

Disputing Stonehenge: Law and Access to a National Symbol

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Stonehenge has been the site of lengthy, and at times violent, disputes concerning the refusal of access to the site. In particular, this has concerned the wishes of various groups of people to celebrate there (whether in religious or secular form) at Midsummer. This paper examines the events at the site from the violent end to the era of free festivals at the site in the mid-1980s to the current moves to extend free access to the stones at the Solstice. It suggests that these events cannot be viewed in isolation. Denying access to a national monument held in public ownership raises questions of the nature of national monuments themselves, and of the society for which they have symbolic importance. The recent moves towards open access to the site at the Solstice are part of a process of renegotiation of boundaries, which itself reflects a changed social climate. However, this has not provided a final resolution to the problem of reconciling diverse interests in the site.

Ancient monuments have long been used as symbols of national identity. As physical markers in the landscape, they represent a connection over time between a defined social group and a location. They serve as symbols which identify that social group and which help to legitimate and reinforce identity in the present by demonstrating that the group (whether national, ethnic or cultural) also had a past, rooted in that place and continuing into the present. It is no coincidence, therefore, that legislation to protect national monuments came about in Europe in the latter part of the nineteenth century, alongside the consolidation of nation states.¹ Legislation which protects such monuments from destruction by their owners thereby identifies them as being the object of a public interest. Although they may still remain in private ownership (the UK legislation, unlike some jurisdictions, does not 'nationalise' ancient monuments in the sense that they automatically become state-owned), they are in some sense no longer wholly private property. They have been designated as of 'national importance'.² As a consequence of this ascription to them of the status of national significance,

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the landowner does not have unrestricted rights to do as he or she wishes with the property. However, this preservation of monuments in the public interest is not necessarily accompanied by the right of access to them by the public. Stonehenge is a 'national monument', protected by legislation and, in this case, also in the ownership of the state. Nevertheless, it became the site of battles over access to the site and is still the subject of ongoing dispute over the appropriate public use of the area.

The disputes over access to and use of the site have focused on the celebrations there at the Midsummer Solstice, when denial of access has been imposed with the full force of state authority. This has been both physical, involving the use of large numbers of riot police, and legal, involving in particular the use of the Public Order Act 1986. The law has clearly been central to the events there. The right to exclude from the site and from other land in the surrounding area is itself a right flowing from the legal ownership of the monument. The passage of the Public Order Act 1986 was a direct consequence of events at Stonehenge. More recently the decision in *DPP v. Jones and another* [1999] 2 All ER 257 HL, a significant case involving the right to public protest, concerned a demonstration near the site. Stonehenge has become not only a symbol of national heritage but it has also come to demonstrate state authority and power in the present. That authority was used to an extraordinary extent to exclude particular people and activities from the monument, resulting in the paradox of barricades separating a publicly owned national monument from its citizens. It is only because the site has symbolic value that such substantial resources could be allocated to policing access to it. Generally, ancient monuments do not enjoy a high profile on the political agenda, and are seldom a priority for government spending. The costs involved in policing Stonehenge far exceed the level of funding normally available for the protection of prehistoric remains. It was precisely because it has a symbolic national value that appropriation of the site could be portrayed as an attack on the values and identity of society itself, thus justifying the measures taken to protect it from socially unacceptable activities. Conflict at the site was not just about the use of the monument but reflected wider issues, reinforcing the strong links between the cultural heritage and its political and social context.³ As Chippindale commented in 1990, 'Stonehenge is an epitome of Britain in the later 20th century – truly a monument of our age'.⁴

Stonehenge is probably the best known of all the ancient monuments in Britain and is certainly the most readily recognised. It is therefore perhaps fitting for a site that is symbolic of the national heritage that events there and the legal reactions to them should act as a mirror, reflecting the society it represents. The battles over access to Stonehenge were about more than

the choice of site for a midsummer party, although that was the problem which triggered the violent confrontations. The site is more than a static relic of the past, simply providing a picturesque focal point in the landscape, it has a dynamic role in the present as a 'contested landscape',⁵ a 'bubbling brew'⁶ of conflicting interests. Its use in advertising or tourist brochures projects it as a central image of the national past and by implication, of national self-image in the present. This image is far from straightforward, however. It masks many aspects in which the site is ambiguous, capable of multiple and confused meanings. Since the exact nature of its original purpose can only ever be speculative, the site is peculiarly open to diverse interpretations. As Hetherington puts it, it is 'centrally central' and 'centrally marginal'.⁷

A Site of Ambiguity

Stonehenge is a potent symbol now and its scale and form suggest it was so in the past. Whatever its original meaning, its scale suggests that it must have represented considerable power and authority when it was built. Its purpose in the past is not clear; it has variously been ascribed religious, political, scientific and magical meaning. Its building has been attributed to the Phoenicians, Romans, Celts, Druids, French and Britons.⁸ Despite the ambiguity of its origins, it has become a national monument. Yet this symbolic role as an image of the national past masks a number of contradictions. This central imagery contrasts with the many respects in which it is marginal or ambivalent. It is not a monument to the past of the present inhabitants of that geographical place, since it was not their ancestors who built it. It pre-dates England and was a ruin before the English arrived.⁹ It is not the site of significant events in the nation's history and it lies away from major centres of population, commerce or industry, marginal to the 'real' world of production and consumption. Even in this respect, though, the role of monuments is ambivalent since the past has itself become a commodity for consumption in the form of the 'heritage industry'.¹⁰

