a downturn in the enthusiasm for sylviculture, the creation of seven plantations totaling 1022 acres in 1702 being the first and last plots so planted under the auspices of the 1698 New Forest Act—this notwithstanding that the Act allowed for the enclosure of up to 6000 acres.[55] Repeated opposition from commoners, squatters and other users of the forest in the form of fence breaking, incendiarism and intimidation of forest officers and magistrates seemingly sapping the will to establish further plantations.[56]

It was not until the appointment of the (initially) energetic Charles Wither as Surveyor General in 1720 that another attempt was made to understand the extent of encroachment and other abuses on southern forests. Yet this was no systematic survey. Wither's 1721 report, based on his tour of the New Forest and other forests the previous summer, dealt with broad brush impressions, observations and anecdote.[57] Beyond concerns about keepers over-extending themselves in the excessive cutting of browse for the deer, the report also related that encroachments and "new erections" were "another grievance in which ye forest abounds." The key, according to Withers, was to finally settle the bounds of the forest by the officers perambulating them.[58] Further, it was necessary to punish some of the most "notorious" offenders, they having "become unreasonably bold" as "nothing" had been done to check their abuses. A few examples made "would be sufficient to terrify them in each forest."[59] Beyond further inflaming social relations in southern forests, the prosecutions had little if any impact upon squatting, the cases relating to the 'theft' of timber.[60] Indeed, we know from Withers' letter books in the 1720s that he remained frustrated at failures to prevent and put down encroachment in the New Forest and beyond.[61] Attempts *were* made to put down squatting but the record is frustratingly patchy, the papers of respective Surveyor Generals and Lord Wardens slim in relation to encroachment.[62] There are some fragmented surviving records of the verderers in the Court of Attachment, though much of this has been lost since 1939. We know that encroachments were presented on eight separate occasions between 8 March 1715 and 8 January 1716. Further, notes taken from the original court book files for 1717–1735 by an earlier historian detail presentments against encroachments on 52 separate occasions, and purprestures on 12 occasions. What the outcomes were we know not. Similarly, a survey was made c.1726 detailing 92 cottages, though how systematic this might have been is forever lost to history.[63]

As noted above, forest law was reinvigorated in the New Forest in the late 1730s and into the 1740s. In September 1739 the then Lord Warden, the 1st Earl of Portsmouth, ordered the groomkeepers to "Pull down all cottages and inclosures that shall for the future be attempted to be erected or made, and not suffer them on any pretence whatsoever to be finished" and otherwise present all offences to the attachment courts.[64] Likewise, the Duke of Bedford wrote to the Treasury *before* his appointment as Lord Warden "Submitting to the Lord of the Forest whether a new perambulation might be necessary at present to

stop encroachments" to limit "waste".[65] Reforms in forest governance were crystallized and systematized, as Peter Roberts has put it, in an efficient "system of control" put into place by the John Russell, the 4th Duke of Bedford, appointed as the new Lord Warden in 1746, and by the appointment of John Phillipson as surveyor general in 1745.[66] New active, interventionist leads on both sides of the *divisum imperium* inevitably led to renewed tensions: Phillipson's active role in securing naval timbers from the forest and unilaterally instigating a new enclosure commission in 1751 incensing Bedford who, in turn, charged Phillipson with delinquency.[67]

Outwardly, both sides of the forest's governance were equally committed to preventing squatting. However, tensions between the Warden and the Surveyor General, the widespread use of intimidation against forest officers—especially the keepers—by the forest habitués, and a creeping realization that attempting to clamp down on encroachment was analogous to plugging holes in dykes, created a space in which squatting could thrive. Thus in 1750 Samuel Miller, Bedford's newly appointed steward, suggested that the Warden might issue warrants against encroachers which would be 'of great service' in 'checking abuses.' However, the steward also recommended that "considerable sums of money might be raised on the cottages in this Forest" by enrolling them and thus making the residents liable to rent. Given such a deal, Miller believed, the "principal occupiers of such cottages, would readily come into this affair."[68] Bedford listened: the following year directions were given that "all new enclosures and encroachments made in the Forest [be presented] at the courts," while the keepers were to "throw down and to prevent any new buildings being erected on the waste." Three walks—Whitley Ridge, Lady Cross and Castle Malwood—were to be subject to be particularly close scrutiny due to Bedford having personally "seen many encroachments on the Forest in these Walks," these no doubt including the emerging squatters' communities of London Minstead and East Boldre respectively, both forming on the borders between Crown land and manorial land.[69]

We also know that prosecutions were brought against encroachers at this time. In June 1750 Henry Petty, underkeeper of Bramble Hill Walk, protested to Bedford of having been subject to a malicious accusation of stealing timber from three individuals from Bramshaw who had been recently prosecuted for encroachment. One of the three men had already erected a dwelling and one of the others had the necessary materials on

the encroached site ready to build a house.[70] Indeed, claims and counter-claims by squatters were just the start of what assumed the form of a campaign of intimidation against Bedford's officers. Having received a threatening letter, regarder John Smith wrote to Bedford warning that a "good part of the Forest [will be] set on fire and burnt down." As Smith's son had warned:

> I humbly think the pulling down little and small enclosures in the Forest beginning at the wrong end to reform the Forest while his Grace continues with such a set of villains as one half of the Keepers are who have no more respect for his Grace nor regard for the Forest than for many highwaymen.

The keepers were one and the same as "the vulgar sort of people and cottagers to threaten in such a manner as they do," both groups effectively colluding in the systematic 'abuse' of the forest. Deputy surveyor Coleman and Navy purveyor Hawkins were no better, regularly, so it was alleged, marking up timber for the Navy but selling it as fuel wood.[71]

Threats followed threats, malicious prosecutions were made, while acts of animal maiming against forest officers' stock and dogs were combined with attacks against their property.[72] Bedford's resolve to end squatting ultimately failed. As Rev. William Gilpin, rector of Boldre but best known as a scholar of the picturesque, later recalled in relation to the squatters' community of Beaulieu Rails: "[Bedford] met with such sturdy, and determined opposition from the foresters of the hamlet, who amounted to more than 200 men, that he was obliged to desist… in repressing so inveterate an evil."[73]

Evidence beyond mid-century is uneven and fragmented. What we do know is that not only did Bedford fail in his attempt to repress the "inveterate… evil" but also that new encroachments continued to be made. The survey of the forest undertaken in 1787 by Thomas Richardson, William King and Abraham and William Driver and published in 1789 (the so-called *5th Report*) resulted in not only the first full cartographic survey of the New Forest (this known as 'Drivers' Map) but also the first systematic survey of land use and holdings in the forest. Completed as part of a broader enquiry into Crown forests, the survey detailed 959 encroachments of some 896 acres, just under 1% of the overall acreage of the forest.[74] On these 959 encroachments were 458 dwellings, this including some buildings divided into separate tenements. Some were seemingly scattered in hidden nooks in the forest,

but most were—this a continuation of the pattern that existed after the Restoration—clustered in already established or emergent squatters' settlements. Such communities had formed at the aforementioned Beaulieu Rails (Lady Cross Walk, this comprising 99 dwellings, 60 of which supposedly had been erected in the past 20 years) and Wood Green (Ashley Walk). Settlements were also forming at London Minstead and what would become Bartley (Castle Malwood Walk), at Burley and Bisterne Close (in Burley and Holmsley Walk), and on the edge of Lyndhurst (Ironshill Walk).[75] A further cluster was emerging in Bramble Hill Walk at 'No Mans Land.' As Driver et al. noted:

> This is a small piece of Ground which from the name appears to have no owner [though they asserted that it was definitely Crown waste], however several people are taking possession of it & inclosing it very fast.[76]

To claim that squatting was a central concern of the *5th Report* though would be a profound untruth. Only on one page of the report proper is encroachment considered, this relating that squatters caused "great Depredations" on the timber and wood and there was no "effectual Means used for the Prevention."[77] What we know comes from the survey notes and the evidence offered by those forest officers questioned, but even this tended to focus on how existing structures and systems were not adequate to the 'problem'. Master keepers invariably claimed they knew not of encroachments in their walks, presumably saving face by claiming that all was well in their jurisdiction. For instance, the keeper of Broomy Walk stated that he did not "think that any material Incroachments have been made in his Walk since he was appointed." Those officers who actually involved themselves with the material management of the forest offered a more grounded assessment. All but one of the groomkeepers questioned detailed encroachments in their walks. The groomkeeper of Burley and Holmesley Walk disclosing that "there are many Incroachments within his Walks, some made before and some since his Appointment, several of which he has thrown open, and some of those have been taken in again." The issue, so the groomkeepers claimed, was that the forest courts were held too infrequently, most encroachments thus not being presented and challenged as orders were so rarely given to level squatters' dwellings.[78]

Squatting as Abuse and Opportunity

Given that, by the late 1780s, encroached lands represented only 1% of the area of the New Forest—though this represents an underestimate given that some earlier post-1670 encroachments had been enrolled and made formal as leaseholds and copyholds and excludes any squats unambiguously within the bounds of the manorial lands—the extent to which encroachment can be characterized as an abuse is necessarily limited. Indeed, the discourse of 'abuse' in relation to encroachment was not usually figured in relation to the taking of space out of the forest but rather in relation to the impacts of those squatting on encroached land on the biotic resource of the forest. Thus the 1698 House of Lords' committee into 'abuses' only once referenced encroachment, and this regarding a squatters' cottage, a witness being asked whether the dwelling had lately been made a copyhold but claimed to know nothing of it. The inferences here, however, are clear: that it paid in some contexts to formally enrol squatters to secure rentals (whether manorial or Crown); that securing meaningful testimony was difficult given that likely witnesses came from the same class and communities as the squatters.

Indeed, the House of Lords' Committee details the paradoxical position that betrayed responses to squatting in the New Forest after the Restoration. On the one hand, by enrolling squatters' cottages it generated revenue from an unrealized asset of the forest: the unenclosed forest land. On the other hand, there is a strong sense, both from a Crown and an Exchequer perspective, that *all* those who resided in or the near the forest, whether they had common rights or just claimed customary rights, abused the forest. The discourse of abuse was, perhaps unsurprisingly, written through every aspect of the Committee's report. The evidence of the regarders—highly skewed against the Lord Warden's officers—invariably related malpractice by the keepers and woodwards and their collusion in permitting abuses by commoners, 'colliers' (charcoal burners), squatters and others. If the claim made by Commissioner Greenhill of the Navy that "few trees have a limb for the use of the Navy" was a wild exaggeration, evidence abounded that those who resided in the forest showed little compunction in using the biotic resources of the forest to get by. Reading genuine corruption on behalf of the woodwards and keepers in the report is necessarily compromised by the highly skewed way in which evidence is related, but it is apparent that forest officers did take advantage of their station to personally profit.

For instance, a Francis Cleverley claimed that he was "never absent" at the marking up of wood for fuel—this potentially being for commoners or officers—but that occasionally if the wood so marked was deemed by the woodwards to be for timber they would "order the Keepers… they should flog it." Ergo, if squatting was considered, in some ways, to be an abuse, it was positioned as being a relatively minor problem.[79]

While the discourse of squatting as abuse persisted into the early decades of the eighteenth century it continued to play second fiddle to concerns about the taking of timber. In 1714 the Lord Warden complained to Surveyor General Wilcox that the plantations "do not answer the purpose of the said Act" and proposing a new sylvicultural commission "for more effectually putting same in execution"—a none too subtle questioning of the competence of the surveyor's officers.[80] The Lord Warden and his officers also came in for criticism from the Treasury, William 'take care of the pence, and the pounds will take care of themselves' Lowndes in 1718 requesting that the verderers:

> [S]end to my Lords an account of the abuses which have been presented in any of your Courts held for the affairs of New Forest since his Majesty's accession which tend to the hurt of his Majesty's estate and interest therein: and your opinion how the like abuses may be hindered or remedied for the future.[81]

While the verderers' account has not survived, we do have the aforementioned report written by Surveyor General Wither two years later. As noted, this related that "Encroachments & new erections" were "a grievance in which ye forest abounds" and the making of examples would help to limit "spoil" in the forest, but subsequent criminal prosecutions related to the taking of timber rather than to encroachment. Multiple presentments to the forest courts attested a desire to control encroachment, but had little effect.[82]

The rhetoric shifted decisively in the late 1730s and into the 1740s. If the connection between squatting and abuse against the timber was implicit in earlier reports and investigations, the systematic campaign against encroachment now made the link explicit. Keeper Joseph Hinxman of Ashley Walk wrote to Bedford in September 1748 to complain about a campaign of terror against John West, hired by Hinxman to 'look after the wood.' West, a resident of Godshill Wood, had successfully prosecuted eleven persons for wood stealing in the form of lopping

and taking whole trees. While we have no record of the Swainmote, we know from the correspondence that those found guilty lived at Wood Green, an emergent squatters' community established on Crown land on the north-western forest fringe where "all inhabitants live by pilfering and stealing out of the forest." Two of West's horses and three of his cattle were stabbed to death, "suppose to be done in revenge by some of the gang."[83]

The point was made even more clearly in the *5th Report*. As the commissioners asserted, "So long as the Cottagers remain in the Forest without committing Depredations, their cottages do little Harm", but that "would tend much to the Preservation of the Forest, if the cutting, stealing, or lopping any Tree… should, if committed by the Possessor of any such Incroachment, be punished by turning the Offender out of Possession of the Cottage or Land." Such encroachments were thus tolerated "by the Indulgence of the Crown" until they became a nuisance.[84] Squatting was not a problem in itself but squatting by those who lived by 'abusing' the timber was. This confusion was writ through the report. Nowhere was this better detailed than the fact that of the abuses detailed in the forest encroachment was listed last, and not systematically considered, but nonetheless related that squats were "numerous" and the squatters committers of "great Depredations" on the timber and wood their actions largely unimpeded.[85] But those squats— and other encroachments—which did not "interfere with any Plan for the Increase of Wood and Timber" should be, so the authors of the report suggested, be offered 'on reasonable Terms' to the possessors of the plots. Further:

