

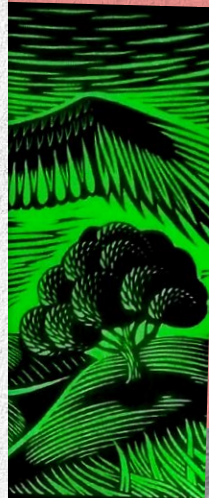
IN ALL OUR FOOTSTEPS

Glen O'Hara

Citizenship



*“All our citizens should
be able to enjoy quiet recreation
by walking in some of our
finest countryside.”*



BEAUTIFUL ISLAND.
BECAUSE, BY LAW OF
N IT. WE HAVE A RIGHT
R 92% IS OFF LIMITS.



Introduction

Rights of way, and rights of access, are about places, belonging, and identity.

One way of belonging is being part of a nation: citizenship can be defined as the general and specific rights we all enjoy as part of a national community, and how as individuals and groups we experience those rights. The history of rights of way can act as one portal through which we can understand different ideas about citizenship in the recent past. Political concepts are critical here.

In the 1940s, the post-war Labour government's idea of a 'new Britain' was part of a planned state and society, while by the 1960s, concepts around individual experience and endeavour had replaced many of those emphases. Around the turn of the twentieth and twenty first centuries, a new fusion emerged under New Labour, again stressing increased rights for the individual, but only when held in tension with a wider compromise about land use and access.

Key points

Citizenship is a political idea that shifts its meaning at different times

A new idea of 'social rights', in part put forward by activist groups, was key in creating the UK Labour Party's commitment to National Parks and formal recognition of rights of way

The post-war citizen was active, involved, organised and aware: but the Government guaranteed those roles and rights, and the whole planning system we have inherited today was also forged by much greater state power

During the 1960s, there was then an emphasis on tourism, travel, 'amenity' and the ability to actually reach and enjoy 'green' areas near cities and towns

Then during the 1990s and 2000s, another wave of campaigning for and thinking about positive rights stimulated a sense that everyone should be able to take advantage of a Right to Roam and more accessible rights of way

There were still lines of continuity between these different ways of seeing: a constant emphasis on rights, a powerful sense of nostalgia for a lost past; and a balance between the interests of town and country based on compromise and respect



What is citizenship?

Citizenship is an unstable and shifting concept.

The Crick Committee of the late 1990s, which looked at the question of education and citizenship, thought that there were three elements to it: 'socially and morally responsible behaviour'; 'becoming helpfully involved in the life and concerns of... communities'; and making oneself 'effective in public life through knowledge, skills and values'.

Although since the Second World War there was indeed widespread talk of 'active citizenship', which involved doing and helping rather than arguing and talking, politics and ideas were still important for Crick and his colleagues: 'civic spirit, citizens' charters and voluntary activity in the community are of crucial importance, but individuals must be helped... to shape the terms of such engagements by political understanding and action' (Advisory Group on Citizenship, 1998).

The mid-century was a time of great optimism about a re-organised state and society: according to political theorists such as T.H. Marshall, Britain was entering a new age of citizenship. Its history had given people first legal rights; then political rights; and now social rights.

For Marshall, social change and rising demand has led to 'incorporating social rights in the status of citizenship': society was 'no longer content to raise the floor-level in the basement of the social edifice, leaving the superstructure as it was. It has begun to remodel the whole building'. This was not about income, but making the whole of social and individual life richer, more rewarding, more truly equal: in short, 'a general enrichment of the concrete substance of civilised life, a general reduction of risk and insecurity, an equalisation between the more and the less fortunate at all levels' (Marshall, 1950).



FIGURE 1: Bristol

The Archbishop of Canterbury, William Temple, mostly agreed with him, contrasting the totalitarian idea of the Power State with Britain's emerging Welfare State – a state which was not 'an end in itself', but 'a means to the good life of its citizens' (Temple, 1941).

Marshall also spoke of 'new physical environments which will actively foster the growth of new human societies', while Temple said that 'the fundamental Biblical principle is that the earth – land – belongs to God; men enjoy the use of it, and this... may be so regulated as to ensure to

particular families... exclusive right to it. But this was to be done so as to ensure also that all members of the community shared in the enjoyment of some portion' (Marshall, 1950). He was referring to town planning, but he could just as easily have been talking about National Parks, rights of way and access to the land.