A minority of the visitors to Stonehenge are English. A survey in 1984, just before the most troubled episode in recent Stonehenge history, showed that 73 per cent of visitors were from overseas, and that over half of these were from the United States.¹¹ For many, it is a spectacle to be viewed, and perhaps a convenient stopping place on a long journey. The fact that the majority of visitors are foreign tourists makes the English, those whose heritage it is supposedly representing, a marginal group. The conflicts over access to the site were waged with regard to the exclusion of a group that were defined as marginal (New Age travellers), yet were mostly English. A

site that is a marginal place for most people, one to be visited outside the realm of everyday life, had become central to the travellers as a place of annual meeting and identification. In religious terms it is also marginal, deemed to possess powers and used as a place of worship and ceremonial by groups outside the mainstream. Some of these activities were tolerated, such as the ceremonies of the Druid groups who had been celebrating at the site since the beginning of the twentieth century. Others, particularly the more recent pagan and Druid celebrations, were not. For these groups, the site is not a spectacle to be observed from the outside, a relic from a completed past that 'resonates with pastness'.¹² In contrast, it is a place which has spiritual meaning and significance, a place to be engaged actively with in the present. Its meanings in the present are diverse but its meaning in the past is obscure. Its original purpose has variously been claimed to be religious, social, economic, political and scientific. All these meanings are present in the modern use and meanings attributed to the site. It is marginal and ambivalent in academic terms, being a central site for theories which are outside mainstream academic thought, the 'Earth Mysteries'.¹³ Hetherington uses Foucault's concept of *heterotopia* to describe such marginal places; 'non-discursive sites and places of contrast whose existence sets up unsettling juxtapositions through their strange or ambivalent composition';¹⁴ 'sites of incongruous spatial relations that challenge the dominant space of representation within a society'.¹⁵ Heterotopic relationships unsettle because they are out of place. The unsettling has been profound at Stonehenge. This uncertainty facilitates the use of such places in the making of other forms of identity, hence their attraction for marginal groups in society such as Druids, alternative New Age theorists, or specifically in the case of the battles in the 1980s, travellers. Such marginal sites become socially central to these identities and serve a similar purpose to shrines, as places of pilgrimage. Those who celebrate and gather at the site and for whom the site is central are treated as other, 'harbingers of uncertainty and discontinuity'.¹⁶ Marginal and central have become confused.

What is clear though, is that law has been central to defining the rights which exist over the site, and used very visibly to enforce such rights. Legal rights of ownership have determined access, an access which has become increasingly restricted to a defined (paying) public,

While the stones remained 'open' right through to the beginning of this century and people could come to them with their different understandings, they are now 'closed' and Stonehenge has become a museum which attempts to 'sell', not always successfully, a particular sort of experience, a particular interpretation of the past.¹⁷

It has become a secular place, with little room for those who (rightly or wrongly) see themselves as heirs of a religious tradition at the site. 'The archaeological attitude to Stonehenge, while recognising Stonehenge as a place of ritual, is wholly secular; archaeologists aim towards a scientific understanding, some kind of disinterested sociology of prehistoric religion, rather than a re-affirmation or re-creation of a prehistoric faith.'¹⁸ In contrast, modern Druids treat Stonehenge as a place of religion and ritual, which at least echoes its role in prehistory, even if they do not represent historical continuity with its use in the past.

What is Stonehenge?

Stonehenge is more than a circle of stones. It is the central element in a wider area of ritual landscape peppered with prehistoric monuments. It was clearly a symbol of power and prestige when it was built, and this aura of power colours perceptions of it in the present. It is still capable of evoking awe in those who visit it. From its very beginning, it has been a place where authority has been expressed:

we must remember that Stonehenge belongs to an era when power was exercised through ceremony and validated directly by reference to the supernatural. Such rituals seek to establish a continuity with the past to protect the interests of authority. The investment of resources in Stonehenge was political, designed to establish a symbol of authority.¹⁹

The remains seen today were built around 4,000 years ago, although this was not the first use of the site. A wooden structure had previously stood on the site, and the site was subsequently abandoned for a period before the stone circle was built. This was undoubtedly a major project requiring substantial resources. The main circle, 100 feet in diameter, consisted of 30 upright stones brought from 30 miles away. These were joined by a series of lintels, held in place by mortice and tenon joints. An inner stone circle consists of upright bluestones from the Preseli Mountains in North Pembrokeshire, Wales. Although there is still some support for the suggestion that they were brought to the area by glacial action, they are generally thought to have been brought by the builders by land and sea over a distance of 150 miles.²⁰ Inside this circle is an inner horseshoe of sarsen trilithons, and within that an inner bluestone horseshoe. Although its purpose is still disputed, a site such as this cannot be anything other than an expression of authority. Its building demanded considerable skill, organisation and manpower. Nor was the stone circle one isolated monument. Its location within a landscape of other monuments suggests the whole area was of great significance. At some stage

the site went out of use (whatever form that use took) and was abandoned, probably in the later Bronze Age.²¹

Return from Abandonment

Daytrippers to the site are documented from 1562,²² and a Royal Warrant to hold an annual fair was granted to Thomas Haywood in 1680.²³ By the mid-nineteenth century it was a popular destination for picnic excursions, and fairs, concerts and sports events were held there. The return of Stonehenge from abandonment was therefore associated with just those activities which were deemed unacceptable in the 1980s – social rather than religious gatherings. Its importance as an ancient monument was recognised when it was listed on the first Schedule of Ancient Monuments in 1882.

In 1893 the then owner, Sir Edmund Antrobus died and was succeeded by his nephew of the same name. He offered the site to the government for £125,000, but the Chancellor of the Exchequer responded that the price was ‘absolutely impossible for any purchaser to consider’.²⁴ In 1894, Antrobus refused to allow the Ancient Monuments Commission to fence Stonehenge: he still saw it as an important public space. If they tried to fence the stones, he felt, ‘an indignant public might act as the London public did in regards the railings of Hyde Park, when the claim to hold meetings was interfered with’.²⁵ However, on 31 December 1900, a stone and lintel were blown down in a gale, and after this Antrobus decided to fence the site, check the safety of the rest of the stones and charge admission. In 1901 he erected a fence around the monument and began charging an admission fee of one shilling. The history of legal disputes over access to the site began. Antrobus had been insistent that he wanted to retain full rights of ownership over the site. Formal opposition to the fencing came from three sources.²⁶ Amesbury Parish Council asserted that there was local tradition of free access to the downland, the National Trust (with other amenity groups) insisted on public rights to a national monument, and leading archaeologists were worried that the site might be damaged by inappropriate restoration.

