

THE URGENCY OF SPACE

Recent events have thrown long-standing inequalities into sharp relief, says NICK HAYES.

When the UK went into lockdown, the new draconian measures were a necessary shock to the system, designed from a medical perspective to ‘flatten the curve’, but also, from a behavioural perspective, to jolt the public into a new sensibility. Sudden and shocking, this was literally a new world order, so some confusion surrounding new social etiquettes, what was acceptable and what was not, was understandable. The National Trust opened its gates to the public, and almost immediately shut them again. The Derbyshire police poured black dye into a lake to stop people congregating there. Home-printed signs went up on public footpaths, pretending to be officially banning access.

Across Britain’s cities and towns, people were branded ‘Covidiot’ for crowding in the parks, an outcry that led to some spaces, such as Victoria Park in Hackney, being temporarily shut. This particular closure forced people taking their daily exercise out onto the towpaths, enraging and scaring boaters of the Regent’s Canal who felt threatened by the thousands of people now passing their homes. But whilst the papers blamed the people, fabricating stories of a public who didn’t give a damn, one major factor was largely ignored. Maybe the crowded parks were not the result of the people flouting the rules, but very simply, of the lack of available space.

The urgency of space is not a new conversation. Octavia Hill, John Ruskin and William Morris were discussing it in the 19th century, spear-heading campaigns that presented the lack of space available to the working class of towns and cities as detrimental to their health and social wellbeing. Their activism led not just to the preservation of Hampstead Heath from private development and the designation of Epping Forest as common land, but to the formation of the Open Spaces Society and most famously of all, the National Trust. The message then was both clear and triumphant: people need space for their wellbeing.

In the 1960s and 70s the political dynamics of space were raised by philosophers such as Henri Lefebvre and Michel Foucault, and a new hybrid of geography and philosophy began to emerge which sought to highlight the direct link between space and social justice. Those that control the space, which in England is synonymous with those that own the land, are also those who control the society that lives within it. In the Nineties, thinkers such as Edward Soja, Homi K Bhabha and bell hooks began to link access of space, and control of what it is used for, to the problems endemic in an unequal society. They demonstrated how diasporic communities, migrants and BAME communities were marginalised in society by unequal control of, and access to, space.

With lockdown, this abstract conversation has become all too real, and emerged into the public arena. Those with gardens are privileged over those without. Those with access to green

space (whether living in the country, or near a public park in the city) are able to access nature and open air, whilst those without are literally confined within the walls of their homes. Covid-19 has increased the heat in the pressure cooker of social inequality. Access to space is now very visibly and very viscerally linked to social justice.

Lord Golf’s Estates

Across Britain, there are 311,000 acres dedicated to golf, ten times the amount of available allotment space. Research by the *Sunday Times* found that if each was opened to public access, a million people currently walled into urban and suburban lifestyles would have easy and instant access to the health-giving properties of green space.¹

In London, second only to parks and public gardens, the largest total area of green space is devoted to golf courses. Inside the M25 there are 11,000 acres of golf course. Most courses, like the parks, sit within areas of dense population: but unlike the parks, they remain walled off from the people that live around their perimeter. Half of these golf courses are owned by local authorities or by the Crown Estate, which means they are either paid for by the people they exclude, or owned collectively by the nation. Yet still they lie empty, and closed to public access.²

Guy Shrubsole, campaigner and author of *Who Owns England?* (reviewed in *The Land* issue 25) launched a petition politely calling for public access to golf courses during the lockdown. It’s still open for signatures.³ But this represented a trespass onto sacred ground, a challenge to the notion forged by John Locke and deeply ingrained in English orthodoxy: that private property, and its concomitant right to exclude all others, is the bedrock of civil society.

The responses on social media were predictably polarised, with those against Shrubsole’s proposal echoing wider historic arguments against the right to roam. There have only ever been two main arguments against wider access to open space. The first, in its blunt Twitter style, goes something like this: “it’s private property you idiot, do you think it’s OK for me to go tramping through your back garden?” The second, just as ubiquitous, runs: “the public are idiots, if you let them in, they’ll run amok, they’ll litter the place and have no care or respect for it (you idiot)”.

No Trespassing?

These two tropes are always presented as trump cards, mic-drop moments that win the debate. But they are hackneyed myths whose origins lie far beyond the present day, through the 19th century vagrancy acts, to Tudor enclosure propaganda and even earlier, to the Norman Forest Acts of England. The notion that the public simply cannot be trusted is just an inversion of the myth of the land owner as benevolent



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steward of the land – whoever owns it has a moral right to control it, because they care for it.

But the destruction of 97 percent of wildflower meadows since the 1930s, the 300,000 km of hedgerow grubbed up during the 20th century, and the 90 percent reduction in England's woodland cover have not been caused by highly efficient vandal ramblers.⁴ These things were done by the owners of the land, seeking higher profit margins, using their most fundamental right of ownership as defined in British law, namely *ius abutendi*, the legally enforced right to destroy.

They have also enjoyed a 'right' to exclude others, legitimised by a spurious conflation of English nature with the English country garden. English Tort law (which governs trespass) recognises no difference between climbing the fence into someone's suburban back garden and taking a woodland stroll somewhere in the Duke of Westminster's 130,000 acres. It pretends that the 'tort' (or damage) is precisely the same. The law resolutely ignores factors of context and scale, and treats every ramble as a home invasion. In reality, it is not the wild-eyed Rambler that is a threat to civil society, but an irrational law, impossible to substantiate, that protects the interest of an élite over those of the public.

These arguments, though historically fabricated by the landowning class to justify their acts of enclosure and subsequent exclusive use of the land, persist to this day. They have hardened into orthodoxies. But in this new era of social distancing, the time is right for a new conversation about public space.

What's Next?

Before Covid-19 disrupted the old world order, Guy Shrubsole and I were working towards launching a campaign for a full Right to Roam. We had plans, we had a half-built website, and this year, on the twentieth anniversary of the CROW act, we were aiming to raise the issue of public access

to public space. But now the coronavirus has brought this issue to the forefront of the public consciousness in a way that we could never have achieved, and when we do begin the campaign, the mind of the nation will be primed to talk about space, and about equality of access to the land. While social distancing continues as our new normal, the issue of space is more urgent than ever.

The Land have kindly allowed us this space to ask for your help. Readers of this magazine are the backbone of the land movement in England, and we will need your support. Please follow @guyshrubsole if you're on Twitter, or sign up for the LJN newsletter via www.landjustice.uk, for information on the forthcoming trespass picnics and community actions that will form this campaign.

Nick Hayes is the author of

The Book of Trespass

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<https://www.bloomsbury.com/uk/the-book-of-trespass-9781526604712/>



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2. Shrubsole, G. 2020 *Who owns London's golf courses?* www.whoownsengland.org/2020/04/14/who-owns-london-s-golf-courses/
3. You can sign Guy's petition at www.change.org/p/secretary-of-state-for-health-matt-hancock-don-t-close-parks-open-up-golf-courses-so-there-s-more-space-to-exercise-safely. More details at www.landjustice.uk/2020/04/21/open-up-the-golf-courses/
4. Gabbatiss, J. 'Nearly all British wildflower meadows have been eradicated, prompting calls for urgent government action; *The Independent*, 5th July, 2018; Reynolds, F. 2016 *The Fight for Beauty* Oneworld p107; www.forestresearch.gov.uk/tools-and-resources/statistics/statistics-by-topic/woodland-statistics/