Temple made clear that the land should be shared between all citizens. This was reflected in the social initiatives and planning reforms led by Clement Attlee's Labour Government – evident most clearly for us in the Town and Country Planning Act of 1947 and the National Parks and Access to the Countryside Act 1949.



FIGURE 2: Kinder Scout protest

Three faces of citizenship: the 1940s

'Citizenship' at that time meant working with others, in interest groups and associations of affinity.

A society emerging from the Depression and two World Wars was fertile ground for more collectivist and solidaristic ideas. This did involve learning how to behave 'properly' – a fact that was to carry great importance as ideas about access to the land became slowly more progressive.

But in the end, citizens grouping themselves together to campaign for both individual and collective ends was seen as a relatively novel, ambitious and desirable new departure. The official wartime committee on the use of land in rural areas was quite clear about this.

SEE QUOTE 1 (LEFT)



QUOTE 1

“The growth of what may be grouped together as ‘open-air organisations’ or various kinds, has been one of the most noteworthy and praiseworthy developments of this century. Such excellent movements as the Youth Hostels Association and the Ramblers’ Association, which have brought the young town-dweller into the countryside, have afforded him many delights that his prototype of so recent a date as 30 or 40 years ago rarely enjoyed. The increasing use of the motor car has, happily, thrown the countryside open to the older generations also.”

CMND. 6378, 1942

Those campaigns were fighting for liberties that should be automatically part of Britons' lives as citizens, an idea that became more and more influential in the inter-war years during which the famous Kinder Scout mass trespass took place *SEE FIGURE 3 (RIGHT).*

We can see the influence of these ideas very clearly in the Parliamentary debate leading up to the 1949 Act, and they were fundamental to the creation of the rights of way system we still have with us today: enough, on its own, to justify emphasising the philosophical roots of those ideas. Labour was conferring rights on people, which could only be removed by proving that a path was no longer in use or 'not needed' (Shoard, 1987).

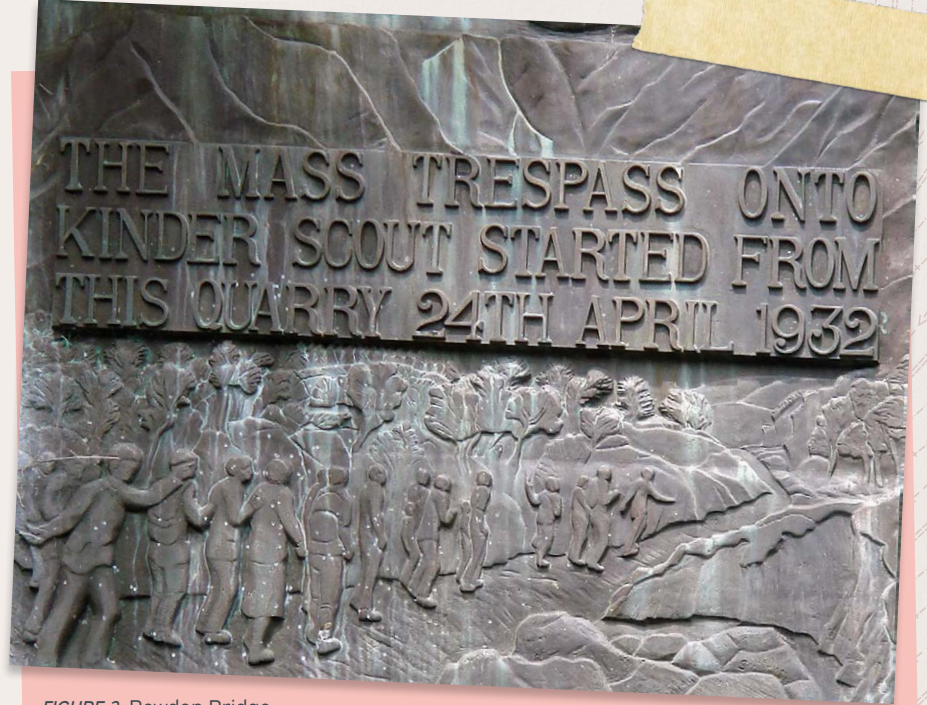


FIGURE 3: Bowden Bridge

Three faces of citizenship: the 1960s

By the 1960s, something of this idealism had faded, and the huge expansion of the managed economy and welfare state meant that citizens were thought to be seeking enjoyment and ease, rather than a 'social revolution'.

