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Further objections to a Bill of Rights

Lord Shawcross (29 December 1980) 'greatly deplores' certain recent decisions in the House of Lords as failing to counter fresh erosions of the rights of the subject. He accuses their Lordships of pusillanimity; and indicts their failure to grasp the issues involved. He has lost faith in judges as protectors of individual liberties. He proposes as a remedy 'a bill of human rights'. All such bills necessarily consist of vague statements of principle, subject to equally vague exceptions. It has to be left to certain state functionaries to spell out the scope of these principles, and of the exceptions to them. And who will these state functionaries be? Why, the same judges whom Lord Shawcross now finds pusillanimous and incompetent. They will not change their attributes just because Parliament enacts a Bill of Rights. Lord Shawcross is clearly mistaken either in his diagnosis or his prescription. I will not presume to say which.¹

¹ *The Times*, 9 January 1980.