

Property ownership, resource use and the ‘gift of nature’

Abstract

Through a theoretical and empirical consideration of gift exchange, this paper argues that those with legal interests in land have constructed property relations around a claim of reciprocity with nature. This has been used to legitimate the ways in which they have deployed their property power to exclude others, thus seeking to retain their dominion over both humans and non-humans. In so doing, however, such interests have failed to understand the dynamic of gift relationships, with their inherent inculcation of subject and other, to the point where the exercise of power becomes contingent on the continued hegemony of property relations. Using the politics of recreational access to inland waters in England and Wales, the paper shows that power – over both humans and non-humans – is temporary and conditional in ways that are not fully theorised in most contemporary debates about property rights and their deployment on non-human subjects.

Introduction

In his seminal description of the culture of exchange in pre-mercantile societies, Marcel Mauss (1990) posits the root of social power being contained in the value of the gift made from one person to another and the indebtedness of the other until the gift is reciprocated with interest. Since reciprocation demands further reciprocation, Mauss argues that, eventually, only the wealthiest - the most powerful - can survive, by gifting all wealth in the knowledge that it cannot be bettered. The immense significance of this deceptively simple theory of the gift for understanding both society and the individual has been emphasised by Moore who, in a recent study of the influence of the writings of Mauss on 20th century philosophy and especially French post structural theory, claimed that:

In place of the pre-social, metaphysically individuated essence, or residual soul, of the modern subject, Mauss’s study of gift exchange suggests the very opposite: a complex network of obligations, commitments and blurred identities from which there no more emerges a concept of the individual than does an isolable market place. (Moore, 2011: p.5)

While other work, by Testart (1998), Laidlaw (2000), Hyde (2006) and Hird (2010) for example, has questioned the nexus between gift and reciprocation (on the basis that a gift is not a gift if it depends on reciprocation), Mauss' underlying theorisation of the gift relationship is now well accepted, although we argue in this paper that it has considerable potential for further development in order to theorise nature-society relations. For Hyde (2006: p.8), for example, the gift relationship is about the dynamic required to maintain the balance between depletion and renewal in social and ecological systems. Using the analogy of the gift as a constantly flowing river, Hyde (2006: p.8) argues that the duty of the recipients of the gift is to keep the river flowing. Failure to do this will lead to flood or drought, neither of which offers a sustainable basis for maintaining local ecosystems. As Hyde (2006) goes on to argue, constructs such as the 'gift of nature' have long been part of common culture, suggesting not only that the non-human 'natural world' provides us with 'free' goods and services, but that we have a duty to reciprocate by respecting and replenishing these gifts that are so freely given.

Yet, despite this established understanding of the non-human dimensions of gift relationships, there remains considerable uncertainty about what Hird (2010: p.3) has depicted as gifts between 'humans and other-than human bodies,' largely on the basis that such exchange does not lend itself to the supposed calculus that underpins the conditionality of gift and reciprocation (Clark, 2005). While accepting the argument that humans and non-humans can enjoy what Haraway (2003: p.9) has termed, with respect to human-dog relationships, a 'deep kinship,' Hird (2010) argues that the

human/non-human issue goes beyond this, to question how we might understand gifts that are not mediated or interpreted by humans. In particular, Hird (2010: p.4) reminds us that ‘... the earth’s own agentic and volatile gifting’ is given, apparently, without any allowance for reciprocation, implying that we are still some way from developing what Hyde (2006: p. Xviii) has termed a ‘... comprehensive theory of gifts.’

This paper seeks to contribute to a more comprehensive theory of the gift by extending theorisation of gift exchange to the understanding of nature-society relations as a means of developing a new relational understanding of how the non-human can be understood in conceptualisations of gift exchange. This theorisation and an empirical case study will be used to offer new insights into the deeper questions raised by Hird (2010), about the dynamics of gifting relationships originated by, or involving exclusively, non-humans. In framing our arguments we start with the premise that, in contemporary capitalist societies, aneconomic gift relationships involving the non-human co-evolve with, and are inseparable from, the incorporation of the non-human in economic exchange. We therefore argue not only that the notion of gift exchange necessarily conceptualises humans as inseparable from non-humans in an exchange process, but also that humans have developed material and non-material relationships with non-human entities such that non-human entities have agency that shapes these gift relationships. As such, we seek to offer an analysis of gift exchange that takes into account the heterogeneity of humans and non humans in nature-society relations whilst not reifying humans, non-humans, or the gift itself (Lulka, 2009).

We seek to develop these theoretical considerations through an empirical case study of the multiple claims made with respect to the ownership, allocation and use of the ‘gifts’ offered by the natural environment in England and Wales. The research focuses on who can make recreational use of inland waters over which there are no established public rights of access. Those who claim property rights over the waters assert that the entitlement conferred by these rights includes dominion over the distribution of the gifts of nature bestowed by those waters. Those who do not enjoy these property rights also recognise the gifts of nature bestowed by the waters, but argue that there should be no artificial dominion over the use of the waters and all should have access to use the water for recreation, subject only to respecting the gift of nature by limiting inappropriate usage of the water. What the case study offers, therefore, are two competing narratives of gift relationships. The first – from the perspective of the property owners - offers an essentially mercantile narrative in which the value of the gift is bound up in the artifice of property relations, with reciprocation relating to the market rather than the gift itself. The second, in contrast, suggests that the gift has been freely given by nature and that any reciprocation should be to nature, in the form of respectful custodianship. It is this tension between commodification and custodianship of the ‘gift of nature’ that informs the theoretical developments of nature-society relations offered in this paper.

