

liberty no doubt contributed to the establishment of free trade in Denmark years before Peel began liberating the trade of Great Britain.

Denmark's direct influence on world affairs reached its apogee in the career of Canute who made himself emperor of north-west Europe and was even more remarkable for the wisdom of his civil administration. His premature death altered the course of history. Gradually Denmark became drawn into the general movement but its institutions, though overlaid by imported ideas, were never completely extinguished. Although Denmark today is a welfare state with a planned economy, Dr. Starcke suggests that these exotic growths are not deeply rooted. As Denmark, despite its natural disadvantages, has one of the highest standards of living in Europe, the theories of

the restrictionists do not appear to have been applied as rigorously as elsewhere. A foreigner like the present writer notices that the Danes who, like all intelligent, tolerant peoples, can laugh at themselves, laugh heartily at their own welfarism and planning.

Few historians these days come out boldly in defence of personal freedom. It is not difficult to guess the motives of prudence by which they might be influenced. But one rises from Dr. Starcke's absorbing book with the faith that despite all the planners and experts and collectivists, despite the scientists and their threat of a mechanised soul, despite all this the spirit of freedom will yet assert itself, just as some three thousand years ago a germ of freedom sown in tiny Denmark proved capable of moving the world.

## Laying Down The Law

FREEDOM, THE INDIVIDUAL AND THE LAW

by Harry Street. Pelican Original. 6s.

THIS BOOK fills a gap. The author, a qualified solicitor and Professor of Law at Manchester University, examines various aspects of the civil liberties enjoyed by Englishmen and tells us what the law says, where there are gaps in the law, and where, in the author's opinion, the law should be revised. Much of what is said stems from the precedents set by the courts, for Acts of Parliament are not always capable of only one interpretation. In some fields, such as film censorship and advertising, there are bodies and codes of practice which have no legal backing, but these too come within the scope of the book.

The author's object is to cover, in one volume, the whole range of civil liberties, a task which has not been attempted in this country before and which we must thank Professor Street for undertaking. Naturally enough, the book contains a great deal of detail, and it is not easy to absorb very much at first reading: it is clearly a book not only to read but to refer to. The style is crisp and factual, and the author's approach liberal but free of extremism.

The first chapter deals with the powers of the police to make arrests, to enter premises, to question suspects, and the like. It is in a way an introduction to the remaining chapters, which cover public meetings, freedom of expression in its various forms, freedom of religion, freedom to work, and freedom of movement. There is a chapter called Protection Against Private Power, which contains a revealing section on pressure groups and demonstrates the author's awareness that individual freedom suffers from the existence of privilege. Right from this first chapter about police powers we are shown that all legislation on civil rights is of necessity a compromise, because the rights of individuals are in conflict with

certain practical needs of society. "The reader will be constantly reminded that somehow two public interests must be balanced: the need to ensure that criminals are caught on the one hand, and on the other the right of the citizen to go about his business without unnecessary interference." The same conflict is found between the right of public assembly and the need for public order; between freedom of expression and protection against defamation; between free criticism of government and national security. In all these cases the natural freedom of individuals has to be limited as a condition of their living together in a community.

There is, of course, always a serious danger that the line of limitation will be drawn in the wrong place: for instance, Professor Street argues that the rights of civil servants who are thought to be security risks are deficient. "The procedures afford the maximum protection to State security and leave the citizen stripped of any rights which might, even remotely, militate against security." It is even possible that the author himself can draw a line in the wrong place. In discussing the theatre, he makes the interesting suggestion that optional censorship could be substituted for the present system of licensing by the Lord Chamberlain, but on balance comes down for abolishing censorship altogether. He jibs, however, at doing the same for books, and approves of the increased power to suppress pornography given by the Obscene Publications Act 1959. The author's remarks, here as elsewhere, show both common sense and a healthy regard for human rights, but he does not probe so deep as to ask whether a book, any more than a play, should be brought to judgement before the State. A man should be free to read any book he wishes, pornographic or otherwise; moreover, members of society do not learn

to discriminate except by comparing the good with the bad, and, as Professor Street accepts, you cannot treat society as if it were made up of adolescent girls. A child learns restraint in eating not from the rebukes of his parents but from making himself sick; give people all the pornography they want and they will tire of it the quicker. It is said that we must not allow our children to be corrupted, but it is the responsibility of the individual parent to see that his children are not corrupted, and he will succeed in this not by a ban on dirty books, but by establishing a happy and balanced home atmosphere which will enable those books to be seen for what they are.

