Assemblies, Coalitions, and Conflicts Over Free Speech: From "Trespass" to "Encroachment" in Urban Space at Hyde Park, London, 1861–1962

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Abstract: By drawing, among others, on the ideas of the Bakhtin Circle and Judith Butler, this paper explores spatial struggles over the right to free speech at Hyde Park, London, 1861–1962. From the 1860s to the early 20th century, the state gradually constructed a "monologic" discourse about an ideal-typical "indecent" speaker who would "trespass" on Hyde Park through their "excitable speech" against a legally sanctioned right to give a "public address" in the park. This discourse gave the state some room to evict those it claimed to be transgressing "public address". However, different "heteroglossic coalitions" of regulars ensured that Hyde Park remained not only a "political assembly" to discuss political issues, but also a "social assembly" to exercise free speech on a range of social topics. Indeed, by the 1950s, these coalitions used a nearby road scheme to successfully argue it was the state that was potentially trespassing, or "encroaching", on free speech at Hyde Park.

Keywords: assembly, Bakhtin Circle, free speech, trespass and encroachment, Judith Butler, urban parks

Introduction

In this paper, I draw, among others, on the ideas of Judith Butler and the Bakhtin Circle to analyse across a hundred-year period struggles over free speech in an urban park. Why Butler and the Bakhtin Circle? First, and like other critical geographers and thinkers (see Dikeç and Swyngedouw 2017; Tønder and Thomassen 2005), they suggest that political assemblies can emerge in spaces to discuss new ideas and meanings of democracy which challenge the political status quo (see for example Bakhtin 1981:272; Butler 1997:3–15). Butler and the Bakhtin Circle, however, also recognise that such dialogic events are premised not only in establishing novel political spaces, but also by enacting *social* assemblies that incorporate dialogue from "coalitional" groups on a broad and diverse range of topics about everyday life, taken-for-granted relations of power, and lived experiences.

Second, and again reminiscent of other critical geography approaches (Harvey 2008; Mitchell 2003, 2017), Butler and the Bakhtin Circle are interested in

how the state constructs hegemonic projects to constrain and regulate the right-claims of certain groups (see for example Bakhtin 1984a:169, 1984b:Chapter 2; Butler 2020:63–64). Butler and the Bakhtin Circle, however, further explore how counter-hegemonic sites challenge state hegemony by moving beyond an identity of "sameness"—for example, moving beyond the same single political issue—to embrace different "heteroglossic" agendas, issues, and identities evident in the activism of coalitional groups (for a slightly different take on public space and difference, see also Duff 2017).

Third, Butler's insights on assemblies in urban space draw attention to how state strategies will often recognise and celebrate the difference between certain social identities, but do so in order to govern more effectively spaces in civil society where counter-hegemonic coalitions might emerge (see also Vasudevan 2015). Arguably, the Bakhtin Circle's work on state hegemony, geography, and space is less well known. But it in fact contains rich ideas that serve to complement Butler's approach. As Painter (2006) notes, Bakhtin underlines throughout his work how supposedly mundane and taken-for-granted activities in everyday life can be highly pertinent spatial sites for the generation of meaning and themes, and subsequent conflicts around them, between authoritative monologic forces and counter-hegemonic heteroglossic forces. The state must engage in dialogue about policy issues with at least some elements of everyday heteroglossic practices in certain spaces in order to then try to transform these practices into ones congruent with state monologic narratives.

These theoretical insights will help to analyse the empirical case study in the paper, which focuses on conflicts and tensions between social movements and the state over the right to free speech in Hyde Park, London, from 1861 to 1962. From the 12th century until 1783, Hyde Park was the home of the most notorious hanging tree in Britain, namely Tyburn hanging tree, which had inadvertently produced, in part, a space for people to regularly gather to discuss social and political issues of the day (Linebaugh 1991). During the early-to-mid 19th century, Hyde Park was being used by radical social movements for demonstrations. In June 1855, for example, a large meeting organised by the leftist political movement the Chartists against perceived oppressive Sunday trading laws occurred in Hyde Park, or, what the Chartist leaders named as "our park" (Roberts 2001). Three years later the Chartist leader, James Bligh, dubbed Hyde Park as "the People's Parliament" (cited in Harrison 1965:226).

By the early 1860s, therefore, Hyde Park had become a place in London, an assembly, for political activists and for ordinary people to meet regularly to engage in a wide variety of debate and discussion. The government responded to this assembly by constructing a specific monologic discourse that stated ordinary people were in danger of "trespassing" in Hyde Park if they exercised what the authorities believed to be "excitable" and "disrespectable" speech within the park's official boundaries. Constant heteroglossic dialogic events, however, and undertaken by different coalitions of people across generations, managed to circumvent this state discourse by reproducing social *and* political free speech and counter-hegemonic assemblies in the park.

The points above are especially pertinent in the case of the 1872 Act for the Regulation of the Royal Parks and Gardens, otherwise known as the Parks Regulation Act.[1] The 1872 Act legally enforced the right to make a "public address" at Hyde Park and so established a form of democratic inclusion in this urban space. Yet, the 1872 Act also empowered the authorities to evict speakers if they were thought to be "indecent" users of "obscene" language. Unintentionally, however, the 1872 Act now officially created a public sphere for a type of public speech at Hyde Park, which provided an opportunity for a wider variety of free speech utterances, themselves embedded in popular culture and different social backgrounds, to appear in this space. By the turn of the 20th century, Hyde Park was therefore a social assembly comprised a coalition of different "accents". Indeed, as the paper shows, in the late 1950s a new free speech coalition at Hyde Park claimed that a nearby government road scheme might be guilty of "encroaching" on popular free speech rights at Hyde Park.

