Website: www.francisbennion.com
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For full version of abbreviations click 'Abbreviations' on FB's website.

Direct Action Against South African Teams 1969-70

by Hugo Young

The campaign organised in 1969 and 1970 against sporting relations between Britain and South Africa was the most successful pressure-group action in recent British political history. It had two objectives. It achieved, or began to achieve, both of them, and did so almost instantaneously. First it sought the isolation of South Africa in world sport, and in particular the severing of all relations between Britain and South African sporting bodies. Secondly, it sought, as a result of the inconvenience and displeasure such isolation caused in South Africa, to bring about a fundamental change in sporting, and ultimately political practices there. Although this second objective remains a long way from being attained, important changes have occurred which indicate the beginning of a process which the South African government cannot now interrupt with impunity.

It is hard to think of a single large political campaign which has had anything like so immediate an impact. Other pressure groups which have toiled for years against such bottomless social evils as bad housing (Shelter) and poverty (Child Poverty Action Group) must look with envy on this extraordinarily swift international triumph.

Success was bought, however, only at a price. The campaign was pursued by unorthodox methods. It aroused intense political opposition, culminating in an accidental coincidence with the 1970 General Election. It provoked a lot of prosecutions and the beginnings of an important debate about the legitimacy of illegal activities in the pursuit of political objectives. Finally this debate was crystallised in the course of a major trial prosecuted by a private citizen, Francis Bennion, against the main organiser of the campaign, a South African exile named Peter Hain.

The story of the trial of Hain provides a record of that relatively rare spectacle in British courts, a dispute about political methods and objectives. That was not all the trial was about, and not the ground on which the jury had to decide whether Hain was guilty of conspiracy. But the legal argument was conducted against the constant background of an argument about political and moral principle.

Secondly, the trial raised once again in modern English law the validity of using the conspiracy laws where statute fails to supply a ground for prosecution. In several sensitive areas of human activity, of which obscene publication is the most prominent, the police have resorted to conspiracy charges to bring to court people who might otherwise remain untouched by the law. In the Hain case, the police explicitly refused to bring such a prosecution. It was left to a private citizen to do so but he was doubtless encouraged in this by the knowledge that policemen and jurists, from the House of Lords down, have been willing to give to conspiracy a very modern incarnation.

Bennion's action was finally concluded only in 1973. Until that moment it was not possible to examine the trial with detachment. Although there have been more recent developments in the sporting boycott of South Africa, the events which caused the trial happened more than five years ago. They need to be briefly recalled before a discussion of the fundamental argument which gave rise to the trial, and which remains a pressing one for the democratic system.

Hain's campaign was called Stop the Seventy Tour (STST), and its purpose was to persuade the cricket authorities in Britain to call off a tour by the South African cricket team organised for the summer of 1970. Beginning in 1969, Hain and his friends dedicated themselves to mobilising public opinion against the cricket tour, and to showing what might happen if it did take place. To this end they used not only conventional arguments, reasoned statements and traditional demonstrations of strength but also more perilous methods. In particular two tours in 1969 became a focus for the campaign. An unofficial cricket tour, by the Wilf Isaacs team, and the official tour by the national rugby team, the Springboks, were the object of direct physical intervention, to stop games taking place or to challenge spectators watching them. The weapons of protest varied. They included establishing a mass presence at the grounds, running on to the field of play, sitting down there, distracting players on the field. Some protesters went further by carving up cricket pitches, but STST always made clear that this was not part of its own campaign. Throughout the rugger tour, the players suffered ceaseless harassment off the field, with various forms of social annoyance being perpetrated at their hotels. Throughout, there were many convictions for breaches of the peace and other minor offences.

