

FROM CIVIL LIBERTIES TO HUMAN RIGHTS?: BRITISH CIVIL LIBERTIES
ACTIVISM, 1934-1989

By

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Abstract

This thesis is about organizations working in the field of British civil liberties between 1934 and 1989. It examines the relationship between the concepts of civil liberties and human rights within a British context, and discusses the forms of political activism that have accompanied this subject. At the centre of this work is an examination of the politics of the National Council for Civil Liberties (NCCL), an organization that has played a key role in the protection and promotion of civil liberties from its formation in 1934. It also examines the activities of a range of other organizations that considered themselves to be active on such a subject. The thesis argues that thinking about civil liberties has been extended throughout the twentieth century to incorporate a more positive and broader conceptualization of rights. However, for all the increased importance of the politics of human rights, a tradition of civil liberties has remained crucial to organizations working within such a field. The thesis also seeks to demonstrate that concerns about civil liberties have often reflected the political ideologies of those acting on such issues. Whilst a large amount of conceptual agreement has existed over the importance of the subject within Britain, this has consistently been met with disagreement over what this means. NGOs have played crucial roles as mediators of such a conflict. In performing such a role, the civil liberties lobby has been characterised by a set of professional, expert activists that have, at times, been able and will to engage with radical political ideas.

Dedication

To Dad & Mum,

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Abbreviations

AAM: Anti-Apartheid Movement

ACLU: American Civil Liberties Union

AI: Amnesty International

AGM: Annual General Meeting

ALRA: Abortion Law Reform Association

BBC: British Broadcasting Corporation

BIHR: British Institute for Human Rights

BUF: British Union of Fascists

CAFD: Council for Academic Freedom and Democracy

CARD: Campaign Against Racial Discrimination

CCF: Congress for Cultural Freedom

CCS: Centre for Cultural Studies

CND: Campaign for Nuclear Disarmament

CPAG: Child Poverty Action Group

ECHR: European Convention on Human Rights

GCL: Greater London Council

GLF: Gay Liberation Front

ILP: Independent Labour Party

IRA: Irish Republican Army

IWA: Indian Workers Association

JCWI: Joint Council for the Welfare of Immigrants

JUSTICE: Joint Union of Societies to Insure the Civil Liberties in England and Elsewhere

LSE: London School of Economics

LNU: League of Nations Union

MI5: Ministry of Intelligence, Section 5

MP: Member of Parliament

NA: The National Archives

NAFF: National Association for Freedom/The Freedom Association

NCCI: National Committee for Commonwealth Immigrants

NCCL: National Council for Civil Liberties

NGO: Non-Governmental Organization

NSM: New Social Movement

NVLA: National Viewers and Listener's Association

OXFAM: Oxford Committee for Famine Relief

PEP: Political and Economic Planning

PEST: Pressure for Economic and Social Toryism

SFIF: Society for Individual Freedom

SMO: Social Movement Organization

SPUC: Society for the Protection of the Unborn Child

TUC: Trades Union Congress

UDC: Union for Democratic Control

UDHR: Universal Declaration of Human Rights

UN: United Nations

UNA: United Nations Association

UNESCO: United Nations Educational, Scientific and Cultural Organization

WISC: West Indian Standing Committee

Introduction

Civil Liberties, Human Rights and Political Activism in the Twentieth Century

The National Council for Civil Liberties (NCCL) formed in 1934. In 1989, it rebranded as Liberty, operating under the tag-line 'Protecting Civil Liberties: Promoting Human Rights'. This discursive shift had been a long-time coming. In 1945, the NCCL held national and international conferences to discuss the creation of a transnational human rights network. From 1968, it described itself as belonging to a global human rights movement. In 1979, the NCCL's newsletter changed its title from *Civil Liberties* to *Rights!*. Such alterations seemingly reflected the new found importance that the language of rights has had within the second half of the twentieth century. Since the Second World War, human rights have had great prominence in international politics. Rights were enshrined within the Charter of the United Nations in 1945 and given even greater articulation in the Universal Declaration of Human Rights of 1948 (UDHR). The restructuring of European politics in the post-war era also featured rights within the European Convention on Human Rights of 1950 (ECHR). Within Britain, human rights have become a crucial component of the legal system, they have provided a rationale for international development and foreign policy, as well as supplying an ethical framework in which a range of political organizations and movements in numerous fields have been able to situate their political activities.