Wider considerations than those the author gives can also be applied to freedom to work. "One of man's most cherished freedoms is the right to earn his living." This is scarcely a right; it is a necessity. The right is to be free to earn his living, and this he is not unless he has access to that without which no living can be made. This is not a quibble of terminology, for the author goes on to talk about contracts of employment and other worthy topics but never once gets to grips with the fundamental question of what freedom to work really means. Had he done so, he might have recognised that the first prerequisite of earning a living, and therefore of acquiring capital, is enjoyment of the equal right to the use of land, and that this is one of man's essential civil rights, no less essential for being so often overlooked.

The chapter on freedom of movement and racial discrimination, again, does not reach down to rock bottom. The law as it applies to aliens and to Commonwealth immigrants is well expounded and criticised, but nowhere does the author dare assert that an individual has a natural right to go where he likes, irrespective of national frontiers. (If there are employment and housing difficulties which are aggravated by an influx of population, the solution is not to restrict general immigration but to put the employment and housing situations in order.) Professor Street seems to think that the law should try to prevent racial discrimination and suggests that the practice of other countries be studied, but it is not the function of the State to compel people not to discriminate. A landlady has the right to admit whom she chooses, and if she specifies "No Coloured" or "No Irish" she is being narrow-minded and prejudiced, but it is the influence of people, not the threatened penalties of the law, which will broaden her outlook and eradicate her prejudice.

Professor Street rightly concludes that "Civil liberties in Britain have been shown to be a patchwork," and suggests the establishment of a Civil Rights Commission "charged with the task of systematically reviewing the law and practice in the various spheres affecting civil liberty." He also suggests the formulation of a Bill of Rights and the empowering of the courts to intervene—in the same way as the Supreme Court of the United States—when unconstitutional laws are passed. Professor Street has not hesitated to make comparisons with the

law of the United States when he considers it superior to English law, and evidently has an admiration for the judiciary which he does not feel for Parliament or the Press. On the constitutional issue, these two tendencies are in harmony.

*Freedom, the Individual and the Law* gains much at the moment from being so up to date, and it will remain in the future a valuable book for consultation and study by all who are interested in civil rights.

A. J. C.

## OTHERS PLEASE COPY

THE following Resolution on Land-Value Rating was carried unanimously by the Inverness-shire Constituency Liberal Association at its Annual General Meeting at Inverness on May 13, 1964.

That this Annual General Meeting, recognising:—

- (1) That the present system of rating in this country is anomalous and highly unsatisfactory;
- (2) That the value of land arises from and is maintained by the community generally;
- (3) That Her Majesty's Government continually refused to take any effective action to remedy the problem of high land prices; and
- (4) That the pilot land valuation carried out at Whitstable, Kent, by the Rating and Valuation Association has shown the system of land-value rating to be eminently practicable and to possess distinct advantages over the present system:

hereby affirms its conviction that the present rating system must, on grounds of elementary justice and economic necessity, be replaced *in toto* by the system of Land-Value Rating, whereby rates would be removed from all buildings and improvements and placed on land, whether fully used, under-used or unused, according to its value; and demands that Her Majesty's Government introduce legislation to this end without delay.

Proposed by: James D. M. Fraser, Honorary Vice-President, Inverness Young Liberals.

Seconded by: Dr. Roderick M. Campbell, Vice-Chairman, Inverness-shire Constituency Liberal Association.

## Expensive Space

IN A SALE totalling £140,000, £73,000 (just under £49,000 an acre) was obtained for 1½ acres at Woodford Green, Essex. With consent for 40 flats this works out at £1,800 or so for each unit.

Other land, at Loughton and Chigwell, for the building of detached houses close to Epping Forest, sold for figures representing more than £3,600 a plot, and two plots made £6,000 each. They extend to more than a quarter of an acre.

— *Daily Telegraph*, April 22