The case was finally heard in the High Court in 1905 (*A-G v. Antrobus* [1905] 2 Ch 188). The legal basis of the protesters’ case was that the various tracks across the site were public rights of way. The court disagreed and found for Sir Edmund, Farwell J. adding *obiter* that the concept of *jus spatiandi* is unknown to English law (at 198). Stonehenge remained fenced. Although the site had been included on the Schedule of Ancient Monuments since the introduction of the first Ancient Monuments Protection Act in 1882, this Act had had little practical effect with respect to those sites which remained in private ownership. The

Ancient Monuments Consolidation and Amendment Act 1913 brought together the existing legislation (there had been some minor legislative changes in 1980 and 1910) and altered the system for making additions to the Schedule. In addition, it changed owners' absolute discretion concerning the future of scheduled sites. Stonehenge was thus now protected (to some degree) against demolition or damage, as the owner was required to give notice of work on the site, and Preservation Orders could prevent such work from taking place. In 1915, after the death of the owner, Stonehenge was put up for auction. The purchaser, Mr Chubb, gave it to the nation three years later with the express wish that access should remain free 'unless the Ministry of Works deems otherwise'. The Ministry deemed otherwise, as have its successors. Public ownership was not to be the solution to access disputes.

Who Owns Stonehenge?

Stonehenge has been the site of bloody, violent and public conflict over the central legal right attaching to property, that of the right of access. Although a place held in public ownership and open to the public, it is precisely this issue of the rights of public access to the site which has been problematic. Its status as property is therefore significant. The whole site is designated a World Heritage site under the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage. This however, does not affect the legal ownership of the site. In legal terms, the monument itself and the small triangle of land on which it sits, bounded by roads, are owned by the nation. It is now managed by English Heritage. English Heritage (properly called the Historic Buildings and Monuments Commission) was established by the National Heritage Act 1983. Under s.34 of this act, the Secretary of State (the relevant department is now the Department for Culture, Media and Sport) may direct English Heritage to exercise his or her functions of management in respect of any ancient monument in England. Such a direction has been made in respect of Stonehenge. Around 1,500 acres of land around the site itself are owned by the National Trust, purchased by public subscription.²⁷ Further areas are Ministry of Defence land, and some parts of the World Heritage site are in private ownership. It is a Scheduled Ancient Monument, receiving protection under the 1979 Ancient Monuments and Archaeological Areas Act.²⁸

Druids

Stonehenge is associated in the popular imagination with the Druids, though this link is largely a modern invention. John Aubrey (1629–97)

was the first modern writer to link megalithic monuments to the Druids, but it was the publication in 1740 of *Stonehenge, a temple restored to the British Druids*, by William Stukeley (1687–1765), that led to the association of Stonehenge with the Druids.²⁹ The original Druids were a pre-Roman intellectual and religious caste, and although some Druidic practices appear to have survived the coming of Christianity in the Bardic Colleges in Ireland, Wales and Scotland through to the seventeenth century, there was no real continuity of practice from pre-historic to historic times. Modern Druidism is the result of a revival in the late eighteenth century, when it found itself in tune with the Romantic spirit of the age. The Ancient Order of Druids was founded in 1781. Druid groups at the time tended to blend Druidism with Christianity, using the central image of the sun as the symbol of divine light. A splinter group, the United Order of Druids was formed in 1833. Worshipping the Solstice at Stonehenge began in the late nineteenth century, and by 1918 there were five separate sects of Druids worshipping at Stonehenge. There have continued to be numerous strands in modern Druidism. Until about the mid-1960s, its image was rather restrained and it was looked on with tolerance by the establishment. Indeed, it was a sufficiently mainstream activity for Winston Churchill to have been a member (for a short time) of a Druid Order. Unlike the later New Age travellers at Stonehenge, the Druids were generally accepted as harmless eccentrics, considered to be gently bizarre rather than dangerously subversive, and their ceremonies at the stones were permitted.

The Changing Nature of Interest in Prehistoric Monuments

In the counter-culture of the 1960s and 1970s, elements of mysticism and various philosophies, including Druidism, were intertwined with alternative lifestyles. Perhaps as a response to the shift in archaeology towards scientific objectivity and increasing professional exclusivity, a popular interest in alternative archaeology developed at around the same time. Interest in what became known as Earth Mysteries grew, and to the newly rediscovered ley line theory of Alfred Watkins were added theories of sacred geometry and geomancy: powerful unseen forces and energies were thought to be concentrated at ancient sites.³⁰ Watkins's theory was that his observation that ancient sites are aligned with each other was more than mere chance, and that these straight lines in the landscape represented prehistoric trackways.³¹ This theory underwent modification, and ley lines came to be viewed not so much as physical trackways, as he had suggested, but as spirit paths or power lines, along which pass earth energy. The ancient spiritual meaning in places became important to some

groups who viewed prehistoric monuments as living places imbued with sacred energy and not as relics from a completed past. These theories were generally dismissed by archaeologists, and 'communication between the two camps was conducted at the level of sporadic exchanges of vituperation'.³²

In recent years, there has been a marked growth in paganism. Although the two are often thought of as synonymous, Druidism is perhaps better considered as a branch of paganism, along with various forms of witchcraft. Both have similar roots in interest in alternative spiritualities and in the Green movement. To both pagans and Druids, prehistoric sites have a living spiritual meaning in the present, and access to ancient sites is considered essential for the performance of their chosen religion. This puts emphasis on the significance of specific places and the energies present in the Earth. There are now around 10,000 practising Druids in the country.³³ There is no unified voice of Druidism: a Council of British Druid Orders which was formed in 1989 soon broke up (largely over the issue of Stonehenge). There are now at least 12 major orders and a larger number of smaller groups. Most modern Druids are not seeking to recreate the Druidism of the past:

None of these groupings may truly lay any claim to be druidic, separated as they are by at least a millennium from the last vestiges of practising Druid religion. However, Druids claim that their inspiration comes from a spiritual source which transcends linear time, and have as much right to call themselves Druids.³⁴

Some branches of modern paganism are distinctly anti-establishment, having been involved in campaigning against road-building projects and in opposition to the Criminal Justice and Public Order Act.

