

'Two steps forward; six steps back': the dissipated legacy of Captain Swing

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'*Captain Swing* remains a seminal publication and any new study of the riots still, perforce, begins with an acknowledgement of the debt owed to the book. After forty years, that remains a real achievement'.¹

This paper will engage in some depth with the legacy of *Captain Swing*. This is perhaps best captured in the above quotation, taken from a recent survey of the Swing literature by Adrian Randall. The legacy of *Captain Swing* is both inspirational and, in its ubiquity, something of a sheet anchor to further progress in our understanding of manifestations of social conflict in rural England in the first half of the nineteenth century. Take, as exemplar, the following two incidents; in December 1830 a rick was set ablaze at Pardon Hill near the town of Winchcombe in the county of Gloucestershire.² On the 11 June 1831 Warren James led a large group of men and women from the Forest of Dean in the breaking of the forest enclosures.³ Convention dictates that only the latter should be included in any discussion of Swing, and, of course, strictly speaking this is correct. The Warren James riots were different. And yet post Hobsbawm/Rudé histories of 'Swing' have demonstrated that their strict typology can be called into question. This is the problem of protest historians need to categorise. The argument here is that this is as much a liability as it is an asset and that we need to look again at Swing and other protest events to see if we cannot find a way of approaching these critical events more holistically. What we should be looking for, it is argued, are explanatory devices which allow us to view 'in the round' the two incidents noted above: to resist the bifurcating effects of compartmentalisation, in other words. This essay, then, is based on the belief that such has been the

1 A. Randall, 'Captain Swing: a retrospect', *International Review of Social History* 54 (2009), 419–27.

2 E.J. Hobsbawm and G. Rudé, *Captain Swing* (London, 1969), p. 128.

3 *Gloucester Journal*, 11 June 1831.

failure to advance our understanding of manifestations of social conflict (and overt protest in particular) in rural England in the first half of the nineteenth century that it has allowed attention to drift away from this vitally important area to embrace conceptually and narratively different perspectives. From this the view is taken that the somewhat dissipated legacy of *Captain Swing* needs to be recovered (a project that is well underway) and re-worked to address new models. Further, it is suggested that those models that will be the more effective in restoring the legacy of *Captain Swing* are those which permit the development of more holistic perspectives on protest more generally (and that of the first half of the nineteenth century more specifically).

The view taken here is that the legacy of *Captain Swing* is of an over-heavy reliance on the events of the early 1830s to the detriment of our understanding of events of protest more generally. To achieve greater balance may require a different explanatory model. That model may be moral ecology and a sensitivity to the constitutive role of space and local nature/culture relations. To view protest in this way, as deriving from and drawing on local, informal and vernacular expressions of ecological ethics, takes us into the realm of nature/culture interactions and into the contested politics of quotidian experience in ways that are potentially more satisfactory than those hitherto pursued. It needs to be stressed, however, that this paper has neither the substance to, nor the intention of advocating a complete overturning of long-established interpretations or the advancement of moral ecology as the only way forward. The intention here is to demonstrate the need to advance our understanding of early nineteenth century social conflict and to suggest, but nothing more, that moral ecology may well be one such path to progress. Moreover, the case studies undertaken here should be viewed more as demonstrations of the overshadowing legacy of *Captain Swing* rather than as evidence of the existence of moral ecology as motivating device.

Prior to embarking on a discussion of moral ecology, however, the legacy of *Captain Swing* must first be explored. Unquestionably the work of Eric Hobsbawm and George Rudé has been inspirational. Alongside Thompson's moral economy thesis *Captain Swing* set the agenda for the study of social protest, ensured that rural riot would never more be written out of history, and placed protest more generally in a central position in social histories of both early modern and modern England, a position, it was assumed, it would never relinquish. The particular legacy of *Captain Swing* goes much further than that, however. Its enduring centrality comes from the fact that it remains virtually the only national survey of 'Swing' that seeks to advance a sophisticated analysis of these events as well as just enumerate events. This is not, however, to denigrate

enumeration. The task of counting 'Swing' and any other protest event is, as Wells has demonstrated,⁴ a problematic but vital one, providing the basis from which much interpretation can proceed. What we can derive from the approach adopted by Hobsbawm and Rudé is a concern for the lives and livelihoods of the rural dispossessed alongside the appreciation of the need for fine-grained localised studies that pay close attention to the particularities of place and of the nature of social relations in-place. In recognising the centrality of the local economic, social and cultural milieu, Hobsbawm and Rudé's work has played a significant role in the emergence of a rural history that aspires to rich and often very local contextualisation of change.