Primary historical research for the paper was conducted at the National Archives, London Metropolitan Archives, Westminster City Archives, the British Library, and the British Newspaper Archive. Historical material included documents from a number of government departments across the period studied, newspaper accounts of specific events, Parliamentary debates specifying differences of opinions between MPs over matters of public speaking in Hyde Park, and secondary historical material that recorded the activity of some speakers at Hyde Park.

Analysis of historical material was guided by three main research themes. First, how was the free speech assembly at Hyde Park regulated over time through state and discursive mechanisms? Second, how did successive social and political groups form counter-hegemonic coalitions that effectively, even if unintentionally, developed the speaking area at Hyde Park into a social assembly for the discussion of a diverse array of issues, such as gender, socialism, race, and sexuality? Third, and in reaction to these free speech groups, which types of dialogue and disputes emerged through the years among state departments and state partners on how free speech might be governed at Hyde Park? The period explored, 1861–1962, has therefore been carefully chosen. By 1861, for instance, Hyde Park was a regular place for primarily white men to debate and discuss a range of social and political topics. In the mid-1950s to the early 1960s, however, Hyde Park had become home to an assortment of accents and voices talking about a variety of political *and* social experiences. The paper begins by first discussing some theoretical issues on the political, space, assemblies, and everyday speech.

Assemblies, Coalitions, and Urban Space

According to Dikeç and Swyngedouw (2017), the last decade or so has been witness to the rise of social movements whose acts can suddenly provide a rupture to formal democratic bodies by demanding that *political* issues associated with a variety of identities be included within democratic mechanisms. Take the Occupy movement. Emerging in September 2011 in Zuccotti Park, New York, activists came together in protest over austerity policies and the government bailing out

of the richest 1% after the 2008 global crash. Soon, there were Occupy movements across the world. For some, occupying urban spaces in opposition to austerity helped to generate new universal political demands, such as equality for the 99%, as well as new political event-sites through which a diverse array of people could then create their own inclusive versions of democracy that no longer relied on formalised modes of representation (Miller and Nicholls 2013; Springer 2011; Swyngedouw 2021; Vasudevan 2015). Progressive political rupture can therefore emerge when those who have been *excluded* from certain democratic mechanisms reject hegemonic projects of the dominant and instead consciously organise themselves to form new political event-sites in society (see Norval 2007: 38–45).

Others, however, have noted that everyday life is more than the strictly political sphere because routine interactions are mediated through taken-for-granted and mundane experiences of social inequalities, power relations, community ties, and embodied identities. For McNay (2014:15), then, an almost exclusive focus on a relatively autonomous political realm is therefore in danger of analytically demoting these many other "constitutive attachments and bonds of social life" in the ordinary that might "be the principal focus of citizen loyalty". For example, some people will regularly contribute many hours of voluntary work to their immediate communities, but do so through ordinary beliefs that it is "good" to "help out" in communities. These very same people will also frequently shun overtly political expressions like "activism" or "activist" to describe their voluntary work (Roberts and Devine 2004). Empirical evidence further suggests that some organisers in movements like Occupy have sometimes eschewed these ordinary but vital community networks to focus instead on forging new activist political structures. Problematically, though, in rejecting already available formal and informal organisational structures in communities, cliques would then occasionally come to manage Occupy groups (Ibrahim and Roberts 2018). Anyhow, one democratic quandary for progressives is not so much that some are excluded from formal political processes, but that those who govern in society will often already *include* sections of the subordinated in the political order through everyday organisations (McNay 2014:83; see also Mitchell and Staeheli 2007; Parson 2015). That is to say, hegemony of the dominant operates through state mechanisms, through ordinary life, and in everyday spaces (see also Doucette 2020; Matthews 2019).

Judith Butler's and the Bakhtin Circle's respective ideas contain some similarities with those from the "political" school, but they also overcome difficulties in them. To begin with, both the Bakhtin Circle and Butler underline the importance of situating speech and utterances not only within the political domain, but also within everyday life. Voloshinov, a key thinker in the Bakhtin Circle, explicitly notes that ordinary life is inescapably immersed in commonplace "speech performances" associated with the likes of unofficial discussions between people, humour, exchanges of opinions, one's way of identifying with oneself and one's social position during these verbal encounters and in everyday life (Voloshinov 1973:19–20; see also Voloshinov 2012:143). In certain social contexts, these performances gain a degree of repetition through speech genres, the latter of which refer to relatively stable and fixed forms of talking and interacting in specific social contexts

comprised by particular organisation, audiences, structure, goal, and social composition (Voloshinov 1973:96–97; see also Butler 1999:122). As moments of everyday life, speech genres and speech performances mediate other social factors that include social divisions between people and groups, inequalities, power relations, and strategic dilemmas people face (Bakhtin 1986:96).

