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### Jews and the English countryside: some notable contributions to conservation, access, and order

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## Jews and the English countryside: some notable contributions to conservation, access, and order

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J. J. PEARLMAN\*

As a Jewish practising solicitor and a regular Rambler, the author developed an interest in the law of public rights of way.<sup>1</sup> It was part of the English legal system, but one that was not in the standard curriculum for law students. Eventually he became the Honorary Solicitor to the Ramblers Association, which campaigned for greater lawful access to the countryside, especially by protecting the network of public rights of way. This was at a time when a doyen of the rambling movement, Benny Rothman, was attracting much publicity because he was held up as an example of a campaigner who had fought for what is known as “the Right to Roam”, which is explained later. He was also Jewish, and he became an inspiration to the author.

Jews in England have largely been urban in their day to day way of life, but there are exceptions. The contributions to nature conservation and countryside recreation activities of those mentioned in this article are widely accepted by countryside managers to be significant. This paper is an attempt to bring together some strands of their influence and to explain the important effect they have had, both on the English countryside evident today and in the manner in which many people can enjoy, appreciate, and understand the countryside.

With the exception of Jewish writers such as Siegfried Sassoon (1886–1967) and artists such as David Bomberg (1890–1957) in whose works nature or landscape often play an important role, the interest of most British Jewry had been confined to taking a stroll in the countryside. It is likely that one of the factors which prevented Jews from ‘mingling’ with nature was the prohibition on travelling on the Sabbath and on leaving the borders of cities and towns on religious grounds. Hence the interest of

1 To Rabbi Anthony Gilbert of Leeds; my wife, Bernice; my daughter, Debbie Hougie; Mr. David Butterworth, Chief Executive of the Yorkshire Dales National Park Authority, and Dr. Avi Shvitzel, I express my thanks but any errors are my own.

some Jews, mainly secular or less Orthodox, in the countryside had grown under the influence of the non-Jewish milieu.

The particular areas to be examined are firstly nature conservation; secondly, the need to record the existing rights of the public which were being forgotten owing to changes in lifestyle, particularly as a result of modern transportation; thirdly, to achieve public access to the countryside; fourthly, the establishment of National Parks. It is in most of these that one finds notable contributions.

In spite of the diverse backgrounds of the people involved, this paper does not purport to be able to find a specifically Jewish link between any of the persons identified, ranging from the wealthy to a Communist agitator, from modern Orthodox to possible convert to Christianity, and from researcher to campaigner. Their only common denominator was their Jewish creed and love of nature. I make no claim for the influence of religion, although a tenable theory is that the Jews as a people are stubborn and inquisitive by nature. In addition, Jews are said to be a “stiff-necked people” (Exodus 32:9).

### *Countryside*

It is beyond the scope of this paper to provide a recognized definition of “countryside”. It is personal and one person’s perception can be widely different from that of another. Countryside is simply a rural landscape. It is what man or woman sees when he or she leaves the town. In England, it is known to be the result of human activity on land. It is at once original, altered, and fabricated. It can be a place where some visit for “air and exercise”. It is the place where some aspire to retire. For some it is synonymous with “landscape”, which has been explained in a relevant context as: “Landscape has long been central to the definitions of Englishness. In the twentieth century, it has been the focus for visions past, present and future; rivalries of city and country; battles over tradition and modernity; and ideals of citizenship and the body.”<sup>2</sup>

To many, their concept of countryside is based on the rural idyll. Writers, particularly poets, musicians, and artists find inspiration in the countryside. From Wordsworth and Keats, from Elgar, from Turner to Hockney, the countryside is mainly about peace and beauty. Many people have a bucolic image of the countryside and attract criticism because they are said to want to wrap it up and preserve it. But, on examination, there

2 David Matless, *Landscape and Englishness* (London: Reaktion Books, 1998), 16.

are so many disagreements and conflicts of interest that dispute is ever present. Some of these are examined later.

When attempting to understand the complexities of the British countryside there are various elements one should examine. These include landscape history, agricultural practice, nature and landscape conservation, and recreation. These are governed by a comprehensive gamut of legislation and policy. It is through the development of these that various Jewish people have come to the fore, making major contributions influencing how the British countryside is understood and enjoyed today. It is their legacy that is recorded in this paper.

*Nature conservation and “the man who changed the face of Britain”*

Nature conservation (the protection of plants, animals, and habitats) in Britain stems from an attitudinal shift in the late Victorian period, when the protection of species became more important than their exploitation (for example, some sea birds were given protection in the 1870s to protect their nesting places). However, there was no grand design for the conservation of nature, and legislation was added in a piecemeal, reactive manner.<sup>3</sup> There was no official, governmental body to set up systems and monitor them. Thus, the mantle for conservation fell to the voluntary sector of the day. Various voluntary conservation organizations were set up during this time: the Commons, Open Spaces and Footpaths Preservation Society (now the Open Spaces Society) in 1865, the Royal Society for the Protection of Birds in 1889, the National Trust in 1899, among others. These organizations have been instrumental in setting up the legislative framework that governs nature conservation today. It is within this framework that I have explored the life and work of the first two notable persons.

From the Rothschild dynasty, normally known for wealth creation and banking, emerges a man of influence in the area of nature conservation. Nathaniel Charles Rothschild (1877–1923), known as Charles, was married to Rozsika, a top Hungarian sportswoman, the daughter of Alfred von Wertheimstein, a Jewish army officer from Austro-Hungary. In 1917 Charles contracted encephalitis lethargic, a type of the so-called Spanish influenza which swept across Europe towards the end of the First World War, and thereafter suffered from depression. He committed suicide in

<sup>3</sup> Stuart Ball and Donald McGillivray, *Environmental Law* (Oxford University Press, 2013), 618.

1923. Charles had three daughters, and he passed the environmental baton on to one of them, Miriam (on whom more later).<sup>4</sup> A “highly gifted but gentle unassuming man”,<sup>5</sup> Charles was the younger son of Nathaniel Mayer de Rothschild, first Baron Rothschild. It seems that his older brother, Lionel (1868–1937), who was an avid collector of natural objects, and eventually built a small natural history museum on the family estate at Tring in Hertfordshire, stimulated Charles’s interest in nature. The museum grew to an enormous size and housed insects, animals, and birds from all over the world.<sup>6</sup> Charles showed a somewhat precocious involvement with nature in that as a schoolboy he was the joint author of a two-volume work on Harrow butterflies and moths. His daughter Miriam commented: “Charles Rothschild’s first publication ‘The Lepidoptera of Harrow’ received a good review in the *Entomological Record*. No one guessed that the author was a schoolboy.”<sup>7</sup>

Charles Rothschild travelled extensively overseas and when in Egypt he identified that rat-flea *Xenopsylla cheopis*, which he described and suggested was the principle carrier of plague from rats to humans.<sup>8</sup> He named it after the Pharaoh Cheops.<sup>9</sup> His work proved indispensable to the detailed understanding of plague transmission, and was of great assistance in combating this disease.<sup>10</sup>