Understandably, this has drawn much attention. One work has suggested that 'a new idea has trumped the global world stage: human rights. It unites left and right, the pulpit and the state, the minister and the rebel, the developing world and the liberals of Hampstead and

Manhattan'.¹ In 2006, the President of the American Historical Association declared that 'we are all historians of human rights now'.² Human rights have been seen as 'the idea of our time, the only political-moral idea that has received universal acceptance'.³

This thesis is about organizations and activists working for the protection and promotion of civil liberties within Britain from the 1930s until the 1980s. Obviously, this was not the starting point in the history of civil liberties. Nor was it the earliest period in which organizations concerned themselves with such a politics. However, in the context of the ascent of the dictators, the difficulties of liberal political systems within Europe, and the rise of political extremism in Britain during the 1930s, civil liberties carried a great resonance in this period.⁴ The establishment of the NCCL and the appearance of a number of similar, but less prominent, organizations and campaigns were testimony to the increased anxieties surrounding civil liberties that emerged in that decade. Although a significant portion of this work will focus on the post-war era, it is crucial to consider the experience of these organizations in the 1930s. The difficulties they faced in articulating a clear human rights politics or a prominent civil liberties programme in the immediate post-war era were legacies of the forms of activism embraced within the pre-war era. The thesis ends in the 1980s when the NCCL rebranded as Liberty, and discursively aligned itself more expressly in relation to human rights. In part then, the life span of the NCCL has determined the chronology of this work.

The thesis discusses the work of the NCCL, along with a number of less well-known organizations, in the context of the rise of a discourse of human rights. Despite the global significance of human rights politics, it has still taken fifty years to frame a language of civil

¹ C. Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Twentieth Century* (Oxford: Hart, 2000), p. 1.

² L. Kerber, 'We Are all Historians of Human Rights Now', *Perspectives: The Journal of the American Historical Association*, 44: 7 (2006).

³ L. Henkin, *The Age of Rights* (New York: Columbia, 1990), p. xi.

⁴ See M. Mazower, *The Dark Continent: Europe's Twentieth Century* (London: Penguin, 1998), pp. 7-8.

liberties in relation to a universal rhetoric of rights. Indeed, the extent to which this has occurred remains open to debate. This thesis explores the persistence of the idea of civil liberties, and the accommodation of this tradition alongside a human rights politics. In order to understand the boundaries of these subjects, it examines the organizations that have operated at the intersection of civil liberties and human rights, rather than those expressly concerned with human rights. The thesis therefore covers the work of such organizations, rather than an international body like Amnesty International, that articulated a transnational politics of human rights in a more straightforward manner. In addition, this work focuses on organizations promoting a politics of civil liberties within mainland Britain. Although representative of the most pressing civil liberties issues faced by British governments for much of the post-war era, the work of civil liberties and civil rights groups within Northern Ireland are being explored elsewhere, and fall outside of the parameters of this thesis.⁵ Northern Ireland will only be mentioned when associated issues came to the attention of British civil liberties groups and when the troubles spilled over to the mainland during the 1970s. Obviously, the civil rights movement within Northern Ireland, and associated organizations have been important actors and require attention, however they operated from a different set of political traditions and contextual settings to the organizations considered within this thesis.

The thesis has two main objectives. The first is to demonstrate how various non-governmental organizations (NGOs) increasingly incorporated forms of human rights politics within their activities. The second is to examine what these organizations show about British political culture. Given the range and variety of rights outlined within documents like the

⁵ For a good account of these in relation to the American civil rights politics see S. Prince, *Northern Ireland's '68: Civil Rights, Global Revolt and the Origins of the Troubles* (Dublin: Irish Academic Press, 2007); for a social movement approach of the early years of the Northern Ireland Civil Rights Movement see L. Bosi, 'Explaining the Emergence Process of the Civil Rights Protests in Northern Ireland (1945-1968): Insights from a Relational Social Movement Approach', *Journal of Historical Sociology*, 21: 2/3 (2008), pp. 242-271; J. Smyth, 'Moving the Immovable: The Civil Rights Movement in Northern Ireland', in L. Connolly & N. Hourigan (ed.), *Social Movements and Ireland* (Manchester: MUP, 2006), pp. 106-123.