The foundations of gift exchange

As Mauss sets out in his work, the ‘gift’ has important ontological foundations that lie both in charity (giving for its own sake) and in the power relations associated with the social practice of competition between givers and receivers. However, this construct

of the gift relationship needs to be distinguished from more recent understandings of the 'gift economy', in which altruism is seen to triumph over egoism (see Titmuss, 1968, 1970; Pinker, 2006; Boulet, et al, 2008). Whereas charitable and voluntaristic giving is done without thought of recompense, giving within Mauss' (1990) construct of gift relationships is done, at least in part, in the expectation of *provoking* reciprocation. Mauss' gift relationship thus comprises three distinct relational elements: some form of property being given; receipt of that which is given; and reciprocation, usually with interest. Gift exchange is therefore ontological, dynamic, relational and involves collectivities, not just individuals (Moore, 2011).

As this dynamic suggests, gift exchange is invested with life, the purpose of which is to return to its 'place of origin' (Hertz, 1988), for the gift can never fully be separated from the relationships between those who exchange it. For Mauss, this means that '... everything passes to and fro as if there were a constant exchange of a spiritual matter ...' (Mauss, 1990; p. 18). Furthermore, argues Mauss (1990; p. 83), this relationship still holds, even in market economies, where the unreciprocated gift still leaves the receiver feeling inferior, particularly where they had no thought of returning it.

Acceptance of the gift is always double-edged; even in the most altruistic of voluntary acts there lies an element of 'giving back to society', of acts undertaken in '... a sense of responsibility to the 'commons' ...' (Boulet, et al, 2008: p. 30).

Given the philosophical and economic implications of gift exchange, it is no surprise that the notion of the gift has had a very significant impact on the development of modern thought and philosophy. Moore (2011) argues that the gift has been a key

concern of modern French philosophers especially Derrida, Deleuze, Badiou and Nancy, and claims that:

... the legacy and spectres of Mauss are intertwined with those of Hegel, Nietzsche, Freud and phenomenology, amongst others, but it is possible to trace the process of this contamination, the unfurling of the gift as concept both through its anthropological and phenomenological lineages, and its culmination in a new understanding of politics. (Moore, 2011: p.24)

Some of the recent refinements and critiques of the gift have also argued that understanding how gift exchange develops in contemporary society is essential for revealing how existing power relations and politics are maintained and challenged (Appadurai 1986; Bourdieu 1997; Osteen 2002). In ancient societies, the gift relationship was essentially one of loan and counter-loan, a way of deploying wealth and imposing the values of the wealth creators on the rest of society. In contemporary society the gift is more complex, but remains an important component in the power relations associated with social life. As such, gift exchange is still used to justify hegemonic arrangements and the 'rights' of the social groups advantaged by the relationship. For Hyde (2006: p.9), this means that gift exchange is inextricably linked to the logic of the market, but whereas purchases are 'captured' by the market, gift exchanges leave interconnected relationships in their wake. This suggests that the gift and market exchanges are not binary opposites (Appadurai, 1986) but are linked, changeable and contingent (Bourdieu, 1997).

Furthermore, gift exchange has political potential for Hyde (2006), in that it can limit the scope of the market's influence in contemporary society, even if it may not significantly change market forms of exchange. For Moore (2011: p.16), the gift is

central to developing a post structuralist political economy of difference that refuses to see politics as ‘... a description of economic relations and seek[s] instead to discern the relationalities, the aneconomic exchanges by virtue of which the political comes into existence.’ This suggests that, despite its association with marketised exchange, there remains a need to focus on the aneconomic and elusive nature of gift exchange in order to avoid an essentialist or reductionist understanding of the gift as a process that is simply part of human nature. Rather, analysing gift exchanges requires not only a relational consideration of ontologies, power, collectivities and property relations - as Mauss indicated - but also, as Bourdieu (1997) and Hyde (2006) have emphasised, an understanding of the changing interactions between gift exchange and the logic of the market. Furthermore, allowance also has to be made for the unrecognisability of gift exchange and how its aneconomic, unpredictable and disruptive tendencies (Moore, 2011) emerge in politics and potentially subvert hegemonic structures.

The gift and the ‘gift of nature’

While underlining the essentially social nexus of the gift, Mauss does suggest that there is an additional dimension, relating to ‘... the gift made to men (sic) in the sight of the gods and nature’ (Mauss, 1990; p.18). Gifts in pre-mercantile society often incorporated non-human entities, such as the exchange of land, crops and animals; but in the societies studied by Mauss the involvement of nature in gift exchange means reciprocal acts have to be made to nature not just to other humans. This is largely about giving thanks to the gods and nature through the offer of sacrifice, or returning what has been given through the year, particularly in terms of wildlife that have been

hunted for food (see Hubert and Mauss, 1981; Hyde, 2006). The act of destruction that is sacrifice is, according to Mauss, a gift to the gods and nature that must necessarily be returned. Mauss (1990) further notes that in some communities it is considered that a gift should be made to the gods prior to any act of cultivation or modification to land, in recognition that only the gods can 'own' property. Thus nature is centrally incorporated into gift exchange to play a role in the relations between humans, 'nature' and also with the gods.