The *Daily Express* once had a headline in 1902: “10,000 fleas Mr. Rothschild’s hobby”,<sup>11</sup> but in fact he had a collection of about 50,000 ectoparasite specimens, which were meticulously described, labelled, and preserved and which laid the basis for a definitive monograph on fleas.<sup>12</sup>

He was passionate about worldwide nature protection, and he argued for protecting not just rare species and local forms, but the whole natural habitat, the special biotopes, and those complex conditions which these

4 Wildlife Trust Centenary leaflet, 13 Feb. 2012.

5 Virginia Cowles, *The Rothschilds: A Family of Fortune* (London: Weidenfeld & Nicolson, 1973), 215.

6 It still exists today as part of the Zoological Society of London collection.

7 Miriam Rothschild, *Nathaniel Charles Rothschild, 1872–1923* (Cambridge University Press, 1979. By kind permission of the Trustees of the Rothschild Archive), 1.

8 *Oxford Dictionary of National Biography* online (hereafter, ODNB), s.v. “Rothschild (Nathaniel) Charles”, accessed 29 Dec. 2011.

9 Kenneth Rose, *Elusive Rothschild: The Life of Victor, Third Baron* (London: Weidenfeld & Nicolson, 2003), 24.

10 *Jewish Chronicle* (hereafter, JC), Obituary, 19 Oct. 1923.

11 *Daily Express*, 1902, quoted in Cowles, *The Rothschilds*, 217.

12 ODNB, s.v. “Rothschild (Nathaniel) Charles”.

species require for their survival. In the UK, he therefore initiated surveys to identify potential sites for nature reserves, secretly listing the species living in them to guard them from predatory collectors.<sup>13</sup> He is said to have been a man before his time<sup>14</sup> and the Wildlife Trusts named him the “father of modern conservation.”<sup>15</sup> His daughter Miriam noted: “It has been said with an element of truth that he *invented* conservation, since, years ahead of his day, he realised the importance of protecting and preserving their habitat and special biotopes rather than the individual rare species threatened with extinction, and, the necessity of obtaining government support and massive publicity. Most of his ideas have been so generally and widely accepted that their origins are now virtually forgotten.”<sup>16</sup>

In May 1912, he formed the Society for the Protection of Nature Reserves with the object, according to its minute book: “To urge by means of the press, by personal efforts and correspondence with local societies and individuals the desirability of preserving in perpetuity sites suitable for nature reserves, which sites are to be handed over to the National Trust under special conditions.”<sup>17</sup> It also had the “aim of collecting and collating information regarding areas of land in the UK, which retained ‘primitive conditions’ and contained rare and local species liable to extinction; to prepare schemes showing which areas should be secured as nature reserve, to obtain such areas; and to preserve for posterity as a national possession some parts of the UK, its flora fauna and geographic features.”<sup>18</sup> He paid for the initial expenses of the Society, provided funds for the purchase of several sites, and left a large sum to it on his death.<sup>19</sup> In 1899, even before the Society was formed, he had purchased part of Wicken Fen (near Ely in Cambridgeshire) and donated it to the National Trust in 1901.<sup>20</sup> In 1912, he purchased Woodwalton Fen near Huntingdon and offered that also to the National Trust, which, however, deemed it too expensive to manage. The Wildlife Trusts have commemorated him by the

13 Ibid.

14 [www.wildlifetrusts.org/who-we-are/history/centenary/charles-rothschild](http://www.wildlifetrusts.org/who-we-are/history/centenary/charles-rothschild), accessed 17 June 2015.

15 <http://greatfen.org.uk/history-woodwalton>, accessed 17 June 2015.

16 M. Rothschild, *Nathaniel Charles Rothschild*, 3 (original emphasis).

17 Society for the Protection of Nature Reserves, minutes, May 1912, quoted in *ibid.*, 2.

18 National Archives, Kew, NDAD: Nature Conservation Departments, at [www.ndad.nationalarchives.gov.uk/AH/17/detail.html](http://www.ndad.nationalarchives.gov.uk/AH/17/detail.html), accessed 29 Dec. 2011.

19 ODNB, “Rothschild (Nathaniel) Charles”.

20 Ibid.

creation of a footpath extending from one fen to the other now known as the Rothschild Way.<sup>21</sup>

In 1915, after an exhaustive identification of more than 280 potential nature reserves in the British Isles (182 in England), he submitted their details to the Board of Agriculture. The compilation of the “Rothschild List”, as it came to be known, was a milestone in British nature conservation. He enlisted to the Society for the Protection of Nature Reserves the support of many highly influential politicians, scientists, and landowners.<sup>22</sup> Charles had a radical idea, which was to consider places for nature in a geographic way, rather than the trend at the time for species preservation alone. He was the President of the Entomological Society in 1915–16, a Fellow of the Linnaean Society (1899), a member of the Honorary Committee of the Imperial Bureau of Entomology, and a member of the British Ornithological Union. As Miriam wrote: “[Charles’s] illness and premature death brought the work of the Society for the Promotion of Nature Reserves virtually to a standstill and, with its loss of momentum, conservation in the modern sense of the word virtually ceased to exist in the United Kingdom . . . [He] was, in fact, a lonely and isolated figure, and without his foresight, inspiration, knowledge and tremendous drive, nothing happened for the next thirty years.”<sup>23</sup>

It seems certain, however, that Charles Rothschild’s early ideas on place-based conservation eventually caused successive governments to look at and think about nature in its widest meaning. Over the next thirty years, nothing indeed happened, but in 1945 the government set up the Huxley Committee to examine the needs of nature conservation, which reported in 1947. The concept of a hierarchy of nature reserves (National Nature Reserves, Local Nature Reserves, and Sites of Special Scientific Interest), recommended by Huxley, was clearly influenced by Rothschild’s model. This subsequently was enshrined in legislation in Part III of the National Parks and Access to the Countryside Act 1949 together with the establishment of the Nature Conservancy (an overseeing body), successively part of English Nature, and now Natural England. Attesting to Rothschild’s foresight was the 1997 publication of Rothschild’s *Reserves: Time and Fragile Nature*,<sup>24</sup> which reported that well over half of the English

21 Long Distance Walkers Association, [http://ldwa.org.uk/ldp/members/show\\_path.php?path\\_namer=Rothschild](http://ldwa.org.uk/ldp/members/show_path.php?path_namer=Rothschild), accessed 17 June 2015.

22 ODNB, “Rothschild (Nathaniel) Charles”.

23 M. Rothschild, *Nathaniel Charles Rothschild*, 5–6.

24 Miriam Rothschild and Peter Marren, *Rothschild’s Reserves: Time and Fragile Nature* (Israel: Balaban, 1997).

sites he listed had then been officially created as either National Nature Reserves or Sites of Special Scientific Interest, although only a few had escaped some damage since his death.