UDHR, the number of issues with which organizations could legitimately engage has been substantial. Organizations' attempts to translate, define and apply often vague or complex definitions of rights and freedoms to everyday life therefore provide insight into the political, social, cultural and economic concerns of their memberships. Furthermore, the prioritization of a particular of rights within specific periods reveals much about the contexts in which such groups operated.

That British civil liberties organizations and movements increasingly phrased their activities in relation to rights reflected the increased emphasis of human rights within international politics, and the importance attached to rights within the new social movements that marked out the social and political changes of the 1960s and 1970s. Alongside these, a more practical consideration exists. Rights, which have often had a positively enforceable legal status, were generally more clearly defined than the negative freedoms of civil liberties. At times, this made rights a more useful tool for the promotion of various political agendas.

However, there have also been substantial obstacles that organizations have faced in expressing a coherent and broad human rights politics. First, and arguably most important, has been the problem of definition. As this introduction shall demonstrate, there are numerous conceptual differences implicit within the various models of rights available. The political divisiveness in selecting which rights to emphasise at which moments often contrasted with a broad 'agreement' over the importance of rights and liberties. Second, a repeated tension existed between a conceptualization of rights defined in relation to the nation state, and those determined by the international and universal language of human rights. The former existed within various narratives detailing the expansion of rights in a national historical context, and the latter provided a more clearly codified set of rights, that were less historically established, and framed in relation to the new international institutions of global governance. Negotiating between national narratives of rights and an international, universal language of human rights

was particularly problematic for British organizations attempting to mobilize a form of transnational human rights politics in the immediate aftermath of the Second World War. Third, there was a tendency to associate the politics of rights with the interests of particular communities. Rights thus provided a highly useful rhetoric for phrasing the activities of those representing different communities such as movements for feminism or gay liberation. However, these often prioritized a series of different minority rights claims over the creation of a broad all-encompassing human rights movement.

Aside from an interest in rights and liberties, the thesis also seeks to explore the politics of activism within Britain since the 1930s. Social movement activism within the twentieth century has received great attention. There are numerous historical accounts and explorations of social movements like Amnesty International, the Campaign for Nuclear Disarmament (CND), or Greenpeace.⁶ Yet, the somewhat less glamorous, but equally committed activism of numerous smaller, more professionally orientated organizations have been less appealing sites of historical inquiry. Although such an imbalance is being corrected, it is a little unfortunate.⁷ Suggestions that smaller ‘moderate campaign groups’ have not been particularly good at promoting radical politics has contributed to the wider attention given to the larger, more expressive social movements of the twentieth century.⁸ This is problematic, and not only because organizations have tended to shift from broader informal and expressive

⁶ T. Buchanan, ‘The Truth Shall Make You Free: The Making of Amnesty International’, *Journal of Contemporary History*, 37: 4 (2002), pp. 575-597; E. Larsen, *A Flame in Barbed Wire: The Story of Amnesty International* (London: Muller, 1978); S. Hoggood, *Keepers of the Flame: Understanding Amnesty International* (London: Cornell University Press, 2006); R. Taylor & C. Pritchard, *The Protest Makers: The British Nuclear Disarmament Movement of 1958-1965 Twenty Years On* (Oxford: Pergamon, 1980); H. Nehring, ‘The British and West German Protests against Nuclear Weapons and the Cultures of the Cold War’, *Contemporary British History*, 19:2 (2005), pp. 223-241; A. G. Grant & W. Maloney, *The Protest Business: Mobilizing Campaign Groups* (Manchester: MUP, 1997).