The reciprocity here is that the individual makes a sacrifice to 'nature' in the form of the gods and, in return, 'nature' allows the individual to sow and reap a harvest, or build a house. Similarly, Hyde (2006: 19) describes how, in Maori tribes, the priests were involved in gifting spirits back to a forest in return for the birds killed by hunters. As this suggests, three gifts were involved in the relations between society and 'nature': "forest to hunter; hunters to the priest; and priests to the forest". Hyde also notes that in contemporary ecology some discussions of natural cycles and ecosystem services identify an element of gift exchange in society-nature relations so that:

Widening the study of ecology to include man (sic) means to look at ourselves as part of nature again, not its lord. When we see that we are actors in natural cycles, we understand that what nature gives to us is influenced by what we give to nature (Hyde, 2006: p.19).

Hyde's (2006) conceptualisation of gift exchange as a relational circle of nature is consistent with Heidegger's work on the practice of cultivation which, he argues, '... embodies more saliently than any other practice the truth of the relation between human beings, their world and the 'ground' from which the 'gift' of this world comes'

(Cooper, 2006: p.161). It is also redolent of Nietzschean arguments about the limits of consciousness allowing for the idea of a life of the gift beyond the human (Moore, 2011: p.19). Indeed, for Moore a post structuralist perspective on the gift requires a rejection of Mauss's ideas of a total social system linked to gift exchange, largely because the gift cannot always be readily experienced (as in Hyde's observation of Maori culture).

Both Bourdieu (1997) and Hyde (2006) suggest that understanding the non-human in the dominant culture of gift exchange in contemporary society will require a consideration of the fluid and changeable interactions between the 'circuits' of gift exchange and market exchange which can involve owners of property regularly switching exchange activities between circuits. Nevertheless, the unpredictable, spectral and disruptive tendencies ascribed to the gift (Moore, 2011) resonate with arguments about the impossibility for humans of knowing 'nature' that many writers claim is central to shaping society-nature relations (see, for example, Whatmore, 2002).

We note that there are other theoretical and analytical approaches that seek to understand how 'nature' is incorporated into forms of exchange, such as eco-Marxism (Harvey, 1996; Foster, 2009) and Actor Network Theory (Murdoch, 1997). However, we see the potential value of a conceptual focus on gift exchange for examining society-nature relations as the distinct way in which it can be utilised to address the unpredictable relationality between humans and non-humans whilst acknowledging the agency of both. In keeping with recent theorisations of the co-production of nature and society (Zimmerer, 2000; Whatmore, 2002; Nightingale, 2003; Hinchliffe, 2008)

the concept of gift exchange has a relational and process oriented ontological basis. By conceptualising humans and non humans as being involved in a gift exchange it is possible to address some of the limitations of existing theorisations of society nature relations. In particular, Lulka (2009) emphasises the challenge for concepts such as hybridity and Middle Earth, of dealing with difference amongst humans and non humans in considerations of society nature relations.

The problem in understanding gift relationships between humans and non-humans (and gifts that do not involve human agency at all) is, as discussed by Hird (2010: p.3), that the validity of the calculus of exchange value is hard to sustain. Rather, following Clark (2005: p.385), such relationships invite us to enter into a network of ‘unknowable’ outcomes informed by the non-reciprocity of many ‘gifts of nature.’ While people may think that they can reciprocate for such gifts (as did the Maori priests), they must understand that this reciprocation is not for the gift itself, but more for the sensual experience of the gift. This has led Harman (2010) to argue that non-human gifts must actually be free of human agentive circularity – which suggests that any reciprocity inscribed on them is done so as a human artifice, designed to ‘protect’ the gift from human exploitation. This elides with Hyde’s (2006) ecological circularity in which human and non-human gifts are mediated by institutional interventions (the priests in his case). The implications of these discussions are not that the gift lacks use as a concept but that humans and non humans play distinct roles in the exchange that can be significantly shaped by the institutional framing of the gift.

The institutional intervention that we have selected to examine attempts to control non-human entities in gift exchange is the legal code governing property rights. Property law has been inscribed by humans on ‘natural resources’ in order to mediate material relationships between people and the non human aspects of the earth. Using this institutional framework, we describe how gift exchange involving human and nonhuman entities has been ontologically, socially and legally defined by the (landowner) class fraction most able to assert their hegemonic ‘right’ to receive and reciprocate the gift that ‘nature’ offers. Furthermore, we argue that the process of market exchange pertaining to land is also used by land and property rights owners to justify their attempts to maintain power over how gift exchange is defined and conducted. Our empirical example shows how this hegemony has increasingly been challenged by other collectivities expressing alternative ontologies, who do not accept that the involvement of the non human in gift exchange ‘naturally’ (ontologically) privileges certain people over others on the basis of social power relations reflecting hereditary or material wealth. Thus, following Clark (2005), we show that the social conflicts that have arisen around gift relationships pertaining to land and inland water highlight the unpredictability of gift exchange and how it can both subvert and reinforce hegemonic aspects of society.

The next section provides an analysis of the gift relationships associated with land in England and Wales as the broader context for the subsequent discussion of gift exchange relating to inland water. The empirical material presented is developed out of a long term research project into power relations and recreational access to inland waters in England and Wales (Church et al., 2007; Church and Ravenscroft, 2011).