The British nature conservation fraternity and particularly the Wildlife Trusts, hold Charles Rothschild in high regard, as shown by the many references to him in their publications. The successor to the original Society for the Protection of Nature Reserves, the Royal Society of Wildlife Trusts (known as The Wildlife Trusts) recently celebrated its hundredth birthday, and described Rothschild as “the man who changed the face of Britain”.<sup>25</sup> The Wildlife Trust now forms a network of forty-seven Wildlife Trusts that looks after more than 2000 nature reserves across the United Kingdom, with the help of 800,000 members. Rothschild was a pioneer and a visionary.

While I have not found any involvement by Charles in Jewish causes, charities, or activities, I consider that he was a Jewish man who made an outstanding and lasting contribution to the English countryside. His legacy is clear to this day. He was buried in Willesden Cemetery, London, where the service was conducted by the Rev. E. Levine of the New West End Synagogue, of which Rothschild was a member. The *Jewish Chronicle* said that, although he was not closely associated with communal affairs, he was deeply interested in the well-being of Jewry and of the general community in this country.<sup>26</sup>

His daughter Miriam (1899–2005), of whom *The Times* once said, “Imagine Beatrix Potter on amphetamines”,<sup>27</sup> was awarded the CBE in 1982 and was made a DBE in 2000 for services to Nature Conservation and Biochemical Research.<sup>28</sup> In 1946, some twenty years after her father’s death, she wrote an article in *Nature*, complaining that although her father had listed 174 sites as being worthy of protection, only 150 had been selected by the Huxley Committee.<sup>29</sup> One of her many publications is entitled *Fleas, Flukes and Cuckoos: A Study of Bird Parasites*, a volume in the Collins New Naturalist series. This was said to be thoroughly researched and entertaining.<sup>30</sup>

25 Great Fen, Wildlife Trusts, [www.greatfen.org.uk/news/100-year-birthday-celebration](http://www.greatfen.org.uk/news/100-year-birthday-celebration), accessed 6 May 2012.

26 JC, Obituary, 19 Oct. 1923.

27 According to the *New York Times* online, Obituary, 25 Jan. 2005, accessed 17 June 2015.

28 Jewish Women’s Archive, <http://jwa.org/encyclopedia/article/rothschild-dame-miriam>, accessed 17 June 2015.

29 Miriam Rothschild cited in ODNB, s.v. “Dame Miriam Louisa Rothschild”.

30 Ibid.



Dame Miriam Rothschild was clearly a polymath: apart from her work on fleas, she wrote extensively, publishing more than three hundred papers about such diverse subjects as history, science, gardens, and her pets. During the Second World War, she worked as a codebreaker at Bletchley Park because of her knowledge of German. When Princess Alice, Duchess of Gloucester, visited her for lunch she, the Princess, was startled to find a tame fox sitting on the chair next to her. Miriam was the first woman to be a trustee of the British Museum (Natural History), was a visiting university lecturer, a member of the Royal Society, and received many awards.<sup>31</sup>

Before the war, she had been active in helping Jewish children to escape from Germany and Austria. She married a non-practising Jewish Hungarian soldier, Captain George Lanyi, whose name had been changed in case he was captured. He was awarded the MC for his bravery.<sup>32</sup> Other than these activities there is no information about the relevance of Judaism to her work.

As one of the first to champion wildflower cultivation, Miriam was also called the “Wild Flower Lady”.<sup>33</sup> Some look upon various wildflowers as being the equivalent of weeds, and many species were and still are in danger of extinction, especially because of the use of chemicals designed to ensure that crops such as grass are allowed to flourish. She was increasingly interested in conservation and realized that there were relatively few different species of wildflower. She decided to convert her lawns into wildflower meadows, and successfully managed some of her hay meadows so that they produced marketable quantities of wildflower seed. Many roadside verges she arranged to be sown with wildflowers.<sup>34</sup>

The concept of actually cultivating wildflowers may have seemed to be a contradiction. However, there are now a number of schemes to harvest the seeds from one herb-rich hay meadow (the donor) and transfer them to another less rich meadow, so as to increase the sweetness of the crop in the other (the receptor). One of the foremost of these schemes is now the “Haytime” project managed by the Yorkshire Dales Millennium Trust (of which the author is a trustee).<sup>35</sup> As a result of the work of Miriam, British

31 Ibid.

32 Ibid.; see also Jewish Women’s Archive, <http://jws/encyclopedia/article/Rothschild-dame-miriam>, accessed 29 Dec. 2011.

33 Derek Wilson, *Rothschild: A Story of Wealth and Power* (London: Andre Deutsch, 1996), 433.

34 ODNB, “Dame Miriam Louisa Rothschild”.

35 Don Gamble and Tanya St. Pierre, eds., *The Natural, Cultural and Land Management History of Hay Meadows* (Lancaster: Scotforth Books, 2010).

agricultural policies that favoured replacing natural meadows with rye grass were reversed.<sup>36</sup>

Miriam Rothschild also tried to expand the interest of the British nature conservation establishment to view conservation in a more international perspective, and when Britain was absent from the list of governments supporting the expansion of the International Union for the Protection of Nature, she recorded: “I virtually went down on my knees to Cyril Diver [then first director of the newborn Nature Conservancy] – whom I greatly admired – to try to persuade him to change his mind but he stubbornly maintained that he was only concerned with the United Kingdom and that his interest in conservation ended at the Channel.”<sup>37</sup>

She died at her home, and a private funeral was later followed by a memorial service held at the Liberal Jewish Synagogue, St John’s Wood, London. One obituary records that “They called her the Queen Bee, and she was.”<sup>38</sup>

*Access to the countryside: the right to roam and “the patron saint of the British outdoor movement”*

The Rothschilds were wealthy and had access to great educational opportunities, but an even more remarkable contribution came from a Jew who was not from a wealthy background and whose formal education was cut short at the age of fourteen. He was Bernard Rothman, better known as Benny Rothman (1911–2002), described in an obituary as the “Patron Saint of the British Outdoor Movement”.<sup>39</sup>

What Rothman achieved must be seen in the context of the Enclosure movement, which started in medieval times but flourished in the eighteenth and nineteenth centuries in England and Wales. This was the enclosing of open common land and dividing and then awarding part of the enclosed land to the promoters of Enclosure Acts and Awards. Thereafter the land was fenced, hedged or walled, and the public excluded.<sup>40</sup> There were more than four thousand individual Enclosure

36 *New York Times*, Obituary, 25 Jan. 2005.

37 M. Rothschild, Nathaniel Charles Rothschild, 7, footnote.

38 *The Guardian*, Obituary, 22 Jan. 2005.

39 *Ibid.*, Obituary, 25 Jan. 2002.