Given these everyday background *social* conditions, there are times when certain dialogic events become struggled over and subsequently politicised. For, as Butler (1997:147) observes, there is always a possibility that even injurious words "can break with its originary and ordinary context, assuming meanings and functions for which it was never intended". A racist word might be given a new meaning by anti-racist activists, for example. During these unique dialogic events, the "inner dialectical" nature of utterances between monologic and heteroglossic themes becomes more noticeable (see Bakhtin and Medvedev 1991:7; Voloshinov 1973:19–23). Monologic utterances aim to centralise and "finalise" discourse and semiotic material into a hegemonic verbal-ideological worldview and create a "single accent" around particular ideological representations of the world (Voloshinov 1973:23). Heteroglossic utterances, however, refer to the centrifugal processes of language (Bakhtin 1981:270) and are found in popular and everyday culture. Heteroglossia not only recognises the social basis to ordinary dialogue, but will seek to bring out the inner contradictory nature of everyday dialogue to "saturate their consciousness and discourses with more a more fundamental speech diversity" (Bakhtin 1981:326).

Each dialogic event therefore enjoys the potential to initiate new radical potentials in an utterance. Indeed, Butler's term, "coalition", usefully extends the sociopolitical nature of Bakhtin's "heteroglossia" term. In *Gender Trouble*, Butler (1999:20) notes that a coalitional formation represents an "unpredictable assemblage of positions" between the different people in the coalition. This "unpredictable" moment is premised on those in the coalition being willing to discuss divergences, breakages, splinters, and fragmentations within the views held by its members as well as social divisions between them. Butler (2009:147) is also clear that coalitions can be formed between different groups founded on an opposition "to certain state and other regulatory policies that effect exclusions, abjections, partially or fully suspended citizenship, subordination, debasement, and the like". This point is important for two reasons. First, one of the most obvious ways that monologic dialogue seeks to constrain and frame issues of debate and discussion is through the state (Butler 2009:149). For example, the state will seek to create evaluative historical-schemes that justify why some in society are deemed to be of more "worth" than others to play a full role in liberal democratic practices (Butler 2020:63–64, 136). Second, it is important to understand how different forces within the state—a particular state department, for instance—might, for hegemonic purposes, strategically favour the interests of certain forces in civil society over the interests of other state forces (see da Schio and van Heur 2022:596).

Coalitions can gain some of their most potent strength when they enter public spaces to practise dissent and so form an assembly "that puts liveable life at the forefront of politics" (Butler 2015:18). Free and familiar contact emerges in such assemblies insofar that social barriers between people are removed so that

"special forms of marketplace speech and gesture" can be encouraged, which, among other things, liberate people from monologic "norms of etiquette and decency imposed at other times" (Bakhtin 1984b:10; see also Bakhtin 1984a:130). Notably, these assemblies not only make political assertions; they also produce social enactments because they provide a public and common realm to practise and vocalise everyday *social experiences* within a coalition that they name (Butler 2015:176; see also Voloshinov 1973:96).

Significantly, not all assemblies are populated by coalitions, as such. As we will now see in relation to Hyde Park, assemblies can initially be populated by strictly political demands. But once constructed, a political assembly can generate innovative activist spatial resources and new types of knowledge, literature, ways of speaking, and social connections, which go on to empower people to construct new and socially innovative coalitional social spaces in the assembly (see also Featherstone 2021:478–479). This was certainly the case at Hyde Park.

1861–1872: The Trespassing "Excitable" Noise of Free Speech in Hyde Park

By the early 1860s, Hyde Park had acquired a socio-cultural identity as a place where some ordinary people could *regularly* go to engage in public and political speaking and exercise some semblance of free speech. In April 1861, Charles Dickens wrote an article for his weekly journal, *All Year Round*, about Sunday preachers at Hyde Park. Dickens recounted a visit to Hyde Park to listen to "the preachings which are held there once every week, and of profiting by the political spoutings of which that great enclosure is the hebdomadal theatre" (Dickens 1861:117–120)—caged in everyday language and humour. Dickens also describes onlookers in the crowd asking questions and heckling speakers. Importantly, then, in 1861 regular weekly speakers and other attendees reproduced the identity of Hyde Park as being an urban space in London for debate and discussion. This identity was one that was also attractive to external political movements, especially if they wished to gather and meet as a group in a central London place. The most notable illustration of this point came about in the mid-1860s through the Reform League. Formed in 1865 from other political movements, the Reform League was primarily concerned with widening the franchise to more members of the male British population (see Belchem 1996:114; Harrison 1965:81). While the Reform League's campaign scope was therefore narrowly based, their actions, as we will now see, nevertheless provided vital challenges to the state regulation of free speech in Hyde Park.

Calling for a meeting at Hyde Park on 2 July 1866, the Reform League mobilised approximately 50,000 to hear the League's President, Edmund Beales, give a speech on the need to extend voting rights. Another rally was called for on 23 July. Mindful of the Reform League's appeal, the Superintendent of the Metropolitan Police, Sir Robert Mayne, was determined to stop this second meeting. Notices were placed around London prohibiting the gathering and nearly 1,700 police surrounded Hyde Park on the night of the rally. When Beales and his followers turned up at Marble Arch corner to Hyde Park, they decided to retreat to

Trafalgar Square. However, the majority of protestors stayed in Hyde Park, gaining entry by forcing down the park railings at different points (Harrison 1965). Newspapers of the day, unsurprisingly, reported this act in near moral panic terms, decrying the violence and disorder of the League and the adverse impact it had on the leisurely class and their enjoyment and "quiet recreation" of Hyde Park (Awcock 2019:202).

