

Branscombe Bay and the Sea Commons



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- ‘Fast Fish and Loose Fish’
- The MSC Napoli
- The Media
- The Law
- Customary Right
- The Sea Commons
- ‘Fast and Loose’ Conclusions

‘Fast’ Fish and ‘Loose’ Fish



The MSC Napoli



MSC Napoli Timeline

- Abandon Ship (18th Jan)
- Under Tow (19th Jan)
- Beached at Branscombe Bay (19th Jan)
- Container and Oil Spills (19th Jan)
- The 'Wrecking' Begins (20th Jan)



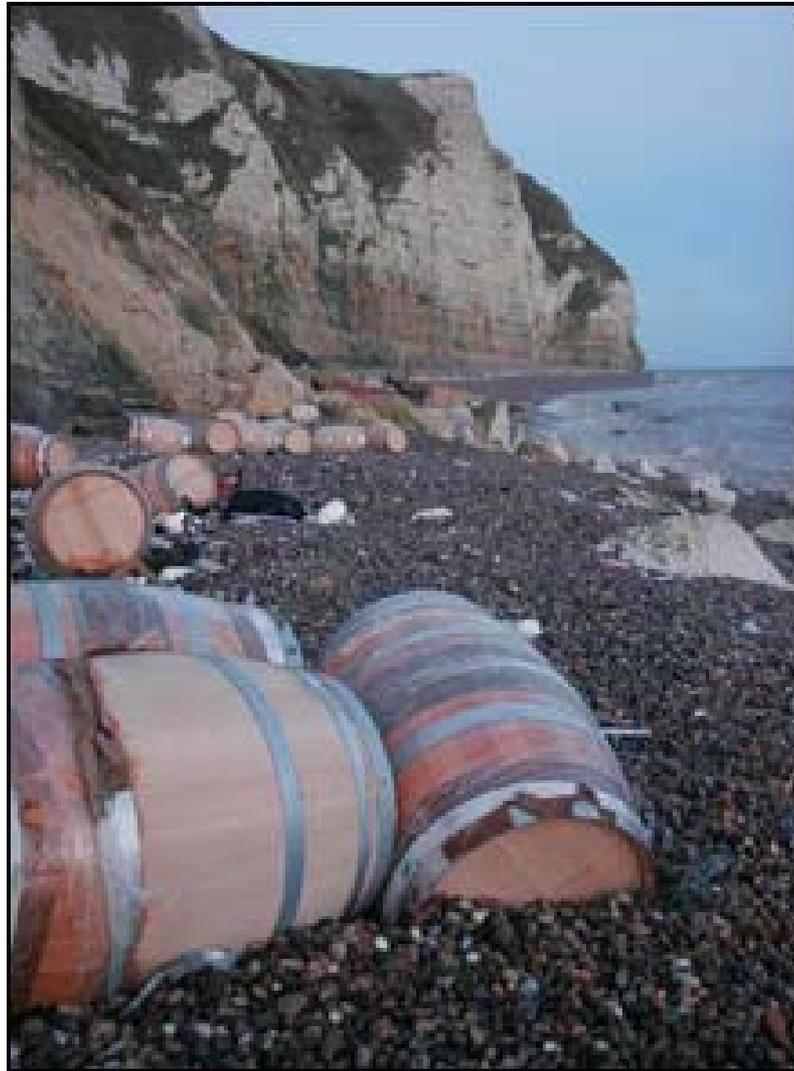
Branscombe Bay: Then and Now

*‘When news of a wreck flies round the coast, thousands of people are instantly collected near the fatal spot; pickaxes, hatchets, crowbars and ropes are their usual implements for breaking up and carrying off what they can. The moment the vessel touches the shore she is considered fair plunder, and men, women and children are working on her to break her up, night and day’
(1755)*



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The Media



Media Reaction

- Initially amused by the ‘beachcombing’
- It must be ‘illegal’!
- ‘Animals’, ‘looters’, ‘scavengers’, ‘group hysteria’
- ‘Not from round these parts’
- Personalization
- Burying the real story