So here, then are the two steps forward. It could be Hobsbawm and Rudé but actually it is *Captain Swing* and moral economy. And undoubtedly both provided a powerful legacy that has engendered a number of important insights. But we must also acknowledge that such powerfully defining moments, reflected in an inability not to begin any discussion of protest without an in-depth engagement with one or both, can hold back debate and the advancement of any protest theme.

Prior to Poole's valuable essay in the current volume, the most recent overview of the Swing literature has come from Adrian Randall.⁵ Here he reminds us of the lack of distance we appear to have travelled from *Captain Swing* and of the seemingly continuing dominance of the quantitative methodology and the need to categorise protest events. Randall draws attention to the historical geography work of Andrew Charlesworth and his focus on the diffusion of riot. Here we have the first questioning of the Hobsbawm/Rudé thesis and their downplaying of the local context; in particular the role and influence of local radicals. Further questions were raised over what has come to be seen as Hobsbawm/Rudé's over-simple understanding of the complexities of nineteenth century rural society and of the endurance of the pre-modern customary world.⁶ Finally, Randall points to the ongoing re-counting of Swing incidents. All aspects it would seem – machine breaking, arson, Swing letters, robbery and wage riots – were seriously under-reported in the original monograph. Here we should note in particular the work of Family and Community History Research Society project which has widened both the geographical and temporal range of the disorders.⁷ A

4 R. Wells, 'Counting Riots in Eighteenth-century England', *Bulletin of the Society for the Study of Labour History*, 37 (1978), 68–72.

5 Randall, 'Captain Swing'.

6 Randall, 'Captain Swing', 423–24.

7 M. Holland (ed.), *Swing Unmasked: The Agricultural Riots of 1830 to 1832 and their Wider Implications* (Milton Keynes, 2005).

further excellent example of this is Carl Griffin's recent discussion of the oversimplified understanding of arson, and therefore the debate over the supposed transition from overt to covert forms of protest in the 1790s, which arise from an uncritical utilisation of the provincial press.⁸ Similar issues arise over the need to classify and develop protest event typologies and come from the inevitably dynamic nature of events of protest. The written record and the need to classify will only ever capture particular 'moments' within otherwise complex and fluid events. Thus, as Randall asserts, virtually every aspect of any event could change character and therefore fit uneasily within any attempt at compartmentalisation.⁹ There was a perceived need, therefore, to move beyond the dominant paradigm and its essentially quantitative methodology. It is to be regretted, however, that Randall's review begins to fade out at the point at which some of the most recent writers start to build this new paradigm.

One aspect of this new approach has been a turn towards the linguistic and the eponymous 'Swing'. Here the discussion has centred on the rhetorical construction of the Captain and on what may be said to bring coherence to the 'disparate set of discourses which constituted protest across time and space'.¹⁰ The work of Katrina Navickas on General Ludd has proved valuable here in leading to the suggestion that the eponymous Swing may well be the visible tip of a protest mythology.¹¹ Creating a figurehead was a product of a psychological need to reflect unity. In Luddism the need appears to come more from within the protestors themselves whilst in Swing the need appears to be more from those in power, the figurehead being a means to focus 'fear and disapproval'.¹²

Navickas' other major contribution to date has been to draw attention to the important constitutive role of space in shaping and giving meaning to protest. Working on protest events in the West Riding of Yorkshire in the first half of the nineteenth century, Navickas explores the crowd's use of moors, fields and routes as both symbol and spectacle.¹³ Landscape, she argues, is given meaning by crowd action, it served to act as both passive host of such action, and active, through the shaping of the landscape.

8 C.J. Griffin, 'Knowable Geographies? The Reporting of Incendiarism in the Eighteenth- and early Nineteenth-century English Provincial Press', *Journal of Historical Geography* 32 (2006), 38–56.

9 Randall, 'Captain Swing', 424–27.

10 P. Jones, 'Finding Captain Swing: Protest, Parish Relations, and the State of the Public Mind in 1830', *International Review of Social History* 54 (2009), 436.

11 K. Navickas, 'The Search for General Ludd: the Mythology of Luddism', *Social History*, 30 (2005), 281–95.

12 Navickas, 'The Search for General Ludd', 284; Jones 'Finding Captain Swing', 442.

13 K. Navickas, 'Moors, Fields, and Popular Protest in South Lancashire and the West Riding of Yorkshire, 1800–1848', *Northern History* 46 (2009), 93–95.