40 See e.g. Paul Clayden, *Our Common Land: The Law and History of Common Land and Village Greens* (Henley-on-Thames: Open Spaces Society, 2007); G. D. Gadsden, *The Law of Commons* (London: Sweet & Maxwell, 1988). Short but extremely useful is Graham Bathe, *Common Land* (Stroud: Open Spaces Society and Pitkin, 2015).

Acts before 1845.<sup>41</sup> Conversely, as a result of the Industrial Revolution, the movement of people from country to town led to overcrowding and unpleasant living conditions from which people wished to escape for a short time.<sup>42</sup> Thus: “Outdoor recreation as an activity for the populace became a feature of industrial towns in the eighteenth and nineteenth centuries, where parks were provided for perambulations in the summer evenings and on Sundays. As attitudes to nature in its ‘untamed’ state changed from fear to admiration, so more people ventured further and more frequently to explore natural areas, climb mountains and generally to create recreational impacts. With the advent of the motor car, between the First and Second World Wars, there was an increasing use of the ‘countryside’ and appreciation of natural history.”<sup>43</sup>

The Peak District was one of the areas which the walking public wished to access and the highest point, the iconic location, Kinder Scout (2088 feet or 636 metres, often known affectionately as “Kinder”), was firmly denied to walkers by the landowners. Located near the great conurbations of Manchester and Sheffield, it became the focus of protests and rallies, held annually from 1926 onwards in the Winnats Pass, a natural amphitheatre near Kinder Scout, which attracted Professor C. E. M. Joad, leading politicians, and sometimes more than ten thousand people.<sup>44</sup> The landowners were implacable and the moors were patrolled by gamekeepers who resisted any attempt by walkers to access the land.<sup>45</sup>

Rothman was born on 1 June 1911 in Manchester to a Jewish family from Romania.<sup>46</sup> He recorded that his father, Isaac Birkin Rothman, was born in Bucharest, the eldest of seventeen children. He emigrated to New York and became a ship’s steward before settling in Manchester. Isaac had market stalls in Glossop and Shaw. He died on Bernard’s twelfth birthday, which made family conditions very tough.

Benny Rothman’s mother, Freda (Fanny, née Solomon), was born in

41 Clayden, *Our Common Land*, 5.

42 See e.g. the description of towns in Sydney and Beatrice Webb, *Statutory Authorities for Special Purposes. English Local Government Series: The State of the Towns* (London: Longman, Green & Co., 1922, repr. Frank Cass, 1963), 236.

43 M. Liddle, *Recreational Ecology* (London: Chapman and Hall, 1997), 1.

44 Howard Hill, *Freedom to Roam: The Struggle for access to Britain’s Moors and Mountains* (Ashbourne: Moorland Publishing, 1980), 58, 75.

45 Tom Stephenson, *Forbidden Land: The Struggle for Access to Mountain and Moorland* (Manchester University Press, 1989), ch. 3.

46 Bernard Rothman, personal papers, Working Class Museum Library (hereafter, WCML), Jubilee House, 51 The Crescent, Salford M5 4WX, from which much of this section is derived.

a hillside village spa, which he thought was called Pyatt, in Romania. Her grandfather (of the Rappaport family) had been the Chief Rabbi of Austria, and her father became the vice-president of a little synagogue in Elizabeth Street, Cheetham. Freda was literate, reading and writing in Romanian, Yiddish, and English, and read and wrote letters for neighbours in Cheetham. She sometimes assisted in the market, but was unhappy doing this on the Sabbath. The family eventually lived in Grafton Street in Cheetham, the residents of which were mainly Jewish. There were five children, Phyllis, Leah, Benny, Rose, and Gershin, in that order. The family took a Yiddish paper, *Der Zeit* (The Times).

There is no mention in Benny's autobiographical notes of him having a barmitzvah, but he recorded that he attended St. John's School in Elm Street and also a Hebrew School run by a Rebbe.<sup>47</sup> He could read some Hebrew from the Bible, but could not speak Yiddish. After he won a scholarship to Manchester Central High School for Boys, he made good academic progress, but a rich relative found him a job as an errand boy in the motor trade, which caused much family disapproval – "it was not the done thing for a respectable Jewish boy to work in the motor trade. He should have been in clothing." He was about to sit his matriculation, but he had no choice. He had to help his widowed mother and support the family. In his spare time, he studied geography and economics, and his Aunt Ettie introduced him to Robert Tressell's novel, *The Ragged-Trousered Philanthropist* (1914), and the works of Upton Sinclair.<sup>48</sup> Increasingly committed to the principles of socialism and Communism, Rothman lost his job after getting into trouble with the law while selling copies of the *Daily Worker*. During a period of unemployment, he discovered, with the help of a bicycle salvaged from spare parts, the nearby wilderness regions of the Peak District and North Wales.<sup>49</sup>

In 1934, Rothman went to work at the aircraft factory A. V. Roe Ltd, known as AVRO, in Newton Heath and instantly became an officer of the Amalgamated Engineering Union (AEU). At AVRO, he met and married a fellow Communist, Lily Crabs, a mill girl who came from a Communist family from Rochdale.<sup>50</sup> His political views became increasingly visible to

47 Ibid.

48 Ibid., undated typescript record written in the third person in exceptional detail, probably composed as a result of an interview rather than authentically autobiographical.

49 Ibid., summary of information in two typed documents.

50 Graham Stevenson, *Defence or Defiance? A People's History of Derbyshire* (2004), at [www.grahamstevenson.me.uk](http://www.grahamstevenson.me.uk), accessed 2 Dec. 2015.

his employer and he was dismissed. In a later interview, he said that when he married a non-Jew it meant a bust-up with his family; they more or less disowned him and, rather than be an irritation to them, he moved out of the Cheetham area.<sup>51</sup>

Rothman was active in opposing the campaigns of Sir Oswald Mosley's British Union of Fascists but, when asked about his activities, he reported that he was not impressed by the Jewish contribution to the demonstrations that took place. He claimed that in 1936 in Cheetham, the Communist Party was the leading political force. In an interview in 1986, he explained that "anti-Semitism was quite prevalent and when the Blackshirts tried to come into the Cheetham area we (meaning the Young Communist League [YCL]) just booted them out".<sup>52</sup> Commenting upon the people who were active, he noted that: "Lots of Jewish organisations in Cheetham were violently anti-Communist but now they just don't know these things. We were the people that drove the Blackshirts out. We would physically throw them out, as well as politically threw [sic] them out. . . . They tried in quite a number of places in Cheetham and in every case we heckled and we drove them out." When asked if there was a big proportion of Jewish people in the Young Communist League, he replied: "A very big proportion, 75 per cent at least, 80 per cent. We'd quite a number of non-Jewish members, but comparatively very few, a small percentage. A lot of the Zionist fraternity and that [sic] stood back and let us do it. They're very brave now, fighting Fascism and anti-Semitism, but they weren't at the time. We were the ones that drove them out."<sup>53</sup>

The combination of his political activism and interest in the outdoors led to his participation in the famous Mass Trespass on Kinder Scout in 1932. In Rothman's own account of the story, he explained that in addition he became involved with the YCL,<sup>54</sup> and was a regular at the YCL-organized weekend camps on the Derbyshire moors, held under the "respectable" name of the British Workers' Sports Federation (BWSF).<sup>55</sup> They went out on organized rambles and on one occasion were turned back by gamekeepers. The BWSF decided on a Mass Trespass onto Kinder Scout

51 WCML, typed interview.

52 Ibid., typed interview, 7 June 1986.

53 Ibid.

54 Bernard Rothman, *The Battle for Kinder Scout, including the 1932 Trespass* (Altringham: Willow Publishing, 2012; *The 1932 Kinder Trespass, 1932*, republished to mark the 80th anniversary of the Mass Trespass).