Celebrating the Solstice

Not all those wishing to mark the Summer Solstice at Stonehenge in the present have a spiritual motive. Celebrations of a non-spiritual nature associated with midsummer are, however, not new. A 1875 *Salisbury Journal* report tells of many of the poorer classes assembling at Stonehenge on 21 June, as 'a tradition which had trickled down through any number of generations, told them that at Stonehenge something unusual was to be seen at sunrise on the morning of the Summer Solstice'.³⁵ Pubs in Amesbury stayed open all night, and 2–3,000 people gathered at the stones for the dawn, where 'it was to be expected that rowdies would break bottles on the stones, or clamber up wherever they could'.³⁶ Solstice celebrations continued through the first half of the

twentieth century, together with ceremonies performed by various Druid groups. The development of celebrations on a larger scale began with the first Free Festival at Stonehenge, which was held in 1974. This was held annually until 1984. It was unapproved (it never had the blessing of the National Trust, on whose land it was held) but it was reluctantly tolerated. It had no organiser, but had gradually become an established fixture on the festival calendar, lasting for between a week and a month around the summer solstice. The number of people at the festival rose to a peak of 30,000 in 1984, an eclectic mixture of those permanently living a travelling lifestyle and others who attended festivals during the summer with 'backgrounds as many and as varied as in an equivalent cross-section of settled people'.³⁷

The Battle of the Beanfield and the Reaction to it

The era of toleration ended in 1985 when English Heritage and the National Trust announced a ban on the festival and took legal steps to enforce their decision. Attitudes towards the festival had been hardening. This did not take place in a vacuum but in the context of wider concerns about perceived threats to private property rights. Vincent-Jones makes a direct connection with the threat (largely mythical) which was seen to be posed by squatters, and the consequent calls for changes in the law of trespass.³⁸ In April 1985, English Heritage and the National Trust with 17 others applied for an injunction against 83 named individuals said to represent the central element of those likely to attend the festival. Wiltshire County Council set up roadblocks on certain sections of road for two months around the solstice. Razor wire barricades were erected and travellers in the west of England were warned that they were in danger of arrest for causing a breach of the peace if they were to go to Stonehenge. However, a number of travellers were determined to set up the Free Festival, despite the court injunctions.³⁹

In May, a convoy of 140 vehicles was met by police in riot gear, and a full-scale confrontation in a beanfield, the so-called 'Battle of the Beanfield', ensued. By June there were at least three roadblocks where people were turned back. On 18 June an attempt was made by some convoy members to obtain an injunction barring the police and authorities from preventing people from going to Stonehenge. This was unsuccessful. A second fence with guards and dogs was erected around the monument, which was closed between 20 and 22 June. There had been 520 arrests at the Battle of the Beanfield on charges of unlawful assembly, obstruction of the police and obstruction of the highway. It was clear that excessive violence was used by the police and a subsequent enquiry was critical of police

action and the behaviour of individual officers.⁴⁰ The charges of unlawful assembly were all dropped and most of the subsequent prosecutions were lost when they came to court.

The pattern had been set in 1985. This was to be followed in subsequent years with intense police security to prevent the Festival taking place. In the following year, 1986, police again dispersed convoys attempting to travel to Stonehenge. Despite various attempts to reach a compromise, similar measures were again taken to prevent access (including large numbers of police with dogs and helicopters). There were more mass arrests. These events evoked a remarkable degree of moral panic in the government. The hippy convoy was clearly perceived in some circles as representing a fundamental threat to social order. The Home Secretary, Douglas Hurd, described the travellers as 'medieval brigands',⁴¹ and Prime Minister Margaret Thatcher declared that she would 'make life difficult for such things as hippy convoys'.⁴² The reaction went beyond what might reasonably be expected to protect a collection of stones in a field, however unusual they might be. It is certainly true that excessive visitor numbers pose a threat to sensitive archaeological deposits, but this could hardly be, in itself, sufficient justification for the response. The resources that were deployed to prevent access to the site by the travellers were substantial, and the bill for policing Stonehenge has run into millions of pounds. Such an investment could only be because of the symbolic importance of the site. The determination with which the festival was prevented from taking place seems to have been a response to the hijacking of a symbol of the national heritage. By living outside the mainstream conventional society, the travellers were no longer the rightful possessors of that heritage.

Stonehenge, the focus of attention lies in central, southern England, home of the estate-based lord, the land-owning squirearchy, the independent farmer, the (second?) home-in-the-country commuter, the retired-to-a-bungalow-and-a-large-garden senior citizen ... a continuous blue-sea of Tory constituencies. This is no place for nomads, spatially or sociologically. Every acre is owned, and valued ...'.⁴³

By laying claim to Stonehenge, the travellers were seen to be attempting to appropriate a powerful symbol of the nation, and in doing so undermining the very existence of the state. The means used to solve the perceived problem reinforced the image. The travellers were vividly portrayed as outlaws, which was then demonstrated by their public confrontation with the forces of law and order. The police were extremely visible, emphasising the lawlessness and threat posed by the travellers.

English Heritage and the National Trust undoubtedly have a duty to secure the preservation of sites in their care. For English Heritage, this is a

statutory duty under the Ancient Monuments and Archaeological Areas Act 1979. The actions of the National Trust and English Heritage were a response to threats to the monument for which they are charged with the responsibility for conservation. This duty takes priority over any other activities at the site. Preservation does indeed secure the sites for the future, but it also takes them out of use in the present. That use in the present may cause damage, whether intentional or simply as a result of the pressure of large numbers of people visiting the site, therefore a balancing act has to take place between preservation and access. There are problems, though, with the structure within which these agencies operate, problems which are not confined to archaeology. 'England's land-owning-based administrative system, stemming from its legal framework, was unable to be sufficiently flexible in circumstances it was not designed to meet'.⁴⁴ However, the issues underlying the decision to ban the festival and set up exclusion zones around the site go beyond the balancing of the threat to the preservation of the site against public access. The exclusion was targeted at one group who, arguably at least, did not necessarily pose any greater threat to the survival and preservation of the site.