But they were only preliminary to the real objective. Although valid enough in their own right, their most impressive impact was to show the conditions to which the cricket tour would be subject if it took place. Cricket is a gentle game, requiring time and tranquillity. The fragile trance which it induces in spectators is utterly different from the raucous atmosphere of an international rugby match. Protests and incursions may infuriate rugger spectators and briefly interrupt the game but they cannot stop it unless deployed by vastly larger groups than STST ever tried to organise. Far from destroying the texture of an infinitely delicate spectacle, they almost amplify a rowdy one like rugger. Cricket, by contrast, can be rendered unpleasant and, quite quickly, impossible by any determined intervention. The STST campaign clearly hoped to demonstrate such a strength of feeling against the 1970 cricket tour — with all its implications, as they saw it, for British complicity in the perpetuation of apartheid — as to make it not worth undertaking. They proposed to act within the law but they were willing, if necessary, to infringe it, while absolutely rejecting primary violence.

The cricket authorities, aware of their vulnerability, moved from early intransigence to a more defensive, though far from concessive, position. They planned to confine the tour to a few well-guarded grounds, instead of the customary progress round exposed and indefensible county fields. Barbed wire and other protections were placed around the chosen venues. For a time, the MCC was prepared to fight for cricket even if this meant turning Lords, Headingley and The Oval into impenetrable bunkers. In this the MCC was acting not merely as the custodian of a sport. MCC spokesmen cast themselves as the true defenders of liberal values. They felt it would be morally wrong to concede to pressure and stood squarely on the old adage that politics and sport do not mix. This became the keynote of their campaign, as it has remained the main plank of the rugger players' platform when they are asked to defend their continued games with the Springboks.

The argument involves a lot of logic-chopping, as the MCC soon discovered. In fact it sounded very like a desperate piece of special pleading to clothe with principle actions which really spring from sectional desire and self-interest. The MCC itself actually acknowledged a quasi-political role, in defending its decision, by claiming that 'bridge-building', not isolation, was the way to end apartheid. Cricket had the honesty to do what rugby has for a long time refused to do: admit the necessary intertwining between sport and politics. Once it had admitted that the only real argument could be between those who thought the political purpose better served by one method than another, MCC's position became as political as STST's. And, very broadly, this was reflected in the support which each side got at the political level. Just as STST mobilised most 'progressive' opinion behind it, the MCC was backed by most 'conservative' opinion, in a grand dispute which raised issues not just about sport, but about law and freedom, morality and politics.

Cricket remained adamantly determined to put the tour on, and it was left to the Government as the guardian of the peace, to intervene and change the MCC's mind. Before the tourists had arrived and just before the General Election, Mr Callaghan, then Home Secretary, asked Lord's to call it off, and Lord's obeyed. The reason why this decision was made was, it should be frankly admitted, not that Hain's arguments were so overwhelmingly persuasive, nor that great masses of the public agreed with them, but the threat of social disorder, lasting for several months, if the tour did go ahead. Some people, not surprisingly, saw this as a fateful moment in recent politics: the success of forceful methods in determining a Government decision.

Before considering the legal and moral implications of this, the substantial consequences of the campaign should be recorded. These were very considerable. First, the most specific domestic outcome was a statement from the cricket authorities announcing a permanent change of attitude towards South Africa. Having admitted a socio-political role, as sponsor of major national sporting engagements, MCC now decided that isolation was the only honourable and effective way of fulfilling it. English cricket bound itself not to resume relations with South African cricket until substantial changes in the direction of non-racialism in team selection were visible: a painful and highly significant shift for cricket to make.

Secondly, the cancellation of the tour and the MCC statement influenced other sporting bodies. For many people, it crystallised attitudes which until then had remained a matter of anxious uncertainty. When one of the world's most conservative sporting bodies demands such radical terms for any resumption of sporting ties, the ground really has moved. Pressure from black countries had already excluded South Africa from the Tokyo, and Mexico Olympics, in 1964 and 1968. The year 1970 saw many sporting bodies shut her out: the Olympic Movement itself, world gymnastics, world netball, world cycling, world tennis, world athletics among others. Several other sports have intensified the pressure since 1970, so that it is now quite exceptional for any publicised sport to be played internationally in or with South Africa.