Blomley (2020:48) notes that one important element to property relations is their propensity to produce discursive signs that "generate simple on/off signals of exclusion". Some people are thus constructed as being "incomplete" property owners who have no innate right to enter certain grounds. Blomley (2020) further observes that once inscribed in law, however, those who own and control property will sometimes have legal stipulations placed on them concerning public access to their land. While extremely useful, Blomley's insights can be pushed further in order to tease out the inherent multiaccentual nature of such discourses, especially in respect to *state discourses* of property (see also Prytherch 2012). It is here that Butler's ideas remain a valuable guide. She argues that even if a government produces a discourse around who is deemed to be "speakable" and so "legitimately" allowed to enter formal public spaces to discuss issues of concern, this is only achieved by the government when they argue that some in society are "unspeakable" and so not fully permitted in these spaces. Ironically, however, the government therefore immediately makes the "unspeakable" visible—they have been named by the state even if only to define them as being "unspeakable". Yet, this unintentional visibility of the "unspeakable" does not necessarily "renaturalize the political vernacular of the state and its status as the primary instrument of legitimising effects" (Butler 2000:178). That is to say, unspeakable utterances now gain the potential to build the basis for counter-hegemonic speech against the state.

Nowhere are these points clearer than in how the Conservative government sought to re-establish the territorial state boundaries of Hyde Park through a discourse of "trespassing". Similar tactics had been used in the past. In 1848, Earl Russell's governing Whig party, in league with the Metropolitan Police, introduced innovative measures to strategically zone sealed-off spaces in London to make it an offence for Chartist activists to enter those spaces (Keller 2009:74; on "trespassing" discourses, see also Linebaugh 2008:1–5). In 1866, though, the government enquired into new spatial tactics to restrict the specific campaign of the Reform League. The Attorney and Solicitor General advised Spencer Horatio Walpole, the Home Secretary, that because the government looked after the Royal Parks on behalf of the Crown Estates, then a "trespass" prohibition was in place to protect royal land. If somebody entering a Royal Park (in this instance, entering Hyde Park) "to form, engage in, or attend" a political meeting, the person in question could therefore be "removed" on the grounds of trespass. Unfortunately, continued the reply, "we do not consider that in the case of any large assembly the right (of removal) could practically be exercised with safety or that such as assemblage could be 'dispersed by force' …".[2] Nevertheless, the intervention of the Attorney and Solicitor General helped to form a new representation of public meetings at Hyde Park. Protestors demanding the right to meet in urban park spaces were now positioned by the state as external *trespassers* on the Royal Parks.

By late August 1866, the government added yet another discursive monologic theme to this subject-matter. The Royal Parks were to be placed under the supervision of the Metropolitan Police with special consideration given to Hyde Park in the form of a new police station built within its confines in order to reduce, and eventually stop, "the disorderly conduct which for some time has caused great annoyance to *respectable* people in some of these Parks".[3] An association was thereby made between "unrespectable" political activists who "trespassed" in Hyde Park to exercise their free speech.

But the Reform League continued its work over the ensuing months and eventually served notice that it planned another meeting at Hyde Park on 6 May 1867. This was promptly banned by Walpole because, he reasoned, there was no inherent right given to people to enter parks for the purposes "either of political or religious discussions". According to Walpole, these two topics of debate had to be prohibited in parks because "men's minds are easily *excited*" by them, and the "contrary opinions" they throw up "may be brought to bear in an adverse manner".[4] Political assemblies of the Reform League were thus monologically framed as not only trespassing Hyde Park, but also trespassing through the noise of potentially "excited" voices. It is not of course unusual for governments to weaponise types of noise to further their socio-political agendas (see Llano 2018; Radovac 2015; Thompson 2017; Voloshinov 1973). But in this particular case, Walpole was drawing on a historical discursive theme of equating large groups of demonstrators with being mob-like. Taken from the Latin expression *mobile vulgus*, meaning the "movable" or "*excitable*" crowd, the term "mob" was employed by a middle-class culture to negatively describe socio-political disorder and "excitable" speech in London (Shoemaker 1987:273).

By making the speech of some political protestors into unspeakable and excitable noise, Walpole had once again inadvertently brought these voices into the public sphere. First, the "excitable" voices of the Reform League were now publicly defended by other politicians. The radical MP, John Bright, questioned the assumption held by many MPs that disorder in Hyde Park would follow if the Reform League held their meeting within its confines.[5] Second, Walpole's public endeavour to ban Reform League voices had the opposite effect. More than 100,000 people showed up on 6 May 1867 and the authorities recognised the futility of trying to block them entering the park gates (Harrison 1965). For the demonstrators, the events surrounding these actions not only signified a struggle for greater democratic rights, but also marked a point at this conjuncture in which they consciously sought to transform Hyde Park into a popular place for free speech. Soon after the 6 May demonstration, Reform League broadsides around London declared:

> In Hyde Park, on the 6th, it was right against might,
> With Beales for our leader, we beat them that night ...
> Our rights! It is all that we ask,
> To meet with each other when labour is done,
> And speak out our minds in the Park. (cited in Dreher 1993:134–135)

Given these circumstances, Walpole subsequently resigned (see Cole and Post-gate 1966:383–394).

