



HARRY STREET

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1919-1984

HARRY STREET was born in 1919 and grew up in Farnworth, an industrial area of Lancashire near Bolton. His father was a builder and his mother a teacher. He was an only child but never a lonely one. His parents devoted much time to him. They took him on several cruises round the world and inspired his love of travel. He was also very close to his maternal grandfather with whom he developed two of his principal lifelong pleasures outside the law, walking and the theatre.

His greatest interests as a boy were in cricket and football, both as a proficient player and as a spectator. He supported Bolton Wanderers and attended the three cup-finals in which they took part, in 1923—the first final played at Wembley—1926, and 1929 when Bolton won the cup. He wrote pieces for the Bolton Saturday evening football paper. Later in life he was a regular supporter of Manchester United. He continued to play both cricket and football until he was well into his thirties. As a boy he was very competitive, both in games and study.

He was educated at Farnworth Grammar School where he was greatly encouraged by his mother. Her death at the early age of 46, when Harry was 17, was a great blow to him. On leaving school, he went to Manchester University to read Law and took the LLB in 1938 with first class honours. He is believed to be the youngest person to graduate at Manchester with a first. He entered into articles with Philip S. Porter, LLB, of 2 Bowker's Row, Bolton, where he received a rigorous training in the practice of the law. In 1940 he took the Law Society's Final Examination with distinction. In the same year he volunteered for aircrew duties in the RAF but, pending call-up, continued to work in the office of his principal. He served in the RAF from 1942 to 1946 as a navigator, mostly in India and Ceylon, with the rank of Flight-Lieutenant.

He married Muriel Helene Swain in 1947. They had two sons and a daughter. Harry was a devoted father in a happy and united family who enjoyed their holidays, travel, and other pleasures together. He was proud of the three children who all followed him in qualifying as solicitors and are now in private practice.

At the end of the War Harry Street was contemplating a return

to Lancashire and a working lifetime in private practice as a solicitor there. But his talents were well remembered in the University of Manchester and he received a letter inviting him to become a lecturer in the Faculty of Law. He was offered the incentive of immediate demobilization and, according to Street himself, that was the deciding factor. He returned to Manchester in September 1946, to undertake a teaching load of, by today's standards, enormous range. In addition, he was immediately appointed secretary of the Faculty and administrative secretary. After only one year, however, he was given leave of absence to take up a Commonwealth Fund Fellowship (now the Harkness Fellowships) in the United States at Columbia University. By then he had obtained from Manchester University the degree of LL.M. by the submission of a thesis; his articles and reviews were appearing in a variety of law journals and it was already becoming clear that he was a man with research and writing in his blood. He spent only the one year at Columbia (many Commonwealth fellows exercised their option to stay for two) and then returned to his appointment at Manchester where he remained until 1952. In 1950 he was awarded the Ph.D. by Manchester and in 1951 was promoted to senior lecturer.

Street immediately took to law teaching. He found it a satisfying job and, according to his own account, by the standards of later years, a simple one. Others did not think it quite so easy. His work was not confined to undergraduate teaching. He took part in the revision classes provided for the legal profession returning from war service who were thought by some to be a highly difficult audience, particularly for a young man relatively inexperienced in both teaching and practice. His exceptional talents, however, soon won their respect. He had already acquired his lifelong interest in the relation between academic teaching and practical training. At Columbia he had taken part in Professor Cheetham's post-graduate seminar on legal education and had made a close study of attempts to train students in legal method, draftsmanship, advocacy, and counselling. He admired the efficient, rigorous teaching methods of the leading American law schools and in particular the 'case-method' of instruction (made familiar, though probably inaccurately, to members of the public through the television programme, 'The Paperchase'). Street began to experiment with the case-method on his return from Columbia and used it in a series of public lectures in the University to demonstrate the nature of the judicial process.

In 1952 the Chair of Law at Nottingham became vacant when

Professor F. R. Crane moved to King's College, London. With his growing reputation as an original and energetic writer and his experience of administration at Manchester, Street was an obvious candidate and he was appointed to the Chair at the beginning of the 1952-3 academic year. Crane had been appointed as the first holder of the Nottingham Chair in 1946 and the Department had produced its first graduates in 1950. Street took over a small, but decidedly going, concern. Crane (who later went on to found the Faculty of Law at Queen Mary College, London) had set the school up on a very sound basis and it was already acquiring a reputation for good undergraduate teaching. It had the advantage of separate, pleasant, domestic premises, 'The Orchards', incorporating the law library. With just four full-time lecturers and about sixty to seventy undergraduates it was an intimate place and Crane's impending departure created some unease when speculation was rife about his possible successor; but Street's friendly and unassuming personality was such that he immediately became 'one of the family' and, indeed, its greatly admired and respected head.