Thirdly, however, the trend towards isolation began to effect changes in South African life at a speed which even militant campaigners did not anticipate. Political leaders there have begun to bend the rules of the apartheid society to appease the sport-starved white population. This is done only cautiously, and without knocking aside any of the fundamental pillars of the segregated State. But events have occurred which, five years ago, would have been unthinkable. In 1973, Games were held in Pretoria, covering a variety of sports, at which international performers were watched by an unsegregated crowd. A white boxer has fought a black in the professional ring. Those touring teams which have come have had games against coloured and black teams: a token and in many ways offensive gesture but again, in South African terms, offering the extraordinary spectacle of whites and non-whites in physical contest. All this, moreover, has come about against a background of major reform in South African sporting bodies. Although anti-apartheid campaigners have reason to view sports administrators with scepticism, the fact is that, for whatever reason, several major sporting leaders in South Africa are now among the most effective agitators for change there. A debate has been opened up which involves not merely fringe radicals and solitary Africans but people sometimes close to the white establishment.

This briefly indicates the history and effect of the boycott campaign, of which Peter Hain was the most prominent leader at the time it was having its most important effects. One result of it is that no political observer can now visit South Africa without an early reference being made — usually with a venomous curl of the lip — to Hain and his activities. On the political level, he has already achieved more than many parliamentarians get done in a lifetime. The bitterness, however, was not confined to South Africa. As well as being a milestone in British pressure-group politics, STST became the focus of a great mass of decent concern and indecent vituperation.

The main count against it was perhaps that it was successful; had the tour gone ahead, no one can imagine that the lofty principles cited against Hain would have been quite so prominently

paraded. Also there was Hain himself, whose youth and South African origins seemed to produce in some people an appetite for low-level personalised attacks. These minor aspects of the case can be left aside, as can the crude defences of the apartheid system which were quite often advanced by Hain's critics: indeed, there is a strong suspicion that many of those who backed the prosecution — though not Francis Bennion himself — were driven on less by principle than by a warmly favourable attitude to South Africa.

The trial was not about apartheid. It was about the legal, political and moral conundrum posed by unlawful activities committed in a good cause.

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Observing the events of Summer 1970, many people formed the strong opinion that society should not permit itself to be pushed around by lawbreakers. On this view, the illegal activities of STST were, if allowed to pass without legal censure, the beginning of a deeper and more worrying social collapse. The demonstrator and the trespasser foreshadowed the anarchist and the gunman. People could not be allowed to use their own freedom under the law to interfere with the freedom of others. Nor could they be permitted to employ a series of illegal acts as a means of bringing pressure on Parliament or local authorities to change the law. Still less, on this argument, could one sanction anyone's right to commit illegalities in Britain in order to change the law six thousand miles away.

In this way the Hain trial became the medium for a serious argument which arises, in the modern age, not simply over sport and South Africa. Several other significant public events have provoked it. Squatters who take over empty property; local councillors who refused to comply with the Tory Housing Finance Act; protesters who block the traffic on busy streets in order to press their case for new traffic lights; trade unionists who defied the Industrial Relations Act; and, going further back, the Committee of 100 against nuclear weapons, for whom direct action consisted of sitting down in Whitehall. All these groups have claimed the right to break the law either as a matter of principle or as a means of compelling society to change. Elsewhere, the civil rights movement in the United States provided perhaps the classic example of such a right being invoked on behalf of a whole people.

But does this right exist? If it does, what are the limits to which it may justly be pushed? Is there a valid distinction, in justice, between illegal action which is a matter of conscience and that which has an ulterior social purpose? Is there also a valid distinction between illegal acts which are violent and those which are non-violent? Are illegal methods justified in a dictatorship but not in a democracy, and if so, how do we define the difference? Is the very existence of Parliament enough to render any illegal action unjustifiable? Again, assuming we grant some moral right to break the law and take the consequences, are those who urge on the lawbreakers in the same moral position as them? These are questions which have occupied moral philosophers for centuries. A great variety of answers have been suggested to them. In this brief space I wish to discuss their relevance in the modern age and at the political level, in a society living under English Law.

