

WHAT NEXT IN THE LAW

Denning



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by the Rt Hon

LORD DENNING

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Preface

After *The Family Story*, being still active, I thought of writing another book. But what should it be about? Seeing that, at my age, I shall not see as much done as I would like, I decided to look into the future and to set down some things – in the hope that they perhaps may be done by those who come after. Not in any visionary sense. Not the idealism of Tennyson who looked to the time

‘Till the war-drum throb’d no longer,
and the battle-flags were furl’d
In the Parliament of man, the Federation
of the world.

There the common sense of most shall
hold a fretful realm in awe,
And the kindly earth shall slumber, lapt
in universal law.’¹

I decided to reach forth to the reform of the law in the several branches where it is most in need of reform – and where there is, or should be – a reasonable prospect of it being achieved.

Soon I found that there had been others already engaged on the same task. There have been Royal Commissions, Departmental Committees and Blue Books – all recommending reforms. But each turned down by the Government for one reason or another –

¹ *Locksley Hall*.

or for no reason – just for lack of parliamentary time. Sometimes there has been a debate in Parliament. Sometimes not.

So I thought: Some spur is needed so as to get things done. Then I added, with undue presumption: My book shall be the spur. I will try to make it interesting – not only to lawyers – but also to others who may be concerned. Perhaps then something may be done. After all, everyone should be concerned – seeing that the law affects the lives of all of us at some time or other.

Here it is. You will find many descriptions of law cases in times past. Some of them are of importance in the history of our country. Some of them are of importance in establishing legal principles. Some of them are fascinating in themselves. Time after time you will find that current events turn up in the courts of law. So they fit in with my theme. The experience of the past points the way to the future. Some of you will be familiar with the cases already. If so, do pass them by: and turn to those you have not met before.

I start by telling you of a few men who did much in their time to reform the law. We can learn from their examples as well as by our own exertions.

I then take you to several topics and go into details of proposals. I hope you will forgive the occasional lapse into intricacies. Legal argument abounds with them. You cannot avoid them. Skip them if you please – until you have a case which depends on them.

Finally, I leave the special topics and speak generally. I take you to the Richard Dimbleby Lecture which I gave on the *Misuse of Power*. Many saw it on television: but will not have read it. So I set it out to remind you of it – because it deals with somewhat the same theme. In it, too, I have tried to show that the most important function of the law is to restrain the abuse of power by any of the holders of it – no matter whether they be the Government, the newspapers, the television, the trade unions, the multi-national companies, or anyone else.

There it is in outline. Most of it is controversial – I have deliberately made it so. It is to set you thinking, talking and

writing about what I have said. None of it is a final view. It is done without hearing argument. It is done without consulting others. As always, I am ready to change my mind. So agree or disagree. But do please help to get things going.

Denning.

February 1982

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