The library was grossly inadequate. It could be fitted easily into what had been the principal bedroom of 'The Orchards' when it was a private house. Street drove the best bargain he could on his appointment, though the grant was very small when compared with those made to law schools on their foundation fifteen or twenty years later. The money was expended with characteristic care and prudence to obtain the maximum benefit for the Department. I recall being despatched to Beccles (being the only member of the Department, apart from the professor, with a car) to negotiate with a solicitor for the purchase of the first twenty-eight volumes of *The Justice of the Peace*, my instructions being to offer £10 and in no circumstances to pay more than £20. The binding was mouldering on the shelves from which the volumes looked as if they had not been moved for a century or more; but the pages were sound. Their owner had a better idea of their value and I returned empty-handed. Street did not give up and eventually bought them for £60 and (money being too scarce to spend on carriage) I eventually collected them after I had fulfilled an engagement at Cambridge. I regard them, handsomely rebound on the shelves of the library, with a measure of affection, as a reminder of the self-help approach of the Street era in the law school. So the library was built up during Street's four years at Nottingham to—by the standards of those days—a respectable collection; and the heavy reliance which we had placed on the

library of the Institute of Advanced Legal Studies and the Squire Law Library in Cambridge was reduced.

In 1952 the Nottingham law school still had to make its mark as a centre for research and writing. From this point of view, Street's appointment came just at the right time. He arrived with a number of notable articles in print and two books in the press. The best leadership is by example and no one could have done better in the giving of it. He was not one to spend all his time alone in his office. He produced the problems of his research and writing for general discussion and in such a stimulating way that he could not fail to get a response. Often the whole teaching staff would be involved in the debate. He was equally interested in the problems of his colleagues, and his shrewd and perceptive comments frequently stimulated some new line of enquiry. By the time he left Nottingham in 1956, the articles and the books were flowing and the tradition of writing was established for the foreseeable future.

The law student of the post-war days had the advantage of Professor Glanville Williams's splendid little book, *Learning the Law*, but he received precious little help from any other source in setting about the study of a subject quite different from anything he had encountered at school. Street was rightly concerned about this and, as in other matters, he drew on his American experience. Working closely with his colleagues, he devised one of the earliest English courses on 'legal method', designed to instruct the student to use the law library, to read and analyse cases so as to ascertain the *ratio decidendi*, to interpret statutes, to understand and use proper modes of citation and terminology, and generally to write in a lawyer-like manner. He took a leading part in devising exercises and problems and in presenting the course. It was an important step in legal education and the course continues, in modified form, at Nottingham today. It was a natural step from this to the wider use of the case-method in teaching the substantive law. Street began to practise this mode of instruction for his second-year students, using Wright's *Cases on the Law of Torts*. The case-method has never been widely used in England, perhaps because English law students generally participate so much less readily in discussion in a large class than their American counterparts. This is certainly partly due to the fact that they are three or four years younger and consequently less experienced but perhaps also because of a difference in national character. At all events most experiments with the case-method in England seem to have been short-lived. Not so with Street. His conviction of the value of the method outweighed any concern he might have about

the reservations of his audience, some of whom found his classes a frightening experience. He was not one of those teachers who, when the student says he does not know, weakly gives in and tells him the answer. The question would be asked again in another form; and the questioner seemed to have such infinite patience in waiting for an answer that the students soon realized that they had to 'have a go'. Only a minority of students revel in this sort of class; but nearly all acknowledge—when it is over—that they have undergone a thoroughly stimulating and valuable experience, totally different from the scribbling of endless notes for later learning and regurgitation which still plays so large a part in English legal education. Street's tutorials were conducted with similar rigour. They were similarly dreaded—at least by the unprepared—and similarly valued afterwards. I recall an occasion when, by some misreading of the notice board, my class had gone to Street's room and his to mine. When we pointed out their error and sent them to their correct destinations, I heard the class from Street's room approaching with relieved laughter while the party leaving my room went groaning and dragging their feet. I realized I was making life too easy for them.