Two different issues, access to the stones and the provision of a festival site, became confused. Much of the problem with the festival stemmed from the travellers' need for a site as an annual meeting place. 'Incompatibility between settled and travelling peoples is central. There really has been no understanding that "nomads" need a meeting place ...'.⁴⁵ A need of which archaeologists are well aware, seeing such places in the material record from the earliest times. Paradoxically, this may well have been part of the original function of Stonehenge. The festival functioned as a market, as a religious ceremony, as a social gathering, as a time of celebration. As such the Stonehenge Free Festival followed the traditions of the medieval fair. For the travellers, the festival had both secular and religious meaning and Stonehenge became an important place for the articulation of identity by marginal groups: 'Ancient, pagan, rural and with an aura of mystery surrounding it, Stonehenge became socially central for this group that had located itself on the margins of society'.⁴⁶

The Legislative Consequences

A direct legal consequence of the disputes at Stonehenge was the Public Order Act 1986. It was designed to make the movement of convoys of vehicles travelling to the site more difficult. Section 14 confers powers to prohibit the holding of processions in a public place, and s.39 (now amended by of the Criminal Justice and Public Order Act 1994 s.61) contains powers to remove trespassers. It made possible the exclusion

zones around Stonehenge at midsummer which became the norm. In the following years, Stonehenge entered an era of midsummer barricades: 'once a year, at the approach of the Summer Solstice [Stonehenge] becomes a gulag. The arc lights go up, the razor wire unrolls, and police and security men patrol with their dogs. For a brief moment the physical force that sustains the power of the ruling classes visibly flexes its muscles'.⁴⁷

In 1987 there was some chaos at the Solstice, but there was generally a conciliatory approach. Five hundred tickets were issued to members of the public; 3,000 others who had walked overnight to reach the stones were also allowed access. 1988, however, saw a return to the hardline battles. Five thousand people surrounding the stones were driven back by riot police. There were suspicions that confrontation with the police had been engineered in order to keep the stones closed in future.⁴⁸ A wide mixture of people were there. What were generally portrayed as a single, if eclectic (and threatening), category of people represented something far more complex: 'Some were pilgrims in the proper sense, others represented an atavistic "avenge the henge" mentality. Some came for the first time out of curiosity, others who would not normally have anything to do with Stonehenge saw it as an opportunity for gratuitous violence.'⁴⁹ A policy adopted during the summer months of keeping the festival-goers constantly on the move between police authorities had not ended the problems. The Public Order Act was proving to be a double-edged sword. As Assistant Chief Constable David Cooke was reported to say, 'To keep moving people from place to place is counter-productive. The police have got better things to do'.⁵⁰ In 1992 this policy resulted in a convoy of vehicles being shuffled between four police authorities in an attempt to prevent the holding of the Avon Free Festival, before they finally caught West Mercia police unawares and converged at Castlemorton.⁵¹

The Criminal Justice and Public Order Act 1994 extended further the powers to prevent gatherings such as that at Stonehenge for the Solstice. Sections 70 and 71 of the Act insert section into the Public Order Act 1986. Section 14(a) empowers a Chief Constable to apply to the District Council for an order prohibiting the holding of all trespassory assemblies (that is, gatherings of 20 people or more) for a period not exceeding four days within an area represented by a circle with a radius of five miles from a specified centre. She or he has to believe reasonably that an assembly is intended to be held at a place on land to which the public have no right of access or only a limited right of access. The provisions are wider than those of the Public Order Act 1986, as it is irrelevant whether the anticipated assembly is on public or private land.⁵² The Chief Constable must also reasonably believe that the assembly is likely to be held without the permission of the occupier

of the land, or to conduct itself in such a way as to exceed the limits of any permission or the limits of the public's right of access. It must also be reasonably believed that the assembly may result in serious disruption to the life of the community, or where the land, or a building or monument on it, is of historical, architectural, archaeological or scientific importance, in significant damage to the land, building or monument. Section 14(b) creates offences of organising or taking part in an assembly known to be prohibited under s.14(a) and of inciting participation in such an assembly. Section 14(c) gives a constable in uniform the power to stop persons reasonably believed by him to be on their way to a prohibited assembly and direct them not to proceed in the direction of that assembly. A failure to comply with that direction is a specific offence, as well as amounting to a wilful obstruction of the officer.

Anniversary of the Beanfield

University lecturer Dr Margaret Jones and a student, Richard Lloyd, took part in a peaceful protest by 21 people, some with banners, on the roadside verge of the A344 near Stonehenge on 1 June 1995. They were marking the tenth anniversary of the Battle of the Beanfield. Salisbury District Council had made an order prohibiting the holding of trespassory assemblies of 20 or more people within a radius of four miles of Stonehenge. The police concluded this was a trespassory assembly and those who refused to move were arrested and charged under s.14(a)(2) of the Public Order Act 1986. They were convicted at Salisbury Magistrates Court. A successful appeal was made to the Crown Court. Appeal by way of case stated to the Divisional Court followed. The Divisional Court (*DPP v. Jones and another* [1997] 2 All ER 119) reinstated the convictions. An assembly may be trespassory if it goes beyond the limits of the permission or right of access to the land. The Court held that peaceful assembly does exceed the limits of the public's right of access to the highway. It is not ancillary to the right to pass and repass. Leave was given to appeal and the House of Lords subsequently allowed the appeal by a majority of three to two (*DPP v. Jones and another* [1999] 2 All ER 257). Lords Irvine, Hutton and Clyde considered peaceful assembly to be a reasonable use of the highway. Lord Irvine, in the opening words of his judgment, recognised the issue as one of fundamental constitutional importance: 'The question to which this appeal gives rise is whether the law today should recognise that the public highway is a public place, on which all manner of reasonable activities may go on.' He concluded that the public have a right to use the public highway for such reasonable and usual activities as are consistent with the general public's primary right to use the highway for purposes of passage and

repassage. He referred to Article 11 of the European Convention on Human Rights, which asserts the right to peaceful assembly, and held that our law will not comply with the requirements of the Convention unless the starting point is that assembly on the highway will not necessarily be unlawful. The decision is a significant one, not just for Stonehenge, because it creates a positive right to peaceful protest on the streets.⁵³ This appears to signal a shift in approach, reflecting a shift which has been evident at Stonehenge itself. There has been a gradual acceptance that the site is capable of accommodating a legitimate variety of meanings and permitting a corresponding variety of (peaceful) activities. In 1998, for the first time in ten years, after a lengthy process of negotiation, Druids were able to celebrate in the circle. English Heritage said that the move to allow 100 people in was a first step in a long-term vision for greater access to the stones. As director of the monument Clews Everard said, 'Stonehenge means different things to different people. What we want to do is allow people to enjoy Stonehenge for what it is to them.'⁵⁴

Open Solstice?