In one sense, the Hain trial is a confusing point to begin. For in the trial, as in all courts of law, the object of the defence was to establish innocence, not to justify guilt. Hain's purpose was to resist the conspiracy charge, not to plead that his campaign was politically or ethically justifiable. Although a reading of the trial provides a fascinating concrete illustration of all these enduring moral questions, they are raised more by implication than in open debate between Hain and his prosecutor. They were not the question the jury had to decide. Thus, although STST campaigners claimed a high moral and social right — even duty — to commit breaches of the peace, that did not deter them from using every available tool of the law to establish that they had not committed an illegal conspiracy.

They did not invite any court to endorse their right to break the law. And since courts are the place where the existence of legal rights is formally determined, one limit of the argument is clearly set. That is: when we talk about illegal action and its justification we are plainly not discussing any claim that what is illegal should be rendered legal, or that the courts should overlook a manifestly illegal act, deeming it to have been justifiable by some higher social criterion. Hain's claim has never been that what is law should suddenly become non-law. Critics of the role of direct action have sometimes demolished this grand claim as if it was the kernel of the argument. It is not.

Secondly, the Hain campaign was not an attempt to change the law by extra-parliamentary and illicit pressure. Another major ground on which it was sincerely attacked was that it threatened the orderly processes of law-making; as if Parliament was so delicate a plant that it could be crushed by illegal demonstrations at cricket and rugby grounds. Leaving aside this improbable premise, the truth is that STST was aimed at public, and mainly cricketing, opinion. It tried to influence and perhaps define the social context in which the final decision about the 1970 tour was taken. It was not seeking to overturn the law — there hardly was a law, as such, to be overturned, as Bennion's resort to common-law conspiracy charges indicates — but to influence a policy. This does not alter the argument about the means it chose, but it distinctly reduces the damage STST can seriously be accused of attempting to do to the democratic system.

Thirdly, discussion of the case has been bedevilled by a confusion between illegal and merely unorthodox methods of protest. Sweeping aside legal niceties, defenders of the tour — like defenders of property taken over by squatters — often try to mobilise support, on the grounds of illegality, against action whose actual illegality is very doubtful. For example, in 1970 the illegality of individual action in going on to a cricket pitch and interfering with play was disputed, without any clear conclusion. Even the most rabid opponents of STST were unable, when pressed, to be sure of the application of the law of trespass. Similarly, such ungentlemanly ploys as sitting in the stand and using the reflection of sun on a mirror to dazzle a batsman fell in grey legal ground. Yet this did not deter the Tour's defenders from fulminating grandly against 'law-breakers'. Their readiness to stigmatise all inconvenient and bloody-minded activities as illegal reduced the impact of their claim to be preserving the very fabric of democratic society.

These three caveats are important. They show some of the many untidy edges of the argument. But the central case against Hain still stands and is not evaded by him or his supporters. It is, simply that illegality is never justified; must always be punished by society, preferably in a court; has no redeeming features, however laudable its objective may seem to many people. If attempts are made so to justify it, moreover, the very basis of public order and parliamentary democracy are in danger. This is a clean and seemingly principled position. If it can be believed, it makes the judgement of particular cases very simple. But on inspection its clarity may be seen to conceal some troublesome difficulties.

For one thing, although an illegality cannot be made 'legal' in a particular case — there is no legal right to break the law — that is not the same as saying that breaking the law is never justifiable. Plainly it is sometimes justifiable. A social decision is sometimes taken, which would attract common agreement, that someone who has broken the law — say, broken the speed limit to get a sick child to hospital — was justified in doing so. There are other occasions, often concerning matters of life and death, where the law is broken and neither policeman nor philosopher would deny that this was justified.

