

The Book of Trespass: Crossing the Lines that Divide Us

Nick Hayes

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Bartholomew Steer

It's an old story but relevant during the Platinum Jubilee 'celebrations' and the attack on 'woke' culture. It's a story of how a bunch of Viking mercenaries (cum Norman), with a remote claim to the legitimate throne of England, imposed a reign of terror and carved up the land of England amongst themselves. Subsequently they converted the common land, previously occupied and farmed by the yeomen of England, into hunting forests, whose produce was exclusive to the landowner, with infringement punishable by death. Anyone familiar with the *Tales of Robin Hood* knows it well.

This version of the story, and its updating, is told by Nick Hayes as a backdrop to his efforts as an illustrator to gain access to the more picturesque spots in Britain to produce the drawings scattered throughout the book. He appears to have been motivated by Kenneth Grahame who wrote *Wind in the Willows*, J. R.R. Tolkien's *The Lord of the Rings* and Harry Potter in recording what is very much a picture book version of the countryside. He is inspired by the poetry of Olde England and bucolic images of free borne Englishmen having a good time. But curiosity and research drive him to go the extra mile, to cross the barriers that appear to the achievement of his quest and to ask questions of how the barriers have come to exist and persist.

We know from Christopher Booker's *The Seven Basic Plots* that common themes exist in story telling: the Overcoming of the Monster and the thrilling escape from death; Rags to Riches; the Quest; Voyage and Return; Comedy; Tragedy; and finally Rebirth, from shadow into light. They all appear in this well told story but the hook stringing the elements of the story together are the links he draws between the symbols of the countryside. There is the Badger (whose tracks he follows across the country); the Fox (who triggers the key question: who owns the fox?); the Dog (who passes through territory); Sheep (who provided the excuse for enclosures and the image of the tame flock promoted by the Church); the Cow (a chattel, broken of spirit and rebellion, like slaves and the traditional image of women); the Spider (symbolizing wives, witches, spells and protest); Pheasants (who make up

twice the biomass of the nation's wild fauna); Cockroaches (undesirables); the Hare (symbol of the commons, carnival, space and the rave); the Toad (the waterway and its rights); and the Stag (with its links to Royalty).

The structure therefore is a loose one, allowing plenty of space for wandering, digressions, the enjoyment of perspectives and for discovery and search.

Monsters abound, not least Nicolas Van Hoogstraten (who defied all efforts to restore a right of way across his property). But they also include Queen Elizabeth 1 ('Good Queen Bess' according to the mainstream media of the day). It turns she was not only an instigator of the burning of witches. She deployed state-backed espionage and torture, including the use of paid informers and the interception of mail. She also murdered her sister and encouraged state piracy, plundering and the licensing of private enterprises to do her dirty work overseas. My namesake met a sticky end at the hands of her interrogators.¹

Other rogues are: those involved in the gradual enclosure of more and more of the nations common land, effectively starving their holders prior to the Poor Law being introduced (belatedly); those involved in the slave trade (which paid for many of the stately homes the author encounters); those involved in the Act of Better Ordering and Governing of Negroes 1661, which legalized white supremacy; the 1531 Egyptian Act, which legalized discrimination against Roma people. Mainly, though, it is the inheritors of the land seized in the first place; even today they own a third of the land in the UK – denying access and better use, under penalty of threat and prosecution for trespass.² The law of trespass is explained in origin but also in its modern manifestations, since legislation was extended post Greenham Common and the battle to protest outside Parliament was withdrawn.

Our own Queen Elizabeth II turns out to own a good slice of the UK even today; and after comedian Aaron Barschak's 2003 'heir apparent' stunt³ is more protected than ever, reducing further access to her – our – land (as the author breathlessly describes how he invaded Windsor Park to draw a famous Oak tree). There is nothing natural about any of this and he draws attention to the rights that other nationalities enjoy to their native lands. *Jokamiehenoikeus*

¹ See <https://en.wikipedia.org/wiki/Bartholomew_Steer>.

² Although trespass, in and of itself, is actually a civil matter, there are thirteen 'offences involving trespass' in the Criminal Justice and Public Order Act of 1994. See <<https://tinyurl.com/3a6yf5n7>> or <https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/THE-CRIMINAL-JUSTICE-AND-PUBLIC-ORDER-ACT-1994.pdf>.

³ See <<https://www.pressreader.com/uk/scottish-daily-mail/20120412/281822870781944>>.

in Finland, *Allemansrätten* in Sweden, *Allemannsretten* in Norway and *Wegefreiheit* in Austria all describe a right to roam that sits alongside property rights; but the freedom to roam and camp is enjoyed across the Nordic, Baltic and central European countries.

The author notes all this more in sorrow than in anger and quotes Winston Churchill approvingly :

It is not the individual I attack; it is the system. It is not the man who is bad; it is the law which is bad. It is not the man who is blameworthy for doing what the law allows and what other men do; it is the state which would be blameworthy if it were not to endeavor to reform the law and correct the practice.' (p. 334)

Interlaced within the text, therefore, are various constructive suggestions for how land reform may be legislated. From compulsory registration and the denial of secrecy, land value taxation, inheritance tax, and change to the way agricultural subsidies are distributed (and implicitly fishing quotas and mineral rights) but also establishing the right to roam and to camp in much more of the countryside.

Which brings us back to the Platinum Jubilee celebrations. Given the symbolic value attached to the Queen, now might be a good time for her to embrace democracy rather than the Baronocracy. That might start with restoring access and enjoyment of her (our) land, for a reduction in the amount set aside for stag hunting and the raising and shooting of grouse and other birds for the fun of slaughtering them. It will take legislation to change land ownership, and its taxation and subsidy, but she could lead for others to follow.

As for the 'anti-woke brigade', there is ample reference to the dark side of British history within this book. It doesn't overplay the issues but it is wilful blindness to pretend that slavery, imperialism and death and destruction (not least of its own people) were not part of British history. Pretending otherwise will not equip our young for living in the real world, which sees things differently to how matters may be taught in English public schools.

For regular readers of *Lobster* the background to the Dark State is plain to see.

Bartholomew Steer is now retired