55 Stevenson, *Defence or Defiance?*

specifically, because it was known as a forbidden territory. Rothman was clearly one of the leading organizers and, for instance, gave an interview to the *Manchester Evening Chronicle* in his capacity as the secretary of the Lancashire District of the BWSF. It was planned to hold what Rothman described as “a ramblers’ meeting” at the nearest small town, Hayfield, on 24 April 1932, to be followed by a Mass Trespass over Kinder. As this was planned so publicly, the landowner and the police were able to start preparations to try to stop the event. After tactical manoeuvres, some four hundred ramblers marched together. They met in an old quarry just outside Hayfield, and Rothman addressed them and started the Trespass. There are differing accounts of what happened next, but it is common ground in the accounts that there was a confrontation with the gamekeepers, who were armed with sticks. According to Rothman, “Half way up the scramble groups of gamekeepers emerged shouting at the ramblers to stop, and threatening us with their sticks. There were probably only three or four groups of keepers along the whole line, about 20 or 30 men in all. One temporary keeper, Edward Beever, became involved in a scuffle in which he was hurt, although not seriously as he was able to walk back to Hayfield. Most keepers brandished their sticks and threatened to use them if the ramblers did not turn back, but wisely did nothing but bluster as the ramblers pushed them aside and carried on.”<sup>56</sup>

Eventually, on what he called “the holy of holies, the forbidden territory of Kinder”, Rothman again addressed the crowd.<sup>57</sup> They then returned towards Hayfield and found that there was a line of police across the road. There are the names of a hundred identified ramblers in a list included in Rothman’s book, seventeen of whom had possibly Jewish or foreign-sounding names. Six of the ramblers were arrested and charged with various criminal offences, of whom four were named as Julius Clyde, Harry Mendel, David Nussbaum, and Benny Rothman (the other two were John T. Andrews and Arthur Walter Gillett). One account records that the judge (Mr Justice Acton), when summing up at the trial on 21 and 22 July at Derby Assize, said “that he was sure that the jury would not be prejudiced by the foreign sounding names of two or three of the defendants”.<sup>58</sup> The jury were described by Rothman: “Of what did this grand jury – that central feature of British justice – consist? Local grocers and candlestick makers perhaps? Certainly not. These ramblers were tried before a jury

56 Rothman, letter to *Evening Chronicle* (April 1932), repr. in *Battle for Kinder Scout*, 32.

57 *Ibid.*, 34.

58 Stephenson, *Forbidden Land*, 161.

consisting of two brigadier-generals, three colonels, two majors, three captains and two aldermen.”<sup>59</sup>

Rothman defended himself, cross examined the witnesses, and made a final address to the jury in which gave the history of the struggle for access to mountains, and the policy of the BWSF and of the Trespass itself. The jury convicted five of them, but Mendel was acquitted. Those convicted were sentenced to terms of imprisonment ranging from three to six months, Rothman’s being four months. He records no other words of the judge than that he asked one of them (Gillett) to apologize but he refused.<sup>60</sup> In contrast, the historian Tom Stephenson drew a widely different picture and recorded that in a summing up lasting two hours, the judge not only made the comment about foreign-sounding names, but also said: “It was the pride of the country to give a man even-handed justice, whatever his name, race, nationality or religion”.<sup>61</sup>

The Manchester Federation of Ramblers wrote to the Home Secretary pleading for remission of the sentences, especially as the men were first offenders, but he declined to intervene.<sup>62</sup> It is interesting that the Home Secretary of the day was Herbert Samuel, well known as a member of the Jewish community.

Viscount Samuel (1870–1967) was the first British High Commissioner of Palestine. He was Home Secretary in 1916 and from 1931 to 1932. Samuels was a lover of the countryside, and was a member or participant in the group known as the Sunday Tramps. In countryside and rambling circles it is a famous title. The original Sunday Tramps were a group of late Victorian intellectuals, founded by Leslie Stephen (the father of Virginia Woolf and Vanessa Bell, and the first editor of the *National Dictionary of Biography*). They would hike in the countryside near London, covering some twenty to twenty-five miles on each walk. Members included James Bryce (see later), Edward Whymper, Sir Frederick Pollock, and a “corresponding member”, Professor Vinogradoff of Moscow. It is said that there was little idle chatter; it was seen as an archetypal expression of the era, a rejection of the values of the very wealthy. While the rich hunted or shot, the Tramps walked: indeed, they trespassed, asserting (in their legal-minded way) that trespassers could not be prosecuted because they were only committing a tort – a civil wrong. One of them, Sir Frederick

59 Rothman, *Battle for Kinder Scout*, 48.

60 *Ibid.*, 53.

61 Stephenson, *Forbidden Land*, 161.

62 *Ibid.*, 162.

Pollock (1845–1937), a famous lawyer, developed the policy of issuing the following: “We hereby give you notice that we do not, nor doth any of us, claim any right of way or other easement into or over these lands, and we tender you this shilling by way of amends.” They went on to recommend that the formula would be most effective when repeated, after the leader, in solemn chant by a large party of Tramps.<sup>63</sup>

The original group was disbanded in 1895 but was revived in 1904 by Stephen’s son, Thoby, and John Pollock, and Herbert Samuel became a member. Chaim Bermant in *The Cousinhood: The Anglo-Jewish Gentry* (1971) explained that the group was then known as one of Liberal dons, politicians, and writers who would wander each weekend through the quieter parts of the Home Counties, marching briskly and debating, when breath would permit them, the events of the day. Bermant also describes how when Parliament was sitting, Samuel walked, whatever the weather, across four royal parks from his home in Bayswater to the House of Commons.<sup>64</sup>