⁷ N. Crowson, M. Hilton, & J. McKay (eds), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945* (Basingstoke: Palgrave Macmillan, 2009); W. Grant, ‘Is the Study of Pressure Groups a fading Paradigm’, Paper prepared for the 60th Annual Conference of the Political Studies Association of the UK, Edinburgh (2010), pp. 3-4.

⁸ A. Lent, *British Social Movements Since 1945: Sex, Colour, Peace and Power* (London: Palgrave, 2001), p. 8, 56.

movements to more structured NGOs or social movement organizations (SMO).⁹ Rather than see pressure groups superseded or eclipsed by movement activism, a more complex analysis is required in which NGOs, SMOs and social movements informed and reacted together in providing various locations for the promotion of radical political issues. Within Britain, there was no civil rights movement equivalent to that in the United States. This means that the politics of civil liberties and civil rights, that new social movement theorists saw as crucial components of new post-material forms of activism, must be explored in a British context in relation to smaller organizations.¹⁰

This thesis hopes to demonstrate the actions, priorities, and contributions of these groups can provide numerous important insights into British political culture within the twentieth century. It shares some of the concerns relating to class and activism that accounts of social movements have raised.¹¹ As those studying the work of NGOs have shown, such bodies were frequently engaged in subjects requiring specialist knowledge and technical proficiency.¹² The contributions of public-minded professionals who were playing an expanded role in the post-war era, have been crucial to these groups.¹³ This dynamic was visible in the civil liberties programme of the left as it attempted to establish a new role in

⁹ The work of various theorists has explored the shifts from social movement to social movement organization. Particularly important have been the contributions of various resource mobilization theorists. For the theoretical discussion of such a shift see M. Zald & R. Ash, 'Social Movement Organizations: Growth, Decay and Change', *Social Forces*, 44:3 (1966), pp. 327-341; J. McCarthy & M. Zald, 'Resource Mobilization and Social Movements: A Partial Theory', in J. McCarthy & M. Zald (eds), *Social Movements in an Organized Society: Collected Essays* (Oxford: Transaction Books, 1987), pp. 15-47. For a more empirical investigation of this shift within a British context see Grant & Maloney, *The Protest Business: Mobilizing Campaign Groups*. See also C. Saunders, 'British Humanitarian, Aid and Development NGOs, 1949-Present', in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Society*, p. 39.

¹⁰ J. Habermas, *Theory of Communicative Action – Volume 2* (Cambridge: Polity, 1987), p. 392; C. Offe, 'New Social Movements: Challenging the Boundaries of Institutional Policies', *Social Research*, 52:4 (1985), p. 832.

¹¹ Most obviously in F. Parkin, *Middle Class Radicalism: The Social Bases of the British Campaign for Nuclear Disarmament* (Manchester: MUP, 1968).

¹² M. Hilton, 'Politics is Ordinary: Non-Governmental Organizations and Political Participation in Contemporary Britain', working paper shared with author, February 2010, p. 24, 31; T. Evans, 'Stopping the Poor Getting Poorer: The Establishment and Professionalisation of Poverty NGOs, 1945-95', in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, pp. 147-163.

¹³ For the professional society see H. Perkin, *The Rise of the Professional Society: England Since 1880* (London, 1989); B. Conekin, F. Mort and C. Waters, 'Introduction' in B. Conekin, F. Mort and C. Waters (eds), *Moments of Modernity: Reconstructing Britain 1945-1964* (London: Rivers Oram, 1999), pp. 14-15; Y. Li & D. Marsh, 'New Forms of Political Participation: Searching for Expert Citizens and Everyday Makers', *British Journal of Political Science*, 38 (2008), pp. 247-272.

moving from a model of politics associated with wider popular front movements in the 1930s into an activism more in keeping with an NGO model in the 1960s. Furthermore, the thesis seeks to unpick the shifts in the ideological concerns of civil liberties activists as their priorities changed to accommodate new concerns, or re-emphasise older ones in particular contextual settings.

This introduction will firstly consider some of the conceptual and historical problems that surround the subjects of rights and liberties, and note the contributions that historians might make towards these subjects. Secondly, it will examine the key issues associated with civil liberties and human rights activism within Britain and explain the different approaches taken by those works, and that taken within the thesis. Thirdly, it will outline the approach and methodology used and discuss the source material covered. Fourthly, it will describe the arguments of each of the chapters of the thesis.