Furthermore, this erosion of the fundamental principle that lawbreaking is never justified is recognised and accelerated every day, by the custodians of the law itself. The 'rule of law', to which the purist anti-Hain politicians often appealed in 1970, is corrupted by the manifest fact that the enforcement of law is highly selective. Law-breaking is not always investigated. When it is investigated it is not always brought to trial. When it is tried it is not always punished. Whenever a Chief Constable takes a discretionary decision not to prosecute an errant motorist, a

chronic shoplifter or a pornographic bookseller he is taking a social decision that such conduct, which prima facie breaks the law, shall not in this case be formally designated and punished as 'law-breaking'.

Thus, pragmatism keeps polluting the pure concept of the rule of law. Society condones illegalities all the time. In doing so, it only reveals what is the fact — a hard fact for some people, and especially lawyers, to understand — that the law is not written in tablets resembling the Ten Commandments. The law is nothing more than a construct of rules which are convenient for society's better functioning, and which are never wholly static. Whatever statutes and textbooks may say, the law is in practice flexible. The social need for a law which is certain and fixed is counterbalanced by a social need that it should also sometimes be changed, ignored and even disobeyed.

Thus, if the enemies of the Hain campaign were right in their grand claim to be defending the integrity of society against an evil repudiation of the rule of law, then society should by now be under a great deal more peril than it really seems to be. For it turns out that many other people before Peter Hain have acted on the footing that to break the law was sometimes justifiable or would at least escape vengeance Despite their efforts — judges, policemen, lawyers and moralists included — English society is intact. The principle of the divine and absolute rule is very frequently ignored. Yet society holds together; and does so, some would argue, rather more cohesively than it would if the principle became the one unalterable condition of political life.

But the principle was not consistently supported even by those who, in the Hain case, claimed to be defending it. They admitted that there were political circumstances in which law-breaking was permissible, namely in a dictatorship. But, they added, Britain, being the most perfect democracy in the world, with the freest rights of speech and assembly and the deepest respect for dissenters of every kind, is of all societies the one least likely to provide a justification for protest by unlawful means.

This is an important argument, but not surely, for the side most often making it. Quite rightly, those who offer it descend from the lofty plane of philosophy from which their argument starts. They say that there are circumstances in which the status quo — the law, the State — should not be able to claim an absolute defence against law-breakers. They argue that some systems are so utterly unjust that no moral duty of obedience exists. This is sensible enough. But it begs the very question the Hain trial posed: namely, the capacity of the British democratic system to respond to changing events and pressures, and to strong sectional feelings. Hain argued that there are situations in which orthodox democracy cannot meet the demands placed upon it, and that it may sometimes need to be supplemented by unorthodox methods, including if necessary unlawful ones.

Now, without urging everyone to go that far, it can surely be agreed that the democratic process in Britain is not the perfect instrument which Hain's antagonists find themselves having to claim. It has many shortcomings. MPs themselves, for example, worry constantly about the declining influence of Parliament and the growing power of the executive to achieve what it wants unchecked. The influence of the electorate on specific issues, via Parliament, is a matter of constant doubt. The whips, the disciplined two-party system, the sense of impotence between elections and even the sense of indifference at elections have all combined to maintain the moral authority of Parliament as the fount of action on every public question, and in particular its ability, in real life, to speak for the people as a whole. Far from being the work of an anarchistic minority, democratic reform and the modification of Parliamentary dominance is part of respectable public debate. It must qualify any assertion that British democracy is a system which it is totally unjustifiable to disturb as the single reliable arbiter of great disputes. Britain is obviously a long way from 'dictatorship'. But is the system so perfect that a rigid and static definition of the law is its best and only necessary defence?

It is the contention of those who passionately oppose Hain's activities that the system is of roughly that kind: and at the same time that it is fragile enough to be seriously threatened by illegal direct-action campaigns. Although their rhetoric is sometimes confused, they insist that there is a vital difference between the illegal and the merely unorthodox. There is, in their view, an essential distinction between something, however damaging, which is legal and something, however trivial, which is illegal. Society should fear and punish the second much more than the first. Bennion and others argue that the law sets the limit on human conduct, not necessarily because the law is good or modern or relevant or effective, but because it is the law. However imperfect the law is, to obey and uphold it is much less socially damaging than to break it and encourage others to break it.