The Nottingham law degree was of the conventional type, being based largely on the London LLB—though from the start it was unusual in including Real Property in the first year. No significant changes were made in this degree during Street's headship; but he was responsible for the introduction, as an alternative to the LLB, of the BA with honours in law, one of the earliest 'mixed degrees' to be offered by an English law school. In his inaugural lecture Street had emphasized the importance which he attached to the relationship between law and the social sciences, and the new BA degree allowed the law student to read law with two social science subjects in his first year, and one social science subject in his second year. It also enabled students in social science departments who had read law as a subsidiary subject in their first year to transfer, at the discretion of the Head of the Department, to the BA (Law) at the beginning of the second year. Over the years, many able students have come into the law and sometimes the legal profession through this route. The structure of the BA (Law) degree, though modified in various ways, remains essentially the same as when established. It continues to flourish, though, interestingly, it has never attracted more than about fifteen to twenty per cent of law students, though they can choose between this course and the LLB quite freely. It is, however, a valuable and distinctive feature of the Nottingham law school.

Although his affection for Manchester was undiminished, Street became completely absorbed in the work of Nottingham University. He soon made his mark in the Senate which was appreciative of his cool and detached common sense. He was vigorous in fighting for the Department in the allocation of the very scarce resources of those days. He was extremely blunt in his dealings with the officers when he felt they had behaved unfairly or inefficiently; and this did not invariably endear him to them. No doubt this was all very frustrating to a man who had so much to do in the academic field and, when the invitation came to return to a Chair at Manchester at the end of the 1955-6 session, it proved irresistible. Among the attractions was the fact that his friend and former colleague in the Faculty of Law, Professor W. Mansfield Cooper, had now become Vice-Chancellor. Here was a man with whom he knew he could work smoothly and amicably. Street's decision was received with understanding but some dismay by his colleagues in the Department of Law at Nottingham. He was leaving the Department much stronger than he found it but, with the work it had been hoped he would do, in some respects incomplete. The law school was still formally a Department in the Faculty of Arts, though in practice the administration at faculty level was in the hands of a Board of Studies in Law and Social Studies. Before Street's arrival, Crane had secured from the Senate acceptance in principle of the establishment of a separate Faculty of Law, and Street, on his appointment, had secured an assurance that this would be implemented. Street's priorities, however, were matters other than the formal status of the school—library provision, larger accommodation, and, above all, attainment in teaching and research. He allowed the matter of Faculty status to lie dormant until near the end of his tenure of the Nottingham Chair. When he raised the matter, opinion in high places had turned against Faculty status for the Department. Street, however, took a firm stand on the assurance he had been given; and the Senate then resolved that the Department should become a Faculty. Before this could be implemented, he had returned to Manchester and the Senate again changed its mind and established instead, a Faculty of Law and Social Sciences. For better or for worse, this settled the status of the law school from then to the present and for the foreseeable future. In view of his conviction of the importance of the relationship between law and social sciences Street probably thought that this was not too bad a fate, and, indeed, that the advantages might well outweigh the disadvantages; and that could be right.

Harry Street returned to Manchester in the autumn of 1956. From then on it was Manchester's students who pored over their casebooks on torts until the early hours so as to be ready to face the dreaded case-method class. It is a bond which unites Manchester LLB graduates over thirty years that the first question asked when graduates meet is: 'Do you remember Harry Street's tort lectures?' Yet few regret the experience. One of them has remarked that no High Court judge is ever quite so terrifying to the man or woman who at 18 faced Harry Street at 9.30 on a Monday morning. Students who elected to take Administrative Law with him in their second or third years met a very different Street. Administrative Law was not taught by case-method. He regarded the subject as an enterprise and an adventure. A student looking for a 'good' set of dictated notes would be disappointed. Administrative Law was taught by way of discussion and explanation. Students were expected to read widely before lectures. Ideas were discussed. Arguments were often heated. Students learned how to learn and how to criticize.

It is a measure of the respect and affection Harry Street inspired in his students that so many of those who followed him into academic life chose to remain or return to Manchester. His contribution to the careers of his colleagues was immense. To those who chose to seek his guidance, and he never imposed it, he gave unlimited time. He never directed his junior colleagues. He posed the choices before them. He rarely praised and could be brutally critical. But he was always fair. He welcomed disagreements with his own views and encouraged debate. He put opportunities in the way of those he believed deserved them. Woe betide the man or woman who let him down by sloppy work thereafter!