Over the next five years, successive heteroglossic movements ensured that "free speech" as a speech genre in itself became intrinsically associated with Hyde Park. In 1871, for example, republicans and exiled Communards met in Hyde Park to defend the left-wing French experiment and uprising in radical local government, the Paris Commune (Bevir 1992:212; see also Forster 2019). At the same time, different meetings regularly gathered in Hyde Park to explicitly champion the right to free speech in London's parks.[6] The government was therefore intent on introducing a new Act to govern the utterance of "free speech" in these urban spatial practices. Eventually passed as "An Act for the Regulation of the Royal Parks and Gardens", otherwise known as the Parks Regulation Act, on 27 June 1872, we now explore the impact of this legislation on free speech at Hyde Park.

The 1872 Parks Regulation Act: Public Address vs. Free Speech

The 1872 Act can be thought of as a monologic attempt by the state to re-order and manage the heteroglossic assembly of free speech at Hyde Park in particular and the Royal Parks generally, but to do so through a *democratic inclusion* of sorts. Importantly, the 1872 Act did not mention the sign of "free speech" at Hyde Park, but instead gave people the right to make a "public address" as contained in Regulation 8 of the First Schedule. Crucially, "public address" was further supported by Regulation 14 in the First Schedule: "No person shall commit any act in violation of public decency, or use profane, indecent, or obscene language to the annoyance of other persons using a park". Immediately, therefore, the government brought together "public address" with potentially "indecent" language of speakers.[7]

There are a number of points to make about this framing. In the first instance, spaces given over for "public address" in the Royal Parks were to be extremely small. At Hyde Park, for example, a public address could only be delivered within 20 yards of an official boundary stone.[8] Park keepers, moreover, were given police powers under the 1872 Act and so could now determine in advance which individuals had the "right" to give a "public address" in the first place. According to one MP, Vernon Harcourt, this particular restriction meant that park rangers might "frame the rules" themselves in a manner to "determine what sentiments should or should not be uttered in the Parks under his control".[9] Park rangers, Harcourt continued at a later parliamentary debate, could also construct some who entered Hyde Park for political discussion as being "roughs" who disturbed "respectable" people and so evict them from a park for this reason.[10] Ordinary people similarly campaigned against the 1872 Act and did so once more by attacking the "trespass" discourse. At one meeting for "all lovers of liberty and freedom of speech", which took place on 7 November 1872 in Soho, London, different people spoke out against the potential prosecution of Hyde Park speakers. One resolution stated that "the Act which gives a colourable authority to the park rangers to claim fines and damages for alleged 'trespass' for meeting and

speaking in Hyde Park is unconstitutional ... being in conflict with common laws, usages and customs of England ...".[11]

As a result of these controversies, separately drafted "Rules" for each Royal Park were passed in February 1873, which also became part of the 1872 Act. All the Royal Parks were now given wider spaces devoted for public speaking. In Hyde Park, the new speaking space, which was mapped out under Rule 11, covered most of the area of the park, although any "assemblage of persons" gathered to hear an address had to make sure it did not cause an obstruction to the public. Rule 12 further declared that no public address could be of an "unlawful character" or given for an "unlawful purpose", while Rule 13 reiterated that "no assembly of persons is permitted in the park unless conducted in a decent and orderly manner". Naturally, what constituted an address of an "unlawful purpose" and "decent" behaviour was to be determined by the authorities and, especially, once again by the newly empowered park police. At the same time, each set of Rules mapped out potential deviant behaviour that might lead to a person being excluded from the park in question. Hyde Park now had 22 Rules, including the ones devoted to "public address", and most stipulated what one could not do Hyde Park. Rule 16, for instance, set out policies and restrictions on bathing in the Serpentine Lake in the park (Rules for Hyde Park 1873).

Even so, this new discourse was constantly interrupted through free speech events at Hyde Park. London was during this time also home to a number of organised left-wing groups who engaged regularly in open-air platform speaking across the capital, including Hyde Park. These included the Socialist League, the Fabian Society, and the Marxist-inspired Social Democratic Federation (Bonin 2021). Hyde Park was, moreover, also fast becoming a *social* assembly for heteroglossic speech from diverse sections of society. Militant trade unionism had gathered pace in these years across London and elsewhere and women played a key role in fostering this militancy. In July 1891, the first demonstration was recorded of working women at Hyde Park, which included female platform speakers (Rowbotham 1977:62).

Individuals also creatively drew on existing material objects in Hyde Park, but transformed them momentarily into heteroglossic free speech objects to transgress the Rules of Hyde Park. Three illustrations highlight this point. First, in February 1886, park keepers complained that speakers were converting waggons into their own speaking platforms and then driving them across the grass and damaging Hyde Park's green spaces, contrary to the Rules of Hyde Park.[12] Second, in January 1889, a John Williams had been part of a group who were organising a meeting in Hyde Park to discuss the plight of the unemployed. Williams had mounted the steps of the Duke of Wellington statue at Hyde Park Corner to address a crowd of about 130 people. For the police, however, Williams was causing an obstruction and so they told him to "abstain from addressing persons". Williams was eventually arrested. In court, Williams disagreed with the police judgement and told the magistrate that he "contested the right of the police to interfere with meeting at the Wellington Statue".[13] Third, in April 1894, a man dressed as a clergyman stood on a public seat near the Serpentine Pond in Hyde Park, transformed this seat into an improvised platform, and began his "lecture".