English law has always placed a great emphasis on property and protecting the person in possession of property. Such well-known phrases as “an Englishman’s home is his castle” and “English law cares more for property than people” are a fair indication of the attitude taken to protect the landowner or occupier against trespass and, in the context of the mountains and moors of northern England, trespass by ramblers. In the later part of the nineteenth century there developed a feeling that it was unfair that many parts of the uplands, particularly in Scotland, but also in England, were closed to the public. These were at once places of fear and mystery to some, and places of challenge and quiet solitude for others. In 1884, James Bryce MP made the first attempt to achieve legislation that would give the public rights to enter these areas.<sup>65</sup> His was the first Access to Mountains Bill, although Parliament dismissed the Bill without debate. In the next decades, there were fourteen subsequent unsuccessful attempts to change the law. The Mass Trespass became a catalyst for change, and in 1939, an Access to Mountains Act became law. While it gave some rights of access by a complicated and bureaucratic system, it also, for the first time, made trespass a criminal offence. It proved to be

63 Dave Hollett, *The Pioneering Ramblers 1850–1940* (Manchester: Northern Area of the Ramblers Association, 2002), 77.

64 Chaim Bermant, *The Cousinhood: The Anglo-Jewish Gentry* (London: Eyre & Spottiswoode, 1971), 354.

65 Stephenson, *Forbidden Land*, 131.



inoperable and was never applied. This was recognized by government and was repealed by Section 84 of the National Parks and Access to the Countryside Act 1949, which introduced a different system.

Under the 1949 Act, local authorities were enabled to enter into agreements with landowners to allow people to access some land on foot, but placed no obligation on the owners to enter into such agreements. The type of land was described (*inter alia*) as mountain, moor, heath, and down.<sup>66</sup> The Act did not give an absolute right of access on foot, merely the power to facilitate owners who were willing to allow access. If there was an unwilling landowner, there was a power to create a right by order, but the landowner had to be financially compensated. Few landowners agreed, and fewer local authorities took the risk of making an access order and paying compensation. Once again, the legislation was a disappointment. Despite the government's aspirations, it did not want to have a confrontation with landowners.

The Ramblers kept up their campaign, and although Rothman was aging he still attended and addressed rallies; on these occasions he was greeted as a hero and the subject of congratulation, as he describes in the updated sections of his book.<sup>67</sup> He even received an apology from the Duke of Devonshire at a rally to mark the sixtieth anniversary of the 1932 Trespass.<sup>68</sup> Although the Duke's family did not own Kinder Scout, they had taken action against trespassers on other land.

Towards the end of the century, various Labour MPs took up the baton for a wider, more comprehensive form of access, which by this time was described as "the right to roam". First was Paddy Tipping, for whom the author drafted his Access to the Countryside Bill in 1997, and later Gordon Prentice, for whom the author drafted his Right to Roam Bill in 1999. The Government then gave a commitment to introduce legislation, and in due course a right to enter onto mountain, moor, heath, and down, as well as registered common land on foot, was made law by the Countryside and Rights of Way Act 2000.

While there were other Jews who were punished for their involvement in the fight for access, it was Rothman who continued the fight. He suffered a debilitating stroke in 1994 and died on 23 January 2002, after the 2000 Act had become law.<sup>69</sup> The *Jewish Chronicle* noted on the occasion of a

66 Section 59, National Parks and Access to the Countryside Act 1949.

67 Rothman, *Battle for Kinder Scout*, esp. 84–9.

68 *Ibid.*, 88.

69 *The Independent*, 20 Feb. 2014.

celebration of his life in 2002: “Anyone who has ever enjoyed a day out in the country owes a great debt of thanks to a Manchester Jewish Communist called Benny Rothman.”<sup>70</sup> One lasting memorial to him is a Blue Plaque unveiled in October 2012 on the house that he occupied towards the end of his life, at 86 Crofton Avenue in Kimberley, Trafford, Manchester.

*Social change and order: legislation, national parks,  
“the father of town planning”*

This essay has considered two themes so far, nature conservation and recreation in the countryside. It was another Jew, Lewis Silkin (1889–1972), the first Baron Silkin, who brought these two themes together, and also brought about many other changes in the whole country, especially to the countryside. He was often described “as the father of town planning” and “the architect of the best land use planning system in the world”.<sup>71</sup>

Silkin was the son of Abraham Silkin, a teacher of Hebrew and a wholesale grocer. The family had arrived in England from Lithuania just before Lewis was born. He went to university at Oxford and qualified as a solicitor. Silkin married Rosa Neft from Neath. After her death, in 1948, he married Frieda, the widow of J. F. Fielder Johnson and the daughter of the Rev. Canon Pilling of Norwich. Frieda died in 1963, and finally in 1964 Silkin married Marguerite Schlageter. His Jewish background was positive and he was active in Jewish affairs; however, there is no evidence that it had any direct effect upon his many achievements. He was the President of the British Technion Committee, in support of the Haifa Technion (university). His obituary in the *Jewish Chronicle* also records that the Jewish National Fund, the Joint Palestine Appeal, and the Organization for Rehabilitation and Recovery enjoyed his active support and that he showed an interest in Jewish education.<sup>72</sup>

Lewis Silkin was a regular rambler into the countryside, and acquired a love of rural England.<sup>73</sup> He took up politics, served as a Labour councillor in the London County Council, becoming the chairman of the housing and public health committee. Later he became an MP and was appointed the Minister of Town and Country Planning in the Attlee government of 1945, without a seat in the cabinet. His colleague Barbara Castle said of him in her autobiography: “[He] was an improbable symbol of the hiker’s

<sup>70</sup> JC, 26 April 2002.

<sup>71</sup> *Manchester Guardian*, Obituary, 12 May 1972.

<sup>72</sup> JC, 19 May 1972.

<sup>73</sup> ODNB, s.v. “Lewis Silkin”.

friend. Portly, expensively suited and rather prim, he looked and was the successful City solicitor, but he had not forgotten the rambling days of his youth and the Bill [the National Parks and Access to the Countryside Bill, later the 1949 Act] delighted us with its comprehensiveness.”<sup>74</sup>

It has been suggested that he was unpopular in many quarters in part because environmental issues had not then come to the fore, in part because his “planning” of housing was seen as smacking of totalitarianism, and in part because of his lack of personal charisma.<sup>75</sup> In fact, he took three remarkable bills through the House of Commons which have shaped England and Wales as we see and enjoy them today. They were the New Towns Act, the Town and Country Planning Act, and the National Parks and Access to the Countryside Act. To understand their importance it is necessary to have a short look at each of them.

The New Towns Act 1946 was one way of re-housing those who had lost their homes during the war, but it was more than that because it aimed to get different social classes together and mix them, rather like social housing today. It met with resistance, including antisemitic claims that Silkin was planning to erect synagogues in Stevenage, and it was said that the locals “were being crucified on the cross of progress”. The protesters changed the name of the railway station to “Silkingrad”.<sup>76</sup> Nevertheless, the legislation was enacted.

