

THE HACKER

6 (May 2010)

Whose divot is it anyway?

I have to say that on the whole I hate this whole blame culture in which we increasingly live. If you trip up over a paving slab as you walk along the street then rather than picking up your mobile to dial your solicitor, the only picking up you should be worrying about is learning to do just that with your feet. Or if a conker lands on your head you should be standing there marvelling at the ways of nature instead of drawing up a shortlist of organisations you can sue for the headache.

And of course suing someone has never been easier. Next time you are at your computer type the words "sue someone" into Google. Within milli-seconds it returns over 16 million results. To make things even easier, the top return when I did it offered in nice easy to read bold type: "*How to sue someone. Are you thinking of claiming something from someone?*" One minute I'm sitting there thinking whether or not I want a cup of tea, the next I'm sifting through my life, jotting down all the bad bits and then starting to think of who I can blame and sue for making them happen.

But I resisted. Instead, someone, or rather something, did pop into my head. Something for which I am repeatedly punished for no fault of my own. Being in someone else's divot! This really gets up my nose!

So now I really had someone to hurl at the impressive facade of Her Majesty's esteemed legal system.

Google even made my next step nice and easy. Seven results down on the first screen I was offered the chance to follow three easy steps to suing someone. Suffice to say I happily clicked away.

Step 1: Decide if you have a good case. I cast my mind back to the club championship, a perfect little lay up shot that left me a gentle 110 yard wedge over the water protecting the 18th green only to walk up to my ball and find it sitting half an inch below the surface in a beautifully hewn divot that had clearly only just seen daylight for the first time. This discovery was promptly followed by a thinned exorcet straight into the water. It was only day one of the championship so whilst it didn't instantly deny me fame and fortune, it proved to be the thin edge of the wedge (even my own words continue to mock). So yes, I feel I have a very good case!

Step 2: Can you collect if you win? As the divot was so very minty fresh I knew exactly who the three-ball in front of me were. All up standing pillars of the community and certainly not short of a few bob, so there's another tick!

Step 3: Estimate your claim? Not so easy. However I'm sure I am just following the lead of other fellow amateur golfers when I imagine becoming club champion as merely the first step on my road to golfing greatness. The club championship would I'm sure have been swiftly followed by a call up to the county, then the national team, Tour qualifying, a run of Majors, Ryder Cups and then the sell out biography and film rights. Add that lot up and I'm happy to round it down to a cool £10 million for simplicity.

But of course I type with my tongue firmly planted into my cheek. To think of suing other golfers for leaving a divot, whilst on one hand perfectly reasonable, on a practical level is ridiculous. Which actually brings me to my point. I never for a second had a thought to litigate my fellow golfers, my gripe is actually with the rules. Play the ball as it lies. Poppycock! Why on earth, when I have safely found the middle of the fairway should I be punished for someone else's carelessness? In my opinion this is the stupidest rule in the book. Maybe back in the 18th Century when the great and good landowners of the Society of St Andrews Golfers smacked a ball around their rabbit strewn links, the quality of the course was a bit iffy to say the least. But these days fairways are mown to perfection with precision machinery. As I see it, the designers of a golf course lay down a gauntlet to us players. They lay out a course and challenge us to traverse it's various pitfalls and traps in as fewer shots as possible. An important part of this intimacy of player and designer locking horns is the safety of the fairway. "Hit it if you can" must be their unheard cry. And hit it we occasionally do. And when we do, I believe we have passed the test and thus should then be allowed to take relief

if we find ourselves in any crag, divot, dungheap, scrape or scuff. Within six inches of the ball, no nearer the hole. Why not? We are allowed to do this in Winter under a local rule, so to reward our skill by changing this stupid rule globally seems to me to make eminent sense. But then again sense doesn't always seem to go hand in hand with golf. So rather than await the rule change, I'll keep my ears peeled for the first golfer to be hanged on the evidence of a divot-print.

©Phil Churchill 2010
www.philchurchill.co.uk