Topography becomes a tool in such actions and a legitimising 'ground' from the long tradition of crowds assembling in particular places. Landscape, in this view, can be understood as a social and cultural construct; a symbol and resource for counter hegemonic meanings. Chartist political rhetoric, actions and identities, for instance, drew heavily on the symbolic power of both moors and fields. In one memorable passage centring on the landscape, Navickas is able to draw parallels between Swing arson attacks and Chartist meetings:

Malcolm Chase has commented on the sense of threat created by the flames of the torchlight processions, lighting up the famished faces of the participants and echoing the arson of the Swing riots in 1830, a fear though now potentially transposed from the southern arable flatlands to the northern moorland environment. Viewed close up, the processions must have conveyed these associations to the authorities. Viewed from a distance, by contrast, the torchlight processions created a more subliminal scene. Lines of light highlighted the contours of the moors, visually displayed the extent of support, and ensured that the protesters were simultaneously anonymous yet visible to an almost hyper-real extent.¹⁴

What this all points to is a very welcome new sensitivity to space and a strong move away from compartmentalisation in our approach to the study of protest events. And yet the compartmentalising urge remains strong, and the reader is often left with the conviction that truly innovative work in the study of Swing often fails to get beyond the restrictions imposed on it by the power of the original thesis and momentum has often been difficult to maintain. *Captain Swing* has become such a field of force in its own right; it has come to epitomise what nineteenth-century rural protest actually *was*. We can identify two distinct consequences of this dominance. First, there is very little of the healthy controversy that accompanied, for instance, the publication of Michael Fry's revisionist interpretation of the Highland Clearances.¹⁵ Second, even such a welcome intervention as that by Peter Jones feels the need to begin with the assertion that historians of Hanoverian popular disturbances have generally underplayed (at best) the fact that these were 'essentially local affairs'.¹⁶ This emphasis on the local and particular was, as already noted, something that appeared in the very early critiques of *Captain Swing*. Jones, however, attempts to do something more than just

14 Navickas, 'Moors, Fields, and Popular Protest', 106; M. Chase, *Chartism: A New History*, (Manchester, 2007).

15 M. Fry, *Wild Scots* (London, 2005)

16 Jones, 'Finding Captain Swing', 431

critique. In an exploration of 'Swing' events in Berkshire in November 1830 Jones takes what he terms a 'micro-historical' approach to demonstrate the absence of an agricultural labourers' movement in these episodes, whilst paying close attention to the crucial influence of local socio-economic relations. From this Jones is able to argue for 'Swing' as a 'meta-movement': a series of essentially local events that had wider connections but lacked wider guiding principles or ambitions. This, however, is a view with which Carl Griffin is not hugely sympathetic. Rather, in an important change of emphasis, he sees Swing as a protest *movement*, albeit one which linked 'essentially localised movements'.¹⁷

This need to pay due respects to our intellectual debt has given rise to something approaching complacency. In wider social history the perspective has shifted whilst specific studies of social protest can lag some way behind. A good example here is the work of John Walter. His early study of the grain riots in Maldon in 1629 typifies, and draws on, the Thompsonian perspective whilst his most recent work on the 'politics of subsistence' is a radical departure. Here he almost immediately dismisses the focus on riot as 'a lazy shorthand for the complexity of crowd actions', preferring instead to 'recover that broader "infrapolitics" of the ruled'.¹⁸ In this, Walter is echoing a trend in the study of protest more generally: away from the study of overt events and towards the work of James C. Scott and what Michael Braddick and Walter term in their introduction to the same volume 'the tactics by which the relatively powerless seek to defend their interests'. The problem, however, with such an approach is one they themselves recognise. To move away from overt protest forms may result in producing histories of power 'without victims'.¹⁹ In stressing the negotiating and vitiating power of 'hidden transcripts' and 'everyday resistance' Braddick and Walter come close to arguing for the mediation of power relationships. In turning the focus away from crowd actions and conflict they come close to denying the reality of power inequalities in social relationships. That they draw back from this position is to their credit but any turn away from the material realities of social conflict is to

17 Jones 'Finding Captain Swing', 433–34; C.J. Griffin, 'Swing, Swing Redivivus or Something after Swing? On the Death Throes of a Movement, December 1830–December 1833', *International Review of Social History* 54 (2009), 465.

18 J. Walter, 'Grain riots and Popular Attitudes to the Law', in J. Brewer and J. Styles (eds), *An Ungovernable People* (London, 1980), pp. 47–84; J. Walter, 'Public Transcripts, Popular Agency and the Politics of Subsistence in Early Modern England' in M. Braddick and J. Walter (eds), *Negotiating Power in Early Modern England* (Cambridge, 2001), p. 123.

19 M. Braddick and J. Walter, 'Introduction' in Braddick and Walter (eds), *Negotiating Power*, pp. 7, 41.

be regretted. Whatever analytical model is applied, it is difficult to deny that to study popular protest is to study the victims of unequal power relations.