As will be shown, most accounts of civil liberties within Britain have focussed on the legal, administrative and institutional aspects of the subject. Whilst such works are crucial and extremely useful in understanding numerous technical and legalistic features of the British political system, most have neglected to investigate how those active outside of such institutions have understood civil liberties and human rights. This work seeks to provide a corrective. It aims to explore how activists, organizations and movements have defined civil liberties and human rights. As conceptual work has attempted to demonstrate, organizations and movements show how people have understood, defined and applied ideas about liberties and rights. In doing this, activists have spread norms and translated legalistic or abstract theoretical work into everyday life.¹⁴ This work seeks to reflect these concerns, and explore them in an empirical manner based on detailed archival research.

¹⁴ M. Keck & K. Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (London: Cornell Press, 1998); S. Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (London: Routledge, 2006); K. Nash, *The Cultural Politics of Human Rights: Comparing the US and the UK* (Cambridge: CUP, 2009), pp. 45-58.

What are civil liberties and human rights? Some conceptual and historical problems

The importance of human rights and civil liberties to contemporary politics is indisputable. Within the twentieth century, human rights have become an integral part of ethical consciousness. Similarly, civil liberties are widely regarded as a crucial component of modern democratic systems. Yet certainty about the importance of these subjects contrasts with ambiguities about their definitions. This vagueness has been noticed. Accounts of human rights in the twentieth century have admitted that ‘every attempt at an absolute principle has proven to be groundless... most definitions are pure tautology’ and ‘the term has often been loosely understood and carelessly grasped, leading to much wasteful confusion and misunderstanding’.¹⁵ In addition, those discussing British civil liberties have had difficulties in definitively describing these freedoms. One account observed that British conceptualizations of civil liberties are ‘very fuzzy, perhaps because our liberties are so imprecise’.¹⁶ Indeed, the first serious attempt to provide a legal guide to British civil liberties concluded that this was ‘a fluid subject’.¹⁷

The relationship between human rights and civil liberties is a crucial component of this thesis. There is an increasing tendency to conflate civil liberties with human rights. Both subjects certainly have blurred edges. In part, this reflects the historical development of such rights. Histories of the genesis of rights have broadly identified three waves of rights. Most famously, this was outlined within a British context by T.H. Marshall and his description of the emergence of civil, political and then social rights within *Citizenship and Social Class* (1950).¹⁸ A traditional approach to human rights suggests that political and civil rights

¹⁵ N. Bobbio, *The Age of Rights* (Cambridge: Polity Press, 1996), p. 5; A. Tay ‘Human Rights Problems: Moral, Political, Philosophical in B. Galligan & C. Sampford (eds), *Rethinking Human Rights* (Sydney; Federation Press, 1997), p. 23.

¹⁶ B. Cox, *Civil Liberties in Britain* (Harmondsworth: Penguin, 1975), p. 11.

¹⁷ H. Street, *Freedom, The Individual and The Law* (London: Penguin, 1963), p. 9.

¹⁸ T. H. Marshall, *Citizenship and Social Class* (New Edition, London: Pluto Press, 1992).

emerged in the seventeenth and eighteenth centuries.¹⁹ Obviously, the genealogy of rights, liberties and freedoms can be traced back beyond these eras to classical times and early religious thought.²⁰ However, rights were given greater political clarity in this later period through numerous declarations, constitutions, and bills of rights.²¹ Even Micheline Ishay, who attempts to examine the concept back to ancient times, acknowledges that the era of the Enlightenment was a crucial period for the development of ideas about human rights. Crucially, the emphasis placed on natural rights, moral autonomy, human dignity and equality within the Enlightenment era was linked with attempts to re-constitute political systems.²² With this, it appeared to mark a vital period for centralizing political and civic systems around a concept of rights.