The Chief Constable of Wiltshire decided not to ask Salisbury District Council for an exclusion zone order for Solstice 1999. She made this decision in part as a direct result of the decision in the case of *DPP v. Jones and another*, but also because of constructive dialogue throughout 1998 with most of the groups interested in the site. There had been continuing efforts by those concerned with reopening the site to achieve a peaceful solution. Immediately after the events of 1985, the Stonehenge Campaign group had been formed with the aim to 'lobby, campaign, attend meetings, raise public awareness, maintain links with interested parties for the reinstatement of Stonehenge People's Free festival and religious access to Stonehenge itself, and to protect the Stonehenge landscape and environment'.⁵⁵ It holds monthly meetings in London and produces a regular newsletter. It initially held meetings with English Heritage, but these did not continue.⁵⁶ The Truth and Reconciliation Commission for Stonehenge was formed in 1998 with the aim of resolving the problems over access to Stonehenge (rather than a concern with the Free Festival).⁵⁷ It holds open meetings which are attended by a variety of interested parties: pagans, Druids, campaigners, local residents, representatives of the police and English Heritage. There has also been a series of Round Table meetings, organised by English Heritage, which has some overlapping membership with the Truth and Reconciliation Commission, although these have not been open meetings; membership has been by invitation only.⁵⁸ By the close of the century, the climate was

changing rapidly. This rapport found expression through the granting of access to Stonehenge on notable dates, particularly the Winter Solstice and the equinoxes. In her letter to the Chief Executive of Salisbury District Council in 1999, which explained her decision, the Chief Constable said:

Things had progressed sufficiently well to allow access to be granted [in 1998] for the Summer Solstice to a group of 100 who had applied to English Heritage. This group included local residents as well as astronomers, archaeologists, Druids, pagans and travellers. The event passed off peacefully and was deemed a success.

Since then further progress has been made. There have been regular meetings with representatives of groups interested in Stonehenge and there continues to be regular access to the monument. ... I am of the view that my decision presents a significant opportunity for all those who have a deep interest in Stonehenge and the celebration of the Summer Solstice. It is hoped that we have moved on from the days of confrontation and mass policing. I trust ... that this Summer Solstice will not only prove to be an enjoyable and peaceful event, but also herald of a new period of tranquil and harmonious celebrations at Stonehenge.⁵⁹

It was not to be.⁶⁰ The celebrations spread over two days, because the Solstice itself fell midway between the two sunrises. It had thus been possible to timetable access for all groups who wanted it. On 20 June about 200 people without tickets broke down fences and some danced on the stones. About 100 police officers in riot gear arrested 20 people for aggravated trespass under The Criminal Justice and Public Order Act 1994. Most of those involved had no spiritual interest in the stones: they wanted to party. The police planned a large presence for the next day to prevent further disturbances. Around 200 extra police were brought in and permission to celebrate at the stones was withdrawn. It was therefore a somewhat mixed year. Some groups had held successful ceremonies before the disturbances began. Other groups hoping to perform solstice ceremonies were unable to, seeing the work of years seemingly destroyed by groups who came from outside the negotiation process:

Over the past four years, we have spent many long hours sitting around tables with English Heritage, the National Trust, Wiltshire Police, Druids, Witches, Pagans, travellers, hippies, local councillors, archaeologists and others ... We were witnessing the desecration of a sacred site and there was nothing we could do to stop it. It was ghastly.

... Clews [Everard] ... more than anyone had worked tirelessly for a peaceful solution to the problems surrounding Stonehenge, balancing the wishes of scores of different interest groups ... The bottles, beer cans and other debris that had been hurled at the police still lay all over the ground and an aggressive mob of stoned and drunken revellers were preventing access to the stones for all those who had wished to be there to make ritual, to express their spirituality, to commune with their ancestors, or just to enjoy the beauty of the sunrise alignment.⁶¹

In some respects the issues which were central in 1985 remain evident. Dialogue at one level is just revealing the same underlying problem. The original conflict centred on the question of deciding who has the right to access to Stonehenge, and for what purposes. As a new consensus emerges which seeks to resolve the conflict, so do challenges to it:

These folk clearly saw themselves as society's dispossessed and were intent on honing their bitterness by wreaking revenge on society by any means at their disposal, even the rather bizarre means of preventing Druids and others from celebrating the summer solstice at Stonehenge ... What is the point in working for peaceful access to the stones if there is an army of disaffected folk who refuse to take part in the process and who are willing to destroy any agreed access that happens? It seems that the only way to ensure peaceful access at the summer solstice is to have the exclusion zone back in place and Salisbury Plain covered with policemen. This is a ludicrous state of affairs.⁶²

History appears to have turned full circle. A symbol of identity was again visibly appropriated by a group who were excluded (morally if not physically) from rightful access to the site. The boundary between those legitimately allowed access had shifted: some of those who were the excluded in 1985 are now part of the 'establishment'. Both Clews Everard for English Heritage and Andy Hollinshead (Wiltshire police spokesman) confirmed that the intention remained, despite the events of 1999, to see the stones open for all. There were fears that further trouble would take place in 2000.⁶³ Nevertheless, plans continued for increasing access to the site at the solstice. Dialogue progressed and more Druid orders became involved, as well as pagan organisations and other interest groups, including local residents, New Age groups and other faiths. Various Druid orders compromised with the allocation of different time slots around the solstice in order to perform their different ceremonies.

2000 saw the first open Summer Solstice at Stonehenge for 16 years. There was free and open access for all to the inner circle from 11.30pm to

7.30am. About 7,000 people were at the site. English Heritage saw this as a step towards providing greatly improved public access.⁶⁴ The mood was one of celebration, with dance and drums, despite cold damp weather and no sun. Policing was very low-key and there were no arrests. 'Even the ancient order of HM Constabulary, who could not have failed to see what was going on, or to have breathed deeply the billowing clouds of cannabis drifting on the wild wind, had to laugh.'⁶⁵ It was deemed a success despite the rain.⁶⁶ The risk had paid off. However, Orr has some reservations:

but 21 June is not just for the Druids. The fight for free public access on 21 June was for the people of Britain ... While I would declare that the Druids do not have exclusive rights to the temple on 21 June, I would say so because I believe that it is a place that everyone should be free to go to. Neither does English Heritage have exclusive rights to close the place completely. But the group who claimed the temple were just another minority subculture ...'.⁶⁷

Many who would have wished to be there stayed away: 'nervous of such a wild gathering, uncomfortable with the noise, with the drugs and drunkenness, they feel just as excluded as they have been for all these years'.⁶⁸ Some of those who were marginal and excluded (the pagans and newer Druid groups) have now shifted to the centre as part of a 'Stonehenge Community', which includes the authorities such as English Heritage and the police, together with the older (that is, early twentieth-century) Druid groups who had traditionally had access at the solstice. This group has a common aim of achieving peaceful access for all who wish it. The marginal has become central. Meanwhile, new groups of outsiders are coalescing on the margin of this core. The unsettling heterotopic nature of the site is a continuing process.