Complacency and the monolithic presence of *Captain Swing* can give rise to the impression that rural disorder in the nineteenth century is all about 'Swing'. But it isn't, of course, and a short case study of disorder in and around the town of Winchcombe (Gloucestershire) by way of illustration is appropriate at this juncture.²⁰ If we consult only *Captain Swing* then we get a picture of an isolated incident on the periphery of the main 'Swing' locales. Social relations and conflict in Winchcombe were obviously more complex and wide ranging than that. The artificial barrier between 'Swing' arson and supposedly differently motivated arson attacks is well illustrated by the fact that there was an attack near the site of the 'Swing' incident less than two years earlier. In the early morning of 4 March 1829, fire broke out at the farm of William Ireland, at Sudeley Lodge and 'nearly the whole of the property was destroyed, including ricks and out-buildings'. A few days later a box containing phosphorous and matches was found hidden in a rick three miles away at Stanway, 'and it was thereby deduced that the fire at Sudeley Lodge farm was the act of an incendiary'.²¹ Within the town itself disorder appears to have been near endemic at times with very frequent reports in both the local press and vestry minutes of large-scale riotous assemblies from at least 1818 onwards. In that year the vestry was considering a plan 'for preventing those riotous assemblies which have of late prevailed in various parts of the town of Winchcombe especially in the evenings of the Sabbath day'. Sundays indeed seem to have been particularly disorderly. In 1832 three Winchcombe beer retailers were each fined 40s. at Gloucester Quarter Sessions for allowing beer to be drunk on their premises on a Sunday, whilst the following year three local labourers were convicted of assaulting John Hooper and his wife and challenging William Kitchen, one of the borough constables, and others to a fight at 11 o'clock on a Sunday night.²² In the following year a petition signed by 62 parishioners led to a vestry meeting being held 'to take into consideration the present state of the police of the parish'. Several issues were identified including the Sabbath morning being 'ushered in with scenes of regular pitched battles when nearly 100 persons have assembled together'. In addition, beer houses were still open, with noise and disorder therein, during divine

20 I am extremely grateful for the permission of my one-time M.A. student Rob White to use this material.

21 *The Times*, 9 and 16 March 1829.

22 Gloucestershire Archives, Gloucester [hereafter GA], Quarter Sessions/PC/2/51/D/2, 3 and 7; GA, Q/PC/2/52/C/53

service, and 'groups of people meet in various parts of the town, obstruct the footpaths, make use of disgusting language which to persons attending their usual place of worship as well as others is a very great grievance'.²³ Perhaps the worst case of Sunday disorder occurred two years later in April 1836 when two borough constables broke up a disturbance. On arresting the three protagonists the constables were 'violently assaulted' by five men, 'a mob of almost 200 being collected'.²⁴

Whilst we could imagine the connections between some of these events and protests in the guise of social crime as somewhat tenuous, there is much less doubt about other incidents in the area. In 1836 the vestry minutes record much discussion about rising crime. Incidents brought to the vestry's attention include 'recent acts of outrage committed in the night time at Longwood and Toddington turnpike gate, highway robbery committed in the vicinity of the town, and the apparently systematic plan of sheep stealing committed almost nightly on the farms in the neighbourhood'. Poaching too appears rife. In a memoir of events of the mid-nineteenth century John Oakey recalled that 'a great deal of poaching was carried on' and this would appear to be both of game and rabbits.²⁵ This, of course, takes us immediately to the much-debated concept of 'social crime' and questions of, in particular, whether it is possible to delineate such a category at all.²⁶ For present purposes, however, the more important question centres on whether it is possible to recognise such activities as constituent of social protest. And here at least there would appear to be some element of agreement. Even those commentators, such as Sharpe and Freeman,²⁷ who are most sceptical of our ability to separately categorise, recognise in poaching (and other activities) at least an element of social protest. The problem remains, however, with any insistence over bracketing off 'social crime', as it does with many other forms of categorisation. Most intriguingly, however, Freeman may have pointed to one direction out of this conceptually blind

23 GA, P368/1VE 2/4, Vestry Minutes 31 October 1834.

24 *Gloucestershire Chronicle*, 16 April 1836

25 J. Oakey, *Reminiscences of Winchcombe* (Winchcombe, 1971); GA, Q/SO/ 3-14, Q/PC2/51/A/19.

26 See, for example, E.J. Hobsbawm, 'Distinctions between Socio-political and other forms of Crime', *Bulletin of the Society for the Study of Labour History*, 25 (1972), 5-6; E.P. Thompson, *Whigs and Hunters*, (London, 1975); J. Innes and J. Styles, 'The Crime Wave: Recent Writings on Crime and Criminal Justice in eighteenth-century England', in A. Wilson (ed.), *Rethinking Social History: English Society 1570-1920 and its Interpretation*, (Manchester, 1993); J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984).