He was asked to stand down by a policeman (Ashton 1896:217). Crucially, such heteroglossic speech performances revealed the inner dialectical nature of "public address", exposed its one-sided universality, and helped to reproduce the free speech assembly at Hyde Park (cf. Butler 2015:50). Indeed, the recurrent nature of these performances moved representatives from the Home Office and the Office of Works to admit that the existing Hyde Park Rules were failing to stop regulars blurring the boundaries between "public address" and what the regulars took to be their right to free speech.[14]

To tackle this emerging social assembly and innovative styles of public speaking, in April 1904 the authorities changed the discursive form of the Rules of Hyde Park. Noticeably, Rule 12 explicitly joined "public address" with a broader array of "indecent" speech performances in order to capture the novel repertoires and styles of free speech acts in Hyde Park. A revised Rule 12 now prohibited, "any obscene, indecent, or blasphemous words, expressions, or gestures … in the course of, or in connection with, any speech, address, performance, recitation, or representation". No longer just "address", but also "speech" and bodily "gestures" of speakers thus became the site for the possible eviction from the park. A revised Rule 15 reinforced the in/decent image by stating: "No idle or disorderly person, rogue of vagabond, or person in an unclean or verminous condition, shall loiter or remain in the Park or lie upon or occupy the ground or any of the seats thereof, and it shall remain lawful for any park keeper to exclude or remove from the Park any person committing any breach of this Rule" (Rules for Hyde Park 1904). Importantly, the Rules were now drawing upon a broader late Victorian monologic discourse associated with middle-class fears of "vagabonds" and the "unclean"—the homeless and the unemployed, for example—spreading disease and "vermin" to others in public spaces, especially to parks (Dreher 1993:98–106).

Regrettably for the authorities, only a month later the Home Office accepted that the 1872 Act did not empower the Office of Works "to exclude any people on the ground that they are unclean or of bad character (rogues and vagabonds)".[15] One problem confronting the authorities was exactly that those who attended the speaking area at Hyde Park now engaged in a wider degree of *social* dialogue immersed in heteroglot voices and embedded in popular culture and everyday life (cf. Bakhtin 1981:278; Butler 2015:18). Naturally, some speakers might grumble to the authorities about other speakers. In 1908, the Office of Works received a complaint from one Hyde Park regular who claimed that Christians sang hymns in the park to deliberately disrupt other "legitimate meetings".[16] Still, by this time, the social nature of the free speech assembly at Hyde Park continued to expand. On 21 June 1908, the Women's Social and Political Union organised a huge suffragette meeting in Hyde Park to discuss politics and gender relations with around 42,000 women attending and with crowds of around half a million (Purvis 2009:289), while in the same year a Herbert Blyth stood on a platform in the park to defend the sexuality of Oscar Wilde.[17] Coalitional forces had thus converted spaces in Hyde Park from being a political assembly to now being a social assembly.

To therefore contingently label some of these speakers as being "verminous" was both time-consuming for the authorities and subject to all sorts of problems.

One illustration of the difficulties confronting the authorities emerged in July 1919 when the Metropolitan Police wrote to the Office of Works to ask if they might restrict the hours at which meetings could take place. After all, reasoned the Police, "the concentration of large bodies of persons in a comparatively unlighted place, under conditions which are calculated to *excite prejudices and passions*, presents a difficult problem to those responsible for the maintenance of order".[18] Drawing once more on the monologic noise of "excitable speech", the Commissioner of the Metropolitan Police argued that the continual maintenance of order was difficult "after dark", especially given "undesirable characters" who frequented the speaking area. While the Commissioner claimed to have approached this issue with reluctance, "lest there be an appearance of interfering free expression of opinion", he tried to reassure the Ministry that it was nevertheless in "the public interest" to limit "the times of meetings to the hours between sunrise and sunset". But the Ministry did not agree that an increase in disorder or immorality was imminent. Any "interference with the recognised principle of free speech in the Park" should be avoided, the Ministry declared, and so they rejected the police proposals.[19] In 1925, the Ministry went further and claimed that if public speaking at Hyde Park was restricted, then this might lead campaigners to argue that "public meetings of all kinds" was in fact a customary "right" in the park and not a state-backed "privilege".[20] A year later the Metropolitan Police were still condemning the "number of cranks and undesirable persons" at the "meeting ground".[21]

Importantly, over the years, successive speakers, regulars, and onlookers formed new coalitions and, in turn, ensured the spatial heteroglossic sign of free speech remained visible at Hyde Park. In particular, as the next section documents, the 1950s saw the arrival of a novel social coalition of diverse voices in the park, which used a nearby roadworks scheme to finally turn upside down the "trespass" discourse to empower free speech.

