

(continued from previous page)

Merchant (hesitatingly): Then it's all set—a three-line classified?

Adman (menacingly): Let's not go overboard, shall we?

Merchant: But I GOTTA have an ad.—and this week, too!

Adman (incredulously): THIS week? You must be nuts—I'm talking about next month.

Merchant (hope waning): But . . .

Adman: Tell you what I'll do—

Merchant (heart returning from his boots): What?

Adman (with an air of having solved everything): You commit suicide and I'll bribe the City Editor to run a squib on it—may even mention the name of your store!

Merchant (reaching for his revolver): Now, why didn't I think of that?

(Curtain)

## Legal Rights

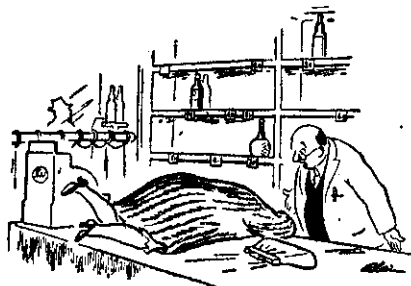
*FINALLY, there are your legal rights.*

*You may think, when you suffer insult and humiliation, that you are bearing it all for the good of the cause, but could, in fact, demand redress. Don't deceive yourself. In a recent copy of the "New Statesman" a barrister points out that even this foundation has been shaken. Some rights remain; but since many of our privileges depend on custom and use, the war has only to last long enough to make nonsense of jurisprudence. Or so the writer of this passage almost suggests:*

NO one envies the retail shopkeeper at the moment; and if he remains reasonably amiable and obliging in the midst of his forms, returns, coupons and scissors, he is building up a lawfully-acquired goodwill which must stand him in good stead after the war.

But it would be idle to pretend that there is much of this amiability left, and the shopkeeper has the double advantage over the shopper that he can ventilate his grievances through representative trade associations, and at the same time take it out of the customer. The time has come for the customer to be always wrong.

Except for a few strenuous individualists, the shopper is inarticulate. As he queues and hangs about and jockeys for position and at last mumbles his deprecating plea for a pound of sausagemeat,



"See. I told you we haven't got anything under there."

(*"New Yorker"*)

he presents the sharpened tongue of the shop assistant with a sitting target; his humility has become a sight from which to avert the eye. It may be that, as he licks his shopping wounds in silence he promises himself a righteous vengeance when the wheel has turned the full circle and, with a planless economy in full swing again, the shopkeeper is

fawning upon him in a competitive world. At the least he will know, then, that the tactful, obsequious friendliness of shopmen is like any other goods or services — it obeys apparent laws of supply and demand, it blossoms when there are more things than people can buy and withers when there are less; he will reassert his ascendancy and the man across the counter shall be made to realise his true place.

## "Fierce Antagonism"

Such is the burden of most conversations of the moment about shopping. It seems wrong that, in a nation so nearly persuaded by its leaders of its unanimous dedication to high purpose, there should be any appearance that two great masses of the people are ranged in fierce antagonism on opposite sides of a huge, symbolical counter. But though the schism is a product of scarcity and rationing and therefore of a planned economy, only a glut of supplies can modify the present positions of the adversaries; it can't be done by legislation.

It has been tried. Before the war, despite a widespread belief to the contrary, no one had any legal right to insist on being served in a shop with anything, at any time. The shopkeeper could open his shop or go to the Derby or shut down for a private "wake" as he chose. If you fancied an article in a shop window priced at five shillings and then learned that the label was intended to say five pounds, you sometimes insisted that the price to you must be five shillings, that the law was on your side, and that you would go to the Police or your solicitor. If you did, you were told (by the Police for nothing and by the solicitor for a guinea) that nothing could compel the shopkeeper to sell you anything, whatever label he had on it. . . . Of course, in times of peace and plenty, few shopkeepers turned you away: they fell over themselves to catch you. Now that you have been rationed out among them with books of "personal points" and tokens for meat, milk, sugar and the rest, you do not have to be caught; but legislators [in Great Britain] have recorded in the Goods and Services (Price Control) Act, 1941, their desire that the tradesman's new dictatorship shall be, voluntarily or otherwise, benevolent. It is little more than the expression of a desire, because, to protect the reasonable tradesman, the provision nullifies itself with a wide-open "escape clause." It is in section nine of the Act, and it says that a person who is carrying on "a business in the course of which price controlled goods of any description are normally sold," and who has goods of that kind in stock, must not refuse to sell those goods (or deny that he has any) when asked by a buyer, and must not offer to sell them subject to a condition about buying other goods at the same time or paying for some additional service: This would have put a weapon into the hands of the shopper, who, with the assistance of one or two witnesses and a letter to the local Price Regulation Committee (ring up the Police for the address) could have found solace in a course of action concealing the sweetness of revenge beneath a cloak of public-spiritedness and legal rectitude. It was too simple. "It shall be a defence for a person charged with any such offence," says the latter half of the section, "to prove that the sale of the goods, or the sale thereof without the fulfilment of a condition . . . would, having regard to the quantity of goods

which he was requested to sell, or any other consideration (a) be contrary to the normal practice of his business (b) involve a breach of some obligation lawfully binding on him, or (c) interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers."

## Why You Haven't Much Chance

It is important, of course, that in this case the legal principle of "innocence until guilt is proved" is for once standing on its head: you have only to allege (with reasonable credibility) the commission of the offence to throw upon the shopkeeper the onus of proving an excuse under (a), (b) or (c). The scope of (a) is perhaps vague, since it may refer either to some practice of the trade generally or to the particular shopkeeper's policy of not serving Jews, Gentiles, flat-earthers, or sufferers from



"... Building up a lawfully-acquired goodwill which must stand him in good stead."

adenoids; he would probably need to convince most magistrates that his refusal to sell was "normal" in the medical sense as well as the commercial. The purpose of (b) is probably to prevent breaches of contract. But it is (c) which makes any prosecution of this kind practically futile; the need to put regular customers first commands universal assent among regular customers, and as the Justices are no longer itinerant, they probably feel this way, too. "Proving" an excuse of this kind means setting up a reasonable probability, not producing a list of regular customers and their demands, together with the figures of a special stocktaking. As a prosecution can only be instituted by the Board of Trade or the Director of Public Prosecutions, upon a request made to them by the Central Price Regulation Committee, there is a further hurdle in the shape of the well-known reluctance of Government Departments to risk being ordered to pay defendants' costs in the event of failure.

So the customer, in time of peace diplomatically right though often legally wrong, is now wrong nearly all the time. The utmost he can do, if he will make a last effort before he subsides into the wretched apathy which befits the wartime shopper, is to invoke his remaining rights of free speech and lift the roof of a selected shop with a full-throated denunciation of its keeper. He can use any expletives without fear of the Police, for their favourite charge of "using insulting words and behaviour" is concerned only with the prevention of unseemly language or conduct in the street; but as he will have become a trespasser from the moment when the shopkeeper finds his presence irksome, he should get out before they come if he would avoid being "assisted" out.

[To make room for this article, we have had to throw out a column of advertising.—Ed.]