Labour's language once it returned to power in 1964, after thirteen years in Opposition, was all about leisure and amenity; all about 'motoring out', family life and holidays *SEE QUOTE 2 (RIGHT)*. Its ideas were now more quantitative, technocratic and accommodating – about making way for the society of automobility, away days and long weekends that it saw emerging and imagined filing the future.

Labour's Countryside Act of 1968 therefore tried to predict and provide for this future, stipulating that there should be a new and more integrated

network of rights of way; a new survey of open areas to make available; and perhaps above all, Country Parks with facilities for parking, picknicking, swimming and experiencing wildlife (Select Committee on Environment, Transport and Regional Affairs, 1999). This would match the growth of sports and leisure facilities in towns (Sheail, 2001).

For Niall MacDermott, the Minister responsible, the Bill sought 'to provide better opportunities for people to enjoy the countryside, both those of us who live there and those of us who come pouring out from the towns for the quiet enjoyment of nature, or for open air sport and recreation. [At the same time] it seeks also to provide for better conservation, better protection of the beauties of nature, and better protection of nature itself, the wild life, the flowers, and the woodlands' (House of Commons Debates, 1967).



QUOTE 2

“The Government believe that, given the will and the means, the countryside need not be spoilt if the area of choice before the town-dweller is enlarged. The family who want to spend a day or a week-end away from towns can at present go to the coast; to the National Parks and similar areas; or to a limited number of recognised “beauty spots”... These may or may not be at a convenient distance. They will probably find that driving there is slow and frustrating, and when they get there that too many others have had the same idea. Other areas might do just as well, and might be easier to reach. But at present... there is nowhere off the road to park the car, nowhere to picnic or ramble and nowhere for the children to paddle or play games.”

CMND. 2928, 1966

Three faces of citizenship: the 1980s onwards

From the 1980s an even more positive and assertive idea of 'citizenship' took hold: the concept that everyone must be able to play a full part in communities according to their capabilities, means, background, wishes and outlook.

As the edge of what we mean by citizenship moved forward again, so did the argument for better real (rather than theoretical) access to the land (Breen, Flint, Hickman and O'Hara, 2023).

By the turn of the century, the UK government was committed to 'making sure that all sections of society can enjoy the countryside by: making it easier for disadvantaged communities to enjoy the countryside; finding out more about what minority groups would like to do in the

countryside; [and] ensuring that there is proper provision for a full range of recreational interests' (Cm. 4909, 2000).

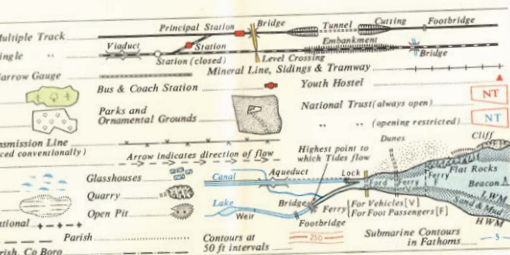
The 2010 Equality Act was a fundamental caesura in this move from negative and theoretical rights to real and positive rights – rather as Marshall imagined the future in the 1940s. This created a positive duty on public and private bodies to reach out to secure equality, not just expect it to happen if they took away barriers in the way.

This was evident on the ground.

As [The Ramblers](#) put it: 'for people with limited mobility there can be huge barriers to accessing the countryside. Stiles, heavy gates and steps are common features that act as barriers. Every opportunity should be taken to remove these barriers' (The Ramblers, 2024). Stiles and gates could be replaced by openings in hedgerows;



FIGURE 4: Access Land Sign



bridges could have handrails installed; steps could be levelled out: and so on. See our Accessible Ways booklet for more discussion of this issue.

At the same time, the Labour Party that once again returned to power in 1997 emphasised a balance between opportunities granted and the behaviour that should go with them. New Labour's discussion document, *Access to the Open Countryside*, was very clear that 'if we introduce a statutory approach, this would represent a major extension of people's rights. These rights would bring with them a corresponding increase in responsibilities, particularly for those who would benefit' (Department of the Environment, Transport and the Regions, 1998).