1932–1962: Social Dialogue, Roadworks, and Encroachment

During the 1930s, Hyde Park had morphed into a social assembly that was home to a diverse range of utterances and new speech genres about a variety of social experiences and social identities. On 27 October 1932, the National Hunger March, organised by the National Unemployed Workers' Movement (NUWM), reached Hyde Park, having left Glasgow a month earlier. Through this march and earlier ones, the NUWM had created dialogic events in the British media and in urban spaces to discuss the everyday embodied social experiences of those out of work. Around 100,000 people met the marchers at Hyde Park to listen to their stories (German and Rees 2012:194; see also Ewing and Gearty 2000:223). One protestor, "Comrade Lily Webb", stood on a platform to declare "greetings of the women marchers" and "London workers" to those listening.[22]

Throughout this period, other Hyde Park regulars would take part in symbolically colourful and flamboyant speech performances. Arguably, one of the most well-known was Prince Monolulu. Born in 1883 as Peter Carl McKay on the Caribbean

island of St Croix, Monolulu settled in Britain in 1902. After the First World War he became a race horse tipster and would attract punters through skills he had refined by once working for a circus, by going on the stage in musicals, by wearing ostentatious outfits, and by his gift to tell jokes. This style developed for Monolulu at Hyde Park in the 1930s. Now adopting his Prince identity, and claiming to be from Ethiopian royalty, Monolulu would wear a mixture of African clothes and headdresses to speak about race, British culture, and sexual relations (Matera 2015:216–222). Crucially, it was the spaces within the ordinary place of Hyde Park that empowered speakers to discuss a range of topics that they might not dare discuss elsewhere. George Padmore, originally from Trinidad but moving to and settling in London, was another regular speaker at Hyde Park in the 1930s and 1940s. A committed socialist, Padmore would, among other topics, wax lyrical about the white racial chauvinists governing colonial settlements in countries like South Africa and Southern Rhodesia. "To speak in these terms, in the 1930s and 1940s, constituted an astounding provocation" (Schwarz 2003:143).

Such was the taken-for-granted nature of free speech at Speakers' Corner that by the end of the Second World War the newly named Ministry of Works would now make certain that the organiser of any external procession wishing to enter Hyde Park had to guarantee its level of noise was such that it would "not to cause annoyance to other speakers".[23] Still, the association between space, the right to free speech, and what constituted sound and noise in the speaking area at Hyde Park was to gain new publicity from 1955 to 1962. During the 1950s, engineers in the London County Council (LCC), the Ministry of Transport, and Westminster City Council, along with assistance from the road traffic branch of the Metropolitan Police, discussed various new designs to re-model and enlarge the intersections at Hyde Park Corner and at Marble Arch. The final agreed design—the Park Lane Improvement Scheme—would build two interconnected circulatory roads (Rayfield and Clayton 1964). Significantly, a strip of Hyde Park on its east side would be lost to the road scheme. Unintentionally, this event would be the catalyst for a new free speech campaign in Hyde Park.

In July 1955, the Royal Fine Art Commission, which had been set up to enquire into questions of public amenity or of artistic importance, told the *Times* that the Park Lane road scheme would constitute one of the "largest encroachments ever suggested on surrounding public amenities", especially on the "cherished" Royal Parks.[24] The Royal Fine Art Commission thus employed the utterance, "encroachment", to denote an alien and external violation by the Park Lane Improvement Scheme onto the green and pleasant open spaces of the Royal Park, particularly Hyde Park. "Encroachment", therefore, was similar but also distinctive to Walpole's earlier "trespass" discourse in the 19th century. "Encroachment" was attached to concerns about the external "noise" and "smell" of the traffic scheme intruding onto the green spaces of Hyde Park. Certainly, the Conservative government of the time was acutely aware in 1957 that the public sight of "fifty fine large trees and many small trees" being cut away from Hyde Park to make space for the new road could have possible "electoral consequences".[25]

Unsurprisingly, then, this "encroachment" discourse was also seized upon by Hyde Park regulars and campaigners. On 30 April 1957, for instance, the National

Secular Society wrote to the Ministry of Works to enquire as to whether the new roadwork scheme might "interfere" with speaking pitches at "Speakers' Corner". If so, then the Society viewed "the possible encroachments upon this world-famous speaking site with apprehension".[26] This was a concern expressed a month later by the National Council for Civil Liberties,[27] who then kept asking the Ministry of Works for at least a year to see plans for the speaking area.[28] They were joined by others in this coalition, such as the Communist Party and the Reverend Dr Donald Soper, a well-known Methodist minister who regularly spoke in Hyde Park.[29]

It should also be borne in mind that the assembly of Speakers' Corner at this time was being reproduced through new and emerging speech genres. In 1958, Roy Sawh first wandered into Speakers' Corner. Recently arrived in the UK from his native country of Guyana, Sawh listened to a number of speakers in the park, some of whom spoke on similar topics covered by George Padmore some years earlier. By 1965, in fact, Sawh had also co-established the Black militant Racial Action Adjustment Society (RAAS), which went on to teach Black people in the UK to "stand up for their rights and their dignity" (Sivanandan 2008:104). Significantly, though, it was in the late 1950s that Sawh used Hyde Park as a base to educate himself on topics like race, social inequalities, and global capitalism, which then prompted him to attend night school for further education on these issues. With time, Sawh cultivated his own platform at Hyde Park through which he honed his public speaking skills and nurtured a group of friends mainly from the West Indies (Morrison 1987:27).

Given this changing context, the Ministry assured the campaigners that by the time the new road scheme was to be completed in 1962, a new speaking space would be built that would at least be comparable in size to the existing one, if not bigger. The Ministry kept its word.