As Marshall and others suggested, a different generation of economic and social rights were asserted during the eighteenth and nineteenth centuries, and partly realised within the twentieth century.²³ The creation of nation states and the increasing importance of socialism throughout this period proved vital to such developments.²⁴ Social and economic rights appeared particularly important in the construction of social democratic politics within the newly forming welfare states in Europe following the Second World War.²⁵ Following this, the twentieth century saw the assertion of the rights claims of women, homosexuals,

¹⁹ F. Klug, *Values for a Godless Age: The Story of the United Kingdom's New Bill of Rights* (London: Penguin, 2000), p. xvii; J. H. Burgers, 'The Road to San Francisco: The Revival of the Human Rights Ideas in the Twentieth Century', *Human Rights Quarterly*, 14:4 (1992), pp. 447-477; J. M. Headley, *The Europeanization of the World: On the Origins of Human Rights and Democracy* (Oxford: Princeton University Press, 2008); J. Charvet & E. Kaczynska-Nay, *The Liberal Project and Human Rights: The Theory and Practice of a New World Order* (Cambridge: CUP, 2008), pp. 19-41.

²⁰ Douzinas, *The End of Human Rights*, pp. 23-45.

²¹ L. Hunt, *Inventing Human Rights: A History* (London: W.W. Norton, 2007), pp. 15-34.

²² M. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (London: University of California Press, 2004), pp. 6-7.

²³ Marshall, *Citizenship and Social Class*; pp. 17-27; Ishay, *The History of Human Rights*, pp. 135-172.

²⁴ E. J. Hobsbawm, *Nations and Nationalism since 1780: Program, Myth, Reality* (2nd Edition: Cambridge, CUP, 1992), p. 89, 124; P. Saunders, 'Citizenship in a Liberal Society' in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993), pp. 57-90.

²⁵ S. Berger, 'Democracy and Social Democracy', *European History Quarterly*, 32:1 (2002), pp. 13-37.

ethnic minorities and alternative groups.²⁶ Such an expansion of the constituencies of rights has shown no signs of slowing. Commentators have observed the emergence of an even newer generation of rights, including those relating to technological change associated with the twentieth century such as the right to an unpolluted environment, alongside guarantees of privacy, and genetic property.²⁷ With such a proliferation, predictions have been made of a continued expansion of a rights discourse to incorporate new criteria including food, health, environment, minorities and disabled persons, technology and reproductive techniques.²⁸

For all this importance and continued proliferation, vagueness over different forms of rights remains. Indeed, the framing of multiple different types of rights within the most famous statements of rights from Magna Carta to the UHDR has reinforced the lack of clarity.²⁹ There is certainly some overlap between civil liberties and human rights in British legal and political systems. Recent legal textbooks have conflated the two subjects.³⁰ Generally, it is claimed that civil liberties relate to the first generation of rights and liberties. These have included rights to life, physical security, freedom from torture, slavery and arbitrary detention, rights to fair criminal process and personhood and privacy, as well as freedom of conscience, religion, expression and the right to vote and participate in government.³¹ Yet, the narratives establishing such rights within an Enlightenment context are problematic. As Marshall's account suggests, civil rights were only joined by political rights

²⁶ C. Bunch & S. Frost, *Women's Human Rights: An Introduction* in C. Kramarae & D. Spender (eds.), *Routledge Encyclopedia of Women: Global Women's Issues and Knowledge* (London: Routledge, 2000); E. Friedman, 'Women's Human Rights: The Emergence of a Movement', in J. Peters & A. Wolper (eds.), *Women's Rights, Human Rights: International Feminist Perspectives* (London: Routledge, 1995), pp. 18-35; A. Fraser, 'Becoming Human: The Origins and Development of Women's Human Rights', *Human Rights Quarterly*, 21: 4 (1999), pp. 853-905.

²⁷ Bobbio, *The Age of Rights*, p. 69.

²⁸ K. Mahoney & P. Mahoney, *Human Rights in the Twenty-First Century: A Global Challenge* (London: M Nijhoff, 1993), p. 5.

²⁹ A. R. White, *Rights* (Oxford: Clarendon Press, 1985), p. 134.