Coming to a larger law school with two (and later three) other Professors, Street found himself less burdened with administrative duties than he had been at Nottingham. None the less, he served as Dean of the Faculty of Law on four separate occasions and was one of the principal architects of a major revision of the LLB syllabus in the early 1960s. He served as an academic member of the University Council and from 1973-6 he acted as a Pro-Vice-Chancellor. In the latter capacity he played a vital, though unobtrusive, role in supporting the Vice-Chancellor at a time when student sit-ins were repeatedly threatening to disrupt the life and work of the University. He also successfully steered through the University Senate the recommendations of a Committee he had chaired which greatly strengthened the claims of those who had a genuine need for study leave. Towards the end of his life, however, he

undoubtedly became impatient of the trivia of administration and any lack of co-operation he perceived in his colleagues, and shortly before his death, he made it clear that he did not wish to continue in the office of Dean.

Street's first book was a joint work with J. A. G. Griffith, *The Principles of Administrative Law*, published in 1951. Administrative Law had been a grossly neglected subject in England, whereas it was well established in the USA and the civil law world of Europe and South America. Indeed, when Griffith and Street embarked on their joint enterprise, they believed themselves to be the only university teachers of it in England and Wales. The book was regarded as a godsend by the small band of teachers working in the field by the time of its appearance. For the first time they could refer their students to a reasonably comprehensive survey of a field of law formerly accessible only by reference to periodicals, parliamentary papers, and official documents not readily available in most law schools at that time. Though the authors acknowledged their indebtedness to the work of Sir Cecil Carr, W. A. Robson and E. C. S. Wade, this was the first true textbook on the subject and it immediately established itself as an authoritative work. The authors urged the claim of Administrative Law for the status of a compulsory subject in legal education, both university and professional, remarking: 'The fundamental issues of public welfare and individual freedom, the remarkable insights it provides into the nature of the judicial process, the outstanding illustrations of the interaction of legal, social, economic and political forces which it furnishes, the impact of its subject on everyday life.'

No subject will flourish in the law schools unless it is supported by a good textbook. *Griffith and Street* filled an urgent need and was of great importance to the establishment and growth of courses in Administrative Law. The book went through five editions, the last being published in 1973. By that time, later, more portly, volumes were becoming the recommended reading in the law schools. *Griffith and Street* might have had a still longer useful life if the authors had decided to expand its scope; but it remained a concise, slim volume to the end. Even now, Administrative Law has not quite attained the status which Griffith and Street thought it merited; but it rightly occupies a much more prominent place than it did and its improved status owes as much to them as to anyone.

All of those who have been privileged to receive Commonwealth Fund or Harkness Fellowships know what a wonderful opportunity

they afford for study and research in the United States. Street took full advantage of his Fellowship. At Columbia University he worked particularly closely with Walter Gellhorn on the civil liability of governments within the Commonwealth, in Europe, and in the United States. He had already published a close study of the Crown Proceedings Act 1947 in the *Modern Law Review* and he followed this up with comparative articles on the liability of governments in the *Michigan Law Review* and the *Toronto Law Journal*. But the fruits of that year in America did not fully appear until the publication in 1953 of *Government Liability: a Comparative Study*—the fourth volume in the Cambridge Studies in International and Comparative Law. The book was based on the thesis which he had successfully submitted for the degree of Ph.D. in the University of Manchester. It was immediately recognized as an important and much needed work. Too little attention had previously been paid to issues raised by the civil liability—or lack of it—of the State. Street's opinion that 'no Crown immunities are tolerable unless their retention can be affirmatively proved to be necessary in the public interest' pervaded this and much of his later writing. By this test, he found much to criticize and to highlight by comparison with the large number of other jurisdictions studied—though he was far from being an uncritical admirer of all of these. On the contrary, some thought his temerity in criticizing foreign systems went too far—but Street never feared to criticize and his criticism, right or wrong, was always thoroughly thought out. Many of the reforms of Administrative Law which he advocated so persuasively—see, for example, *Journal of the Society of Public Teachers of Law*, lxiii (1961)—have now been implemented, but some of his arguments for reform are still relevant today—for example that the Crown should be liable for the damage suffered by those who are wrongfully convicted.