Conclusion

The noted US academic and public intellectual, Stanley Fish (2019:12), who has himself entered many free speech controversies and debates, recently remarked that Hyde Park still remains one of the few places where people can exercise freedom of speech as "a right unalloyed by … in-place restrictions". In making this claim, Fish is simply reproducing a common (mis)understanding of Hyde Park. My paper fundamentally questions this claim insofar it shows there has never been a universal right of free speech at Hyde Park. Instead, people have legally enjoyed the right to "public address" within its borders. If anything, Hyde Park is an illustration of what is almost a tradition in the UK in which the authorities throw together practical and discursive means to regulate and govern specific spaces of free speech. The Conservative government's recent Police, Crime, Sentencing and Courts Act 2022 seeks to mobilise such means to disproportionately control democratic assemblies and protest in city and town spaces (see Liberty 2022). Interestingly, the 2022 Act empowers the police, as Walpole similarly did in 1867, to use "noise" as a category to intervene and impose "conditions" on an assembly if such noise results "in serious disruption to the activities of an organisation which are carried on in the vicinity of the assembly".[30]

But the paper also poses a related and important question. While restrictive, "public address" did not ban public meetings in the park, even if sought to order them in specific ways. To what extent, though, can social and political movements employ socio-legal "rights" like "public address" to gain democratic inclusion in socio-political mechanisms when such rights are themselves often already given content by hegemonic state agendas? (see also Galvis 2014:1469; Harvey 2012:5).

"Public address" at Hyde Park demonstrates that the liberal democratic order's claim of political equality is one-sided. Events surrounding "public address" certainly opened up spaces for the clash of political opinions (cf. Mouffe 2005:30; see also Gray 2018:323; Pettas 2019:227). Indeed, they created different publics within the boundaries of a singular enclosed place of Hyde Park (see Jeffrey et al. 2012; Loughran 2020). The paper, however, has also shown that free speech at Hyde Park was maintained through an ongoing albeit changing coalition of political *and* social speech performances. These utterances not only spoke about distinct issues of the day, but through their speech performances came to enact the social coalition and plurality in and around free speech (see Butler 2015:176). Regulars did not have to know one another personally or deliberate in advance before they entered Hyde Park to maintain the visibility of this free speech assembly. "Showing up, standing, breathing, moving, standing still, speech, and silence" (Butler 2015:18) within this assembly was enough to reproduce it for ordinary people to speak about a wide variety of counter-hegemonic social and political issues.

The paper has also shown that the state is more than a sum of a set of neutral relationships in terms of free speech. The state is, instead, a strategical-relational field of alliances, interests, projects, and hegemonic agendas (see also Jessop 2002; Jones 2019). In the case of Hyde Park, the state-right of "public address" was never a neutral legal sign, but a monological one, which even some MPs in 1872 recognised. Yet, "public address" also inadvertently made visible new energies, objects, expressions, and relations associated with popular expressions of free speech at Hyde Park, which then moved in and out of distinct spaces inside Hyde Park.

The history of Hyde Park thus reveals how radical forces in society can build on the fissures and gaps in the strategic nature of the state and then use these to articulate their own visions of civil rights in urban spaces. While it is therefore true to say that enclosure of the commons can be part of state hegemonic projects to govern places of antagonism towards dominant agendas (Sevilla-Buitrago 2015), it is equally true to say that state hegemony comes up against often unusual and contingently formed counter-hegemonic coalitions that not only maintain commoning practices, but which can also over time transform dominant monologic state discourses on politics into coalitional and heteroglossic social assemblies.

Acknowledgements

Data Availability Statement

The primary data that support the findings of this study are publicly available in The National Archives, the London Metropolitan Archives, and Hansard Parliamentary Debates. Specific references for historical documents used in the paper are given in the bibliography of the paper.

Endnotes

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[2] The National Archives (TNA): T525/1493.

[3] TNA: HO 45/9354/28677 (emphasis added).

[4] Hansard Parliamentary Debates (Hansard): 3 May 1867 (emphasis added). https://hansard.parliament.uk/Commons/1867-05-03/debates/71e85063-d73a-4071-b3fd-2055753b10f0/ProposedReformMeetingInHydePark%E2%80%94InterferenceOfTheGovernment%E2%80%94Observations (last accessed 8 March 2021).

[5] Hansard: 3 May 1867.

[6] TNA: HO 45/9490/3239.

[7] An Act for the Regulation of the Royal Parks and Gardens 1872.

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[11] *The Morning Advertiser*, 8 November 1872.

[12] TNA: HO 45/9490/3239.

[13] *The Times*, 16 January 1889.

[14] TNA: Work 16/1030.

[15] TNA: HO 45/10256/X58056.

[16] TNA: Work 16/914.

[17] TNA: MEPO 2/1211.

[18] TNA: Work 16/1458 (emphasis added).

[19] TNA: Work 16/1458.

[20] TNA: Work 16/1656.

[21] TNA: Work 16/1030.

[22] TNA: HO 144/18186.

[23] TNA: Work 16/1836.

[24] *The Times*, 22 July 1955.

[25] TNA: T 228/664.

[26] TNA: Work 16/1856.

[27] TNA: Work 16/1999.

[28] TNA: Work 16/2004.

[29] London Metropolitan Archives (LMA): LCC CL/HIG/02/112.

[30] Police, Crime, Sentencing and Courts Act 2022: https://www.legislation.gov.uk/ukpga/2022/32/contents/enacted (last accessed 19 September 2022).

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