27 M. Freeman, 'Plebs or predators? Deer-stealing in Whichwood Forest, Oxfordshire on the eighteenth and nineteenth centuries', *Social History* 21 (1996), 1-21.

alley. Drawing on Cronon's exploration of social relations in the forests of New England, Freeman suggests that we must give as much weight to ecological (i.e. nature-culture) relations as we do to the cultural consequences of socio-economic change.²⁸

It is perspectives such as these and the important context of general and more widespread disturbances and disorder that a focus only on 'Swing' misses. This, obviously, is not the fault of Hobsbawm and Rudé; rather it is the consequence of their legacy. To move away from this and towards a more holistic perspective may well then be both desirable and rewarding. There remains, therefore, a pressing need to fully re-embrace the dissipated legacy of *Captain Swing* – to critique and build on this legacy – to take 'Swing' forward, in other words. Through the work of people such as Jones and Griffin and through the FACHRS Swing project, an extended, critiqued and nuanced version of 'Swing' and social protest more generally is now emerging. The focus here is on 'local truths' about 'Swing'. It is on the contingent and everyday interactions that provide the critical environment out of which a Swing event could emerge. It is to turn, then, towards fine-grained explorations of local social and parochial relations, and, perhaps most intriguingly, towards the integration of local nature/culture interactions.

In a series of compelling articles, Carl Griffin has done much to alert us to the nuances and complexities of 'Swing' elided by Hobsbawm and Rudé.²⁹ For the purposes of this present paper, however, the theme we should dwell longest over is his ongoing attempt to explore 'the past geographies of the interconnectedness of nature/culture'.³⁰ Here Griffin focuses on the malicious damage of trees, something that could take a

28 Freeman, 'Plebs or predators?' 20–21

29 C.J. Griffin, '"There was No Law to Punish that Offence": Re-assessing 'Captain Swing': Rural Luddism and Rebellion in East Kent, 1830–31', *Southern History* 22 (2000), 131–63; C.J. Griffin, 'Knowable Geographies? The Reporting of Incendiarism in the Eighteenth- and early Nineteenth-century English Provincial Press', *Journal of Historical Geography* 32 (2006), 38–56; C.J. 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 (2008), 91–100; C.J. Griffin, 'Cut Down by Some Cowardly Miscreants': Plant Maiming, or the Malicious Cutting of Plants as an Act of Protest in Eighteenth- and Nineteenth-century Rural England, *Rural History* 19 (2008), 29–54; C.J. Griffin, 'Affecting Violence: Language, Gesture and Performance in early Nineteenth-century English Popular Protest', *Historical Geography* 36 (2008), 139–62; C.J. Griffin, 'Swing, Swing Redivivus or Something after Swing? On the Death Throes of a Movement, December 1830–December 1833', *International Review of Social History* 54 (2009), 459–97.

30 Griffin, 'Protest Practice', 93.

variety of forms: trees in private gardens or ornamental trees in the emparked landscape, both of which were relatively low key affairs. Attacks on orchards or timber trees, however, could occur on a much larger scale. In 1796 on Lord Arundel's estate at Ilchester (Somerset) it was reported that thousands of young trees had been destroyed in a series of attacks.³¹ Finally, Griffin discusses at length the generally more widely known aspects of attacks on trees, that of wood-taking.

What all these different forms amount to is tree maiming as a form of protest; symbolic or deeply felt attacks on wood as a representation of power. As such Griffin, like many other students of social protest, reveals a tendency to underplay questions of human agency in these events. This, however, is not one of his key aims in this discussion. More vitally this project is also an attempt at restoration of the non-human to studies of the rural past from which it had been banished as part of the reaction against 'traditional' agricultural history. The aim here is to engender explorations of the cultural role of trees (and other flora) in rural life and relationships. As Griffin asserts, attacks on wood 'are also attacks on property ... But whilst the cultural significance ... of machine breaking is well understood ... the role of attacks on the living capital of fauna and (especially) flora remains obscure'.³² In this cultural history, then, Griffin draws heavily on the views of Owain Jones and Paul Cloke who through their study of orchards, assert that trees must be recognised as equally dynamic partners in giving meaning to space – both figuratively and culturally.³³

This culturally informed and flora-sensitive methodology could certainly be utilised in any attempt to better understand the complexity of conflict in the Forest of Dean. Here we should pay attention to the role played by vernacular concerns for nature/culture interrelationships and whilst there is not the space to give full weight to such an investigation, a short case study of the Warren James riots may well illustrate the possibilities. Conflict in the Forest of Dean, as with all Royal Forests, was centred around enclosure, deer, trees, mineral extraction and rights of use, or customary beliefs around local environmental relations and natural resource utilisation, in other words. The 1831 riots, the last mass anti-enclosure riots in the Forest of Dean, took place over a number of days in June, and were led by the real, if somewhat hidden from history, Warren James. On 11 June, James and about 80 miners first broke down