It was during his time at Nottingham that Street wrote *The Law of Torts*. It was a field already relatively well served by the famous works of Pollock, Salmond, and Winfield, all at that time recently edited by distinguished writers. But Street had observed that the order of these books was one which was followed by no law teacher of his acquaintance. They began with a discussion of general principles and it was not until the reader had proceeded a quarter to a third of the way through the book that he read about any specific tort. After nine pages of general observations, *The Law of Torts* plunged the reader into the tort of trespass and proceeded through the full range of torts, leaving general principles concerning remedies and parties to the last Part of the book. Glanville Williams

hailed it as the first major textbook on torts in England to be arranged in the right teaching order. But the novelty of the book was not simply in its arrangement. Street aimed to show 'how the law of torts actually works'; and to stress the interest of the plaintiff rather than the conduct of the defendant. In this, as he acknowledged, he was following the American Restatement and distinguished American and Canadian law teachers. The emphasis was on the practical operation of the modern law with much less of the legal history found in the existing books. It was written in a terse and economical style and, though it contained considerable detail, was significantly shorter than its rivals. It was much more orderly. The analysis of the law—as is apparent from the table of contents—was very refined, giving the exposition an order and symmetry not to be found elsewhere. Indeed, one criticism of the book was that its logical approach gave the law an appearance of certainty and predictability which did not exist in practice. It was, however, of enormous value as a fresh look at the law by an exceptionally acute mind which took nothing for granted. Street's colleagues of those days were well aware of the depth of thought which went into one or two sentences of text or one of those provocative questions to be found in the footnotes.

The new book was, on the whole, warmly received. More than one reviewer predicted that, in future editions, an extremely good book would become a great one and eventually that Salmond and Winfield would be eclipsed. The latter event has certainly not occurred and, though *The Law of Torts* went through seven editions, there was astonishingly little change in arrangement and style while new case law and statute were skilfully incorporated so as to cause the minimum of disturbance to the text. The book in later editions came under scathing criticism from younger lawyers for its rather scanty reference to recent literature and, particularly, for ignoring economic theory. Ironically, Street was one of the first academic lawyers to draw attention to the relevance of economics to legal principles and rules; but, for the purposes of his textbook, he expressly put such matters aside on the ground that their consideration was warranted only if it affected judicial thinking or clarified the law of torts for the reader. In his judgement it did neither. The book continues, as it began, an exposition of the practical working of the law with the minimum of theoretical speculation. The present writer, a law teacher not specializing in the law of torts, finds it still the best book in which to find a clear and concise account of tort doctrine. It lacks the elegance and readability given to its rivals by their original authors and so well

maintained by their editors. But it is a different book and it would be a pity if it were to die with its author.

During the 1950s, the Harvard Law School was in the habit of inviting an English law teacher each year to be visiting professor. In 1957-8 this accolade was conferred on Harry Street. He gave a course in the Law of Torts and a joint seminar, with Professor Arthur von Mehren, on Comparative Administrative Law. More importantly, as it turned out, he also gave a seminar on Damages in Torts and Contract. This so stimulated his interest that he at first planned to write a treatise on the entire subject. He abandoned that idea as a result of the appearance in 1959 of Hart and Honore's *Causation in the Law* and the news that *Mayne and McGregor on Damages* was shortly to reappear. Consequently, in his *Principles of the Law of Damages* (1962) he confined himself to problems of the assessment of damages, to the exclusion of causative problems. He concentrated on areas of doubt and uncertainty rather than those where the case-law was well developed and certain, or governed by clear statutory provisions. Once again, he produced a highly original work of great value, beginning with a 'Vocabulary of the Law of Damages', elucidating the meaning of 'nominal', 'general and special', 'aggravated', 'parasitic', 'exemplary', and so on. He then went on to consider the principles in relation to personal injuries, death, and damage to property, concluding with a short chapter on damages in contract and alternative remedies. The most original chapter, and the one which involved the author in the greatest effort, consisted of an attempt to discover how far actuarial techniques could then be usefully employed in detail for the purposes of measuring damages in trials of claims for personal injuries.

In 1963 Penguin Books published his *Freedom, the Individual and the Law* as a Pelican Original. The purpose was to provide a survey of the current content of civil liberties in England. Remarkably, this had never been done before, whereas in the United States there were hundreds of books on the subject. Street found one reason for this in the fact that 'it is easier to expound a written constitution than to grub in the law reports, Hansard, and newspaper files to inquire in Whitehall and of the various "fringe" bodies like the British Board of Film Censors and the Independent Broadcasting Authority, whose activities raise issues concerning our liberties'. Street had undertaken the necessary 'grubbing' with his usual thoroughness. No sensible discussion of civil liberties can be undertaken without some knowledge of the present state of the law and this, as Street pointed out, was in many instances hard

to ascertain. Instead of providing positive rights, English law still allows the citizen to do or say anything—except what is forbidden. It is only by determining the extent of the prohibitions that the content of civil liberties can be discovered. Consequently the book began with a survey of police powers to arrest, to enter, to search, to question, and so on. It then went on to consider freedom of expression in the theatre, cinema, and broadcasting and in the printed word; the effect of the laws of obscenity, defamation, and contempt, freedom of religion, freedom to work, freedom of movement, and freedom from discrimination. While declaring that it was for the reader to make up his own mind whether the line had always been drawn at the right point, Street offered his own trenchant criticisms, contending that at many points excessive regard had been paid to the claims of the state.