The data presented here are drawn from three sources. First, the documents published

by formal and informal organisations representing the leisure and tourism users of inland water, such as boaters, anglers and paddlers (i.e. canoeists and kayakers). A second source is the documentary evidence submitted by such organisations to an enquiry by the National Assembly of Wales into access to inland water (see National Assembly for Wales Sustainability Committee, 2010). The third source of data is the blogs and websites maintained by some of these organisations. The analysis of these data involved deep reading and content analysis to identify key themes which reflect not only the opinions of collectivities and organisations but also the life worlds of the individuals involved in the process of gift exchange. This approach to empirical analysis has been described elsewhere in more detail (Church, et al, 2007; Gilchrist and Ravenscroft 2008, Church and Ravenscroft 2011), in particular how it allows insights into the voices and views of both those with property rights and those who seek to challenge the hegemony of the current exchange of the ‘gift of nature.’

Gift exchange, land and nature

The gift exchange between people and nature has, argues Mauss (1990), not only been mediated by sacrifices and the gods but has also been codified in most societies through laws that enshrine principles of ownership and use (Hyde 1996). Land law is, therefore, a central element in the gift relationships that develop with nature in both contemporary social life and the societies that Mauss was studying. Laws, alongside customs, often prescribe how individuals should exercise relationally their exclusive rights to land, both with respect to those members of society who do not have use rights, and to the land itself. Typical of such laws governing the relationships between individual and members of society are those about public access to and trespass on

private land, while conventions about acceptable types and levels of land management are typical of laws regarding rights to the land itself (see Bonyhady, 1987; Howarth and Rodgers, 1992). While regulating the culture of land ownership and management, these laws and customs have effectively codified what it is to be a land owner or manager, which revolves around the stewardship of the land and places the needs of the land and, by implication, nature above certain human material demands (McEachern, 1992; Ravenscroft, 1995).

This rhetoric of stewardship focuses on an attempt to make ‘natural’ the relationship and disposition that some people have towards the land and the environment more generally. As Ravenscroft (1995) has argued, farmers and landowners have stressed that the ‘naturalness’ of their claims rests on their evident attachment to traditional ways of life, their custodianship of the land and their willingness to undertake conservation work to improve the scientific and aesthetic value of the land. And this is, always, contrasted with the supposed wilful disregard for the land shown by other members of the public (Ravenscroft, 1998; Marvin, 2007). While Clark (1982) has questioned how far any claim to ‘nature’ can pre-date the society in which it is claimed, farmers and landowners have been quick to assert that their ‘benevolence’ towards the public – in caring for the land – would be under threat if there were any attempt to challenge the natural long standing order of their relationship with the land.

At the core of landowners’ and farmers’ rhetorical symbiotic and reciprocal relationship with the land is their belief that the land – nature – has bestowed on them, personally, the gift of occupation and use (which they have accepted), in return for which they give service (custodianship) to the land. This is none other than the gift

relationship, juxtaposed in a way that echoes many ancient societies, in positing the gift as being derived from the gods (nature) and loaned to a certain ‘class’ of people who are able, through their inheritance, to care for the land in a manner fit for the gods. The landowners, of course, are powerless but to accept the gift bestowed on them, and to reciprocate to the gods (nature) by ensuring that they give total service to the land. This is principally by managing it in what they believe is the most appropriate way for maintaining the gift that they have been ‘given’ while also allowing public interest to be considered and, where appropriate, served. And, as the description of ‘custodian’ suggests, the landowners know full well that the gift is, in fact, a loan; that their duty is to reify the status of the land, and with it themselves, as the embodiment of the most appropriate way to steward and control the use of the land.

In providing their total service to the land, landowners are in the position to make judgements about what uses are and are not suitable, in different places and at different times. Conventionally, this has revolved around productive uses of land – principally the primary industries of farming, forestry and extraction – with severe limitations on consumptive uses, such as access for leisure, and those who seek to exercise these uses. Indeed, as landowner and countryside organisations have made clear, the only consumptive uses that are generally acceptable as part of total service are countryside sports (hunting, shooting and fishing), which generate revenue to support elements of service such as conservation management (see Cobham Resource Consultants, 1983; PACEC, 2006) .

In contrast, other (new, consumptive) activities, such as walking, paddling, climbing and even viewing fine landscapes, are constructed as largely inappropriate forms of service, unless, of course, they are highly mediated or are able to contribute financially to landowners delivering their service to nature (see, for example, the arguments for managed access made by the Country Land and Business Association, 2005). The result of this is a curious juxtaposition in which activities that alter the physical composition of the gift are seen by the receivers of the gift to be appropriate forms of service, while activities that appear to have little or no impact on the gift are constructed as inappropriate.

In their attempt to square this circle, landowners and others exercising service have long argued that their management interventions are designed to work with nature and improve it (McEachern, 1992; PACEC, 2006). Landowners point to the ways in which their actions have produced the landscapes (and waterscapes) that many of the population now view as ‘natural’, in the process arguing that only a productivist approach to land management can generate the reciprocal improvements to the gift of nature that are necessary to maintain their side of the bargain (Ravenscroft, 1995; Church, et al, 2005). Given that the gift is no more than a loan, the argument goes, landowners have a responsibility to ensure that all interventions seek to further the improvement of the land. This is, of course, why they believe that they should be compensated from the public purse for the actions that they take to improve the gift, even if this leads – unintentionally of course – to furthering their own capital worth and the value of the inheritance that they seek to pass to future generations of their family (Ravenscroft, et al, 1995).