> Commissioners should have discretionary Powers… for reclaiming those Incroachments, or for shewing Indulgence to Possessors under particular Circumstances. So long as the Cottagers remain in the Forest without committing Depredations, their Cottages do little Harm.[86]

These sentiments were mirrored by Gilpin who, two years after the *5th Report*, mused:

> And yet in some circumstances, these little tenements (incroachments as they are, and often the nurseries of idleness) give pleasure to a benevolent breast. Where we see them, as we sometimes do, the habitations of innocence and industry, and the means of providing for a large family with ease,

and comfort, we are pleased at the idea of so much utility and happiness, arising from a petty trespass on a waste, which cannot in itself be considered an injury.[87]

What of the recommendation? Given that the pretext of the *5th Report* was the revival of sylviculture, it is not surprising that the recommendations therein underpinned a Bill placed before the House of Commons in January 1792. This would allow for the enclosure of 2000 acres a year for seven years over and above the 6000 acres allowed to be enclosed under the 1698 New Forest Act. Making a total of 20,000 acres, the Act also allowed that, when these enclosures were beyond injury from commoners' stock, they should be thrown open and a further 20,000 acres turned over to sylviculture. Encroachment here was framed as a central nuisance: keepers were to statutorily report all new encroachments within a year of their being taken in. This notwithstanding the Bill failed, widespread opposition from interested parties in the forest provoking its downfall.[88]

Conclusions

By no means were all encroachments undertaken by the rural poor, indeed many larger encroachments represented opportunistic attempts by existing landowners to extend their estates.[89] Further, in the final years of the eighteenth and the early years of the nineteenth centuries, such opportunistic encroachment by those wanting to extend their advantage in a time of wartime inflation in rentals and food prices peaked. Similarly, squatting in the vicinity of Beaulieu during the Napoleonic Wars was driven by a need for housing to accommodate the rapidly growing number of workers in the shipyard at Bucklers' Hard as well as in ropemaking, brickmaking and ironmaking.[90] But, for the period between the Restoration and the onset of war with Revolutionary France, squatting represented an attempt to eke out an existence in and of the forest.

This existence, in common with Jacoby's dwellers-made-squatters by the advent of conservation, especially the Havasupai peoples of the Grand Canyon, was rooted not in a desire to claim exclusive private property rights but simply to use the land, a land that was after all held in common.[91] Such a claim to usufructory rights of settlement were not exclusive, they were not rooted in the right of *abusus*, in that they did

not prevent others from enjoying and exercising their rights to the forest: the *fructus* (the 'fruits' of the forest) being renewable. To squat, then, was not by definition to abuse the forest, rather it was a practice rooted in the concept of renewability. The squatters' dwelling of timber and cob construction was of the forest soil, literally, rooted in the land from which it materially came. True to concepts of usufruct in indigenous cultures, the fruits of the land were used in the New Forest but the land would remain useful to the community, the dwelling simply sustaining the community if it was useful and returning to the soil if it was not. This sustainability is evidenced by the fact that encroachment only represented 1% of the forest by area. It is further evidenced by the fact that the number of oak trees suitable to provide naval timbers did not diminish over the course of the eighteenth century: rising from 12,476 oaks in 1710 to 19,386 in 1764 and falling again to 13,043 in 1783, despite the navy taking the equivalent of 11,500 trees between 1761 and 1786.[92] Squatters undoubtedly did take the occasional timber tree, the charcoal burners rather more, but compared to the impact of the Navy this was as nothing. Besides, to frame the supposed abuses of squatters in terms of their impact upon the timber resource of the forest was to deny—or be ignorant of—the manifold other biotic and mineral things of the forest that squatters used to get by. As the great ecological historian of the New Forest, Colin Tubbs, has detailed, commoners (whether having enrolled rights or practicing through an unofficial usufructory right) used a far greater range of forest resources than wood and timber.[93]

The critical point, here, is the narrow way in which the forest was being inscribed after the Restoration, and especially so from the end of the eighteenth century. It was no longer a place reserved for the leisure of the Monarch, the rights of commoners only narrowly circumscribing this ultimate power. Rather, it was becoming a space in which the protection of the deer was little more than a residual interest and the growth (and hence conservation) of timber was the priority. This is not the conservation of Jacoby's *Crimes against Nature*—that was rooted in a nascent understanding of natural environments—but a conservation driven by fiscal imperatives that was linked to the emergence of ideas of sustainability. Yet the effects are the same: to exclude and to delimit in order to protect and conserve. And so was the popular response. The resort to squatting in the New Forest was moral ecology in action. The difficulty in securing witnesses in cases of the taking of timber also attest to a strong united plebeian community, though the fact that witnesses must

have occasionally been found in some cases when presentments were made suggests that the habitués of the New Forest were not against taking action when the basis of their way of life was threatened from within.

Here, then, we have all the dynamics of moral ecology at play: an attempt by elites to delimit popular uses of the forest ('abuses') against which those who lived in and around the forest continued to live their lives as before, settling and dwelling in and upon the forest. Direct threats to this way of life, whether through the creation of sylvicultural plantations or attempts to challenge squatters' communities, were muscularly resisted. Indeed, squatting represented a pure form of communing, squatters eking out an existence by living on the mineral and biological resource of the forest. And, as F. E. Kenchington put it, those who now "found harbourage in the Forest" might at first have been "outlaws" but having "lived after their kind… until, in the fullness of a surprisingly short time, they become more passionately Foresters than the indigenes."[94] Indeed, 170 years after the *Abstract* was published, the Register of Claims compiled on the passing of the New Forest Deer Removal Act (1851) led to 1200 separate claims to rights in the forest being made. While the 371 claims allowed by the *Abstract* included some claims made at the level of estates (comprising multiple dwellings and farms) and subsequently other estates were broken up into smaller holdings, the huge increase in claims made in 1852 represented the fact that many squatters' dwellings and holdings had become enrolled and legally recognized.[95] They had become part of the forest rather than having diminished the forest.

In short, the squatters won. They won because their resistances were successful and the apparatus of the state was too compromised, too limited, to prevent the creation of squatters' settlements. But they also won because the discourse of abuse was ultimately hollow. The jeopardy squatters offered to the timber was limited, and their use—contributing fiscally through rents as well as providing a ready supply of labour to neighbouring estates and farms—was greater than the threat they posed. Indeed, squatters provided a model of how to live with the forest, of how to harness the biotic resources of the forest in a sustainable way. They posed no meaningful threat, apart from when they fought back against being harried, but instead showed that their local knowledge and skill proved more effective than the cameral state in sustainably finding a balance between humans and wood. Today, the commoning ecotype that the peopling of the forest through squatting created is in itself an object

of conservation. The folkways and practices of one-time squatters' settlements an integral part of the preservation of the ecology of the forest, their cobb houses and smallholdings cleaved from the Crown lands a rare cultural landscape protected through National Park status and proposed, albeit unsuccessfully, in 1999 as a UNESCO World Heritage site.[96]

NOTES

1. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2014); Tim Ingold, "The Temporality of the Landscape," *World Archaeology* 25, 2 (1993): 152–74; Tim Ingold, *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill* (London: Routledge, 2002).

2. Incendiarism; malicious damage to property; the maiming of animals and plants; and the sending of threatening letters. See: Carl Griffin, *Protest, Politics and Work in Rural England, 1700–1850* (Basingstoke: Palgrave Macmillan, 2014), ch. 5.

3. For example see: Peter Hay, "'Balding Nevis': Place Imperatives of an Invisible Cohort Within Tasmania's Forest Communities," *Geographical Research* 46, 2 (2008): 224–33; Paul Robbins, "The Politics of Barstool Biology: Environmental Knowledge and Power in Greater Northern Yellowstone," *Geoforum* 37, 2 (2006): 185–99.

4. On this see: Carl Griffin and Iain Robertson, "Moral Ecologies: Conservation in Conflict in Rural England," *History Workshop Journal* 82 (2016): 24–49.

5. Edward Palmer Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past & Present* 50 (1971): 76–136.

6. Note, I make the distinction here from becoming private as opposed to becoming private property. On social criminality see: Eric Hobsbawm, "Distinctions Between Socio-political and Other Forms of Crime," *Bulletin of the Society for the Study of Labour History* 25 (1972): 5–6; John Rule, "Social Crime in the Rural South in the Eighteenth and Nineteenth Centuries," *Southern History* 1 (1979): 135–53.

7. The exceptions that prove the rule are: James Noir, "A World Unto Themselves: Squatter Settlement in Herefordshire, 1780–1880." PhD diss., University of Leicester, 1990; Colin Ward, *Cotters and Squatters: Housing's Hidden History* (London: Five Leaves Publication, 2002); James Bowen, "Cottage and Squatter Settlement and Encroachment on Common Waste in the Sixteenth and Seventeenth Centuries: Some Evidence from Shropshire," *Local Population Studies* 93, 1 (2014): 11–32.

8. Edward Palmer Thompson, *Whigs and Hunters: The Origins of the Black Act* (London: Allen Lane, 1975); Jacoby, *Crimes against Nature.*

9. John Langton, "Forests in Early-modern England and Wales: History and Historiography," in John Langton and Graham, eds., *Forests and Chases of England and Wales c.1500–1850: Towards a Survey and Analysis* (Oxford: Oxbow/St. John's College Research Centre, 2005), 1–9.

10. The outstanding history of the New Forest is: Colin Tubbs, *The New Forest: History, Ecology and Conservation* (Lyndhurst: New Forest Ninth Centenary Trust, 2001).

11. Jacoby, *Crimes against Nature*, esp. 85, 151.

12. Paul Warde, *The Invention of Sustainability: Nature and Destiny, c.1500–1870* (Cambridge: Cambridge University Press, 2018), esp. ch. 2 and 200–27.

13. John Langton and Graham Jones, "Forests and Chases in England and Wales, c.1500 to c.1850: Survey and Analysis," in Langton and Jones, *Forests and Chases of England and Wales*, xi.

14. Oliver Rackham, *Woodlands* (London: HarperCollins, 2006), 110–17.

15. Nicholas James, *A History of English Forestry* (Oxford: Blackwell, 1981), 16; Charles Watkins, *Trees, Woods and Forests: A Social and Cultural History* (London: Reaktion Books, 2014); John Manwood, *Manwood's Treatise of the Forest Laws* (London: B. Lintott, 1717).

16. James, *English Forestry*, 46–47; G. Jones (2005) Forest maps and the gazetteer, in Langton and Jones, *Forests and Chases of England and Wales*, 10–11.

17. Langton and Jones, *Forests and Chases of England and Wales*, esp. chs. 1 and 2.

18. The New Forest with Forest of Dean and Parkhurst on the Isle of Wight were the exceptions to the proposed sale: Charles Firth and Robert Rait, *Acts and Ordinances of the Interregnum*, 3 vols (London: HMSO, 1911), vol. II, 783, 811. In eventuality, few forest sales actually occurred: Sidney Madge, *The Domesday of Crown Lands: A Study of the Legislation, Surveys, and Sales of Royal Estates Under the Commonwealth* (London: Taylor and Francis, 1938).

19. Permission was granted to build a coal mine in 1653 for which the nation received one eighth of the profits, and for a decoy pond: Mary Anne Everett Green, ed., *Calendar State Papers Domestic*, vol. 42 (London: Longman, 1879), entry for December 1653; The National Archives of the UK [hereafter TNA], F 20/48, Abraham and William Driver, Survey of Castle Malwood, 1787.

20. John Langton, "Forest Law in the Landscape: Not the Clearing of the Woods, But the Running of the Deer?," in Karis Baker, Ruth Carden, and Richard Madgwick, eds., *Deer and People* (Oxford: Windgather, 2014), 219.

21. 9 Hen. III st.2. See David C. Douglas and George W. Greenaway, eds., *English Historical Documents: Volume 2, 1042–1189* (Oxford: Oxford University Press, 1953), 417–20

22. Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and other Unimproveable Rents. Dated 22 July 1789, British Parliamentary Papers, 431789, lxxvi [hereafter *Fifth Report*], 4–5. On the function of manorial courts see: Brodie Waddell, "Governing England Through the Manor Courts, 1550–1850," *Historical Journal* 55, 2 (2012): 279–315. Some manors without the New Forest also claimed rights and privileges within: E. Percival Lewis, *Historical Inquiries, Concerning Forests and Forest Laws: With Topographical Remarks, Upon the Ancient and Modern State of the New Forest, in the County of Southampton* (London: T. Payne, 1811), 74–89.

23. Manwood, *Manwood's Treatise of the Forest Laws*, *Passim*. Also see John Langton and Graham Jones' glossary of forest terms, accessed 22 May 2018, http://info.sjc.ox.ac.uk/forests/glossary.htm#R.

24. 'Preservation of Woods', 35 Hen. VIII c.17. 30 years previously a central accounting department for the sale of wood had been created, though not insignificant this represented an initial attempt in the reform of the management of Crown lands. Similarly, for the forests 'south of the Trent' the office of surveyor of woods already existed, but their responsibility was as much to literally survey all the Crown lands as it was to radically alter the management of forests: James, *English Forestry*, 136; George Hammersley, "The Crown Woods and Their Exploitation in the Sixteenth and Seventeenth Centuries," *Bulletin of the Institute of Historical Research* 30 (1957): 136–37; Richard Hoyle, "'Shearing the Hog': Reform of the Estates, c.1598–1640," in Richard Hoyle, ed., *The Estates of the English Crown, 1558–1640* (Cambridge: Cambridge University Press, 1992), 217.

25. See Richard Hoyle, 'Disafforestation and Drainage: The Crown as Entrepreneur,' in *The Estates of the English Crown*, 356.