As we have seen, this is not an argument which rests on high principle. It simply fails, at that level, to accord with the actual pattern of approved human conduct. So what about the practical level? Is the utilitarian and 'political' argument against law-breaking as sound as its apologists seem to insist? It rests on some sensible fears, which may be summarised as the 'floodgates' argument. This fear is rooted very much in the particular nature of the lawbreaking, rather than the principle.

Although it is dressed up as a matter of the highest principle, the truth is that the hostility which the Hain campaign aroused against itself owed a lot to the particular nature of the law-breaking it involved and the particular issue, apartheid, to which it was directed. If STST had not involved highly publicised acts of law-breaking, had not had a political purpose and had not excited people's strong hostility, it would not have been very different from the many other acts of permitted law-breaking which go on every day in our society.

Both peculiarities of STST were equally significant. If its ultimate demand had not been for a clear political decision, to which end it was efficiently organised and sought a lot of publicity, its work would probably have been as little noticed as that of, say, the Festival of Light or the Anti-Apartheid Movement itself (which worked with the Hain campaign): continuing campaigns, engaged more in public education than in influencing any specific political decision. Similarly, if its purposes — to stop a cricket tour and to weaken apartheid — had not aroused a lot of people's rage, and had instead merely demanded their inert compliance (with, say, the proposition that world famine is bad), these great arguments of principle about law-breakers and what they could lead to might never have been pressed to a decision.

As it is, the success of the Hain campaign is said to have foreshadowed or intensified a long series of social evils: indiscipline on university campuses, blatant law-breaking by local councillors, five dockers defying the Industrial Relations Act, factory occupations by workers, even the Provisional IRA. It may not have been unique in undermining the rule of law, on this argument, but the particular form it took materially encouraged the declining respect for legality which many people perceive in British society.

This is a serious charge, but it is rather less serious than the claim that such actions as those taken by STST are never justified, or that freedom under the law is bound to be fatally damaged by them. The question is narrowed still further. It becomes, at bottom, a political question, about what kind of action is permissible in what kind of circumstances in response to what kind of grievance: rather than a question compelling those in Hain's position to justify — as prosecuting counsel regularly asked him to justify — other forms of illegal action in other circumstances. 'Where would you draw the line?' he was insistently asked. The clear implication of this question is that once any unlawful action is sanctioned there is nowhere the line can be drawn. This means, in turn, that the unlawful action should never have begun and is absolutely unjustified. On this premise, merely asking the question is enough to establish the guilt of the man who has to answer it. But once the issue is seen as basically a political one, the question becomes less relevant; and the moral dilemma more resembles one which the individual and society must answer as each comes up.

This is surely the most realistic and helpful way to look at direct action and unlawful protest. It also takes account of history far more convincingly than the absolutist doctrine that illegal action is never justifiable. That doctrine offers no way of explaining historical developments of which those who preach it, anxious to show their liberal credentials, rarely claim to disapprove. Take the suffragettes in Britain and the civil rights campaign in the United States. Both were campaigns against long-standing imperfections in the democratic process which the democratic process, conventionally understood, failed to change. Both involved the commission of unlawful acts as a way of focussing public attention on these grievances and proving the determination of those who committed them to make personal sacrifices in return for political change. Both produced the desired effect, after the forces of the State had initially mobilised against them. Few of those who see the Hain campaign as a turning-point on the road to social chaos would now oppose the reforms those two campaigns directly brought about. How, then, can they continue to argue that unlawful actions must necessarily and in all circumstances be morally wrong as well as legally punishable?