31 Griffin, 'Protest Practice', 100.

32 Griffin, 'Protest Practice', 98.

33 O. Jones and P. Cloke, *Tree Cultures* (Oxford, 2002); P. Cloke and O. Jones, 'Turning in the Graveyard: Trees and the Hybrid Geographies of Dwelling, Monitoring and Resistance in a Bristol cemetery', *Cultural Geographies* 11 (2004), 313–41.

the enclosure fences surrounding a part of the wood they said that custom dictated should be open. Very rapidly the crowd grew and the action spread. In total about 60 miles of fences were destroyed, the rioters retained control of the area for about four days and were frequently seen grazing their animals on the disputed enclosures. Food and beer to fuel the actions were procured from the local community who, it would appear, were almost unanimously in favour of the actions taken by the rioters.³⁴ And, as might be expected, the poaching of deer and the taking of wood were both extremely common during this period and for a considerable time afterwards. The latter action was compounded, moreover by the illegal *planting* of fruit trees. As Chris Fisher shows, an 1846 census revealed that 'over the previous 20 years 254 people had planted 2,602 trees on the waste'.³⁵

Fisher's work remains virtually the only text to discuss these significant riots in any depth.³⁶ And whilst the remainder of his thesis is both powerful and convincing, like many commentators who seek to place the study of protest within a broader focus, Fisher's engagement with the riots is significantly less so. Moreover, unlike other commentators on custom,³⁷ Fisher takes a fairly narrow perspective, focussing only on one of Thompson's two 'paths'³⁸ which may well have led him to fail to offer much by way of explanation of the Warren James riots. Fisher's is an empirical engagement which largely eschews the full range of interpretations of social protest: from moral economy through to local political negotiation. In one aspect, however, Fisher may well have been right to have been so cautious to move to explanation. In their poaching, in their wood stealing and in their insistence on vernacular ways of utilising the forest, the Dean labouring population may well have been both articulating a set of beliefs not easily encompassed by the established interpretations, and which encapsulate, and come out of everyday interactions between nature and culture.

34 Much of the detail of these events has been taken from an anonymously written but contemporaneous biography of Warren James, *The Life of Warren James. The Reputed Champion of the Forest of Dean* (Monmouth, 1831).

35 *Report from the Select Committee on the Woods, Forests and Land Revenues of the Crown*, (Parliamentary Papers, 1889), p. 31; C. Fisher, *Custom, Work and Market Capitalism: the Forest of Dean Colliers, 1788–1888* (London, 1981), p. 36.

36 See also R. Anstis, *Warren James and the Dean Forest riots*, (Coleford, 1986); Wright, I. *The Life and Times of Warren James*, (Bristol Radical Pamphlets 6, no date)

37 See, for instance, B. Bushaway, *By Rite: Custom, Ceremony, and Community in England 1700–1880*, (London, 1982); E.P. Thompson, *Customs in Common*, (London, 1991); A. Wood, *The Politics of Social Conflict*, (Cambridge, 1999).

38 Thompson, *Customs in Common*, p. vii.

If we are looking for an explanatory model with which to explore such interactions, and we really ought to, then one place to look may well be Karl Jacoby's moral ecology.³⁹ There is no need to dwell over the inspiration and underpinning context of this concept as that is stating the obvious. Nevertheless it is important to note that there is a distinct absence of the Thompsonian Marxist class analysis to Jacoby's approach. This notwithstanding, however, there is much within the thesis which echoes the concerns of students of social protest. It is clear, for instance, that what Jacoby believes he is observing is a clash between two distinct ways of life as made manifest in two widely contrasting sets of 'laws'. From this Jacoby is able to write of 'local resistance [to] the transformation of previously acceptable practises into illegal acts' and of the criminalisation of customary activities. Furthermore, this gave rise, Jacoby asserts, to the rise of the phenomenon of 'environmental banditry' legitimised by support from within local society.⁴⁰ Developing this further, in exactly the same way that an earlier generation of historians either ignored 'Swing' altogether or were ideologically hostile to it, early historians of the struggles in America's national parks between conservation and indigenous practises were sympathetic to the ideologies and aims of conservation. As a consequence 'rural folk' came to be understood 'as operating with a flawed understanding of the natural world' and the history of conservation that emerged from this perspective was one reduced to crude dualisms and the triumphalism of the 'unfolding of an ever-more enlightened attitude towards the environment'.⁴¹ This is a view that Jacoby rejects, preferring instead to recognise a much wider and deeper layer(s) of complexity and ambiguity within these tensions, which, from the indigenous population's perspective, is underpinned by a distinct moral universe. In essence, therefore, what Jacoby identifies here is a view of nature from 'the bottom up'. It is this view of nature from within that Jacoby seeks to locate within what he identifies as a moral ecology; essentially an extension of Thompson's thesis to include, and make central, 'vernacular constructions of environmental ethics'.⁴² Thus moral ecology can be said to emerge from a combination of local senses of place and vernacular understandings of the interaction of ecology, economy and society.