26. James, *English Forestry*, 136; Richard Reeves, *To Inquire and Conspire, New Forest Documents 1533–1615* (Lyndhurst: Nova Foresta Press, 2008), i.

27. David Stagg, *Calendar of New Forest Documents: Fifteenth to the Seventeenth Centuries*, Hampshire Record Series, vol. v (Winchester: Hampshire Record Office, 1983), 908–17.

28. Parliamentary Archives, HL/PO/JO/10/1/506/1255/J, Report from the Lords Committees Appointed to Examine the Miscarriages in the New Forest, 25 May 1698.

29. On this see: Carl Griffin, "More-Than-Human Histories and the Failure of Grand State Schemes: Sylviculture in the New Forest, England," *Cultural Geographies* 17, 4 (2010): 451–72.

30. James Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998), 360, n.11.

31. Langton, "Forests in Early-Modern England and Wales," 9.

32. For the now standard account of these dynamics and timings see: Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy 1500–1850* (Cambridge: Cambridge University Press, 1996).

33. On this point see Griffin, *Protest, Politics and Work*, esp. 49–61.

34. David Smith, "Gypsies, Tinkers, Travellers and the Forest Economy," in Langton and Jones, *Forests and Chases of England and Wales*, 61–66.

35. Leigh Shaw-Taylor, "Labourers, Cows, Common Rights and Parliamentary Enclosure: The Evidence of Contemporary Comment c.1760–1810," *Past & Present* 171 (2001): 125.

36. Sara Birtles, "Common Land, Poor Relief and Enclosure: The Use of Manorial Resources in Fulfilling Parish Obligations, 1601–1834," *Past & Present* 165 (1999): 80.

37. Peter Roberts, *Minstead: Life in a 17th Century New Forest Community* (Southampton: Nova Foresta, 2002), *passim*; Waddell, "Governing England Through the Manor Courts," 290.

38. 'Erection of Cottages Act,' 31 Eliz. c.7. See: Danae Tankard, "The Regulation of Cottage Building in Seventeenth-Century Sussex," *Agricultural History Review* 59, 1 (2011): 18–35.

39. Thompson, *Whigs and Hunters*, 137.

40. Stagg, *Calendar*, xxxi. The extension of other powers through common law—for instance the Preservation of Timber Acts of 1765–1766 allowed for a speedier redress of many offences on the timber of the forest than the forest courts—and through extending the powers of the verderers through allowing them (as in the provision of the 1698 Act) to summarily impose fines or commit offenders to gaol, for instance for destroying the enclosures, the burning of the heath, stealing wood and the destruction of covert. Ibid., pp. xxxii–xiii.

41. Lewis, *Historical Inquiries*, 99.

42. Lidar survey, accessed 31 October 2017, http://lidar.newforestnpa.gov.uk/lidarzoom.htm.

43. Sara Morrison, "Forests of Masts and Seas of Trees: The Restoration Navy and the English Royal Forests," in Nancy Rhoden, ed., *English Atlantics Revisited. Essays Honouring Professor Ian K. Steele* (Montreal: McGill Queen's Press, 2007), esp. 136–45.

44. TNA, E 32/179–181, New Forest Eyre, 1670, calendar and register of claims [subsequently collated and published as *Abstract of All the Claims on the New Forest… as Entered at the Lord Chief in Eyre's Court…1670* (Salisbury, 1776)], [hereafter *Abstract of Claims*, 1670]; Colin Tubbs, "The Development of the Smallholding and Cottage Stock-Keeping Economy of the New Forest," *Agricultural History Review* 13 (1965): 25–26.

45. Roberts, *Minstead*, 20.

46. *Calendar of Treasury Books*, vol. iii, 1669–1672, Entry Book, 31 August 1672, pp. 1293–1302.

47. *Calendar of Treasury Books*, vol. xiv, 1698–1699, Warrants etc., 16 September 1698, pp. 117–38.

48. Reeves, *Use and Abuse*, 43.

49. TNA, E178/5465, 1673 Commission of Inquiry, question 13 and sub-sequent answers. This is probably a reference to the 'Preservation of Timber Act,' 27 Eliz. c.19.

50. British Library, Add Ch. 56262, New Forest Swainmote, 14 September 1672, and reproduced in Reeves, *Use and Abuse*, 89–90.

51. *Calendar of Treasury Books*, vol. ix, 1689–1692, Entry Book, November 1691, p. 1384. The two warrants—for the survey and the New Forest specific Commission of 1691—were evidently related and evidence of a re-energizing of woodland forest policy under Ryley. This culminated immediately in the aforementioned (failed) bill of 1692 and ultimately in the (successful) New Forest Act of 1698.

52. TNA, LR 1/19, fo.68, Warrant for Philip Ryley to survey Their Majesties Forests, Parks, etc., and certify a state thereof.

53. Parliamentary Archives, HL/PO/JO/10/1/506/1255/J, Report from the Lords Committees appointed to examine the miscarriages in the New Forest, approved 4 July 1698.

54. Hampshire County Record Office [hereafter HCRO], 149M89/R4/6125, Presentments made by the Grand Jury at a Court held for the New Forest, 15 September 1746. Note, the apparent lack of Swainmotes does not necessarily imply that none were held, for, as with all other aspects of New Forest governance in the early decades of the eighteenth century, the archive is clearly deficient.

55. Griffin, "More-Than-Human Histories," 457. Of the 6000 acres, 2000 could be enclosed immediately with a further 200 acres a year for the next 20 years. When the trees were deemed to no longer be at risk from deer and commoners' animals, the fences were to be removed and a size sized plot of forest enclosed anew: 'New Forest Act,' 9 Will. III, c.33.

56. Griffin, "More-Than-Human Histories," 463; *Calendar of Treasury Books*, vol. xvii, pt. I, p. 169

57. Much of his attention from the early 1720s was taken up by the challenge of the so-called Blacks in other southern forests: Thompson, *Whigs and Hunters*, 39, 136.

58. HCRO, 87A09/2/2a, Report to the Treasury on a survey undertaken by Charles Withers of His Majesty's Woods and the abuses committed therein, January 1720/1721, in Withers's letter book, p. 79.

59. *Calendar of Treasury Papers*, vol. vi, 1720–1728, v.233: 12 January to 31 March 1721, pp. 39–52; The Blacks were forest-based poaching gangs active in the forests of the Berkshire-Hampshire-Surrey border, so-called because of their going about incognito with blackened faces, who deployed the manifold tactics of rural terror in opposition to the reinvigoration of forest law and attempts to limit customary rights and practices: Thompson, *Whigs and Hunters*.

60. Ibid., 43, n.1; TNA, T27/23, Treasury Out-letter books, p. 153.

61. HCRO, 87A09/2/3, Letter Book of Charles Withers, 1722–1729.

62. Records of the 2nd (1714–1722) and 3rd (1722–1733) Dukes of Bolton's holding of the office of Lord Warden are scant, the extant papers relating to Hampshire being concerned with the administration of their estates rather than the forest: see HCRO, 10M57/E1-22, various estate papers.

63. My thanks to Richard Reeves, who holds these notes, for this reference.

64. HCRO, 149M89/R4/6129, Lord Lymington's (John Wallop, 1st Earl of Portsmouth) instructions to the Groom Keepers, 20 September 1739.

65. HCRO, 149M89/R4/6127, heads of letter from the Duke of Bedford to Lords of the Treasury, regarding 'waste' in the New Forest, nd [c early 1740s].

66. Peter Roberts, *Ruin and Reform, New Forest Administration 1739–1769* (Lyndhurst: Nova Foresta Press, 2007), xxiv.

67. TNA, LR4/6/17, 29, 48 and 7/5, 15, 26, 47, 48, 49, 60 and 61, orders for supply of Navy timbers, 1746–1757; HCR.O, 149M89/R4/6141/15, Richard Birt to Robert Butcher, 5 January 1751; HCRO, 11M74/F1, Lord Glenbervie's unpublished manuscript of the New Forest and forestry (c.1814), p. 4.

68. HCRO, 149M89/R4/6141/13, Samuel Miller (Lord Warden's steward from late 1749), Lyndhurst to Robert Butcher, Bedford House, London, 16 January 1750.

69. HCRO, 149M86/R4/6142, Directions by Duke of Bedford, 11 August 1751.

70. HCRO, 149M89/R4/6141/31, Henry Petty, underkeeper, to Duke of Bedford, n.d. C. June 1750.

71. HCRO, 149M89/R4/6142, John Smith (regarder), New Forest to [unclear], 11 November 1751.

72. For instance see the attacks and threats against underkeeper Throckmorton's property and person: HCRO, 149M89/R4/6124, Affadavit of John Throckmorton (underforester and underkeeper), Henry Bannister (husbandman), Richard Howells (servant to Throckmorton), John Ranger (labourer and late servant to Throckmorton) and Susanna Brumfield (servant to Throckmorton), and two threatening letters, various dates 1753.

73. William Gilpin, *Remarks on Forest Scenery, and Other Woodland Views, Volume 2*, ed. Thomas Dick Lauder (Edinburgh: Fraser & Co, 1834), 122.

74. Note, the *Fifth Report* detailed this as being 901 encroached acres.

75. TNA, F 20/48 Survey of the New Forest by the Commissioners appointed by Act of 26 Geo. III. (1787); *Fifth Report*, pp. 4–5. For the associated plans see TNA, F.17/169.

76. TNA, F 20/48 Survey of the New Forest by the Commissioners appointed by Act of 26 Geo. III (1787), p. 107.

77. *Fifth Report*, 21.

78. *Fifth Report*, 63, 66, Answers of Peter Bathurst, 1 June 1787, and Thomas Holloway, 21 November 1788, Appendix 22, and Abstract of evidence of groomkeepers, 70–86.

79. For reference see note 49.

80. Warrant Books: 31 March 1714, in *Calendar of Treasury Books*, vol. xxviii, 1714, pp. 181–98.

81. Treasury Warrants: 27 November 1718, in *Calendar of Treasury Books*, vol. xxxii, 1718, pp. 626–40.

82. HCRO, 87A09/2/2a, Report to the Treasury on a survey undertaken by Charles Withers of His Majesty's woods and the abuses committed therein, January 1720/1721, in Withers's letter book, p. 79; TNA, T27/23, Treasury Out-letter books, p. 153.

83. HCRO, 149M89/R4/6141/62, Joseph Hinxman, Hinton near Christchurch, to Duke of Bedford, 26 September 1748.

84. *Fifth Report*, 34.

85. Ibid., 21.

86. Ibid., 29, 33–34. The plan being that the Crown should relinquish its claims to deer if in return commoners gave up their rights to most of the Crown lands. This would allow much of the Forest to be devoted exclusively to sylviculture whilst on the remaining lands those commoners who would not sell their rights would have unimpeded grazing: *Fifth Report*, 29–39.

87. Gilpin, *Remarks*, 123.

88. HCRO, 2M30/669, Mr. Mansfield's remarks on the heads of the New Forest Bill (n.d., but 1791–1792) and Draft petition to the House of

Lords from Rev Sir C. Mill and other owners of lands and tenements adjoining to the New Forest, no date (but early 1792); *Hampshire Chronicle*, 23 January 1792.

89. By way of example see the register of properties made at the turn of the nineteenth century: TNA, LRRO 5/25, Abstract of proceedings of commissioners appointed under the 'New Forest Acts [1801],' 39 & 40 Geo III, c 86, and 41 Geo III, c 108.

90. H.E. Widnell, *The Beaulieu Record* (Beaulieu: Pioneer Publications, 1973), 167–68; 'Sowley Iron Works,' *Beaulieu History Society Newsletter* 2 (June 2007).

91. Jacoby, *Crimes against Nature*, esp. 170, 174. Note, settlers in the Adriondacks often 'neglected' to make a formal claim to the land on which they settled but instead later, when challenged, similarly based their claims on usufuctory rights of usage and occupation: Ibid., 33–34.

92. *Fifth Report*, 23, 27.

93. Tubbs, "Stock-Keeping Economy of the New Forest," 32–35.

94. Francis E. Kenchington, *The Commoners' New Forest* (London: Hutchinson, 1944), 52.

95. Of these 850 were approved: TNA, F 24/107, Register of New Forest Claims, 1858; Tubbs, "Stock-Keeping Economy of the New Forest."

96. Department of Culture, Media and Sport, *World Heritage Sites: The Tentative List of The United Kingdom of Great Britain and Northern Ireland* (London: DCMS, 1999), 54–57.