Silkin’s next, the Town and Country Planning Act 1947, was actually the centrepiece of the trio of changes. For the first time, it proposed a comprehensive system of planning for controlled progress in both town and country, as the title implies. The two themes identified earlier were part of the third important piece of legislation that Silkin took through the House, and it also introduced solutions for two other important countryside issues, namely the creation of National Parks and of a definitive record of our public rights of way. That legislation is the National Parks and Access to the Countryside Act 1949.

In introducing the third Bill into the House Silkin said: “This is not just a Bill. It is a charter – a people’s charter for the open air, for the hikers and ramblers, for everyone who loves to get out into the open air and enjoy the countryside. Without it they are fettered, deprived of their powers of access and facilities needed to make holidays enjoyable. With

74 Barbara Castle, *Fighting all the Way* (London: Pan, 1993), 169.

75 William D. Rubenstein and Michael A. Jolles, eds., *The Palgrave Dictionary of Anglo-Jewish History* (Basingstoke: Palgrave Macmillan, 2011), 913.

76 ODNB, “Lewis Silkin”.

it the countryside is theirs to preserve, to cherish, to enjoy, making it their own.”<sup>77</sup> Professor Gordon Cherry (the eminent scholar of town planning) later wrote: “The interest shown by the Minister, and his commitment to the idea of the creation of National Parks was of great importance. In this History it is impossible to evaluate precisely the influence exerted by the Minister, as compared with the Treasury, his own Department’s officers or other colleagues such as the Lord President. None the less there is sufficient evidence to suggest that it was the Minister’s personal dedication and drive that were largely responsible for positive decisions in favour of National Parks legislation in the early stages of the campaign. We should recall that Silkin had no seat in the cabinet; his influence and success at this is all the more remarkable.”<sup>78</sup>

Silkin made the establishment of National Parks the first of the really creative parts of the 1949 Act when it says that they would be those “extensive tracts of country in England and Wales . . . which . . . by reason of their natural beauty, and the opportunities that they afford for open-air recreation, having regard both to their character and their position in relation to centres of population, it is especially desirable that they [shall be preserved and enhanced].”<sup>79</sup>

There is one other legacy that still retains Silkin’s name. Because of the nature of the geology and landscape of some of the National Parks, they are frequently under development pressure, particularly for mineral extraction. Quarrying is possibly the most intrusive activity affecting the landscape, and there is thus a conflict between such activity and one of the purposes of National Parks, namely, of preserving natural beauty. Silkin recognized this conflict and decided upon a policy that, while acknowledging that sometimes such development must take place in National Parks, stated: “It must be demonstrated quite clearly that the exploitation of these minerals is absolutely necessary in the public interest. It must be clear beyond reasonable doubt that there is no possible alternative source of supply, and if those two conditions are satisfied then permission must be subject to the condition that restoration takes place at the earliest possible opportunity.”<sup>80</sup>

77 Hansard, House of Commons Debates, vol. 464, col. 1493, 31 March 1949.

78 Gordon E. Cherry, *Peace Time History: Environmental Planning 1939–1969. Part II: National Parks and Recreation in the Countryside* (London: HMSO, 1975), 81.

79 Section 5(2), National Parks and Access to the Countryside Act 1949.

80 See Ann and Malcolm MacEwen, *National Parks: Conservation or Cosmetics?* (London: George Allen & Unwin, 1982), 233.

This test is simply and regularly referred to as “the Silkin Test” and has endured in principle despite many changes in policies and practices relating to National Parks and to Planning. It is included in the National Planning Policy Framework of 2012 in a differently worded and watered-down version, whose Paragraph 15 says: “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important.” And Paragraph 116: “Planning permission should be refused for major development in those designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration should include an assessment of the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way [and] Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”<sup>81</sup>

The National Parks and Access to the Countryside Act 1949 is so central to the themes of this paper that it is useful to examine it a little further. It is divided into five main parts: I The National Parks Commission; II National Parks; III Nature Conservation; IV Public Rights of Way; V Access to Open Country. It is in connection with Part I of the Act, dealing with the creation of the National Parks Commission, that we find a surprising, if controversial, Jewish involvement: the first Secretary of the National Parks Commission was Harold Manning Abrahams (1899–1978), who had won the gold medal in the 100 metres race in the 1924 Olympics (as shown in the film *Chariots of Fire*, 1981).

Abrahams was one of four sons of Isaac Klonimus, who had fled Lithuania because of persecution and changed his name to Abrahams in recognition of his father, Abraham Klonimus. Isaac married Esther Isaacs from Merthyr Tydfil. It is said that Isaac was a strict father and perhaps that gave rise to the qualities that made the sons apply themselves hard to advance themselves. Harold showed athletic prowess at school and when he went to Cambridge he pursued that interest with extraordinary application. He had been affected by antisemitism when at Repton

81 Department of Communities and Local Government, National Planning Policy Framework (2012), Paras. 115, 116.

School, and the impression is that he became competitive for a variety of reasons – his father being violent when drunk, antisemitism, and sibling rivalry. He became attached to the Christian faith when in love with a non-Jewish girl, and, though that relationship broke up, he later married a non-Jewish opera singer. There were suggestions that he had converted to Catholicism, but there is no evidence to support the claim. Harold insisted on competing on Saturdays and defended his decision to do so when speaking at a Maccabi dinner (the Jewish sporting organization).<sup>82</sup> Later, he became a radio commentator, and there was much controversy surrounding his activities relating to the 1936 Olympic Games in Berlin, which he attended, attracting much criticism in the *Jewish Chronicle*. Abrahams described himself as of Jewish origin but not as a Jew, and he played down the effect on him of antisemitism.<sup>83</sup>

Harold Abrahams became a lawyer and then also a civil servant. He wished to return to the bar but the Civil Service would not release him, and he was sent to the Ministry of Town and Country Planning, of which he later said: “I went there initially to help out with an Act of Parliament which I never in fact did help out with and I liked it there and stayed on.”<sup>84</sup> In 1950 he was appointed the Secretary of the National Parks Commission, a post he held until 1963. He was responsible for the implementation of Part II of the Act and the creation of the first National Parks. There are National Parks spread throughout England, Scotland, and Wales. The idea of National Parks is said to emanate from a comment by Wordsworth, who wrote about “a sort of national property, in which every man has a right and interest who has an eye to perceive and a heart to enjoy.”<sup>85</sup> Fittingly, the first was in the Peak District, the area that was nearest to a greater number of people than any of the other proposed Parks, it being in easy reach of Manchester, Sheffield, Liverpool, and other Midland towns, and where Kinder Scout is situated and where Rothman trespassed. Through Silkin and Abrahams there is thus a major Jewish contribution.

Abrahams’s enthusiasm was about preserving the best of England. His adopted daughter, Sue Pottle, has been quoted as saying that “He was absolutely patriotic, all for king and country”.<sup>86</sup> According to a biography of 2012, Abrahams’s view of his work was:

82 Mark Ryan, *Running with Fire: The True Story of Chariots of Fire Hero Harold Abrahams* (London: Robson Books, 2012), 82.