While the antecedence of this convenient construction of the gift relationship may be open to question (Thompson, 1991; Krier, 2008), the contemporary power vested in landownership has meant that those who have inherited land have also inherited the power to ‘dictate’ the way that others receive the gift, especially for consumptive activities such as leisure. Thus, as Mauss (1990) has described, the reciprocal gift of total service to nature (the gods), on the part of the landowner through acts of custodianship, is accompanied by gift exchanges with those others who have not had land gifted to them. Rather than the land itself, the gift given by the landowners to other groups in society is their pledge of responsibility for stewarding the land and their permission for carefully mediated, even financially rewarding, uses of land for non-productivist activities to occur.

And, of course, there is a particular type of reciprocity that the landowners are seeking: an acceptance and observance of the ‘natural order’ of land, ownership and management that vests power in one set of people and responsibility for respecting this power in another set of people. Thus, when accepting the landowners’ gift, other social groups - through their actions - will reify existing laws over the land that confirm the owners’ rights to exclusive use or to deny others’ use. Through these relational acts the ‘gift of nature’ is inseparably enmeshed in the social, institutional and ontological circumstances of power relations and also in the process of market exchange relating to the sale and productive use of land.

In England – and elsewhere - the presentation of such gift arrangements involving nature and people as ‘natural’ and common sense has traditionally been disputed through a variety of social and political actions focussing on productive activities

(Thompson 1991). In contemporary society, however, the consumptive sphere has increasingly been the focus of attempts to question and challenge the involvement of nature in the gift relationship. Shoard, in presenting the “philosophical case” for a walkers’ right to roam in the English countryside, also draws on notions of the gods and nature, in claiming:

... the right to exclude others from walking on land is not something that ought to have belonged to the owner in the first place – that land should not be considered a chattel to be owned absolutely. Instead, as part of the environment, it has to be seen as something in which individuals should only be accorded limited rights. Land, like the sea, the air and outer space was not created by man but by God or Nature, according to one’s belief. ... It is the source of the space we occupy, and part of the collective identity of tribes, peoples and nations. Such a resource cannot simply be treated as private property. (Shoard, 1999 p.258)

The importance of arguments such as Shoard’s (1999) is that they do not simply make the case for a change in the instrumental use of land, but highlight the ontological basis of the gift relationships involving nature and people that contribute to hegemonic arrangements that privilege property rights owners.

Deploying the gift: the regulation of paddling on inland waters

Paddlers have sought for many years to establish a right to paddle (canoe and kayak) on the majority of England’s and Wales’ inland (non-tidal) rivers where there is no established public right of navigation. On some major inland rivers and on canals a right of navigation exists but on the majority of rivers this is not the case (Church, et al, 2007). Although there is no overriding evidence that their use of the rivers would harm any existing interest (Environment Agency, 2000), the paddlers have not found themselves well placed to counter the weight of landowner and angler claims that they

– the landowners and anglers – enjoy an exclusive gift relationship with the land and water that renders activities such as paddling - in many locations - inappropriate and potentially exploitative. This construct of the gift relationship benefits anglers as well as landowners since they have purchased either land outright or secondary property rights to riparian land in order to pursue their leisure activity. Indeed, anglers feel that this use of the market supported by property law provides them with a morally superior ontological position compared to paddlers when it comes to justifying the existing arrangements for the leisure use of water (Church, et al, 2007). Paddlers respond to this market based argument by pointing out that they do pay to paddle through membership of clubs and collective bodies (Church, et al, 2007).

Successive law and government policy has found in favour of the *status quo* (see Foster, 1985; House of Commons Select Committee on Environment, Transport and Regional Affairs, 2001), suggesting in the process that the correct procedure for paddlers and others who wish to gain access to land and water is that they - like anglers - make specific, often market-related, agreements with the incumbent rights holders (and parties to the prevailing gift relationship) (Curry and Ravenscroft, 2001; Parker and Ravenscroft, 2001; Ravenscroft and Curry, 2004; Church, et al, 2007). Thus, on the one hand paddlers are told that their activity is inappropriate to sharing the ‘gift of nature’, yet on the other, that they can gain access to the ‘fruits’ of the gift if they are willing to pay (reciprocate) in the same way as anglers. Reciprocation may be in market terms through fees, rents or land purchase, or it could be by entering into a specific gift relationship in which the landowners ‘donate’ access (under specific conditions) to a few rivers that they believe are resilient enough to withstand paddling, in return for an agreement by the paddlers that they will honour this offer by

renouncing their claims to use other rivers (Ravenscroft, et al, 2004). And, as ever with the gift and its incorporation with nature, this is not an offer that the paddlers are in a position to refuse. Refusal would, of course, merely confirm that they did not appreciate the fragility of the river environment and thus should not have access at all. Furthermore, even though paddlers realise that in accepting the offer their reciprocation effectively means giving up any larger claim that they may have for a greater share of the original 'gift of nature'. And, given that reciprocation must be of equal or greater value than the original gift, the landowners have to gift relatively little in order (eventually) to gain a lot.

These issues are well rehearsed in a recent petition issued by the Welsh Canoe Association to the National Assembly of Wales, calling for a statutory right of access to and along non-tidal waters in Wales. In the enquiry that arose from the petition (Petitions Committee, National Assembly for Wales, 2009), anglers argued as indicated in the following letter submitted as evidence by Dr. Robin Parry, chairman of a local Angling Society, that unfettered access for paddlers was inconsistent with the best interests of rivers and those who have 'volunteered' to protect them (the anglers).