A "Moral Ecology" of Afrikaner Settlement in German East Africa, 1902–1914

Thaddeus Sunseri

Introduction

In the decade after 1902, a stream of Afrikaner immigrants arrived in German East Africa, encouraged by a colonial government hoping to stimulate white settlement, especially of suitable Germans otherwise lost to overseas emigration.[1] Following the South African War (1899–1902), many Afrikaners (often called Boers)—descendants mainly of Dutch, French, and German settlers to Cape Colony—concluded that they could not live under British rule. Many, having lost land, cattle, houses, and family in the war, bitterly resented British overrule over the former Boer republics of Transvaal and the Orange Free State. A window of opportunity existed with a settler-friendly governor in German East Africa, Adolf Graf von Götzen (1901–1906), who set in motion the main wave of Afrikaner immigration. While German policymakers debated whether their largest overseas colony should be one of African peasant production of cash crops or one of white settlement, Afrikaner immigration launched a reordering of the landscape of Moshi district in northern German East Africa.[2]

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Although Afrikaners ranged from prosperous estate owners grow-ing grapes and wheat in Cape Colony to indigent *bywoners* (farm hands and sharecroppers) of the inland arid steppes, Germans expected that most immigrants would be cattle ranchers who relied on the ox wagon for transport and were avid hunters. The stereotype was the *trekboer*, an itinerant stock farmer who occupied large expanses of pasture, moving cattle and sheep to seasonal water holes and grasslands, living off the land from hunting, and acting as a frontier defense force against Africans who outnumbered them. Although German policymakers insisted that Afrikaner immigrants should become a sedentary farming and commer-cial ranching population, the *trekboer* ideal nevertheless shaped the chan-neling of Afrikaners to unstable, recently conquered frontier districts, still fraught with violence, particularly the lower reaches of Mts. Kilimanjaro and Meru and the surrounding Maasai steppe.[3] Afrikaner settlement was designed to bolster colonial control over Maasai and neighboring Africans of Meru and Kilimanjaro. In addition, in identifying Afrikaners as an ox-wagon people, Germans hoped they would stimulate commerce in inland districts at a time when railway construction was in its early stages, with most of the colony relying on human porters for transport owing to the proliferation of livestock diseases that killed cattle, horses, and most other draft animals.[4]

Afrikaner immigration was a state-sponsored enclosure movement that wrested land from African farmers and herders, curtailing commons access to pasture, water, firewood, game, and sacred sites.[5] According to the prevailing historiography, the German colonial state appropriated land for white settlement, violently removed Africans and their livestock, separated settler farms from African territory, and enforced the new bor-ders, making enclosure a reality.[6] This view assumes that the goals of the colonial state were symbiotic with those of Afrikaners and other (mostly German) settlers. However, Afrikaners quickly became refractory, oppos-ing many colonial policies, including wildlife conservation, veterinary interventions into livestock management, and sedentariness. Far from becoming a colonial elite, colonial officials and other observers quickly portrayed Afrikaners as an "inferior race," debased by generations living on African soil.[7] The image was repeated by Theodore Roosevelt, who, after visiting East Africa on a hunting safari in 1909, wrote "There must of course be many Boers who have gone backward under the stress of a hard and semi-savage life; just as in our communities of the frontier, the backwoods, and the lonely mountains, there are shiftless 'poor whites'

and 'mean whites,' mingled with the sturdy men and women who have laid deep the foundations of our national greatness."[8] This "backwardness" was most evinced by rapacious, unsportsmanlike, and often illegal Afrikaner hunting for subsistence and trade. In addition, Afrikaners resisted the obligation to fence their lands—the most palpable symbol of enclosure—which the German government viewed as a prerequisite to economic development, cattle upgrading, livestock disease control, and land improvement. An Afrikaner "moral ecology" can be gleaned in their opposition to wildlife conservation, fencing, and their aspirations for freedom of movement.

Moral ecology is not a concept widely used in African studies, but many works have applied a *moral economy* framework to the natural world, similar to Karl Jacoby's "vision of nature 'from the bottom up'."[9] Roderick Neumann and Thomas Spear each write of a moral economy of landscape use among Meru and Arusha people of Mt. Meru, mountain farmers who were suddenly confronted after 1900 with the arrival of the German (and later British) colonial state. Besides the influx of Afrikaners and other white settlers around Meru, colonial rule inaugurated forest and wildlife reserves on the mountain that starkly curtailed common rights to wood, game, pasture, water, and sacred sites, while the arrival of white settlers on the lower slopes and plains cut off seasonal grazing and watering sites. Neumann finds evidence that "a moral economy within African society … legitimated resistance to the conservation laws of the state."[10] Spear discerns a moral economy among Arusha of the mountain based on "ideals of economic justice and social responsibility, in which purposeful moral actions linked social behavior and natural phenomena."[11] Elsewhere in colonial Tanzania, the aggressive colonial introduction of forest and wildlife reserves curbed African everyday hunting for food, profit, and field protection, and forest use for famine foods, fuel, and timber, eliciting widespread protest, including armed insurrection, "hidden" resistance, such as flight and arson, wood theft and game poaching, even while maintaining the legitimacy of sacred sites.[12] These studies have much in common with Jacoby's moral ecology framework, which posits a conservationist ethic in forest preserves and national parks in the United States among common people—indigenous and settler—castigated by state officials as poachers and thieves. As in Jacoby's case studies, East Africans drew on moral frameworks that asserted the legitimacy of subsistence rights and opposition to the state's elite, scientifically informed conservation policies.

Can a moral ecology framework be applied to racist, often violent Afrikaner immigrants, with no customary claim to the land, who were the catalyst for the widespread dispossession and relocation of thousands of indigenous Africans? This chapter argues that the behavior of Afrikaner settlers in German East Africa encapsulated an unusual claim to land and resources, backed up by a Calvinist religious identity and heritage in Africa. An Afrikaner 'moral ecology' claimed authority over land and water, hunting rights, dominance over Africans, freedom of movement, expertise in livestock management, and rights to subsistence. Although most referred to themselves as Boers, many asserted a claim over land as "Afrikaners"—Africans—that was not limited geographically to their South African homeland.[13] This included an understanding of hunting, livestock management, and pasture use that conflicted with the conservationist and modernizing goals of the German colonial state, as it previously had in South Africa, but which Afrikaners nevertheless perceived as legitimate use of the natural environment. Some Afrikaners went so far as to claim poaching and wildlife slaughter as morally sanctioned resistance to the British government across the border in British East Africa. A moral ecology framework helps to move beyond an ethnographic and essentializing interpretation of Afrikaner actions. In German East Africa, the Afrikaner moral ecology was witnessed by widespread resistance to fencing and hunting laws, coupled with efforts to push further west to new horizons to evade colonial control.

Migrating to East Africa

The origins of an Afrikaner identity based on landscape emerged in Cape Colony as a reaction to monopolistic Dutch control, followed by British conquest in 1806.[14] During the eighteenth century, settlers rapidly usurped the pastures, water sources, livestock, and wildlife of indigenous Khoisan people, using horses, guns, and ox wagons to control the landscape.[15] They did this largely by adopting Khoisan ways of life, including transhumant pastoralism, subsistence hunting, and use of fire to manage the landscape. By the early nineteenth century, the claim of being Afrikaner was an expression of settler identity against British interloping, not unlike American identity in North America. After the 1830s, Afrikaners migrated from Cape Colony across the Orange and Vaal rivers to escape British overrule and perceived injustices, including slave emancipation and social leveling of the Khoisan. The Afrikaner exodus

was symbolized by the ox wagon, which allowed Afrikaners to live off the land, herding their cattle and sheep extensively on vast expanses of grassland wrested from African stock farmers by force of arms. Described by many as *trekboers*, many Afrikaners practiced a transhumant, subsistence-oriented lifestyle that was also politically refractory. This was coupled with access to cheap grazing permits to large parcels of pasture, with relatively little obligation to the state. There were good reasons for viewing transhumance as beneficial. Seasonally, grasses lost nutrition, requiring herds to move periodically, and pasture rotation provided "healing powers" against livestock diseases.[16] Moreover, many Afrikaners (as well as Africans and English settlers) used fire to modify the landscape, to control ticks and other disease vectors, to prevent prairie fires that could become dangerous conflagrations, and as "a quick and economical way of producing fresh green pastures."[17] Although many Afrikaners were a landed gentry of wealthy farmers, the trekboer lifestyle persisted well into the twentieth century. Afrikaner settlement was based on controlling springs—*fonteine*—at the center of a farm, "at least one hour's horse ride from that of another man," with undefined, permeable borders lacking clear land titles.[18] But by the late nineteenth century, Cape gentry and British modernizers launched an enclosure movement by fencing the landscape, eliminating the commons, and transforming unsurveyed loan farms into private property. Enclosure aimed to rationalize livestock management in a closing frontier, conserve pasture, prevent soil erosion, fence out animal predators, and mitigate livestock diseases by separating herds and flocks. Poor stockowners, including Afrikaners, destroyed fences as visible symbols of dispossession and the attack on their transhumance.[19]

Following the South African War (1899–1902), die-hard Afrikaners who refused to live under British rule sought new lands in German colonial territories, especially German East Africa, two thousand miles to the north.[20] Although most called themselves Boers, some specifically asserted a "genuine Afrikaner" identity.[21] A group described themselves as "quiet, peaceable married men, who desire only to make new homes and settle with their wives and families. All men are born and bred in South Africa, and are sons of farmers chiefly of the Orange Free State and Transvaal; their language is 'Afrikaansche Taal' and religion chiefly Protestant."[22] They favored open spaces to raise cattle and hunt, to conduct a side business in ox-wagon transport, to potentially live off the land with minimal government interference, and to defend themselves

from African aggressors. Led by patriarchal parties of related families, Afrikaners were in many respects looking for a promised land in the wilderness, a new Israel, "a wide vast veld far from the smoke of one's neighbor's hut," where land was open as pasture and for hunting.[23] Many were unable to compete in post-war South Africa, characterized by land speculation and the penetration of British capital. Moreover, in South Africa the frontier had closed, and wilderness and wildlife were becoming a thing of the past.

The German consul in Pretoria, Max Biermann, seeing the post-war bitterness of Transvaal Afrikaners, encouraged their migration to German East Africa.[24] Their farms, houses, movable goods, and draft oxen had been destroyed during the war, forcing them to live temporarily in tents and mud huts. Many lost wives and children in wartime concentration camps, whom, they believed, the British had intentionally neglected to force Afrikaner surrender. Some had received an ox span and farming tools from the Transvaal government on credit, beginning their new lives deeply in debt, residing on farms that the British had allocated to Afrikaner collaborators. Biermann informed Governor Götzen in German East Africa that Afrikaners desired great expanses of land, suitable for cattle ranching and subsistence agriculture, far from one's nearest neighbor, where they could hunt. For them, German East Africa was a refuge (*Zufluchtsstätte*).[25]

From late 1902, reconnaissance parties arrived at Dar es Salaam enquiring about settlement prospects, at least eight before 1907, most traveling by sea via Lourenço Marques. Several other parties migrated to British East Africa, suggesting that escaping British rule was not the only motive.[26] Three Afrikaners who arrived in August 1902 traveled via the Uganda Railway from Mombasa to investigate the lands south and southwest of Mt. Meru, hoping to bring some twenty families.[27] An advance party representing Natal families informed missionaries on Mt. Kilimanjaro that they had no intention of living near Africans on the mountain, rather they wanted to live on the steppe as cattle herders.[28] At about the same time, "two Boers from the Pretoria region," the brothers Ueckermann, who had first considered Madagascar, arrived seeking land on behalf of a group of families.[29] Interested in encouraging this stream at a time when only several score white settlers lived in the colony, Governor Götzen offered generous terms: Afrikaner

settlers could select their own land, 1000 ha per family, to be leased for twenty-five years for 50–100 Rp per year, depending on land quality.[30] Once half the land was cultivated and developed, which could mean simply stocking with cattle, it could be bought for two rupees per ha.[31] Settlers were expected to live in contiguous blocs, and build permanent European-style houses. Mt. Meru—the second highest peak in German East Africa after neighboring Kilimanjaro—was the main target of Afrikaner settlement, owing to a high altitude that was largely malaria-free, a seasonally cool climate, good water availability, fertile soil, and because it had recently been conquered from indigenous Arusha and Meru mountain farmers. Afrikaner immigrants would help "pacify" the land, and protect against ongoing Maasai incursions from British East Africa. The German government promised to aid settlers in cattle procurement, and made vague assurances that it would direct African laborers to settler farms.[32]

By mid-1904, some fifty Afrikaner families, led by Pieter Joubert, settled the environs of Meru.[33] Most came as extended families seeking to recreate conditions they once had in South Africa. Twenty-seven families composed of 126 people left South Africa for German East Africa in June 1905. Interviewed en route at Lourenço Marques, one emigrant spoke of the "call of the wild" and the "nomadic and hunting instincts" of descendants of *voortrekkers*, who would be "dependent on what they shoot for their food supplies."[34] One of the first indexes of settlers, from 1905, lists about thirty-seven Afrikaner family heads of some ninety male settlers in German East Africa.[35] With wives and children, Afrikaners were easily the majority of white settlers. In 1910, some sixty household heads were listed among Afrikaner settlers around Meru, and in 1913 some fifty-four remained, including a handful northwest of Mt. Kilimanjaro at Engare Nairobi.[36] Afrikaner first-arrivals settled in blocs around Meru at Oldonyo Sambu to the northwest, Engare Nanyuki to the northeast, and Engare Olmotonje in the southwest. Immigrants quickly renamed Oldonyo Sambu "Kampfontein" as they put their stamp on the landscape. They controlled rivers that flowed down from Meru, on fertile volcanic land, at an altitude of about 1400 m. Those who came later, or focused on cattle herding, spilled down into the arid steppes, some along malarial rivers.

Afrikaner Settlement as Enclosure

Afrikaner settlement was a state-sponsored enclosure movement that dispossessed Africans of land and resources, "a mechanism of spatial discipline shaping where people could – and could not – go."[37] In Moshi district, the base was laid with two Crown Land commissions (no. 21 of 1904 and no. 32 of 1905), which empowered the colonial state to reorder the landscape, with severe implications for Africans of Meru, northwestern Kilimanjaro, and the surrounding plains. Declaration 21 took some 1250 km^2 for "settlement of Boers," and declared the parcel to be "unoccupied steppe land," although it incorporated the entirety of the Mondul Plateau and the northwest sector of Meru up to the peak, and extended 60 km north to Longido Mt.[38] The eastern slope of Mondul was a traditional site of Kisongo Maasai age-grade rituals, but it was henceforth fair game for alienation to settlers or other state concerns, including forest and wildlife reserves.[39] The parcel also enclosed Lengosswa (Ngosua), where Maasai prophets had established themselves early in the nineteenth century, spawning a swath of agricultural settlements.[40] A high pasture of some 800 ha at 2500 m on the northwest ridge of Meru had been used by Maasai for dry-season grazing.[41] In November 1905, Land Commission 32 demarcated a 4500-km^2 parcel, encompassing two-thirds of Meru, as well as the entire corridor between Meru and Kilimanjaro, historically controlled by Sighirari Maasai. Many lands within the parcel were still occupied by "nomadic Maasai," whose right of ownership "was not recognized because a Maasai reserve was being created for them into which they would move in the next months."[42] In fact, many of these communities had long been settled farming enclaves consisting of Maasai, Arusha, Meru, and other Africans.[43] Declared ownerless, the huge parcel was taken as Crown Land and prepared for Afrikaner settlement. In addition, over the next decade, the colonial state carved out wildlife and forest reserves, which would circumscribe both African and settler access to game and timber.[44] Although further land declarations extended to southern Meru, ninety percent of Afrikaners settled within parcels 21 and 32.

