

right wing of being weak, vacillating and indecisive, and by the left of being unreasonable, arbitrary and brutal. Perhaps that means we got it about right. At any rate, there were no significant casualties, except perhaps the truth.

It is almost as difficult to deal with offences which people, for one reason or another, don't feel strongly about or don't think of as morally wrong. Motoring offences are the best example, but the same thing can be said of crimes like evading tax or fiddling expenses which are difficult to detect, so that those who are caught look as if they have been unfairly singled out for punishment. We tend to be criticised both for enforcing laws and for failing to enforce them. People sometimes expect results which the state of the law and public opinion simply will not allow.

Police and Pornography

A good example of this is the recent campaign about pornography. The Metropolitan Police were accused, unsuccessfully, of failing to exercise their powers to enforce the laws against pornography. It was said that we could clean up Soho in a few days if only we were willing to do so and, despite the pressure of business in the High Court and the Court of Appeal, priority was given to deciding the issues involved. The truth is that pornography is very difficult to control. The point at which it becomes unlawful is almost impossible to define, so that contested prosecutions are rather like a game of chance. There is no power of arrest and cases take a long time to come on, at present several months in the lower Court, and a year in the higher. Hard core pornography remains available at particular premises despite police action. One address in Soho was raided no less than thirty-five times in twelve months, the occupant no doubt having decided that the profits far outweighed the risks. Prosecutions can be lengthy and expensive, and even if successful the penalties are usually no more than a light tax on an extremely profitable trade.

Do not think that I am criticising the lightness of these fines. They are mostly determined by the maximum penalties

open to the courts. We are short of men and – even if we were not – we must have some scale of priorities. If the rate of convictions and the penalties are any indication of how seriously the community regards obscene publications, it is hardly sensible to expect us to put hundreds of men on to cleaning up Soho. They would only increase the backlog of cases awaiting trial. There have even been suggestions that pornographers buy immunity by corrupting the police. This would be a most unbusinesslike thing to do. It's far cheaper to pay the fines than to incur the expense and risk of trying to bribe a policeman.

Our experience with pornography shows that some activities, even if most people think them undesirable or offensive, cannot, in practice, be stopped. The most one can hope for is to regulate the way in which they are carried on. Gambling, brothel-keeping, unconventional sexual practices are all in this category. There is no certainty that very severe penalties would suppress them. The demand will always be there. A more likely effect is that they would be driven underground, raising the cost to the consumer and the profit to those willing to take the risks. The incentive to oppose or corrupt the police would be greatly increased. Prohibition in the United States, which created a climate in which gangsters could thrive, is surely the classic example of a self-defeating attempt to eradicate the ineradicable.

What is needed is to find the right balance, to achieve a degree of control acceptable to the public and, at the same time, enforceable in practice. Those who frame new laws sometimes give insufficient weight to the difficulties of enforcement. They devote much time and care to debating the moral implications but assume, often quite wrongly, that people can be made to obey them. Once enacted, some laws are dumped like unwanted babies on the back door of the police station with little or no inquiry as to their eventual health. Some of them are found to be stillborn and others are dying for lack of teeth. Public criticism of their ineffectiveness is usually directed to the police rather than to difficulties over which the police have no control, such as the process of trial.