Jacoby situates this conceptual perspective within three distinct locales: New York's Adirondack Mountains, Yellowstone, and the Grand

39 K. Jacoby, *Crimes Against Nature* (Berkeley, Ca., 2003).

40 Jacoby, *Crimes Against Nature*, p. 2.

41 Jacoby, *Crimes Against Nature*, p. 3.

42 P. Hay, "'Balding Nevis": Place Imperatives of an Invisible Cohort within Tasmania's Forest Communities', *Geographical Research* 46 (2008), 229.

Canyon. Chosen in part to permit a long temporal survey, these were also key sites in the history of the development of the conservation movement in the United States. Furthermore, all three in combination illustrate perfectly the controversies hitherto hidden within wider tropes of conservation. Such controversies, Jacoby feels, are to be found within the fact that conservation 'redefined the rules governing the use of the environment' within the designated areas.⁴³ What emerges from these various redefinitions at the three sites are squatters, poachers and thieves.

Not content with this, however, Jacoby re-imagines these traditional practices most persuasively. The example of poaching will serve here. As has been long established in the English literature, Jacoby asserts that poaching could be a rebellion against the market or a response to it, or both at once. This, he suggests, reveals a complexity inherent in such actions that is resistant of easy, dualistically-based models of interpretation – a clear message for understandings of Swing and his like. And whilst we must take issue with Jacoby's somewhat lazy formulation of 'rural folk' there is no denying the power of his analysis. What emerges from these local transgressions is an articulation of a 'moral universe' that is of itself derived from and constituted 'the pattern of beliefs, practises and traditions that governed how ordinary rural folk interacted with the environment'.⁴⁴ All was underpinned by a robust and long-lived ideology of common rights and a relatively sophisticated ecological code. Moreover, this 'moral universe' provides the important counterpoint to the elite discourse of conservation which, in this reading, emerges not as a neutral act designed to protect a pristine 'wilderness' but rather, through legislation and its enforcement on the ground, as a significant transformative force. As such, conservation represented the triumph of law over custom. A cultural conflict over forest practice was inevitable.

It is, of course, perfectly possible to ask how far moral ecology takes us beyond moral economy and existing discussions of social crime, for here is poaching conceptualised as resistance to social and cultural change and drawing on community support at a time when new social structures have yet to solidify.⁴⁵ It is, however, equally, perfectly possible to find an answer to this at a number of different levels. Put simply, Jacoby draws straightforward stealing into his discussion when this, at the very least, was the subject of some considerable discussion amongst students of social crime. There was consequently significant blurring around the boundaries

43 Jacoby, *Crimes Against Nature*, p. 5.

44 Hay, "Balding Nevis", p. 229.

45 For one of the best and most recent discussions of our understanding of this rather slippery term, see J. Lea, 'Social Crime Revisited', *Theoretical Criminology* 3 (1999), 307–25.

of what constituted social and anti-social crime and whilst this blurring is a reflection of the 'fluidity of social relations in the nascent capitalist society',⁴⁶ and part of the lived experience of the emergent working class, it nevertheless reflects also the ever-present problems with categorising and compartmentalising something as dynamic and fluid as disorder. Moral ecology, however, would seem to eschew compartmentalisation and offer up the possibility of bringing together the various forms of social protest into a powerfully holistic analysis that more successfully grounds the decision to protest into everyday experience. In the rural world of 'Swing' and other protest forms, in the limestone uplands of Winchcombe parish as much as in the forest communities of the Dean, interactions between nature and culture, between the human and non-human would have been everyday and taken for granted. The non-human world would have had an active and dynamic role in the cultural world. Vernacular constructions of ecological ethics would have been an integral part of and brought meaning for local people with regard to their everyday and time-rich entanglements with the 'natural'. It is not too big a leap to view such vernacular constructions, conceptualised as moral ecology, as the base from which protest forms emerge. As such, therefore, this opens up the further possibility of readmitting social protest once again onto the stage as a serious and equal player in the 'complex theatre of social relations'.⁴⁷ In addition, and perhaps most importantly, the notion of moral ecology allows for the articulation of a much firmer and more convincing link between social relations, protest in the round, and place and space, with the latter taking an active and constitutive role.