Outside the fishing season there are times when the water conditions are attractive for canoeing and kayaking and when these activities would not disturb our angling. It would seem that agreements between the canoeists and the owners of the waters as to when canoeing could take place is the obvious way forward to allow shared use of the waters. I do think, however that it needs to be acknowledged that the waters are owned by someone and that granting access to them would also demand responsibility on the part of those using the waters. To suggest that rivers are a free natural resource which should be available to all as and when they wish is a rather romantic and unrealistic view of how the British countryside should be managed (Parry 2009; p.32)

The anglers further argued, as shown in quotes below, that paddlers were unsuited to sharing in such arrangements because they were unwilling to limit their access to the closed season for fishing (there is no indication, in the enquiry findings, about why paddling in the fishing closed season is good for the rivers – although obviously it means that it does not compete for space with the anglers during the season). In contrast, the paddlers felt that their access should be determined only by environmental considerations, such as there being enough water in the river to allow navigation without sustained contact with the river bed.

Despite having portrayed the paddlers as unworthy or unwilling to be part of the gift relationship, the anglers were willing to discuss ‘sharing’ the rivers if the paddlers were properly licensed and regulated. There is no indication, in the evidence collected, of what this regulation would amount to, but it seems clear that the intent is to keep intact the traditional components and workings of the gift relationship: that nature gifts use to the landowners and anglers who, in turn, reciprocate through stewarding the resource. If paddlers wish to share in this relationship, it must be within the established reciprocal process, which is mediated via markets, environmental legislation and codes of conduct. This is exemplified in a letter to the Petitions Committee from Rachel Evans, Wales Director of the Countryside Alliance:

There is ... no reason that angling and canoeing cannot co-exist and there are numerous examples where both groups are using stretches of river amicably and sensibly. What we cannot have, however, is a situation where fishermen are taking responsibility for the conservation of rivers and paying to fish ... whilst canoeists are given such access with no commensurate contribution, financial or environmental (Evans, 2009; p.18)

Similarly Paul Bowen, writing on behalf of the Crickhowell and District Angling Society, argues that angling is consistent with maintaining the peace and dignity of rural Wales (honouring the gift of nature) in ways that paddling is not:

In the hectic modern world where even the countryside is intensively farmed the river is a ribbon of peace and soothing by itself for the anglers and the majority of tourists who come to rural Wales for passive enjoyment. ... 'Get away from it all' doesn't ring true when confronted by a river full of less than quiet canoeists/kayakers and their brightly coloured craft and their accompanying cars and buses blocking narrow country roads. This peacefulness is something that tourists and anglers in Wales actually expect to see in Wild Wales and to pay for directly or indirectly (Bowen, 2009: p. 27).

The invocation of the gift of nature is clear in this passage: anglers are a part of the tranquillity of rural Wales, and paddlers are not; even the paddlers' vehicles get in the way, whereas the anglers' do not (suggesting, perhaps, that the anglers are locals who either do not need transport, or park more considerately?). Thus, for the anglers, the gift relationship is all about respecting and reciprocating the gift that they receive from nature. This is by stewarding the resource and ensuring that inappropriate uses like paddling are properly regulated. Questions about the efficacy of fishing, the environmental record of anglers and the precise problems supposedly caused by the paddlers are, largely, deemed inadmissible. Nature has provided the bounty and the anglers have responded; that the gifts of nature continue to appear provide justification enough for continuing the gift relationship with other users, principally the paddlers. So, rather than any direct gift relationship with nature, paddlers are forced into a secondary relationship mediated by anglers and owners: the gift of access by agreement bestowed by the owners and anglers requiring equal or greater reciprocation by the paddlers, in the form of voluntary restrictions on paddling anywhere and anytime beyond the access agreements offered. This, for the paddlers,

is a high price to pay for being prevented from enjoying a direct gift relationship with nature.

A new ontological challenge to the construction of the gift of nature

At the heart of the gift relationship is an uneasy truce: what if the receiver does not reciprocate sufficiently to honour the gift? In the relationships studied by Mauss in pre-mercantile societies, such a situation could lead to the annihilation of the recipient: they cannot (or choose not to) pay the tribute, so they are cast out of the community, or they and their property are attacked and destroyed. In principle at least, the same situation exists in the case of access to rivers: if the receivers (the paddlers) do not reciprocate appropriately, the agreements can be withdrawn and their subsequent attempts to access the rivers could lead to arrest for trespass. But what if the claim of trespass failed – what if the ‘gift’ that the paddler had been given was not actually the landowners’ (or the anglers’) to give? What if the ‘gift of nature’ was given equally to all, and the landowners and anglers have over-stated their claims?