83 *Ibid.*, 210.

84 *Ibid.*, 310.

85 William Wordsworth, *Guide to the Lakes* (1810).

86 Sue Pottle quoted in Ryan, *Running with Fire*, 310.

The National Parks Commission was set up primarily to designate National Parks. We've got ten of them. Lake District, Peak District, Pembrokeshire Coast, Dartmoor, Exmoor, Northumberland and so on, with the idea that those are areas where the public can enjoy beautiful scenery and get sufficient recreation. It is a frightfully lucky job to have because it brings one into contact with so many people. Local Authorities manage the Parks. I go down to Park meetings and help with problems. You've got a great conflict. You've got a limited amount of land in this country. How is it to be used? Are you to have recreation or are you to have a power station? I am essentially a person who believes that the only way in life is compromise. It doesn't mean giving way on things that really matter. There are precious few things that you can be absolutely certain about. I enjoy enormously trying to bring together two conflicting interests and trying to sort it out . . . and get those people thoroughly identified with the result!<sup>87</sup>

Abrahams died in 1978 and was cremated. Norman Cuddesford, one of Abrahams's co-commentators, told Abrahams's biographer that at the cremation, "It didn't seem to be a Jewish funeral. Nobody was wearing Jewish garb, it was a Christian funeral."<sup>88</sup> An English Heritage blue plaque was unveiled in 2007 at Hodford Lodge, 2 Hodford Road, Golders Green, Abrahams's London home at the time that he won the Olympic gold medal.

Part III of the 1949 Act deals with nature conservation and created many classes of areas that are protected because of some natural factor or quality. Besides National and Local Nature Reserves (NNRs and LNRs), there is provision for Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONBs). The qualities which attract designation are many and various, but the effect is the fulfilment of what Charles Rothschild must have hoped. The principles that lead to designation vary from the preservation of flora, fauna, or geological or physiographical features, to preserving the natural beauty of an area. There are more than 4,000 SSSIs in England, covering about seven per cent of the country's land area. More than half these sites, by area, are internationally important for their wildlife. Many SSSIs are also NNRs or LNRs.<sup>89</sup> There are 38 AONBs in England and Wales (33 wholly in England, 4 wholly in Wales, and 1 which straddles the border). AONBs represent

87 Harold Abrahams quoted in *ibid.*

88 Norman Cuddesford quoted in *ibid.*

89 See Sections 15, 21, and 23, National Parks and Access to the Countryside Act 1949.

eighteen per cent of the finest countryside in England and Wales. Through Charles and Miriam Rothschild there is thus a major Jewish contribution.

Part IV of the Act deals with public rights of way, namely a defined route over which the public have a right to pass and repass. This part of the Act was intended to create a record of the public right of way network. Until the Act, the existence of a public right of way was decided on a case by case basis. Silkin's solution was based on a series of steps to create a map that would be a definitive record of all public rights of way. It was a scheme which became protracted because there were several versions of the maps to be drafted by each Surveying Authority after consultation with Parish Councils and others, including landowners and the public. These versions and stages of each map were draft, provisional, and definitive, with different rights of appeal at the earlier stages. If one looks at an Ordnance Survey map today and compares it with one which was in existence in 1949, one will see great differences because the modern maps show all our public rights of way and indicate their status, such as a footpath (with a right simply to walk on it), a bridleway (where one can ride one's horse as well as walk), a restricted byway (where in addition you can take a horse-drawn vehicle) and a BOAT (a byway open to all traffic).<sup>90</sup>

Part V of the Act, dealing with access to the countryside, was something of a disappointment, especially to Rothman. In their critique of the development of National Parks, Ann and Malcolm MacEwen explain that the Act:

in effect provided that the public should have no rights of access to open country whether in a national park or not, except by agreement or order. The reasoning behind this decision was that where access was enjoyed by custom it was better, in Silkin's words, to let sleeping dogs lie and not to provoke landowners into withdrawing the "privilege" of access. This was to be provided by law, as opposed to custom, only where an access agreement had been made with the landowner or, in default of agreement, an access order had been made by a local authority and confirmed by the secretary of state. The county councils were required to review their areas and to advise what action was necessary to secure public access. With few exceptions, the county councils reported that little or no action was needed.<sup>91</sup>

90 See Section 27, National Parks and Access to the Countryside Act 1949.

91 A. and M. MacEwen, *National Parks*, 19.



In practice, there were hardly any access agreements or orders made in the whole country and, as mentioned earlier, the campaign for the right to roam continued, sometimes using the name “Forbidden Britain”, and eventually culminated successfully in the Countryside and Rights of Way Act 2000.

### *Conclusions*

From available sources, it can be seen that each of the five people mentioned in this paper made a material contribution to the enjoyment or conservation of the UK countryside. However, while there is a thread in the tapestry of the lives of each of them – their Jewish identity by birth – the thread of Judaism was thin, or became short or may have been destroyed. Some of them came from Orthodox families (Rothman, Silkin, and Abrahams) but seem to have abandoned their faith, and some had a continuous and public relationship with the Jewish community (Miriam Rothschild and Silkin). One can conjecture that there is something in the Jewish tradition, learning, character, or psyche which leads to a great commitment to a chosen cause. It was not as though any Jewish learning was applied to or was involved with their respective causes or commitments, but, even if there is no identifiable Jewish connection, it is a remarkable fact which should be recognized and which has been brought together in this paper.

If there is a common factor in the contribution of the leading players, it can be argued that it lies in the resolution of conflicts. As the need grew for land to accommodate a growing population working in industry, the development of land became a predominant objective both economically and in governmental terms. Appreciation of the importance of the soil of the land and what grew in and on it became less important. There was a conflict between development and conservation, and Charles Rothschild was the first to recognize this and look for a solution. The desire of those who were fortunate enough to own land in beautiful locations to use it as they pleased was in conflict with the desire of others to visit those locations. Rothman addressed that conflict and took physical action to change the rights of the landowners. Silkin accepted that a solution was the creation of National Parks, the grant of access, and recording rights of way. This set the framework for the resolution of many conflicts that were developing as the nature of society changed. Silkin also created town and country planning, which can be seen as a method of balancing the

conflict between town and country, and between excessive and restrained development within towns. Therefore, taken together, there is evidence of a real and major contribution by a number of Jews to the solution of issues relating to the English countryside.

**\*Note on contributor**

Independent scholar. Jerry Pearlman, a retired solicitor, was a rambler and a member of the Yorkshire Dales National Park Authority for eighteen years, ultimately serving as Deputy Chairman. He has been the President of his local Law Society, and a member of the Solicitors Complaints Bureau. He was awarded the MBE for services to the Ramblers Association for which he is an Honorary Vice-President. He is currently Chairman of the Yorkshire and the Humber Regional Access Forum.

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