Afrikaner settlement competed with an African "moral economy" of land use. One early Afrikaner settler lamented that "unfortunately, according to reports, the best lands near Kilimanjaro are owned by natives."[45] Kilimanjaro was dominated by some one hundred thousand Bantu-speaking Chagga, who grew bananas, corn, and other crops,

stall-fed cattle, and had begun to plant coffee.[46] Eastern Meru was occupied by Chagga-related Meru farmers, while on the western and southwestern slopes resided Arusha farmers and cattle keepers, linguistic and cultural cousins of the plains Maasai.[47] These mountain farmers favored altitudes between 1200 and 1800 m suitable to the staple banana groves. But Afrikaners and other settlers formed an "iron ring" below the Arusha and Meru, usurping seasonal pasture and farm land.[48] Some took African cattle by subterfuge and violence, using networks of "conspirators and fences" to dispose of the spoils.[49]

Afrikaner settlement most dramatically affected the plains Maasai, a Nilotic-speaking, mainly pastoralist people, who had for over one hundred years dominated the grasslands in and abutting the eastern Rift Valley in British East Africa and German East Africa. The Maasai had been devastated by a series of epizootics in the late nineteenth century—bovine pleuro-pneumonia and Rinderpest—which took virtually all their cattle by 1893, causing widespread famine. Some turned to farming and hunting, while many Maasai sections raided neighboring people and each other for remaining cattle to recoup their herds. In 1905, the German regime created a reserve to confine Maasai, separate them from their British cousins, and free up land for Afrikaner settlement. Most "German" Maasai—probably no more than ten thousand people—lived in Moshi district, scattered across millions of hectares of arid pastureland, where they practiced transhumant cattle herding, migrating seasonally to known grasslands and water sources that they maintained. At the end of 1905, Moshi district chief, Johannes Abel, who was also "commissar" for Afrikaner settlement, forced about six thousand Maasai into the reserve, along with 16,700 cattle, 61,400 small stock, and 358 donkeys.[50] Within a few years, it was clear that the reserve was inadequate for Maasai farming and stock raising, and the northern border was adjusted modestly to allow better access to the river lands flowing down from Mt. Meru.[51] The Maasai reserve was a "closed region" (*Sperrgebiet*) requiring non-Africans to obtain permits to enter, and Maasai to obtain passes to leave. One critic called it "a big prison."[52]

Although Afrikaners benefitted from Crown Land protocols, the Maasai reserve and subsequent land guarantees for mountain farmers frustrated Afrikaner expectations of open access to pasture, farmland, and game. Governor Götzen's pro-settler policy was shaken in 1905–1906 by the Maji maji rebellion in the south, and a simultaneous Iraqw rebellion abutting the Maasai steppe to the west, which convinced German

officials to reform African policy. Götzen was replaced in 1906 with the more settler-skeptical Albrecht von Rechenberg, backed by Bernhard Dernburg in the new Colonial Office. Both believed that Africans must be guaranteed basic land rights to prevent their wholesale proletarianization, particularly as many had begun to demonstrate success at growing cash crops like cotton and coffee. Dernburg warned that unbridled white settlement led to the extermination (*Ausrottung*) of autochthonous populations.[53] No new lands would be made available for settlers on Meru and Kilimanjaro, while the Maasai reserve, however onerous for them, blocked Afrikaners from southward expansion.[54]

AFRIKANERS AND THE RIGHT TO HUNT

An Afrikaner "moral ecology" comes out most palpably in hunting, where conflict with the German colonial regime quickly emerged. Hunting was "intrinsic to Boer culture," the basis of hunting fellowships that "helped bind together trekker groups," and was a strong motivation to migrate to German East Africa, whose open hunting frontiers were well-known.[55] Going back to Dutch rule in Cape Colony, trekboers treated wildlife as free for the taking, and Calvinist ideology justified human dominance over nature.[56] Hunting had long been the basis of settler interaction with Africans, with products of the hunt traded back and forth, even as Afrikaners came to dominate the landscape with horses, firearms, wagons, and dogs. Many South African place names were associated with wild animals that could be hunted.[57] Even after the advent of British rule in Cape Colony, Afrikaners escaped state limitations on hunting far from centers of control. During the nineteenth century, South Africa was overhunted by streams of European settlers, sport hunters, and Africans with guns, and some animal species were exterminated.[58] Observers described Afrikaners as especially rapacious hunters, "their residences often surrounded by hundreds of skulls and horns, their conversation all on the hunt, lions, or Bushmen."[59] Zoutpansberg Afrikaners—those of northern Transvaal, some of whom migrated to German East Africa—had a particular tradition of hunting for subsistence and trade. Afrikaner hunting was a means of adapting to new frontier zones, enabling trekkers to subsist on meat so as to avoid slaughtering livestock, and to reap income by trading ivory, feathers, and skins that could then be invested in land and livestock.[60] According to Wissmann, the ability to survive from springbok venison kept trekboers

from starvation, even though Afrikaner slaughter of South African wild-life exterminated some gazelle species.[61] Mackenzie agrees that "wiping out the game constituted the initial asset-stripping that made settlement possible."[62] Rather than seeing unbridled Afrikaner hunting as atavistic and irrational, it is better viewed as a pathway to settlement and subsistence, fundamental to their moral ecology and worldview. To Afrikaners and Africans alike, wildlife were predators of livestock, competed for water and grazing, acted as disease vectors, and endangered crops and people. Colonial laws that circumscribed hunting, and wildlife reserves that offered animal predators refuge, were a threat.

Far from encountering the expected open hunting frontier in German East Africa, Afrikaner immigrants witnessed the coalescence of a strong German conservation movement that promoted colonial wildlife reserves and curbs on hunting.[63] The idea of wildlife reserves originated with Hermann Wissmann, who, as first Reichskommissar of the new German colony in 1891, had witnessed wildlife destruction from Rinderpest virus around Mt. Kilimanjaro. Influenced by the precedence of American national parks like Yellowstone, Wissmann created the first game reserve in Moshi district in 1896, which was the model for a system of wildlife reserves mandated in every district after 1903.[64] In addition, between 1896 and 1903, the government introduced comprehensive hunting laws in German East Africa, designed primarily to curb African hunting. These laws required expensive permits to hunt elephants and other valuable species, and banned African hunting that used fire, poison, pit-falls, traps, and nets. In 1900, the colonial powers met in London to formulate wildlife protection policies, incorporated into the 1903 hunting ordinance in German East Africa. This ordinance mandated an annual hunting permit at a cost of 10 Rp, with substantial additional fees to hunt prize species. Later revisions required hunters to pay for each animal shot. It was not allowed to hunt ostriches, zebras, giraffes, elands and in some districts elephants, and then only with a professional hunting permit that cost 750 Rp. Hunters could recoup some losses with bounties of 20 Rp and 10 Rp, respectively, for lions and leopards. The German regime had complex and contradictory motives for enacting hunting laws, including: revenue generation from hunting permits and a share of elephant ivory; the protection and control of some wildlife species; curbing "unsportsmanlike exercise of the hunt," especially by Africans; and ensuring the availability of wildlife for European sport hunters.[65] Governor Götzen wrote in 1902 that "the native is without

doubt the real destroyer of wildlife in Africa" because Africans hunted for practical reasons of field protection, meat procurement, or "to earn his living," and not for sport.[66] Within a few years, German officials and sport hunters accused Afrikaners of similar unsportsmanlike subsistence hunting.[67] Carl Schillings, a well-known sport hunter and conservation lobbyist, wrote that Afrikaners had "very fatal results for the once splendid wild life" of Kilimanjaro region, the same people "who have already made such a clean sweep of the wild life of South Africa."[68]

Despite perceptions of rapacious African and Afrikaner hunting, many observers agreed that wildlife threatened livestock and crops. Calling for the abrogation of hunting laws and advocating bounties for every wild animal shot, an expert from the Colonial Economic Committee wrote, "a thriving cattle industry is only possible in the steppe lands when the wildlife is forced back, or, where this isn't possible, it is exterminated."[69] Robert Koch, the eminent German microbiologist, who had long experience researching human and animal diseases in South and East Africa, wrote that wildlife and their diseases were a threat to livestock, best eradicated near areas of settlement.[70] Wildlife in reserves harbored sleeping sickness, Rinderpest, East Coast Fever, and malignant bovine catarrhal fever that infected livestock at common watering sites. Yet German policymakers steadily expanded reserves in areas of settlement, bowing to the conservation lobby. Besides a large reserve in Wilhelmstal district south of Kilimanjaro, in February 1909 upper Kilimanjaro was gazetted as wildlife reserve, as was Meru in 1912, overlapping African and settler farms.[71] In January 1913, a 7400 km² Arusha reserve was demarcated along the border with British East Africa, and another was in formation south of Meru, overlapping settler farms and abutting the Maasai reserve.[72] A government publication described the huge Maasai reservation south of Meru and Kilimanjaro as a de facto wildlife reserve, while a Maasai reserve just across the border in British East Africa doubled as a wildlife reserve "where no big game, not even lions, are allowed to be shot."[73] Surrounded on all sides by wildlife reserves, it was reasonable for Afrikaners and Africans of Moshi district to view wild animals as a threat to livestock management.

Although Afrikaner sojourners to German East Africa were open about "the prospect of unlimited shooting," and hoped "to be able to support themselves by hunting," German officials did not anticipate the magnitude of their hunting.[74] Moshi district officer Abel visited Meru in August 1905, and learned that settlers hunted continuously, violated

game laws, and survived largely by trading *biltong* dried game meat and wildebeest hides to Africans for grain and bananas. In 1906, a visiting Swedish naturalist witnessed Afrikaners near Kilimanjaro living in tents and wagons, subsisting mostly from hunting and trading with Africans.[75] Wilhelm Methner, Moshi district officer from 1906 to 1909, described "trekboers" as "camping at isolated water courses and there lying in wait to slaughter wildlife with no regard for species, gender, or age," in violation of the hunting ordinance.[76] "Trekboers," opined a German newspaper, were "first-class game skinners," "wildlife annihilators," and "predatory hunters," only different from Africans in their ability to read the Bible.[77] They were even disparaged by Africans as "white Ndorobo" (hunter-gatherers), diminishing the stature of all Europeans in African eyes. Governor Rechenberg wrote that many Afrikaners used their farms mainly as rest stations between hunting sojourns.[78] Some Afrikaners relied on the South African practice of burning common pastures to induce grass growth for livestock and to attract game for an easier hunt, a "vernacular way of managing the commons," similar to Native Americans in Yellowstone, which contravened German laws in East Africa.[79]

Colonial pronouncements against Afrikaner hunting disguised its rationality in a region of frontier settlement. In the arid lands of "Kampfontein" northwest of Meru, rivulets flowed down from Meru that were diverted by Afrikaner farmers to their fields. Plains wildlife, especially zebras, were attracted to these canals, where they trampled wheat fields, tore down fencing, and forced farmers to stay up nights protecting their crops by shooting.[80] Zebras competed with livestock for scarce pasture and water, spread worms and ticks, while wildebeest carried catarrhal fever that killed calves. Although officials complained that Afrikaners eradicated or drove away wildlife near their settlements, such extermination was a prerequisite to farm development, as had been true in South Africa.[81] Hunting also enabled Afrikaners to feed themselves, attract farm workers in a region of low wages with a regular meat subsidy, and avoid slaughtering their own livestock.[82] Moreover, as colonial game laws largely excluded Africans from hunting, they could access game meat and other wildlife products by trading grain and bananas to Afrikaner hunters, a sort of "middle ground" of interaction despite the tensions between these communities.[83]

Although many Afrikaners hunted legally, there is little doubt that they were also regular poachers, using the cover of a license to hunt prohibited species or more animals than they were allowed. Besides being a pathway

to settlement or a means of protecting livestock from wildlife, sources also reveal a "moral ecology" framework.[84] Hans Poeschel, as magistrate at Arusha, heard rumors of widespread Afrikaner elephant poaching at Longido, near the border with British East Africa, which at the time may have been a wildlife reserve. Across the border, the British wildlife/ Maasai reserve offered the opportunity to smuggle tusks, perhaps in collusion with Kenyan Maasai, who received a share of the spoils. While African chiefs were required to report cases of poaching, and were rewarded for doing so, Afrikaner poachers were supported by networks of "confidants and fences," often kinsmen and servants, who warned when police approached, helped hide contraband, and profited in the poaching.[85] Poeschel, investigating rumors that an Afrikaner named van Hoorst buried a cache of ivory on his father-in-law's farm, uncovered sixteen tusks. Van Hoorst claimed that the ivory came from Oldonjo Erok in the British wildlife reserve, where he and two compatriots shot as many elephants as they could whenever they could to avenge the loss of all their possessions in the South African War. There followed an arduous journey into the British reserve to locate eight elephant carcasses to verify van Hoorst's claims. To the magistrate's surprise, the carcasses they found proved that the poaching was a crime against the British, not the German regime.