This is the current situation: paddlers and their representative organisations have begun to question the ontological foundation of the landowner claims with respect to the gift of nature. While subscribing to the ontology that nature has, indeed, bestowed a gift on humans, the paddlers have begun to question whether the case made by the landowners, that the gift is theirs to the exclusion of others, is a reasonable reading of the situation. It is a claim that focuses on the dissymmetry between giver and receiver, a tactic that is now less about equalising rights of use than challenging inalienable rights of ownership rooted in the nature-culture-power analytic Mauss establishes. In

a recent pamphlet, for example, Canoe England (2007) describes the canoe as a traditional craft that does not cause pollution and leaves no trace of its passing. The pamphlet argues that ‘canoeing at appropriate water levels is an environmentally benign activity and causes no damage to fish stocks’ (Canoe England, 2007: p. 1). The British Canoe Union (BCU) goes further, in making the link between the ‘gift’ bestowed by the environment and the consequent reciprocal responsibility that the public has to conserve it:

The British Canoe Union (BCU), as the sport’s governing body, acknowledges a clear duty to concern itself with the sustainable management of the environment where canoeing takes place. It regards the conservation of Britain's rivers, waterways and coastline as about more than just preserving the actual resource. It is also about people's opportunities to enjoy and experience such resources, whether in the cities or countryside. Wildlife and landscape are an essential part of the canoeist’s pleasure for aesthetic, cultural and recreational reasons. It is in the canoeist’s interest to conserve the environment (<http://www.riversaccess.org/pages/pv.asp?p=rac103&fsize=0>; accessed 01/09/09).

It is thus axiomatic, for the BCU, that reciprocation of the gift should take the form of care for the environment and an active interest in environmental conservation.

Following this lead, as well as repeated claims about every person’s right to enjoy the gifts of nature (Miller, et al, 2001), increasing numbers of paddlers have decided that, while there certainly has been a gift of nature, it is a gift bestowed equally on all – and thus one that requires reciprocation from all. However, the nature of the reciprocation constructed by the paddlers is not the exclusive version offered by the landowners, but a more inclusive version, that everyone is welcome to make use of the gift as long as they do not damage what nature has lent them – and they respect the rights of other users (Canoe England, 2007). For many paddlers, this means using rivers whether or

not there is any agreement with landowners, but only using rivers in places and at times when they are sure that their use will not harm the environment (see Rainsley, 2007). In asserting that rivers are part of ‘our natural heritage’, Rainsley (2007) - an advocate for paddling - makes the claim that the gift of nature is a gift to all, to be used (in his words) ‘sensitively and appropriately’ but without exclusion.

This position has been endorsed by numerous paddlers, who have decided to reject the exclusivity of landowner claims relating to the gift, and instead to assert their reading of the situation that they should be allowed to enjoy the gift of nature subject only to environmental constraints and respect for the enjoyment of others. For these paddlers, the power of private property can no longer be used in isolation to exclude people from enjoying a natural resource. And, concomitantly, the reciprocation offered is no longer financial, nor service to other people or their property, but service to the natural resource: respect and consideration about how and when a river is used for paddling. This leads, in the view of some, to direct contestation about the nature and direction of the gift and its reciprocation, as a post on the UK Rivers Guidebook site (www.ukriversguidebook.co.uk, a popular website and chatroom for paddlers in the UK) suggests:

“If paddlers are serious about being on a river all year round when there is enough water, we have to be prepared to have arguments that come to light with fishermen.” (‘Ray Latham’, thread: ‘Dart fisherman’, UKRGB, 2nd June 2008 10:25pm)

As this paddler argues, the difference between landowner/angler and paddler/public visions of the gift is an ontological one, over who has the right and ability to offer reciprocation for the gift that has been given. To the paddlers, their benign use of rivers, allied to environmental safeguards over when and where their activity takes

place, is in marked contrast to the essentially exploitative relationship that they see pursued by landowners and other ‘resource owners’:

“They are taking a finite resource, covered by riparian rights. If I were to set up a pump and start abstracting and bottling ‘Pure, Fresh, DartWater™’ then I’d also expect to have to pay someone for the rights to do that ... You and your mates paddling along a river is not removing a finite resource, nor ... is it bothering the fish.” (‘Debaser’, thread: ‘Dart fisherman’, UKRGB, 4th September 2008 4:07pm).

Some paddlers go further, in arguing that the ‘environmental’ clauses found in some canoe access agreements (restrictions on the number of paddlers in rivers that have conservation designations, for example) only exist because of the depletion of fish stocks in rivers brought about by angling, and are thus little more than a ruse by anglers to maintain control of the gift. As a result, increasing numbers of paddlers are rejecting the traditional construction of the gift of nature as a close and exclusive relationship between landowners and nature. In its place is an altogether more ‘commons’ version of the relationship, in which the gift is given to all and each person is individually responsible for reciprocation:

I used to tow the line when it came to access arrangements ... I now advocate paddling when and where I want as long as I can access/egress the river from a public place or footpath. ... Don't worry about the what ifs, just get on and paddle would be my advice, be polite with those you encounter with different views and never stoop to a lower level. A phrase I now carry in my mind I believe I learnt on this forum, "if you think I'm breaking the law, I'm getting off at x, if you'd like to meet me here with the police I'll be happy to discuss it with you". There will be few people waiting for you I'm sure and the police are unlikely to be interested (Paul Stewart, Posted: Tue Nov 25, 2008 11:06 pm).

Interpreted according to the paddlers, therefore, the reciprocation is not about legitimating uses and users, but about respecting the sanctity of the environment, and only using it when it is clear that no damage will be caused to it. Significantly, the

paddlers appear to have made a gift to landowners, anglers and other users, that states that they will cease using any stretch of water if the other parties can provide irrefutable legal evidence that they should not be there (property rights), or that in being there and using the water in the way they are, either the environment or other legitimate interests, such as drinking water supply, are being damaged. For the paddlers, this seems to be a logical interpretation of the gift relationship: that in making the gift, nature – the gods – did not favour any individual or group, but rather made a gift to all. And the reciprocation to this must surely involve a solution that allows all to enjoy the gift while undertaking to care for the environment and ensure that no damage happens that might diminish the value of the gift.