What were the characteristics of the STST campaign, and what general rules of conduct did it observe? It was, first of all, non-violent. The primacy of non-violence has always been part of Hain's philosophy, as it was of Gandhi's and Martin Luther King's. Violence against either property or persons was rejected by the STST leaders, although that does not fortify their ethical position, in my view, so impregnably as Peter Hain sought to plead. The trouble with a populist and well-organised. campaign, however non-violent, is that it produces secondary violence: either by hothead sympathisers, such as those who ripped up cricket pitches where South Africans were due to play, or by demonstrators and police in the clashes which became inevitable outside and inside rugby grounds in the winter of 1969-70. Campaign organisers cannot entirely exonerate themselves from the consequences of their acts. Nonetheless it remains true that STST, unlike some other pressure-groups, sincerely wished to see no violence and worked to avoid it.

Secondly, STST readily accepted that participants would be punished. In that sense the demonstrations and other harassments were an act of individual conscience, bearing witness and making sacrifice against apartheid, as much as a lawless attempt to force the Government's hand. Although unwilling to lie down defenceless against the processes of law, the participants accepted without protest their legal penalties for breaches of the peace. (Complaints about police methods are a different matter.) They claimed no rights beyond those enjoyed by society at large. All they claimed was that they were entitled to break the law, and that it was ethically justifiable to do this and take the consequences.

Thirdly, STST was not a campaign using illegal methods against a decision arrived at by Parliament. It was not seeking to change the law or to repudiate, as a matter of conscience, some law passed with the full and mandated approval of Parliament (as many trade unionists repudiated the Industrial Relations Act). STST was directed against the decision of a tiny sectional oligarchy, the MCC, to sponsor a major, public, national event which had powerful political implications, since acknowledged and understood by the MCC itself. Although STST represented only a section of the public, it was not a section seeking to overturn the will of the majority. It was, rather, posing itself against the MCC, to make the country at large and the Government, see the cricket tour in a light in which it had not been widely seen before. As subsequent events have shown, this is a view of sport with South Africa which has come to command common support among most of Britain's, and the world's, sporting bodies.

These three qualities of Hain's campaign free it from the stigma which some would seal upon it. Together, in fact, they distinguish it from many other exercises in law-breaking for which justification has been prominently sought in recent years. The first — non-violence — totally differentiates it from the IRA and all other perpetuations of violence used to bring about political change. The second — a readiness to accept the penalties — distinguishes it from trade unionists

who, in rejecting the Industrial Relations Act, also refused to pay them. The third — the object of the challenge -made STST very different from, for example, the Clay Cross councillors who refused to put the Housing Finance Act into practice. The councillors' conscience took them as far as defying, as a tiny minority, a clear and recent Act of Parliament, and demanding a Parliamentary amnesty from the consequences.

The justification or otherwise of each of those three exercises in law-breaking needs to be considered separately. Their very different features show only that, although illegal actions raise general philosophical questions, they must be considered, in practice, one by one in their special circumstances. There is no general and overwhelming duty to obey the law, rising above morality and personal conscience. And equally there is no general right to disobey the law as a personal gesture. The true liberation pretends neither that all law-breakers are wicked nor that all sincere lawbreakers are good.

Less sweeping general rules are also hard to sustain. It has been argued that there is a difference between people who break laws out of conscience and those who do so an act of protest to change other laws or practices. Yet morally the former need be in no better position than the latter if his methods are violent; and the latter no worse than the former if he is willing to pay the penalty. Generalisations on this matter are, on the whole, made at peril and with alarming dialectical consequences.

It is safer to consider the particular case: its methods, its purposes and its results. People may differ in their view of the Hain campaign's purpose. But what his trial disclosed, I believe, was a protest movement whose methods and results were rooted in a highly respectable democratic tradition which, far from destroying British society, modernised and strengthened it. Also, by effecting a shift in British attitudes to a neglected issue it advanced the cause of non-racialism and improved Britain's standing in the world.

February, 1974.

[At the time of writing this article the late Hugo Young was political editor of *The Guardian*].