The book was important in a number of respects. It made available to the general public for the first time a readable and intelligible account of their freedoms at—by the standards of law books—a very low price. It gave a strong impetus to the growing interest in study of the subject in the universities and polytechnics. Street was of the opinion that it had been neglected in the universities because of the dearth of case-law. He was always critical of the tendency of English academic lawyers to confine their studies to the law library, contrasting them unfavourably with their American colleagues in this respect. In *Freedom, the Individual and the Law* he showed what can be done in this field and its value. Others soon built on his work and it paved the way for the excellent casebooks on the subject which subsequently appeared. Civil liberties took an ever-increasing place in Constitutional Law courses and, in some cases, courses devoted exclusively to it. The book went through five editions (fifth edition, 1982). Street found the task of keeping it up to date ‘a mammoth one; hardly a day passes without a new development in the sphere of civil liberties’. There can be little doubt that the book made an important contribution to those developments. The publishers fairly claim that for twenty years the book was a watchdog for the relationship between the individual and his everyday freedoms. Though he was a doughty defender of civil rights, Street never took the one-sided views so often to be found in such persons. He recognized the need for a proper balance between individual liberty and the interests of the state and brought his usual clear and perceptive judgement to bear on the issues which should determine where the balance should lie.

In 1968 Street delivered the twentieth series of the Hamlyn

Lectures in the University of Liverpool. The lectures were founded by Miss Hamlyn 'to the intent that the Common People of the United Kingdom may realise the privileges which in law and custom they enjoy in comparison with other European Peoples and realising and appreciating such privileges may recognise the responsibilities and obligations attaching to them'. The first lectures were given by Lord Denning in 1949 and (with the exception of Baroness Wootton) by a succession of distinguished judges, and practising and academic lawyers thereafter. Most of the lectures were about the law dispensed by the ordinary courts. Street took a different line. He had now gained extensive practical experience of the working of administrative tribunals as chairman of a local Appeal Tribunal under the National Insurance Act, chairman of Manchester Rent Tribunal, panel chairman of Manchester Rent Assessment Committee, and deputy chairman of a Race Relations Conciliation Committee. In *Justice in the Welfare State* he was able to draw on this experience as well as his vast knowledge of administrative law in scrutinizing the law and practice in tribunals other than the ordinary courts. The late Miss Hamlyn would probably have been disappointed to find how many of the Hamlyn lecturers were highly critical of English law in comparison with that enjoyed by other peoples, but she might well have been pleased by Street's opinion that 'we are rightly proud of our attempts to create a system of social justice in this country' and that English law had made 'a unique contribution. Our tribunals are a splendid innovation'. His assessment of Social Security Tribunals in action led him to conclude that the system deserved the high reputation it enjoyed. Even so, much could be done to improve both the organization of Social Security and Rent Tribunals and the law they enforce. And he was quite certain that these two were far better than many other types, for example, National Health Service Tribunals. For one so reserved, Street spoke with unusual passion on this subject: 'I have an intense desire that the Welfare State be successful. I am sure that tribunals are necessary for a flourishing Welfare State. I believe that they can attain a standard of efficiency way ahead of what our ordinary courts have achieved.' He was highly critical of the inadequacies of judicial review as it then operated and of the Franks Committee for recommending the perpetuation of unnecessary complexities. In these lectures, Street returned to a subject which he had studied in depth at an early stage in his career—that of the licensing by the state of many kinds of activity. He explored the reasons for the growth of licensing, its advantages and disadvantages and the personnel and procedures

involved. He found the system of licensing controls an important attempt to do justice in the Welfare State and one which conferred great benefits; but he also found much to criticize. The final lecture was concerned principally with (i) the public inquiry, its objects, procedures, and control, its virtues—it was ‘a unique aspect of our administrative process of which we can be proud’—its shortcomings, and the need for reform; (ii) decisions made by civil servants without a hearing, where he found much to criticize; and (iii) the work of the Parliamentary Commissioner (the Ombudsman). He concluded with a look at the argument for a Conseil d’Etat; but his own verdict was that ‘there are so many merits in what we have that we should not lightly cast aside our present system. Instead we must be content to amend and improve it’. *Justice and the Welfare State* is one of the few volumes in the Hamlyn Lecture series to have appeared (in 1975) in a second edition. It was revised in the light of legislative and other developments, but the writer saw no need to change his views in any significant respect. It remains an immensely valuable study and one which should continue to influence the improvement of a system which the writer so thoroughly understood and so greatly cherished.