This example of "moral" poaching must be weighed against infamous stories of predatory and violent Afrikaner hunting marked by abuse, impressment, murder, and rape of Africans and theft of their cattle, as well as mundane slaughter of marabou storks for their feathers, or hippos for their hides, meat, and ivory without paying the shooting tax.[86] Nevertheless, there was more behind rapacious Afrikaner hunting than it being simply "in their blood." Already in 1904, the German Colonial Society appealed on behalf of Afrikaners to Chancellor von Bülow to revoke sections of the 1903 hunting ordinance that undermined settler viability.[87] Five years later, Afrikaners of northwest Meru petitioned the Colonial Office to amend the 1909 hunting ordinance so that settlers could profit from hunting in order to invest in their lands.[88] In particular, they opposed the ban on hunting zebras and eland, and shooting fees for species like hippos, rhinos, buffalo, and antelopes, all of which damaged plantations.

Perceptions of unbridled and illegal hunting was a clear government motive in thwarting Afrikaner efforts to leave Meru–Kilimanjaro for less regulated lands to the west. The Moshi district office canceled the leases of the Afrikaners Cornelius and Visser because they bought professional

hunting permits, suggesting that they had no interest in developing their farms. In 1911, Piet Nieuwenhuizen, at Engare Nairobi near Kilimanjaro since 1907, applied to lease land in Mpapua district over 200 km to the southwest. The governor directed that he, along with C. Engelbrecht from Engare Olmotonje, be denied leases because "they had achieved nothing as farmers," and were "great hunting enthusiasts."[89] Both were suspected of seeking resettlement primarily to exploit the copious wild-life around Mt. Gurui. Other Meru Afrikaners seeking to move were told "the government absolutely does not allow [Afrikaner] settlement on Gurui and wildlife-rich regions."[90] Some Meru Afrikaners stated that they wanted to leave because, in 1913, Arusha was made into a district office, enhancing district court oversight—as witnessed above with the activity of the magistrate Poeschel.[91] Moshi and Arusha district author-ities abrogated the hunting permits of some Afrikaners within their dis-tricts owing to "hunting excesses," convincing some literally to seek new hunting grounds elsewhere, including British East Africa.[92] Governor Schnee rejected new applications from Afrikaners seeking to immigrate because they only "seek an unbound life in the vast hunting grounds."[93] Governors Rechenberg and Schnee were adamant that Afrikaners should not receive land in wildlife-rich regions or anywhere far from govern-ment posts owing to their proclivity to poach and exterminate wildlife.[94]

Controversies Over Fencing

Conflict over Afrikaner settlement emerged following the government demand after 1908 that settlers enclose their lands as a sign of devel-opment and as a prerequisite for land ownership. As in early modern England, "For dispossession to happen … enclosure nearly always meant the production of fences and hedges."[95] So too in nineteenth-century South Africa, enclosure had entailed the elimination of buffer zones between farms and ranches, and fixing land ownership "in perpetuity as lines on the surveyor's map and beacons in the veld."[96] What is unique in the case of Afrikaners in East Africa is that, although they were the agents of enclosure around Meru, they opposed fencing as expensive and irra-tional owing to wildlife destruction of fences, as an obstacle to livestock transhumance, and because it undermined their freedom of movement.

The introduction of the fencing requirement—absent in early leases—owed to the discovery shortly after the turn of the century of East Coast Fever (ECF—*theileriosis*), a tick-born livestock disease enzootic to East

Africa, which was a major killer of calves.[97] Although Africans and some Afrikaners managed communicable diseases by allowing their livestock limited exposure to wildlife vectors, creating partial resistance, colonial veterinarians combated diseases with quarantines, isolation of infected from healthy herds, curtailment of herd movement, and separation from wildlife.[98] Colonial officials believed that eliminating the disease burden was necessary to upgrade herds toward ranching and commercial export. By 1906, veterinarians detected ECF in many locales of Wilhelmstal and Moshi districts, including on Afrikaner farms, leading to frequent quarantines.[99] ECF created urgency for fencing, which was a means to "clean" pastures of tick hosts by starving them of mammalian blood meals, both wild and domestic animals.

Afrikaners believed that fencing under East African conditions was a waste of money, more expensive than the land itself, as had been the case in South Africa.[100] At Oldonjo Sambu zebras tore down the barbed wire fences of enclosed (*eingehegt*) farms and invaded Afrikaner wheat fields.[101] Zebras "made fencing illusory," as did elephants, hippos, rhinos, and buffalo.[102] The problem was recognized in 1912, when the Arusha district station allowed open shooting of zebras between June to September. Settlers complained that fences failed to protect cattle from thieves, and Maasai and Arusha people also cut the wire to use for jewelry. Although fencing aimed in part to help upgrade cattle herds, most imported cattle succumbed to East African diseases. Hermanus Lemmer, who arrived with the Joubert trek in 1905 and settled at Engare Nairobi, imported Friesian and Afrikaner bulls from South Africa, and lost all to disease.[103] Many other Afrikaners had similar experiences of loss of expensive imported grade animals to enzootic diseases.

Afrikaner opposition to fencing was also tied to its expense. A 1909 petition to the Colonial Office noted that, having lost everything during a three-year war in South Africa, Afrikaners did not have the means to farm "like European capitalists."[104] Lease fees and purchase prices on their land had more than doubled since the days of Governor Götzen, while labor scarcity drove up the cost of fencing and land development. The forest reserve on upper Meru frustrated use of local trees for fencing. Although fencing costs are hard to find for East Africa, in South Africa in 1889 a wire fence costs about £50 per mile.[105] A 1000 ha Meru farm required about eight miles of fencing, or £400 (6000 Rp), and would most certainly cost more in remote Meru where fencing material

was scarce and labor costs were high. Fencing also conflicted with the trekboer tradition of open grazing. At best, two or three hundred cattle could graze on the 1000 ha allotted to each Afrikaner family, whereas open grazing would allow room for expansion and frequent movement to diverse pastures, water sources, and salt licks.[106]

The German government did not back down on the fencing obligation. Wilhelm Methner, as acting governor, refused to approve the purchase of an Afrikaner farm first leased in 1908 in part because it lacked fencing.[107] The district office denied the request of two Afrikaners with adjoining farms that their shared border remain unfenced to save on costs.[108] Fencing was made more expensive by the need to allow Africans to move their herds seasonally to pasture and water. In the river lands south of Meru, cattle corridors between settler farms necessitated fencing on all sides to lessen conflict and mitigate disease transfers.[109] A Meru Afrikaner correspondent to the *Volkstem* newspaper in South Africa wrote in 1912 that no longer was a substantial herd of livestock adequate to take title of land—"now all farms must be fenced."[110] As the Usambara railway progressed from Moshi to Arusha in 1912, it may well be that the expected increase in land values led the German government to force undercapitalized and problematic Afrikaner settlers off the land with a fencing obligation in order to free up space for more productive German farmers.

Conclusion

Afrikaners were a settler population who brought to German East Africa a moral ecology of resource use derived from South African experiences. This moral ecology was premised on open access to grasslands and water sources and an unbridled right to hunt, practices that German officials were well aware of when they encouraged Afrikaner migration following the South African War. German officials also understood the history of violent Afrikaner interactions with indigenous peoples of southern Africa, and assumed that this frontier trait would help keep in check recently conquered Africans around Meru–Kilimanjaro. The German regime expected Afrikaners to be agents of the enclosure and reordering of the landscape of northern Tanzania, whereby white settlement would separate and control African populations, some with a recent history of internecine conflict, while dispossessing them of pasture, water, game, cattle, and land.

The early blueprint of Afrikaner settlement was quickly undermined by changing circumstances. Rapacious Afrikaner hunting for subsistence and trade conflicted with an emergent wildlife conservation movement. Crown land protocols, originally intended to facilitate white settlement, were amended to expand wildlife and forest reserves, and in some cases to secure African reserves against potential white interlopers, encumbering Afrikaner access to commons resources.[111] Enzootic wildlife and livestock diseases deterred ox-wagon transport and cattle upgrading with imported South African and European bulls. Following the Maji maji and the Iraqw rebellions, new colonial administrators eased some African grievances, including loss of land to white settlers and violent confrontations over cattle procurement. The German administration mandated that settlers fence their lands, both as a concrete sign of progress, and for livestock disease control, conflicting with patterns of open range grazing brought from South Africa. Fencing may have intentionally forced marginal Afrikaners out in preference for "better" settlers, especially incoming Germans, whose loyalties and obedience were not in doubt.

From being a colonial elite with privileged access to land, Afrikaners evolved into a refractory population that hunted without permits, crossed colonial borders to poach, rustled cattle, and engaged in furtive networks that traded products of the hunt with Africans and expatriates. Some of this activity had a clear moral ecology justification: poaching in British territory to avenge losses in the South African War; exterminating zebras and other wildlife that posed a threat to crops, livestock, and property; selling products of the hunt to invest in settlement, as had been customary in South Africa; and using fire to facilitate grazing, hunting, and disease control in contravention of German laws and perceptions of rational land use. Afrikaners around Meru opposed fencing as impractical, expensive, and harmful to cattle transhumance and freedom of movement—an unusual case of agents of enclosure rejecting its most visible symbol. Prohibited from westward expansion, where German oversight was weaker, many Afrikaners left for neighboring British East Africa, where more settler-friendly policies made British rule tolerable.

Moral ecology frameworks, being social histories of the environment, generally sympathize with subaltern men and women confronted with state and elite conservation agendas seeking to dispossess them of land, commons, and natural resources. Past histories of East Africans have taken this approach. Such studies center on the "hidden histories" of

environmentalism that often criminalized the actions of common people who, in many cases, possessed their own conservation ethic. While this study does not seek to "take the side" of often violent Afrikaner immigrants to East Africa, the lens of moral ecology helps to comprehend Afrikaner resource use around Meru–Kilimanjaro and their evolving opposition to colonial policies in a way that moves beyond ethnographic interpretations of their actions as simply atavistic, backward, or criminal.

Notes

1. Philippa Söldenwagner, *Spaces of Negotiation: European Settlement and Settlers in German East Africa 1900–1914* (Munich: Martin Meidenbauer, 2006), 60–64; Brian M. du Toit, *The Boers in East Africa* (Westport: Bergin & Garvey, 1998).
2. German East Africa included modern Tanzania, Rwanda and Burundi, but not Zanzibar. For overviews of these policy debates see John Iliffe, *A Modern History of Tanganyika* (Cambridge: Cambridge University Press, 1979), ch. 5; Juhani Koponen, *Development for Exploitation: German Colonial Policies in Mainland Tanzania, 1884–1914* (Hamburg: Lit Verlag, 1995), ch. 5.
3. Thomas Spear, *Mountain Farmers: Moral Economies of Land and Agricultural Development in Arusha and Meru* (Berkeley: University of California, 1997), ch. 4; Dorothy L. Hodgson, *Once Intrepid Warriors: Gender, Ethnicity, and the Cultural Politics of Maasai Development* (Bloomington: Indiana University Press, 2001), 36–39; Iliffe, *Modern History*, 98–103.
4. William Beinart and Lotte Hughes, *Environment and Empire* (Oxford: Oxford University Press, 2007), ch. 11.
5. For overviews of enclosure see Nicholas Blomley, "Making Private Property: Enclosure, Common Right and the Work of Hedges," *Rural History* 18, 1 (2007): 1–21; Gary Fields, "Landscaping Palestine: Reflections of Enclosure in a Historical Mirror," *International Journal of Middle East Studies* 42, 1 (2010): 63–82. For Africa, see Lance van Sittert, "Holding the Line: The Rural Enclosure Movement in the Cape Colony, c. 1865–1910," *Journal of African History* 43, 1 (2002), 95–118.
6. Roderick P. Neumann, *Imposing Wilderness: Struggles Over Livelihood and Nature Preservation in Africa* (Berkeley: University of California, 1998), 61–62; Spear, *Mountain Farmers*, 87–90.
7. Bernhard Gissibl, *The Nature of German Imperialism: Conservation and the Politics of Wildlife in Colonial East Africa* (New York: Berghahn,

2016), 147; Bundesarchiv-Berlin [hereafter BAB], R1001/15, Dernburg to Eckert, 9 November 1908, fos 54–55.

8. Theodore Roosevelt, *African Game Trails* (New York: Syndicate Publishing, 1910), 47.

9. Karl Jacoby, *Crimes against Nature: Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California, 2001), 3.

10. Neumann, *Imposing Wilderness*, 110–112.

11. Spear, *Mountain Farmers*, 12.

12. Michael J. Sheridan and Celia Nyamweru, eds., *African Sacred Groves: Ecological Dynamics and Social Change* (Athens, OH: Ohio University Press, 2008); Thaddeus Sunseri, *Wielding the Ax: State Forestry and Social Conflict in Tanzania, 1820–2000* (Athens, OH: Ohio University Press, 2009), xx-xxi; Jan Bender Shetler, *Imagining Serengeti: A History of Landscape Memory in Tanzania from Earliest Times to the Present* (Athens, OH: Ohio University Press, 2007); Jamie Monson, "Canoe-Building Under Colonialism: Forestry and Food Policies in the Kilombero Valley, 1920–1940," in *Custodians of the Land: Ecology and Culture in the History of Tanzania*, ed. Gregory H. Maddox, James L. Giblin, and Isaria N. Kimambo (Athens, OH: Ohio University Press, 1996), 200–212.

13. BAB, R1001/26, "Germans Libel the Boers," *The Africa World*, May 20, 1916, p. 91.

14. Hermann Giliomee, *The Afrikaners* (Charlottesville: University of Virginia, 2003), ch. 2.

15. Mohamed Adhikari, *Anatomy of a South African Genocide* (Athens: Ohio University Press, 2010); Leonard Guelke and Robert Shell, "Landscape of Conquest: Frontier Water Alienation and Khoikhoi Strategies of Survival," *Journal of Southern African Studies* 18, 4 (1992): 803–824.