In the face of this ontological challenge, it is apparent that landowner and angler groups have difficult choices in terms of how to respond. On the one hand, they can reinforce their role as custodian, allied to campaigning for ever-tighter environmental controls. On the other, they can go to court to prove the legal exclusivity of their use. However, both are risky strategies: there is little evidence that activities such as paddling cause appreciable levels of pollution or environmental damage, while losing a claim for exclusivity would certainly cede control of the rivers to paddlers and other recreationists.

Conclusions

Although observed by Mauss (1990) as a pre-mercantile social ritual, we have argued in this paper that the gift relationship remains vital as a way of understanding contemporary socio-economic relations. At its core, the gift relationship is about the

relational nature of power: even though one person may be wealthier than another, the power that this wealth brings is only understood in relation to the other. And, as the gift relationship demonstrates, the flow of gift and reciprocation is such that both actors alternatively have power over, and service to, the other. Of course, the wealthier person could annihilate the poorer one by making the stakes too high and, equally, the poorer person could break the relationship and keep the gift; in both cases, however, the result is the loss of power and social status to both – they have failed to maintain the customs that underpin their social and economic relations.

We go further, to argue that gift relationships can exist between humans and non-humans. Our point is that it is possible for the natural environment to bestow gifts on humans just as surely as it is for one person to bestow a gift on another. The relationship may be different, in that the human to human gift comes with a level of social expectation that cannot be attributed to nature. However, as Mauss (1990) argued, understanding nature as a gift from ‘the gods’ does suggest, in some societies at least, that an element of purpose can be inscribed on nature. We recognise that this is contentious, and it is not an argument that we seek to develop here. Rather, we suggest that the customary foundations of English land law imply a nature-human gift relationship, such that the ‘use’ of nature demands reciprocation just as surely as if it had been a gift from one person to another. And the point here, of course, is that over time this nature-human gift relationship has become ever-more exclusive. Where, once, the commons were an extensive resource for all (Thompson, 1991), their enclosure has concentrated power in the hands of the few, meaning that any gift of nature bestowed on a former commoner is now mediated by superior property rights holders.

And this, we argue, is at the core of contemporary people-environment relations. While technological advances may herald a marked change in human interactions with nature and the environment (Lulka 2009), we concur with Krier (2008) that the essential feature of the people-environment relationship in a capitalist society is a legal contrivance designed to limit the primary gift relationship to a few ‘worthy custodians’. Thus delimited, the gift becomes an important tool for property owners in establishing social relations with landless others who, of course, require access to the land and are thus drawn into a gift relationship in which the onus of reciprocation lies with them. Given that reciprocation has to be of equal or greater value than the gift of access, the tribute has to go beyond a mere rental payment and has also to incorporate adherence to a set of values linked to the reification of the property rights system itself. It is, consequently, not enough to have a financial relationship between nature, its guardian and those who would have access to nature. Rather, the relationship is based on accepting a certain social code that respects the ‘superiority’ of those who have been assigned the task of managing people-environment interactions.

While many different examples of this gift relationship could have been used, we selected access to inland waters because it throws into sharp relief the extent to which power is relational. Paddlers cannot do their activity on the majority of inland waters in England and Wales without entering into social relationships with those who purport to own the access and navigation rights in law. Not only does this present a problem to paddlers in first establishing who these rights holders are (as there is no full record of property ownership in the UK), but it also draws them into a situation in which their relationship with nature is mediated by a third party – where their

reciprocation is not primarily to nature, but to an individual who has a separate gift relationship with nature. Instead of the primary people-environment relationship that they desire (being respectful of the environment and enjoying the ‘fruits of nature’), paddlers are faced with reciprocating to intermediaries, with the primary tribute being to recognise and reify the power of these intermediaries to determine how nature’s gifts are bestowed. This has resulted in much discontent on all sides, with paddlers feeling that they are consistently denied access to a resource that should be available to all, while the intermediaries feel that the paddler demands are unreasonable and at odds with nature’s gifts (see Church, et al, 2007).

This level of discontent is, we argue, a sign of the gift relationship under stress: a feeling from the paddlers that the gift being offered is not worthy of them; and a feeling from those offering the gift that the reciprocation offered is not worthy of them – and both parties feeling that the gift of nature is not being sufficiently well honoured in the current relationship. In demonstrating the relational nature of the gift, both sides have thus sought to promote their power of what Hertz (1988) has termed expiation – a process for re-establishing a former state of affairs that accords more closely with their desired version of the gift relationship, achieved without destroying either party (Platenkamp, 1990). For the paddlers, expiation involves the reinstatement of the commons (and the recognition that the gift of nature is for all to share), at least to the extent that they can paddle inland waters without hindrance, reciprocating this gift of nature by ‘leaving no trace of their passing’. In contrast, for property rights owners expiation involves a return to a more feudal era in which their power to determine land access and use (to reciprocate the gift of nature) was – rhetorically at least – more comprehensive (and their remedies at law were more certain). It is not at

all clear how these current manoeuvres will conclude. However, in deciding upon their actions, both ‘sides’ to the debate would do well to remember that they are part of an enduring socio-economic gift relationship and that their (relational) power is a direct consequence of this relationship. While breaking the relationship may have short-term appeal, the culture of the gift is such that both parties would eventually lose their power, both relationally and, ultimately, unilaterally. This is the power of the gift.

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