



**CONSPIRACY:
LAW, CLASS AND SOCIETY**
Robert Spicer

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Conspiracy is one of the most conspicuously political pans of the law, and the history of conspiracy is a fairly accurate history of political opposition to the state and the ruling class. This book notes that the one period of the twentieth century that witnessed a comparative lull in the development of the conspiracy law, was during the time when the Irish national struggle was diverted into the temporary interval of Stormont rule. In 1977 the Labour government made a timid attempt to reform the law of conspiracy with the Criminal Law Act. This was after the jailing of the Shrewsbury pickets, the persecution of the underground press and a decision of the House of Lords when Lord Hailsham implemented the Tory Party election manifesto, without the inconvenience of legislation, by inventing

the crime of 'conspiracy to trespass'. Robert Spicer's book serves as a timely reminder that the struggles of civil libertarians and the labour movement have not been rendered obsolete by the 1977 reforms. It brings the readers up to date, and thereby supplements D N Pritt's 4 volume study of law and class published by the same publisher in the early 1970s.

Indeed, it appears that Robert Spicer's real target is the general theme of law and class, rather than the peculiar qualities that make conspiracy such a significant weapon in the state's arsenal of repressive instruments. In this wider aim the book is a disappointment; it goes over old material without providing a new perspective or reviewing the increasing literature of the left on the subject of law and class. It awakens the reader's interest in such problems as the undemocratic nature of the judiciary but does not suggest what a democratic judiciary might be. It is important to be reminded of the contribution made to English legal textbooks by Irish militants, and that judges are predominantly upper middle class, Oxbridge-educated reactionary males, but how can this appreciation of the law be turned into an effective strategy to resist it?

Trade unionists have predominantly relied on their industrial strength to balance the weight of ancient precedent and judicial invention, and have built a series of even higher protective walls, rather than take on conspiracy root and branch. Sooner or later these defensive structures become highly unstable, and a combination of class war storm troopers in Parliament and the eccentric crusading of a reactionary judge in his dotage, have now brought the full fury of the conspiracy laws crashing down on organised labour. Since Robert Spicer's book has gone to press, the *Hadmore* decision against the ACTT has imperilled the very concept of a lawful strike, and once again we find conspiracy (admittedly as a civil action for damages, rather than as a criminal offence) at the

centre of the political stage. If *all* law is seen to be identically political then the trade unions are left with a pure struggle for power against the state; if, however, conspiracy is seen to be a peculiar violation of even the capitalist law's own alleged standards, greater legitimacy can be attached to the struggle against conspiracy, and Tebbit's attempts to throw workers unprotected into the jaws of the judicial wolf pack.

Defendants in criminal trials are even less able to take on the whole might of the state from their lonely position in the dock; they need to find cracks in the armour plating, contradictions in the ideology, and demonstrate the absurd consequences of some of the state's reasoning. It is in this context that the struggle around civil liberties becomes crucial for socialists. Conspiracy laws had to be reformed in 1977 because they were embarrassing to the state, and as a consequence lost their efficacy. The defence's ability to cite the conspiracy laws' own political past back at the state, demonstrating prosecution abuse of past convention and the interference with the selection of the jury, began to make conspiracy into as clumsy a weapon as the treason laws had been before. The spectacular acquittals in the Bristol 'riot' and the Persons Unknown cases show how the bringing of vague charges against large numbers of persons politicises the whole proceedings and offers the defence a larger target to aim at.

Robert Spicer's book does not deal adequately with the significant details of the trials he reviews; he does not explain how popular resistance focusses around particular parts of the law and draws no general conclusions for socialists. What is valuable in his book, however, is that it keeps the experience of political trials alive in the collective memory of the labour movement; his bibliography and historical survey will be useful materials for anyone wishing to explore this experience.

Nicholas Blake

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