When Professors Kahn-Freund and Wedderburn planned their new series, ‘Law and Society’, Street was a natural choice for one of their first authors. The series, the General Editors said, was ‘committed to what, perhaps somewhat grandiloquently, is often referred to as a “functional” or “sociological” approach to law’. The series aimed at showing what law does to society and how it affects or fails to affect the lives of men and women; and how society affects the making of the law and its application in practice. With his impatience with legal research which stopped at the study of the law reports in the library and his emphasis on what happened in practice and why, Street was well-suited to give a lead. With Professor D. W. Elliott he produced the first volume in the projected series with a title which is no less significant today than it was then—*Road Accidents*. The book was in two parts, *Criminal Liability*, which was drafted by Elliott, and *Civil Liability* which was drafted by Street, both authors agreeing on and accepting responsibility for the views expressed throughout the book. The first part was thus concerned with the effect of the law in preventing accidents and the second with mitigating the harm caused to victims when accidents do occur. There have, of course, been many changes in the criminal law relating to road traffic since *Road Accidents* was published. In particular, The Road Safety Act

of 1957, which introduced the 'breathalyser' law, had only recently been passed and that has since led to a vast amount of new law. Nevertheless, much of what they wrote, particularly on the practical effects and difficulty of enforcement of the law, is as pertinent now as when it was written. We are no nearer to solving the problems. The second part closely analysed all aspects of the current compensation system, giving salutary emphasis to the practical effect of insurance. Numerous reforms were proposed, some of which have since been effected. But Elliott and Street did not stop at suggesting reform within the existing system. They proposed its replacement by a state-run social security system to be financed by the motoring community where the victim would have a right to compensation simply because he had been injured by a motor vehicle, without any need to prove fault. To the question, 'Why single out road traffic for reform?'—why distinguish, for instance, between the person who is accidentally injured while getting out of the bath and the one who is accidentally injured by a motor vehicle?—they gave a pragmatic answer. 'This is because your luckless bathroom casualty is a rare phenomenon; the country is not abounding in starving importuning victims of slippery bathroom floors. Mankind has devised a swift-moving machine which is killing and maiming in ever-increasing numbers every second of the day, and leaving its victims without necessary financial support. Citizens demand that the law should not allow this to happen.' These problems remain unsolved and seem likely to remain so.

It was not only as an author that Street contributed notably to the literature of the law. As general editor of the Penguin Education Series, 'Foundations of Law', he persuaded the late S. A. de Smith to write the first volume of the series (1971) on *Constitutional and Administrative Law*. In accordance with Street's general approach, the agreed aim was to provide an accurate, up-to-date account of those areas of Constitutional Law which were of contemporary significance, the emphasis being on today's problems rather than on constitutional history. It was decidedly not, in Street's words, to be 'Dicey-as-subsequently-amended-or-doubted'. This Penguin was at once recognized as a volume which would have brought distinction to the oldest of university presses and yet its 700 pages sold for the astonishingly cheap price (even for those days) of £1.50. Naturally it was a great success. Tragically, Stanley de Smith died prematurely while preparing the third edition. Street himself, assisted by Barbara de Smith and Rodney Brazier, took on and completed the task. He and Brazier edited

the fourth edition (1981) and the fifth edition (1983)—but Street himself unhappily died before that work was complete.