More access and a limited 'right to roam' on access land in some parts of the country *SEE FIGURE 4 (PREVIOUS PAGE)* came with protections for landowners, not just those walking, wheeling and riding their way through the country. Rights of way could now be moved more easily and

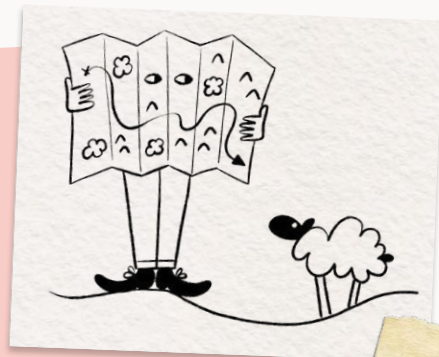
quickly; landowners could close off access for 28 days a year; Local Access Forums were to manage how access actually worked by local agreement. This was, in short, a package deal, which Meacher significantly termed 'the most far-reaching—yet, I would insist, balanced—package of measures on recreational public access for decades' (*House of Commons Debates*, 2000).

The idea of balance was influential, and continues to be part of landowners' ideological world. The National Farmers' Union and the Country Landowners' Association continue to see access rights very much as part of a compromise which involves individual obligations and responsibilities *SEE QUOTE 3 (BELOW)*.

QUOTE 3

“The Countryside and Rights of Way Act 2000 gives the public a right of access to... mountain, moor, heath and down... in England and Wales. The granting of these new rights... has been accommodated successfully in most areas, although farmers in the most popular areas have experienced problems such as livestock worrying... and inconsiderate parking in gateways and on road verges. The NFU and other farming and landowning organisations continue to encourage wider promotion of the Countryside Code, setting out the public's responsibilities while accessing the countryside.”

National Farmers Union, 2020



Lines of continuity

There were differences between those eras, which tell us a great deal about them, and about how successful policies were made at each time.

But there were also strong lines of continuity. One is the constant insistence on rights to access the land as owned by all. That was already the case in the late 19th century, and some of the rhetoric was similar over a hundred years later.

As the radical Aberdeen South MP and noted access campaigner Bryce put it in the Commons in 1892 while introducing an Access to Mountains Bill, all he wanted was 'to bring forward the grievance and suffering caused to the people of Scotland, and in a lesser degree to the people of other parts of the United Kingdom, by their exclusion from their right to enjoy the scenery of their own country, and to seek healthy recreation and exercise on their own mountains

and moors' (House of Commons Debates, 1892). That language continues to be very relevant today *SEE FIGURE 5 (LEFT)*.

One set of feelings that lay behind all this was a fundamental nostalgia, a view of a 'lost' land or rights, a very influential set of feelings even today *SEE QUOTE 4 (OVERLEAF)*. As the Liberal (later Labour) MP Charles Trevelyan put it in 1908 when he spoke for another Access to Mountains Bill: 'every year it was getting a little more difficult to go on the English hills'. 'Every year... another crag edge was forbidden to the climbers of Sheffield. They might go and look at Kinder Scout through glasses, but they could not go up without the chance of being chased by gamekeepers' (House of Commons Debates, 1908).

Nearly a hundred years later, New Labour's Access to the Open Countryside imagined rights that had been 'lost' at the time of the Enclosure Movement during the eighteenth and nineteenth centuries. It then went on to argue, in very Blairite