The Law vs. Customary Right



Legal History

- Henry I/II, Edward I; the Crown Prerogative
 - Definitions: ‘escaping alive’ and ownership
 - Wrecks the revenues of the Crown (or delegated)
 - Salvage rewards and retaining goods for a ‘year and a day’
- 1713/1718: Definitions: ‘escaping alive’
 - Reassertion and dissemination (from the ‘pulpit’ four times a year)
- 1753: Rescue and Salvage
 - Persistence of wrecking
 - Capital offences for plunder, transportation for assaulting officers of the Crown
- 1775: Burke’s Bill to fine wrecking parishes (The Society of Merchant Venturers)
- 1839: The ‘rural police force’ for dealing with wrecking
- 1854: Use of force to suppress plunder at wrecks
- 1995: Merchant Shipping Act
 - ‘Keeping or concealing’ is illegal

Customary Right

- Providence and the ‘Harvest’

*‘The Good Samaritan came Ashore,
To feed the hungry and clothe the poor
With barrels of beef and bales of linen
No poor soul shall want for a shilling’*

- Moral Entitlement

Prevalent as Customary Right comes under attack (18th/19th C)

Popular morality

Popular belief and the law

Customary Right

The Legal Challenge

- *‘They seem to have the idea that custom had given them the right exclusively to go to those vessels. It might be the custom, but it was not the law’*
- *‘wrecking had been carried out on their coast almost uninterruptedly from time immemorial’ (1837)*
- *‘They have a right to such spoils as the ocean may place within their reach....they conclude without any hesitation, that nothing but injustice, supported by power and sanctioned by law, can wrench it from their hands’ (1839)*
- *‘I suppose every man has a right to take what is here, one as much as another’ (1838)*

Customary Right

The Moral Challenge

- *‘Wesley? What do ‘ee knaw ‘bout wreckin’?’*
- *‘Stop! Stop! cried he, at least one prayer, Let me get down there, and all start fair’ (Folk Story)*
- *‘They bring up all their children in the same line of crime as themselves, and there are generations of wreckers’ (1839)*
- *‘We pray thee O’Lord, not that wrecks should happen, but if wrecks do happen, Thou wilt guide them into the Scilly Isles, for the benefit of the poor inhabitants’ (Parson Troutbeck)*

Customary Right 2007

- *“When I got here at 0400, the place was packed solid with people. There must have been 1,000 here. I know where I can sell all this stuff, I'm sure most of this lot don't. Still, as long as everyone is having a good time.”*
- *“I rang in sick this morning, and was here by 0730GMT. I am just hoping someone in my local will want to buy these big bags of cat food.”*
- *“I'm glad they are here. They'll probably clear the beach quicker than the authorities ever could.”*
- *“It's like an invasion. It's quite a surreal sight. I don't blame people for coming. But it is annoying having to spend an hour and a half travelling one mile because the roads are jammed. All night I could hear the sound of barrels being rolled up the hill past my window.”*
- *“It has put Branscombe on the map - where it should be - the king of car boot sales,”*
- *“She's just had a grandson, and we heard there's a lot of nappies here - so we came to get some nappies.”*

Wreckers Party

In the early hours, when it became apparent it was too dark for any more plundering, the scavengers decided to take a break and enjoy themselves. "It was like a proper beach party here last night. Only a lot colder obviously," says 53-year-old Howard Harding, a carer from Chippenham, Wiltshire. Howard was in his pyjamas last night watching the 10 o'clock news when he saw images of the spoils on offer, and decided he wanted some of them for himself. He arrived at 0130 to find the celebrations in full swing. "Fires were burning, there were people singing, bottles were getting passed around. It was brilliant," he smiles, not too bothered that all he left with at 0930 was a Greek bible and few tubs of moisturiser for his wife.

The Sea Commons

- Communis – sharing by many
- A condition existing prior to ownership
- Property right as an artificial construct
- Law of the Sea Treaty (1982)
- The ‘tragedy of the commons’
- Neo-liberalism

‘Fast’ and ‘Loose’ Conclusions

- The belief in a Customary Right to the ‘products’ of the sea commons still exists.
- Legal and moral attempts to suppress and/or control this belief have been and still are contested.
- The Customary Right of access to the sea commons and its products is in conflict with ‘legal’ property rights