

King Arthur's real crime

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For the High Court to proceed against Arthur Scargill for contempt is one of the most glaring of the many absurdities in the present conflict. Mr Scargill is above the law, and it is ridiculous to suppose that the law should be applied to him – as ridiculous as to suppose that the law should be applied to the Queen.

If the High Court were to take seriously the nonsensical suggestion that Scargill is a subject of the Crown, then it should be serving a writ, not for contempt, but for sedition. This common law offence covers three crimes – seditious libel, seditious utterance, and conspiracy to act in furtherance of a seditious intention – and it is arguable that, had a mere subject behaved like Scargill, he would be guilty of all of them. The seditious intention – which is a necessary ingredient in each offence – was defined by Mr Justice Stephen as “an intention to bring into hatred or contempt, or to excite disaffection against, the person of the Sovereign, or the government and Constitution of the United Kingdom as by law established, or either House of Parliament or the administration of justice, or to excite Her Majesty’s subjects to attempt, otherwise than by lawful means, the alteration of any matter in Church or State by law established, or to raise discontent or disaffection among Her Majesty’s subjects or to promote feelings of ill-will or hostility between different classes of her subjects”.

For the crime to occur, there must also be a disturbance, appropriately caused by the seditious utterance or conspiracy: People have been found guilty of sedition as recently as 1972, and a person who behaved exactly like Scargill while lacking the legal immunity accorded to heroes, could well be found guilty as well.

It is undeniable that Scargill has sought to bring the Government and the judiciary into contempt, that he has excited Her Majesty’s subjects to attempt, otherwise than by lawful means, the alteration of matters established by law, and that he has sought to raise discontent among Her Majesty’s subjects and to promote feelings of ill-will and hostility between different classes. He expressly declares himself to be engaged in class warfare, speaks with excoriating contempt of all who are opposed to him and supports bands of violent followers in actions which are both unlawful in themselves, and calculated to set men against their workmates and against the police. The overall intention has been to set the working class as a whole against those who (in Scargill’s benighted opinion) do not belong to it.

The violence of the picket line is not merely the spontaneous ex-

pression of local sentiment, but also the result of a concerted and resourceful organization, which deploys its thugs in the way that the Nazi Party deployed its shock troops – so as to intimidate and coerce all who dare to defy the leader’s ruling. Precisely who or what is the power behind this organization is a matter of dispute. But the evidence is sufficient, if not to implicate Scargill, at least to provide a case for him to answer.

On any natural understanding of the events of the last few months, Mr Scargill has harboured a seditious purpose; and on any natural interpretation, his purpose has been achieved. The nation is divided, the miners also divided, and enmity and hatred have been let loose in quantities to which our constitution is unaccustomed, and for which our police are unprepared. Nor is there any hope of an early relief, now that the bigots of the Labour Party have joined their voices to the raucous chorus of destruction.

But Scargill is above the law. His contempt for the judiciary is natural in a man who believes that justice resides, not in the patient exercise of the common law of England, but in the violent overthrow of the power that sustains it. Too many people share that belief, and too much instinctive disorder has been unleashed on behalf of it, for Scargill to be treated now as a subject of the Crown. He has the hero’s disdain towards things by law established.

The only solution is to transport him to a place where his ideal of justice is enacted, where the “dictatorship of the proletariat” has extinguished forever the power of the ruling class, where he will not be bothered by the whims of an independent judiciary, and where all trade unionists will automatically obey the instructions that are issued by their leadership.

Such places exist, and Mr Scargill has been loud in praise of them. It would surely be no injustice to compel him to reside in one of them. Not only would he then be able to take up a citizenship and an allegiance more suited to his ardent temperament, he would also be relieved forever of the intolerable sights of exploitation that greet him every day in the dark world of capitalist oppression. And in order that his departure should be arranged with every appearance of legitimacy, the proposal should be put to a national referendum, in which everyone could vote, even the miners, who, thanks to Scargill, have not so far voted on the matter that concerns them.

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