16. Beinart, *Rise of Conservation*, 40–41.

17. Beinart, *Rise of Conservation*, 104–107.

18. van Sittert, "Holding the Line," 91.

19. van Sittert, "Holding the Line," 101.

20. Söldenwagner, *Spaces of Negotiation*, 60–64; Du Toit, *Boers*.

21. BAB, R1001/25, Schütze memorandum, July 1901, fos 30–34; BAB, R1001/26, Uebersetzung I., "Wie die Deutschen unsere Buren Behandeln", n.d., fo. 75.

22. BAB, R1001/25, Chiappini to Administrator of Langenburg District D.O.A., 27 February 1903, fo. 53.

23. BAB, R1001/25, T. Schütze, Deutsch-Ost-Afrika und die Südafrikanischen Boeren: Ein Beitrag zur Besiedelungsfrage des deutschen Schutzgebiets, n.d. [1902]; BAB, R1001/12, Mecklenburg

to von Bülow, June 17, 1904, fos 102–112; Hans Poeschel, *Bwana Hakimu: Richterfahrten in Deutsch-Ostarika* (Leipzig: R. Voigtländer, 1922), 130.

24. BAB, R1001/25, Biermann to Kaiserliches Gouvernement, November 11, 1903, fos 59–65.
25. BAB, R1001/25, Alberts to Zorn, 14 July 1904, fos 86–88.
26. Du Toit, *Boers,* 179–184.
27. BAB, R1001/25, Aufzeichnung, 1903.
28. Archiv der Franckeschen Stiftung, Halle/Saale, Stationstagebuch Madschame, E. Jessen, III. Quartal 1902.
29. BAB, R1001/25, Akten-Notiz, 8 August 1902, fo. 27.
30. The currency of German East Africa was the rupee, after 1904 divided into 100 heller. 15 Rp equaled 20 German marks or £1.
31. BAB, R1001/25, Götzen to Biermann, 11 November 1903, fos 68–70.
32. BAB, R1001/25, Stuhlmann to Foreign Office, 5 February 1903, fo. 35.
33. Du Toit, *Boers,* 42, 180; Tanzanian National Archives [hereafter TNA], G36/21, Stuhlmann to Military Stations and District Offices, 21 January 1903.
34. BAB, R1001/25, "A New Boer Trek," *Lourenço Marques Guardian*, 18 May 18 1905, p. 155.
35. *Kolonial-Handels-Adressbuch* (Berlin: Kolonial-Wirtschaftliches Komitee, 1907), 21–23.
36. *Kolonial-Handels-Adressbuch* (Berlin: Kolonial-Wirtschaftliches Komitee, 1911), 73–75; Johann Tesch, ed., *Kolonial-Handels-Adressbuch* (Berlin: Wilhelm Süsserott: 1914), 72–81.
37. Fields, "Landscaping Palestine," 64–65.
38. TNA, G31/14, Verhandlung der Landkommission, Stationbezirk Moschi, 30 November 1904.
39. Henry Fosbrooke, "An Administrative Survey of the Masai Social System," *Tanganyika Notes and Records* 26 (1948), 1–50, 29.
40. Spear, *Mountain Farmers*, 41.
41. TNA, G31/16, Fokken to Forststation Arusha, 24 January 1914, and Hemrich to Forstamt Wilhelmstal, 29 January 1914.
42. TNA G31/14, Verhandlung der Landkommission für den Stationsbezirk Moschi No. 32, 10 November 1905.
43. Spear, *Mountain Farmers*, 35–41.
44. On Meru Forest Reserves see *Amtlicher Anzeiger*, 16 April 1911, 4.
45. BAB, R1001/25, Alberts to Zorn, 22 September 1904, fos 110–111.
46. Thomas Spear, ed., *Evangelisch-Lutherisches Missionsblatt: Extracts on Arusha and Meru 1897–1914* (Madison, WI: African Studies Program, 1995), 30, 34.

47. Neumann, *Imposing Wilderness*, 56–62.
48. Spear, *Mountain Farmers*, 90.
49. Poeschel, *Bwana Hakimu*, 171–176.
50. BAB, R1001/767, "Aus einem Bericht des Oberleutnant Abel vom März vorigen Jahres," n.d. [1905], fos 82–83.
51. BAB, R1001/768, Rechenberg to Foreign Office, 25 April 1907, fo. 43, and Winterfeld to Colonial Office, 10 February 1908, fos 103–104.
52. Josef Deeg, "Zur Masaifrage," *Usambara Post* 9, 50, 17 December 1910, pp. 1–3.
53. BAB, R1001/15, Dernburg to Eckert, 9 November 1908, fos 54–55.
54. TNA, G31/16, Knaak to Arusha sub-station, 1 November 1912.
55. Beinart and Hughes, *Environment and Empire*, 63–64.
56. Lance van Sittert, "Bringing in the Wild: The Commodification of Wild Animals in the Cape Colony/Province c. 1850–1950," *Journal of African History* 46 (2005): 269–291; John M. Mackenzie, *The Empire of Nature: Hunting, Conservation and British Imperialism* (Manchester: Manchester University Press, 1988), 86.
57. Mackenzie, *Empire of Nature*, 87.
58. Jane Carruthers, "Creating a National Park, 1910–1926," *Journal of Southern African Studies* 15, 2 (1989): 188–216.
59. Mackenzie, *Empire of Nature*, 97, 109.
60. Beinart, *Rise of Conservation*, 31.
61. Hermann Wissmann, *In den Wildnissen Afrikas und Asiens: Jagderlebnisse* (Berlin: Paul Parey, 1901), 74–76.
62. Mackenzie, *Empire of Nature*, 116.
63. Ibid., ch. 8; Koponen, *Development for Exploitation*, 536–542; Gissibl, *Nature of German Imperialism*, 85–90.
64. Gissibl, *Nature of German Imperialism*, 211.
65. Ibid., 119–120.
66. BAB, R1001/7776, Götzen to Foreign Office, 15 July 15, fos 134–135.
67. Gissibl, *Nature of German Imperialism*, 146–147.
68. Carl Schillings, *In Wildest Africa* (New York: Harper and Brothers, 1907), 136.
69. Paul Fuchs, "Wirtschaftliche Eisenbahn-Erkundungen in mittleren und nördlichen Deutsch-Ostafrika," *Beiheft zum Tropenpflanzer* 11, 8 (1907), 252.
70. Gissibl, *Nature of German Imperialism*, 153–155; BAB, R1001/767, Stuebel Letter, 26 May 26, fo. 34; BAB, R1001/7777, Ostafrikanische Fragen: Eine Unterhaltung mit dem Staatssekretär des Reichs-Kolonialamts, 1 May 1908, fo. 122.
71. *Amtlicher Anzeiger*, 22 February 1909, p. 3, and 15 May 1912, pp. 11–12.

72. *Amtlicher Anzeiger*, 24 January 1913, p. 1; TNA, G9/910, Wildreservate Aruscha I and Aruscha II.

73. Reichskolonialamt, *Jagd und Wildschutz in den deutschen Kolonien* (Jena: Gustav Fischer, 1913), 25, 64; Henry Seton-Karr, "Some British East African Problems," *The Twentieth Century: A Monthly Review* 71 (February, 1912): 312–332, 315, 320–321.

74. BAB/R1001/25, "A New Boer Trek," *Lourenço Marques Guardian*, 18 May 1905, p. 155.

75. BAB/R1001/25, "Die Buren in Deutsch-Ostafrika," *Tägliche Rundschau*, 1 August 1906, p. 355.

76. Wilhelm Methner, *Unter drei Gouverneuren: 16 Jahre Dienst im deutschen Tropen* (Breslau: Wilhelm Gottlob Korn Verlag, 1938), 177–178.

77. BAB, R1001/25, "Die Burenansiedlung," *Kölnische Zeitung*, 4 July 1905, p. 188.

78. BAB, R1001/26, Rechenberg to RKA, 16 May 1911, fos 66–67.

79. BAB, R1001/701, "Mutmassliche Ermordung eines Buren bei Aruscha," *Usambara Post* 7, 33, 15 August 1908, pp. 98–99; Jacoby, *Crimes against Nature*, 86–87; Sunseri, *Wielding the Ax*, 52–53; *Amtlicher Anzeiger*, 2 February 1911, p. 1; Beinart, *Rise of Conservation*, 105–106.

80. Arthur Berger, *Aus einem verschlossenen Paradiese* (Berlin: Paul Parey, 1920), 342–344.

81. BAB, R1001/26, Abel to Imperial Government, 4 August 1905, fos 18–19.

82. Reichskolonialamt, *Jagd und Wildschutz*, 109–110.

83. See Gissibl's use of this concept in *Nature of German Imperialism*, 79.

84. Poeschel, *Bwana Hakimu*, 177–184.

85. Reichskolonialamt, *Jagd und Wildschutz*, 64.

86. TNA, G21/123, Strafsache gegen die Viehhändler Pretorius und Shindelar, 1905–1906; Carl Schillings, *With Flashlight and Rifle* (London: Hutchinson, 1906), 267–268.

87. BAB, R1001/12, Mecklenburg to von Bülow, 17 June 1904, fo. 102.

88. BAB/R1001/26, Malan to von Lindequist, 30 April 1909, fo. 65.

89. TNA G31/21, Altmann to Mpapua District Office, 10 January 1911; Nötzel to Imperial Government, 5 April 1911.

90. TNA, G31/21, Kondoa-Irangi District Office to Arusha District Office, 30 July 1913.

91. TNA, G31/21, Kaempfe to Kondoa-Irangi District Office, 11 July 1913.

92. Reichskolonialamt, *Jagd und Wildschutz*, 26.

93. TNA, G31/21, Schnee to Arusha District Office, 15 May 1914.

94. TNA, G31/21, Schnee to Kondoa-Irangi District Office, 25 July 1913.
95. Blomley, "Making Private Property," 4.
96. van Sittert, "Holding the Line," 97.
97. Paul F. Cranefield, *Science and Empire: East Coast Fever in Rhodesia and the Transvaal* (Cambridge: Cambridge University Press, 1991).
98. *Amtlicher Anzeiger*, 14 October 1905, p. 1; James L. Giblin, "East Coast Fever in Socio-Historical Context: A Case Study from Tanzania," *International Journal of African Historical Studies* 23, 3 (1990): 401–421.
99. *Amtlicher Anzeiger*, 7 July 1906, p. 1.
100. van Sittert, "Holding the Line," 101.
101. Berger, *Aus einem verschlossenen Paradiese*, 343.
102. TNA, G8/176, Rohde to Imperial Government, 1 September 1912; Reichskolonialamt, *Jagd und Wildschutz*, 27.
103. BAB, R1001/6071/1, Robert Ostertag "Europäische Viehzucht in Deutsch-Ostafrika," 25 May 1914, fos 162–166.
104. BAB, R1001/26, Malan et al. to von Lindequist, 30 April 1909, fos 63–64.
105. Beinart, *Rise of Conservation*, 220; van Sittert, "Holding the Line," 99.
106. Fuchs, "Wirtschaftliche Eisenbahn-Erkundungen," 252.
107. TNA, G31/15, Methner to Moshi District Office, 12 March 1912.
108. TNA, G31/15, Methner Letter, 1 February 1913.
109. TNA, G31/15, Arusha to Moshi, 27 February 1912, and Becker to Ufert, 28 December 28 1911.
110. BAB, R1001/26, "Aus dem deutschen Sued-Ost-Afrika," n.d. [1912], fos 76–81.
111. TNA, G31/14, Land Commission, Moshi District, No. 155, 25 June 1911.

CHAPTER 12

Afterword: On Moral Ecologies and Archival Absences

Karl Jacoby

Of all the multitude of challenges that historians confront when trying to make sense of a vanished past, perhaps the greatest is the imbalance in documentary evidence. The archive, as Saidiya Hartman and others have demonstrated, does not function as a neutral record keeper—indeed, that was never its intention.[1] Although the archive may at first glance seem like little more than a random collection of forgotten old files and dusty, yellowing papers, it is in fact an expression of power. It preserves certain perspectives and supports particular outcomes, while consigning other vantage points to the margins, if not complete invisibility. "In history," explains Michel-Rolph Trouillot, "power begins at the source."[2] Or, to cite the words of Joan M. Schwartz and Terry Cook, "Archives … are not some pristine storehouse of historical documentation that has piled up, but a reflection of and often justification for the society that creates them."[3]

It was in response to such archival asymmetries that I essayed the term "moral ecology" in my book *Crimes against Nature: Squatters, Poachers, Thieves and the Hidden History of American Conservation*. The problem

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I was attempting to work through in this project was how to understand the rise of the conservation movement in the United States. As befitted their status as well-educated elite males, the conservationists who launched the movement were an exceptionally literate group. In support of early conservation programs, they poured forth a stream of books, journals, and official reports, all of which can now be found occupying row upon row of library shelves: one of my most memorable experiences as a graduate student, in fact, was perusing the volumes in Gifford Pinchot's vast personal library, which he had donated to Yale University's Forestry School (an institution that he had, in turn, played a pivotal role in founding).