The role of place and space as it interacts with, informs and is informed by expressions of moral ecology can be seen most convincingly in the work of Pete Hay. Here Hay, focussing on the politics of place, explores tensions surrounding different ways of life within Tasmania's forest industry. He identifies what he terms as an 'under recognised [third] cohort within Tasmania's forest communities' which, nevertheless have long and deep ties to both people and place.⁴⁸ In contrast to the 'productive conservation' ethos of *Timber Communities Australia* those within the third cohort look back to a smaller scale economy, insist on the viability of such an approach and are critical of contemporary production methods. Hay quotes one sawmiller as claiming that 'I could make a year's living out of just one truck load going down there to St Leonards ... If they'd drop one log off here on the way to the chip I'd

46 Lea, 'Social Crime Revisited', 210–11.

47 A. Wood, *Riot, Rebellion, and Popular Politics in Early Modern England* (London, 2002).

48 Hay, "'Balding Nevis'", 224.

make more money from that one log than they'd make from the rest of the load'.⁴⁹ This, however, is emphatically not the romantic and nostalgic articulation of a sense of heritage; rather it is much more reminiscent of the counter-hegemonic possibilities of heritage from below and is an expression of a moral ecology that informs beliefs 'concerning the right and wrong ways of interacting with the natural world'.⁵⁰

Moral ecology, therefore, may well offer a route beyond the somewhat circulatory nature of much of the discussion in a lot of recent work on social protest and the 'Swing' events in particular. This concept places resistance and protest equally 'in place' and allows for a more dynamic relationship between local spaces and protest events than hitherto recognised. Moral ecology also admits place and space as active and constitutive elements as may well be evident in a series of incidents on the River Severn in the late nineteenth century. In 1874 the River Severn Fisheries board, chaired by a member of one of the most successful salmon fishing families, announced a ban on elver (young eels) fishing on the lower reaches of the river below Gloucester. Elver taking was thus criminalised as poaching. Nevertheless, the ban was vigorously resisted by many of the poorer inhabitants of Gloucester for whom the taking of elvers was a time-rich supplement to their diet. Conflict on the riverbank and in the courts followed and such was the extent of the reaction to this ban that the recent historian of these events has been able to label them 'The Elver Wars'.⁵¹ Whilst the title is potentially hyperbolic, it is not hard to imagine this as a conflict over competing attitudes to resource utilisation. The first set of attitudes draws upon a time-rich set of beliefs, patterns and traditions that dictated how ordinary people interacted with the environment while the other is an elite discourse about conservation.

This essay has engaged with the dissipation of the powerful legacy that is *Captain Swing* and suggested that this vital work is both an asset and a liability. Along with moral economy, *Captain Swing* placed the study of rural conflict at the centre of our social histories. And yet, because social protest historians feel the need to constantly return to it, the legacy of *Swing* has been a near marginalisation of (overt, certainly) protest studies. This is unacceptable. To maintain this marginalisation means that the diversity and intensity of events of disorder in and around nineteenth century Winchcombe, for instance, would continue to pass largely unrecognised, for such has been the dominance of the *Swing* paradigm

49 Hay, "Balding Nevis", 227.

50 I. Robertson, 'Heritage from Below: Class, Social Protest and Resistance', in B. Graham and P. Howard (eds), *The Ashgate Research Companion to Heritage and Identity* (Aldershot, 2008); Hay, "Balding Nevis", 238.

51 W. Hunt, *The Victorian Elver Wars* (Cheltenham, 2007).

that anything not 'Swing-like' suffers such a fate. This is a regrettable consequence for places such as Winchcombe, suffering as it was from economic decline, have much to tell us about early nineteenth century social relations. Thus it has been suggested here that in their poaching and sheep stealing, in their challenges to 'respectable' society and in their rick burning and rioting, agricultural labourers can be understood as attempting to assert views on resource utilisation at odds to the hegemonic.

There is, therefore, an urgent need to continue the positive work of most recent Swing scholarship and build a new paradigm from which the powerful legacy of protest studies can be reaffirmed. Jacoby's conceptualization of moral ecology offers one possible route towards this. A wider and deeper exploration of the presence (or otherwise) of moral ecological views, moreover, offers the additional possibility of accessing vernacular constructions of ecological ethics in ways most persuasively developed in Hay's exploration of Tasmanian logging communities. For the Forest of Dean in the first half of the nineteenth, just as much as in North America in the latter part of the century and in twentieth century Tasmania, events of protest can be understood as expressive of, and attempts to reassert traditional and vernacular ecological practices. Through their poaching, wood stealing and planting the Dean labouring population may have been articulating a set of beliefs that drew upon their everyday interactions between nature and culture and which are not easily encompassed by the established interpretations of social protest. One aspect of the legacy of *Captain Swing* is that the existence of such beliefs is not regularly contemplated and non-Swing events have been marginalised. To downplay the actions of Warren James and his contemporaries throughout Gloucestershire is to perpetuate the more negative aspects of *Swing's* inheritance. Building understandings of traditional and vernacular nature/culture relations into our studies of Swing will contribute to a wholly positive legacy that will offer a holistic perspective which pays full attention to both place and space.