
Editorial

The Rule of Law

The law has often been called an ass perhaps most recently and vociferously in connection with the prohibition on the Sunday opening of shops. The argument goes that this particular ban rests upon an archaic ideal of the Sabbath Day which no longer commands general support or respect; indeed, it is said to please only the small minority who adhere to the Lord's Day Observance Society, so that the directors of Heals, Debenhams and the other stores which opened for Sunday trading on December 9 last were striking a blow for common sense and meeting the needs of real life in this day and age.

The first point which needs to be made is that the law in question is far from archaic, but was made by Parliament, after due deliberation, as recently as 1950.

The second, which is doubtless approved by people who work in shops and by their trade unions, is that they, like everyone else and regardless of the religious issues, need and no doubt deserve a day a week off work; and the costs of arranging for other or extra employees to work for the additional hours would result in unacceptable increases in prices.

This much is probably generally acceptable. Where the law starts to become an ass is where the principle of Sunday closing has been weakened to

allow certain types of Sunday trading. Thus the Shops Act 1950 prevents a general photographic shop from opening, but makes an exception for passport photographers. Other relaxations allow the sale of fodder for horses, mules and donkeys, and the sale, despatch and delivery of goods to a club. Funeral directors and undertakers may trade on Sundays (it is a comfort to know that) and so may shops selling Kosher meat, provided they are closed on Saturdays. Each relaxation was doubtless made for a good reason, but the sum total of individual anomalies, some of which are quite ludicrous, has led Lady Trumpington to introduce a Bill into the House of Lords to allow shops to open on Sundays as they please. But a Bill is only a proposal, not law, and there can be no question whatever that the maintenance of the rule of law is a matter of far greater moment than the wishes of any number of shopkeepers to open and shoppers to shop on a Sunday.

The third and much the most important point is that the law must be obeyed by all and applied equally to all without fear or favour, which is a principle fundamental to maintaining a free society. What is most objectionable about Mr Arthur Scargill's handling of his present miners' strike is the contempt for the law which has consistently been shown — beside that the issues are

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secondary. The directors of great stores are unlikely to see themselves as tarred with the same brush — indeed, they probably see themselves as assisting many people who need their services on a Sunday. But to act in open contempt of the law is unacceptable, be it by strikers or by leaders of great trading corporations, because any inroad into the rule of law diminishes the freedoms of us all. Moreover, it is the whole law which must be obeyed, not just the parts which certain factions find acceptable. The shopkeepers themselves rely on the enforcement of the law of theft to protect their merchandise, just as strike leaders benefit from the law which allows them freedom to express their views (unlike the laws of some of the ideologies which some of them would seem to prefer).

As Lord Denning has rightly said so often — “You cannot pick and choose which laws to obey.” The law is to be observed simply because it is the law. The shopkeepers’ only proper course is to observe the law too, and stay closed on Sundays, no doubt pouring scorn on the anomalies, until it is changed.