Conclusion: 2001

Midsummer 2001 passed off successfully, suggesting that the process of negotiation and compromise had succeeded. About 10,000 people took part in a noisy but good-natured gathering.⁶⁹ 'Rollo Maughling, the arch-druid of Glastonbury, led the pagan rituals, chanting in between delivering loud blasts on a coachman's horn. He was forced to compete with didgeridoos, a 10-piece samba band, three bagpipes, cowbells, tambourines, guitars and the enthusiastic jingling of the White Horse Morris Troupe ...'. It was 'not a place for quiet contemplation'.⁷⁰ Those who did attempt to climb on the stones were talked down. There were five arrests for drug offences, which, Superintendent Jerry Wickham of the Wiltshire Police suggested, 'When you think of an event this size and the history it's had, to have just five

arrests indicates that the crowd has been law-abiding, and the policing has been handled sensitively'.⁷¹ 'It was a world away from the riots of 1985'.⁷²

However, opening Stonehenge at the Solstice has clearly not resolved all disputes concerning the site. Similar misgivings to those expressed the previous year were again voiced. As Druid Matt McCabe, who stayed away from the site at the Solstice, said: 'There's a conflict between the need for a party and a need for a spiritual ceremony to mark the Summer Solstice at Stonehenge.' Within this conflict there appears to be little potential for compromise: 'the revellers are not prepared to let Druids into the stones for sunrise. Not as a group decision, but as individuals. They feel they've got their place in the stones and they're not budging'.⁷³ Again, the same problem remains central: determining precisely which public should have access to a publicly-owned national monument. Resolution appears tantalisingly close, but for a place which has different meanings to different publics, comprising people who wish to engage in a variety of different activities within the site, there is no easy answer. Nevertheless, as a powerful national symbol, it remains evident that Stonehenge reflects the society which has appropriated it for such a symbolic use. Over recent years, it has reflected changes in that society. The polarised distinction between the acceptable and unacceptable access to the site has been replaced by a broader conception which is more inclusive, and where the boundaries are blurred. Jaquetta Hawkes's frequently quoted observation in 1967, that 'Every generation gets the Stonehenge it deserves – or desires',⁷⁴ is equally applicable now. If society in the mid-1980s was reflected in a Stonehenge of confrontation, the society reflected by the Stonehenge of today is a very different one. The image it conveys may be confused, but above all demonstrating the continuing power of ancient monuments as symbols of national and social identity.

NOTES

1. The Ancient Monuments Protection Act of 1882 was the first UK legislation to concern itself with archaeological monuments.
2. In the UK, the Ancient Monuments and Archaeological Areas Act 1979 uses the term 'national importance' to indicate those monuments which should be subject to the scheduling process (i.e. legal protection from alteration or destruction), although there is nowhere a definition of the term.
3. A very clear example of this is that the era when matters were most violent at Stonehenge was that of the Conservative government of Margaret Thatcher, which also *inter alia* saw confrontation with the miners.
4. C. Chippindale, 'The Stonehenge Phenomenon', in C. Chippindale, P. Devereux, P. Fowler, R. Jones and T. Sebastian (eds.), *Who Owns Stonehenge?* (London: Batsford, 1990), 9.

5. B. Bender, 'Stonehenge – Contested Landscapes (Medieval to Present Day)', in B. Bender (ed.), *Landscape: Politics and Perspectives* (Providence, RI and Oxford: Berg, 1993), 245–80.
6. Chippindale (note 4), 9.
7. K. Hetherington, 'Identity Formation, Space and Social Centrality', *Theory Culture and Society* 13/4 (1996), 44.
8. C. Chippindale, *Stonehenge Complete*, 2nd edn. (London: Thames and Hudson, 1994), provides a comprehensive history of Stonehenge and the variety of meanings ascribed to it.
9. R. Jones, 'Sylwadau Cynfrodor ar Gôr y Cewri; or a British Aboriginal's land claim to Stonehenge', in Chippindale (note 4), 62–87.
10. R. Hewison, *The Heritage Industry: Britain in a Climate of Decline* (London: Methuen, 1987).
11. F.N. Golding, 'Stonehenge- Past and Future', in H. Cleere (ed.), *Archaeological Heritage Management in the Modern World* (London: Unwin Hyman, 1989), 261.
12. K. Hetherington, 'Stonehenge and its Festival; Spaces of Consumption', in R. Shields (ed.), *Lifestyle Shopping* (London and New York: Routledge, 1992), 89.
13. J. Michell, *The View over Atlantis* (London: Sago Press, 1969); G. Underwood, *The Pattern of the Past* (London: Museum Press, 1969).
14. The term comes from anatomy, where it refers to parts of the body which are either out of place, missing or extra. Hetherington (note 7), 38.
15. K. Hetherington, 'The Utopics of Social Ordering: Stonehenge as a Museum without Walls', in S. Macdonald, and G. Fyfe (eds.), *Theorizing Museums* (Oxford: Blackwell/The Sociological Review, 1996), 157.
16. Hetherington (note 12), 91.
17. Bender (note 5), 264.
18. Chippindale (note 4), 23.
19. Geoffrey Wainwright (Chief Archaeologist for English Heritage), quoted in N. Hawkes, 'Stonehenge Blues', *Heritage Today* 30 (June 1995), 33.
20. *Ibid.*
21. B. Bender, *Stonehenge: Making Space* (Oxford and New York: Berg, 1998), 66.
22. Chippindale (note 8), 29.
23. *Ibid.*, 153.
24. *Ibid.*, 162.
25. Quoted in Bender (note 5), 265.
26. Chippindale (note 8), 164.
27. The National Trust is something of a legal anomaly, since it is a private organisation holding land inalienably for the public benefit.
28. This act builds on legislation for the protection of ancient monuments, beginning with the Ancient Monuments Protection Act 1882, which established a list, or schedule, of ancient monuments. It is this schedule (much extended from the original handful of sites to around 35,000 sites at present) which is the key to legislative protection. Sites listed on it cannot be destroyed or altered at will, but works on them are subject to obtaining Scheduled Monument Consent.
29. S. Piggott, *The Druids* (Harmondsworth: Penguin, 1968).
30. Michell (note 13).
31. A. Watkins, *The Old Straight Track* (London: Methuen, 1925).
32. T. Williamson and L. Bellamy, 'Ley Lines: Sense and Nonsense on the Fringe', *Archaeological Review from Cambridge* 2/1 (1983), 51.
33. BBC News, 'The Day of the Druids', 21 June 1999, http://news.bbc.co.uk/hi/english/uk/new_sid_115000/115430.stm.
34. P. Carr-Gomm, *The Druid Renaissance* (London: Thorsons/Harper Collins, 1996).
35. Quoted in G. Firsoff, *A History of Worship and Celebration*, www.greenleaf.demon.co.uk/wwns.htm, 1992, accessed 19 July 2000.
36. Chippindale (note 8), 156, quoting E.P.L. Brock, 'Sunrise at Stonehenge on the longest