Street was a great popularizer of the law. His works, *Freedom, the Individual and the Law* and *Justice in the Welfare State*, were directed to the lay reader at least as much as to the lawyer or law student. He was devoted to the protection of the citizen's civil liberties, and well aware that the citizen may not be able to avail himself of his rights unless he has some idea of what they are. This was no doubt an important consideration in his undertaking the role of consultant editor of the Reader's Digest volume, *You and Your Rights*. He helped to recruit and guide a team of distinguished contributors who produced an account of a vast area of the law in simple language, readily comprehensible by the intelligent layman, most attractively presented and amusingly illustrated by Langton. In a foreword, Lord Hailsham wrote of its value to the ordinary householder. It had a wide sale and may well have made a significant contribution to the legal education of the general public. He was also for many years consultant to Granada Television's 'This is Your Right' and himself made many broadcasts on television and radio, discussing current legal issues of public interest. He enjoyed this work and, with his down-to-earth, no-nonsense manner, he was well suited to it. He also put his theories into practice in his personal life. As a young man he invoked the medieval remedy of distress damage feasant—a remedy for cattle-trespass—against a corporation bus which had crashed into his father's garden, refusing to allow the corporation to remove the vehicle until they paid damages—which they promptly did. A sender of unsolicited encyclopaedias discovered that he had caught a tartar when he started sending threatening letters demanding the price—and ended by paying Street's 'storage charges'. He thoroughly enjoyed a battle with the Inland Revenue, being prepared to challenge the demands of that rapacious body whenever he thought them unjustified. Even when many would have considered the sum involved scarcely worth arguing about, Street would pursue his case tenaciously if he thought there was a point of principle involved. I remember him entertaining me greatly with a blow-by-blow account of these contests when we were walking together in the mountains of New York State in 1960. Clearly he found it a fascinating game—but one which was perhaps not greatly appreciated by the officials of the Inland Revenue.

From a very early stage in his career Street was in much demand as a book reviewer in the legal journals, and he continued to review throughout his life. He covered a wide range and had a remark-

able gift for being able to discern the essential characteristics of a book and to describe them in his usual terse prose. When he liked a book he was generous in its praise; but when he disliked it he said so in no uncertain terms. The common euphemisms and circumlocutions of book reviewers were not for him. If he thought a book was useless, he said so. Occasionally he appeared to rub salt in the wound as when, after heavily criticizing a certain text, he concluded: 'Finally, congratulations to the publishers on their attractive dust cover.' Naturally such reviews did not meet with universal acclaim; but the reader could be quite certain that he would find a shrewd, objective, and totally honest assessment of a book. Unlike many others, he never grew tired of, or bored with, book reviewing.

Street rendered extensive public service. He was chairman of the Committee on Racial Discrimination, whose report (in 1967), *Anti-Discrimination Legislation*, drew on experience in the USA and the Commonwealth and influenced the form of the Race Relations Act 1968. He was chairman of the Royal Commission on the Fiji electoral system in 1975-6. From 1969 to 1973 he was one of the two legal members of the Royal Commission chaired by Lord Kilbrandon on the Constitution; he served on the Monopolies and Mergers Commission from 1973 to 1979. His work received public recognition when he was made CBE in 1978. He received the honorary degree of Doctor of Laws from the University of Southampton in 1974 when the public orator justly referred to him as one who had 'done so much to give us a systematic foundation for a higher social order'.

Not the least significant aspect of Street's work was the part he played in appointments to chairs of law in many universities. He was called upon to serve, probably more often than anyone else of his generation, as an assessor. This was a tribute, not only to his eminence among law teachers, but also to the qualities which, it was well known, he would bring to the task. His knowledge of the work and reputation of the likely candidates (derived in part from his book reviewing and other wide reading) ranged well beyond his own specialisms; and he would take great pains to inform himself about applicants and potential applicants. His shrewd and particularly penetrating questions in an interview would frequently reveal the strengths, as well as the weaknesses, of the candidates. The same candour which appeared in his book reviews also appeared in his assessment of people. While, of course, his opinion did not always prevail, it may well be true to say that the identity of the present professoriat in law schools owes more to Street's judgement than to that of any other individual.

Street was a friendly and unassuming person with no 'side' of any kind. Though students frequently stood in awe of his intellectual power, on a social and personal level they found him a man who spoke their language and often shared their interests, a man whom it was easy to talk to and look upon as a friend. Both at Manchester and Nottingham he played cricket and football with students. On one occasion a busybody on the administrative staff at Nottingham reported to the Registrar that the law students were damaging the lawn of 'The Orchards' by playing improvised games of football on it in intervals between lectures. A stern letter from the Registrar to the Head of the Department of Law was received with some hilarity (and little effect) because Street himself was one of the principal offenders. At a time when professors were perhaps more aloof from their junior colleagues than today, Street always treated the newest recruit as if he were an equal (though, inevitably, he rarely was!) and could not have been more easily approachable. He was generous with help and shrewd advice and many of us are in his debt. He died suddenly on Good Friday 1984 while doing one of the things he loved best, walking in the Lake District.

J. C. SMITH

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