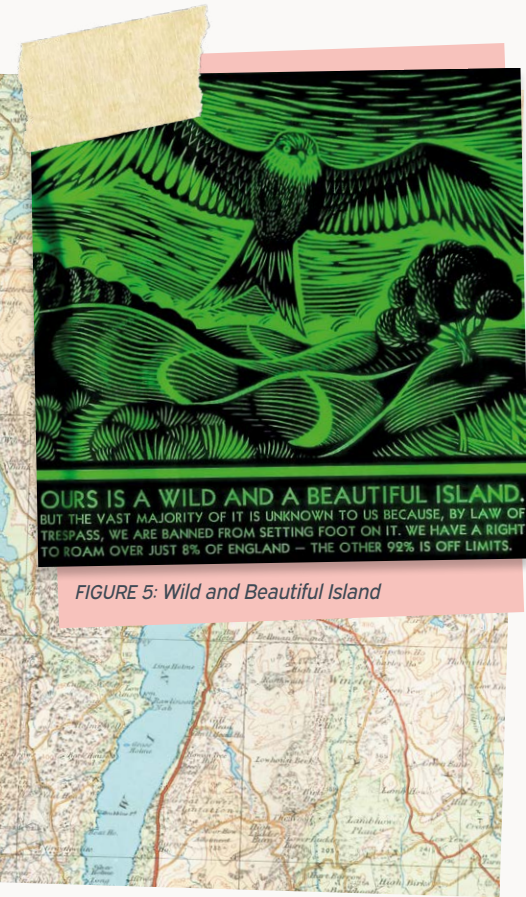


FIGURE 5: Wild and Beautiful Island

but also familiar language, that 'all our citizens should be able to enjoy quiet recreation by walking in some of our finest countryside. Access to this part of our common heritage is something which should be enjoyed by the many, not the few' (Department of the Environment, Transport and the Regions, 1998).

The exchange of access for observing the rights of landowners, and the need to preserve the land's beauty, was ever-present too. There was always thought to be a link between responsibility and citizenship. Bryce has already tried to answer those arguments about abuse and damage. As he said in 1892: 'I do not for a moment deny that the right of access might be abused by malicious or mischievous persons, and I think it is quite right to take precautions against such abuse of the right' (House of Commons Debates, 1892). The Scott Report of 1942 recommended 'definite instruction in the schools, urban and rural alike, and... a vigorous wireless, press and poster campaign to educate

QUOTE 4

“Drawing more people without experience of a world beyond the city into a more open and more ancient world ought to be as much a part of an introduction to citizenship as knowing how Westminster works. Two hundred years ago, the great poet of the natural world, John Clare, bitterly lamented the end of open spaces: “Inclosure came and trampled on the grave/Of labour’s rights and left the poor a slave.” His world isn’t coming back. But the vestiges that remain need defending, and enjoying.”

The Guardian, 2015

the public' (Cmnd. 6378, 1942). Silkin told the Commons in 1949 that 'if this Measure is to succeed...rules of conduct will have to be rigorously obeyed. The public are being put on their honour not to do anything which would create wilful damage to the farming interests' (House of Commons Debates, 1949).

So although there were elements of thinking about citizenship and the land that were particular to each moment

at which policy moved forward, there were constants too: the idea of rights, highlighting once more the summing up of an era and influence of Marshall and Temple; a sense of nostalgia for a lost past; and the idea of a bargain between landowners and everyone else. It is likely that both enthusiasts and sceptics in the debates over rights of way and access will have to mobilise just these elements if they are to succeed in the future.

Resources and further reading

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FIGURES

Figure 1: Courtesy of The Ramblers <https://www.ramblers.org.uk/go-walking-hub/where-you-can-walk-england-and-wales>

Figure 2: Courtesy of The Ramblers <https://www.ramblers.org.uk/about-us/our-history>

Figure 3: Bowden Bridge: https://commons.wikimedia.org/wiki/File:Bowden_Bridge_mass_trespass_plaque_2007.jpg

Figure 4: Access Land Sign: https://commons.wikimedia.org/wiki/File:Access_Land_sign_-_geograph.org.uk_-_4118909.jpg

Figure 5: Wild and Beautiful Island (Nick Hayes linoprint): www.flickr.com/photos/dominicpics/51333794503/in/album-72157719640572200/



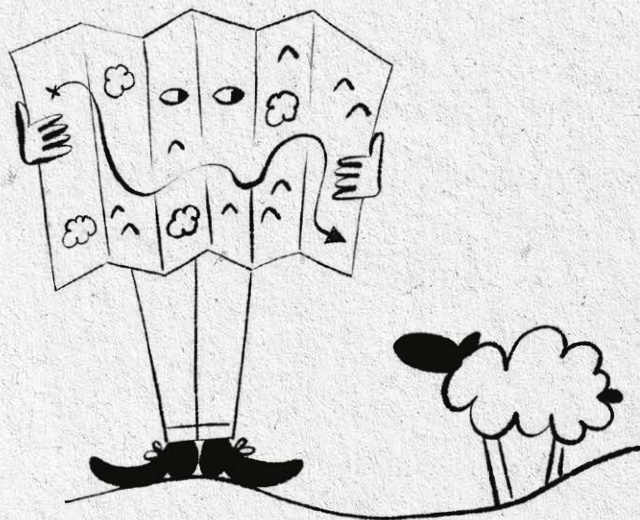
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www.camilleaubry.com

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