- day', *Journal of the British Archaeological Association* 47 (1891), 330–1.
37. National Council for Civil Liberties, *Stonehenge: a report into the civil liberties implications of the events relating to the convoys of summer 1985 and 1986* (London: NCCL, 1986), 2.
 38. P. Vincent-Jones 'Private Property and Public Order: The Hippy Convoy and Criminal Trespass', *Journal of Law and Society* 13/3 (1986), 340–70.
 39. National Council for Civil Liberties (note 37), 4.
 40. Chippindale (note 4), 30; also National Council for Civil Liberties (note 37).
 41. Hansard, *HC Debates* 3 June 1986.
 42. Hansard, *HC Debates* 4 June 1986.
 43. P. Fowler 'Stonehenge in a Democratic Society', in Chippindale *et al.* (note 4), 150.
 44. P. Fowler, 'Stonehenge; Academic Claims and Responsibilities', in Chippindale *et al.* (note 4), 131.
 45. Fowler (note 43), 150.
 46. K. Hetherington (note 7), 35.
 47. Bender (note 21), 114. Bender is not alone in describing this as a gulag. Christopher Chippindale (note 8), 259, makes the same comparison: 'The concrete bunker with its slit windows is the HQ of the defending forces; the solemn dark-uniformed guards and the sentry-boxes scattered around the site fit with the military look to this temporary Stonehenge Gulag'.
 48. 'It's a winding road that goes to Henge', *Greenleaf*, August 1988, www.greenleaf.demon.co.uk/h880808.htm, accessed 15 July 2000.
 49. *ibid.*
 50. *Guardian*, 18 June 1988.
 51. *Guardian*, 23, 27 May 1992; *The Times*, 27 May 1992; *Independent*, 29 May 1992.
 52. R. Card and R. Ward, 'Access to the Countryside – The Impact of the Criminal Justice and Public Order Act 1994', *Journal of Planning and Environmental Law* (June 1996), 447–62.
 53. G. Clayton, 'Reclaiming Public Ground: the Right to Peaceful Assembly', *Modern Law Review* 63 (2000), 252–60.
 54. *Druids Celebrate Solstice*, http://news.bbc.co.uk/hi/english/newsid_115000/115430.stm, accessed 15 January 2000.
 55. <http://www.geocities.com/soho/9000/stonecam.htm>, accessed 16 January 2000.
 56. Bender (note 21), 203–7.
 57. <http://www.greenleaf.demon.co.uk>, accessed 15 July 2001.
 58. The TCRS meetings are reported in detail on their website. The Round Table meetings do not publish minutes, although an informal record of one meeting is available, www.greenleaf.demon.co.uk/h980925.htm, accessed 19 January 2001.
 59. E. Neville, *Letter from the Chief Constable of Wiltshire, Miss Elizabeth Neville to Richard Sheard, Chief Executive of Salisbury District Council*, (1999), <http://homepages.tcp.co.uk/~ait/stonehenge.html>, accessed 23 August 2001.
 60. M. Kennedy, 'Solstice Sun Rises on Anarchy', *Guardian*, 22 June 1999.
 61. P. Shallcrass and E. Restall Orr, *Stonehenge Summer Solstice Sunrise 1999*, <http://www.druidorder.demon.co.uk/Stonehenge%20Solstice%201999txt.htm>, accessed 29 January 2000.
 62. *Ibid.*
 63. B. O'Neill, 'The potential for violence and disorder will be incalculable, police fear', *Salisbury Journal*, 8 July 1999.
 64. English Heritage, *Stonehenge to be open for the public for Summer Solstice 2000*, press release 333/4/00, 11 May 2000.
 65. J. Vidal. 'The weird and wonderful return to get stoned at Stonehenge', *Guardian*, 22 June 2000.
 66. S. de Bruxelles, 'Modern pagans reclaim Stonehenge', *The Times*, 22 June 2000; S. O'Neill, 'Druids fail to see the light at Stonehenge', *Telegraph*, 22 June 2000; D. Humphrey, 'It's a Stonehenge love-in', *Western Daily Press*, 22 June 2000.

67. E. Restall Orr, *Stonehenge: a view from the moment. Summer Solstice 2000*, www.druidorder.demon.co.uk/henge2000txt.html, accessed 23 August 2001.
68. Ibid.
69. P. Foster, '10,000 mark solstice at Stonehenge', *Telegraph*, 22 June 2001.
70. 'Solstice dawns over Stonehenge', *BBC News*, 21 June 2001, news.bbc.co.uk/hi/english/uk/newid_1398000/1398810.stm, accessed 25 June 2001.
71. J. Vasagar, and S. Blackmore, 'Stonehenge solstice revellers see the light', *Guardian*, 22 June 2001.
72. C. Gray, 'Druids, Drugs and a very naked dawn. It was like the sixties, man', *Independent*, 22 June 2001.
73. 'The Druid Refusnik', *BBC News*, 21 June 2001, news.bbc.co.uk/hi/english/uk/newsid_1399000/1399368.stm, accessed 25 June 2001.
74. J. Hawkes, 'God in the Machine', *Antiquity* 41 (1967), 174.