Such a wealth of readily accessible sources had over time seduced many a scholar into focusing on the life and times of Pinchot and other foundational figures when writing the history of American conservation. These individuals might have their disagreements—witness the storied conflict between the "utilitarian" Pinchot and the "preservationist" John Muir over the fate of Yosemite's Hetch Hetchy Valley. But they nonetheless shared a common vision of themselves: enlightened technocrats enlisting the power of the state to save an imperiled nature from the abuses of the masses. Most accounts of American conservation written before *Crimes against Nature*, relying upon the very archive that conservationists had produced to defend their policy interventions in the late nineteenth century, replicated this perspective.[4] Early conservationists after all were nothing if not alert to the historical dimensions of their project. From George Perkins Marsh connecting forest preservation to the experiences of ancient Rome to Gifford Pinchot presenting his policies as a continuation of Indian hunting practices, they framed their activity in relation to past historical narratives—and ensured that contemporary record keeping supported this perspective.[5]

Moral ecology was forged as a tool to help historians to escape the conceptual constraints of the conservationists' archive. Its most immediate inspiration, as many contributors to this volume have noted, was E. P. Thompson's work on the moral economy of the English crowd.[6] Much as Thompson sought a way to rethink the "crass economic reductionism, obliterating the complexities of motive, behavior, and function," that limited historians' understandings of bread riots and similar episodes of unrest in the eighteenth century, I hoped to find a way to recast what conservationists had dismissed as little more than simple-minded criminality against early conservation measures.[7] This interpretation had

in turn left a powerful imprint on the archive, confining many of the activities of rural people to a language of illegality—squatting, poaching, arson, trespass—that served as a foil to what these same documents maintained were the legal and benevolent acts of conservationists.

Moral ecology promised a pathway out of this conceptual dead end. "Moral" was designed to invoke the concept that there was an ethical universe animating the actions of those who opposed conservation rather than mere greed, deviance, or incomprehension. "Ecology" sought to restore a comprehension of the natural world to rural people in place of ceding all knowledge of the environment to conservationists (an expertise that conservationists were all too happy to claim for themselves). Yoked together as "moral ecology," this term would, I hoped, created a new vocabulary that could be deployed against the documentary and linguistic imbalances in the archive. It was, in sum, a neologism designed to unsettle the earlier neologisms of conservationists—including, of course, the very term conservation, coined by Gifford Pinchot in 1910 in a brilliant turn of phrase that cast the movement as a conservative, common-sense measure to protect a self-evident nature rather than a new form of control over the environment that often brought radical ecological and social change in its wake.[8]

Even close to two decades later, I see little need to tinker with the original definition of moral ecology that I offered in *Crimes against Nature*: "the pattern of beliefs, practices, and traditions that governed how ordinary rural folk interacted with the environment. … This moral ecology evolved in counterpoint to the elite discourse about conservation, a folk tradition that often critiqued official conservation policies, occasionally borrowed from them, and at other times even influenced them."[9]

But let me offer a few clarifications. The term "moral ecology" was not intended to suggest that those rural people who opposed conservation were necessarily *more* moral than conservationists. One of the central virtues of history as a discipline is its ability to reveal the contingency of the past, for it is in glimpsing the paths not taken—not to mention those paths purposely suppressed and erased—that we can begin to imagine alternative possibilities for the world that we inhabit today. In contrast, a limited knowledge of the contestations of the past leaves us with an impoverished sense of how best to confront the challenges of our current moment. As Marc Bloch once observed, "Misunderstanding of the present is the inevitable consequence of the ignorance of the past."[10]

In the case of American conservation, the contingencies from the past that the notion of moral ecology allowed me to bring to light did at times offer glimpses of a more ethical vision of how to combine social and environmental justice. Much of the research undergirding *Crimes against Nature* revealed how American conservation in its early years displaced arrangements, from the local control of guides clubs over discrete regions of the Adirondacks to long-standing practices of various Native American nations in Yellowstone and the Grand Canyon, that offered useful models of more community-based, less top-down forms of environmental stewardship. This same research, however, also revealed episodes in which rural peoples wreaked spectacular environmental devastation: setting of massive forest fires in the Adirondacks, killing penned elk in Yellowstone National Park, overharvesting of animals for their teeth and hides, attempting to murder rangers, guards, and game wardens. As much as *Crimes against Nature* sought to understand the logic behind such behaviors, it never tried to assert that all forms of moral ecology should be valorized equally.

The term moral ecology is a device intended to access a different vantage point, an ethical imagination that has all too often been submerged because of the biases in the documentary record. This vantage point can be valuable in helping us to excavate heretofore-obscured structures of power and modes of thought that operated in the past. It is agnostic, however, as to whether the moral ecology of rural people was better than the policies of early conservationists. I leave this question—and the metrics by which one measures "better" or "worse" (let alone if these are the right queries to make in the first place)—to be worked out in the specifics of individual case studies, as the chapters in *Moral Ecologies: Histories of Conservation, Dispossession and Resistance* all do so illuminatingly, with examples plucked from a broad array of times and places.

A more valid concern about moral ecology might be its potential to flatten out divisions within rural society. In trying to reclaim the lost perspective of agrarian inhabitants, moral ecology can run the risk of making it appear as if there was a unitary moral ecology that all rural folk participated in equally. The American countryside, however, was a staggeringly diverse place, especially during the nineteenth and early twentieth centuries, the period analyzed in *Crimes against Nature*, fractured along lines of race, class, gender, religion, and region. (It is in part because of this diversity that there has never arisen a school of American peasant studies akin to those in Europe, South Asia, Latin America, or indeed

most other parts of the world.) If rural folk often disagreed with early conservationists, it did not follow that they agreed with one another. Even when they did share certain commonalities, such as a code among working-class white rural males that celebrated skills of tracking and hunting, this could just as easily lead one to serve as a park ranger as to poach game (in fact, as *Crimes against Nature* details, Ed Howell, the infamous "Yellowstone Park Poacher," later worked as a scout at the very park where he once illegally slaughtered buffalo). If I were to tweak my original formulation, I might propose that there existed moral *ecologies* in the American countryside during the rise of conservation, a change that departs from the singular moral economy advanced by E. P. Thompson in his foundational work. This claim matches up well with many of the case studies examined in *Moral Ecologies*, and so it only appears appropriate that the editors selected to use the plural in the title to this volume.

Of all the divergent moral ecologies in the United States, the most profound division existed between those of Natives and settlers. *Crimes against Nature* was written before the rise of settler colonial studies, but it prefigures certain arguments in the field. My narrative attempted to show that the empty wilderness landscapes manifested in early national parks were not "natural" but rather invented through the removal of peoples, most of them Natives. By erasing the Indian presence, the parks evinced what Patrick Wolfe would later label the "logic of elimination" at the heart of settler colonialism.[11] This elimination mattered not just for the history of conservation but acquired additional power and meaning because of the parks' ideological role as the most exemplary of American landscapes, imagined recreations of what the continent looked like before European settlement. Displacing Indian peoples from parks allowed Europeans and their descendants to pretend that US national expansion had involved a purely bloodless conquest of nature, rather than the violent dispossession of North America's indigenous inhabitants.

That the term moral ecology could encompass both Native Americans and the settlers actively displacing them may strike some readers as peculiar. But this confusion arises only if one believes that the two groups need share an identical set of beliefs about how best to relate to the natural world, which is not the case. (I would also point out that indigenous peoples are far from a uniform group, exhibiting considerable variation among themselves in the uses they make of the environment.) Moral ecology preceded the rise of conservation, in the sense that there has

always existed an array of uncodified, everyday rural practices governing who could use the natural world and how. Nonetheless, these practices were cast in sharper relief by the arrival of the conservation movement, causing moral ecology's meaning to become more fraught as it assumed a new role as a counterpoint to official conservation policies. This counterpoint, however, can take many forms, from subsistence foraging and hunting to alternative modes of market engagement. All that is necessary is the existence of a vernacular set of environmental practices that present a challenge to conservationist efforts to manage the landscape.

It is true that settlers were often far better equipped to resist conservationists than were Native Americans. As people enjoying a privileged racial status (white), speaking the majority language (English), literate (sometimes but not always), believers in private property (even if many of them were considered squatters by the state), and citizens (in most cases), they possessed multiple advantages over indigenous people when they attempted to articulate their vision of moral ecology to policymakers. It is for this reason that a considerable number of settlers were able to preserve a presence in New York's Adirondacks Park at the turn of the last century, the precise time when indigenous peoples found their access to Yellowstone and the Grand Canyon National Parks severely curtailed. Playing on stereotypes of themselves as rugged frontiersmen that enjoyed wide currency in popular culture at the time, members of the guides' clubs in the Adirondacks even met with New York's then-governor Teddy Roosevelt to discuss game laws in a way that would have been unthinkable for contemporary American Indians. As such interactions show, the moral ecology of country people need not be insular, hermetically sealed off from the deliberations of conservationists. But the degree to which moral ecology and official conservation could interpenetrate one another depended on the character of the groups involved. The greater the social and cultural distance between them, the more isolated the moral ecology of rural folk from the world of conservation.

History is particularistic discipline; most of its practitioners seek only to narrate the unique features of their chosen topic, leading them to be suspicious of the impulse to distill out larger insights that can be transported to other times and places. As Eric Hobsbawm once observed, "Theoreticians of all kinds circle around the peaceful herds of historians as they graze on the rich pastures of their primary sources or chew the cud of each other's publications."[12] Perhaps for this reason, I have long hesitated to regard moral ecology as anything resembling a theory. When

I coined the term, I envisioned it only as a tool to help me address a specific puzzle: the documentary imbalances inherent to the history of American conservation. That this tool might be picked up by scholars analyzing far different contexts than the US countryside of the late nineteenth and early twentieth centuries is of course immensely gratifying. But it is not something that I ever anticipated.

If history is particularistic, American history is especially so. It dwells in an exceptionalist bubble, holding itself aloof from the study of places elsewhere in the globe. The history of the American West has been particularly prone to this impulse, flowing as it does out of the thesis that it was the frontier that made the United States unique, an argument first proposed by Frederick Jackson Turner in 1893 (intriguingly enough, the very moment when the conservation movement began to gain prominence in the United States).[13] It is more than slightly ironic, then, that *Crimes against Nature* has proven to be of utility in geographic settings outside the United States, opening up long overdue comparative discussions between Americanists and specialists in other parts of the world. When I wrote *Crimes against Nature*, my greatest ambition was only to bring American environmental and social history into greater conversation with one another. But much as American conservation has become a model that has spread around the world, leaving a string of national parks, forests, game reserves, and similar institutions behind it, moral ecology ended up being a useful way for probing the power, differentials lie at the heart of any effort to regulate the environment—for it turns out that struggles over how best to manage the natural world have a deep and rich history throughout the globe, spanning the material, cultural, ideological, and even spiritual dimensions of the human experience.

There may be those who wish for a thicker, more detailed, more ambitious definition of moral ecology. But I believe that if moral ecology has any value, it is that it avoids any rigid framework and instead furnishes an open-ended set of questions that scholars from a wide variety of backgrounds can use as a starting point for their investigations. What are the quotidian understandings of ordinary rural folk about how best to relate to the environment? To what extent are these practices evident in the archive? How might their presence in official documents be distorted, reduced to crimes such as squatting, poaching, timber theft, or arson? How have these practices, licit or illicit, shifted over time in response to social processes, ecological changes, or economic

developments? How did rural folk attempt to resist, evade, co-opt, or cooperate with conservationist policies? Who gets to decide what nature is, and how it should be used?

These questions may seem simple, perhaps even simple-minded, but they were seldom asked before *Crimes against Nature*. Not until we begin to answer them for many times and places, can we acquire the broader angle of vision and expanded moral imagination necessary to grapple with the most important question of all: how can we live on this planet in a sustainable way, one that does justice to our fellow human beings and to the plants, animals, and other living creatures with whom our fates are so inextricably intertwined?

Notes

1. Saidiya Hartman, "Venus in Two Acts," *Small Axe* 12:2 (June 2008): 1–14. See also Thomas Richards, *The Imperial Archive: Knowledge and the Fantasy of Empire* (New York: Verso, 1993); Yale A. Sternhell, "The Afterlives of a Confederate Archive: Civil War Documents and the Making of Sectional Reconciliation," *Journal of American History* 102:4 (March 2016): 1025–1050.
2. Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 29.
3. Joan M. Schwartz and Terry Cook, "Archives, Records, and Power: The Making of Modern Memory," *Archival Science* 2 (2002): 12.
4. I hasten to point out that *Crimes against Nature* was not alone in reassessing the origins of American conservation. Important works that prefigured its approach include Louis S. Warren, *The Hunter's Game: Poachers and Conservationists in Twentieth-Century America* (New Haven: Yale University Press, 1999); Mark David Spence, *Dispossessing the Wilderness: Indian Removal and the Making of the National Parks* (New York: Oxford University Press, 2000); and Richard Judd, *Common Lands, Common People: The Origins of Conservation in Northern New England* (Cambridge: Harvard University Press, 2000).
5. George Perkins Marsh, *Man and Nature: Or, Physical Geography as Modified by Human Action* (New York: Charles Scribner, 1864), 3–8; Gifford Pinchot, *Breaking New Ground* (Seattle: University of Washington Press, 1972 [1947]), 24–25. There was more than a little irony, of course, to the fact that Pinchot celebrated "the wisdom" of Indian peoples at the very moment that conservationists were removing many natural resources from Native control.

6. E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," *Past & Present* 50:1 (February 1971): 76–136. Although the term moral ecology is obviously designed to echo Thompson's moral economy, my larger intellectual debt is, as the editors of this volume note, to Thompson's work on the Black Codes, *Whigs and Hunters*, which has never enjoyed the same seminal status as *The Making of the English Working Class.*

7. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," 78.

8. Gifford Pinchot, *The Fight for Conservation* (New York: Doubleday, Page, 1910), 48.

9. Karl Jacoby, *Crimes against Nature*: *Squatters, Poachers, Thieves, and the Hidden History of American Conservation* (Berkeley: University of California Press, 2001), 3.

10. Marc Bloch, *The Historian's Craft* (New York: Vintage Books, 1953), 43.

11. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8:4 (December 2006): 387.

12. Eric Hobsbawm, *On History* (New York: New Press, 1998), vii.

13. Frederick Jackson Turner, "The Significance of the Frontier in American History," in *Rereading Frederick Jackson Turner: "The Significance of the Frontier in American History" and Other Essays*, ed. John Mack Faragher (New York: Henry Holt, 1994), 31–60.

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