³⁰ R. Stone, *Textbook on Civil Liberties & Human Rights* (Oxford: OUP, 2006); D. Feldman, *Civil Liberties and Human Rights in England and Wales* (Oxford: Clarendon Press, 2003).

³¹ L. Henkin, 'The Universality of the Concept of Human Rights', *The Annals of the American Academy of Political and Social Science*, 506:10 (1989), p. 11; Klug, *Values for a Godless Age*, p. 9.

within Britain during the nineteenth century.³² Rather than see these rights being located in Enlightenment ethics, there has been a rich history emphasising a radical, national narrative of rights. This was a particular feature of the works of the British Marxist historians. As Chapter Two of this thesis will discuss in greater depth, the conception of the ‘freeborn Englishman’ was crucial to national and social historical narratives provided by such historians.³³ Indeed, more recent work has also attempted to re-assert such a narrative as part of a republican tradition.³⁴ Such accounts provide a story of the development of political liberties and civil rights outside of the work of the Enlightenment thinkers and inside the culture and actions of groups that held different agents.

Arguably then, the grouping of civil liberties and political rights under the heading ‘first generation rights’ amalgamates different sorts of rights claims under one heading. The liberty rights discussed by the British Marxists were very different to conceptualizations of liberty rights found elsewhere. To the American jurist W.N. Hohfeld, liberty rights were those that allowed the engagement in activities without hindrance from others.³⁵ This version of libertarianism follows Isaiah Berlin’s description of negative liberty. As Berlin explained, ‘liberty is liberty, not equality, fairness or justice or culture, or human happiness, or a quiet conscience’.³⁶ The political theorist White has followed this line, suggesting that liberties are quite different from rights. He defined rights as *a right to something*, pointing out that this is very different from liberties, which are the ability *to be free to do something or free from*

³² Marshall, *Citizenship and Social Class*, pp. 10-12.

³³ E. P. Thompson, *The Making of The English Working Class* (London: Penguin, 1991: First Published 1963), pp. 19-206; R. Hilton & H. Fagan, *The English Rising of 1381* (Lawrence & Wishart: London, 1950), pp. 9-10; C. Hill, ‘The Norman Yoke’, in J. Saville (ed.), *Democracy and the Labour Movement* (London: Lawrence & Wishart, 1953), pp. 50-122; M. Taylor, ‘Patriotism, History and the Left in Twentieth-Century Britain’, *The Historical Journal*, 33:4 (1990), pp. 979-983; R. Samuel, ‘British Marxist-Historians, 1880-1980: Part One’, *New Left Review*, 120:1 (1980), pp. 21-96; H. Kaye, *The British Marxist Historians: An Introductory Analysis* (Cambridge: Polity, 1984).

³⁴ E. Vallance, *A Radical History of Britain: Visionaries, Rebels and Revolutionaries – The Men and Women who Fought for our Freedoms* (London: Little Brown, 2009).

³⁵ W. N. Hohfeld, *Fundamental Legal Conceptions as Applied Judicial Reasoning* (London: OUP, 1923).

³⁶ I. Berlin, ‘Two Concepts of Liberty’ in I. Berlin, *Four Essays on Liberty* (Oxford: OUP, 1969), p. 125.

something.³⁷ Under such a conceptualization these ‘define protected spaces in which individuals are able to pursue their own subjects’ and can be identified by the motto that the ‘government who governs least governs best’.³⁸

Therefore, the grouping of civil and political rights is as problematic as grouping these alongside social and economic rights. As Lynn Hunt has demonstrated, distinctions between these rights were far from clear in the eighteenth century. Within this period women were entitled to hold property, to be free from imprisonment without trial, and to be treated equally under the law. However, they were unable to vote, serve on juries and hold office.³⁹ Elaine Fox-Genovese makes a similar point in considering women’s rights in the United States during the nineteenth century.⁴⁰ It is therefore important to be aware not just what rights are, but also who gets them.⁴¹

It is hardly surprising then, that historians and theorists perpetually return to the paradoxical nature of rights.⁴² Indeed, when studying the literature of rights, numerous paradoxes quickly emerge. Rights can provide an empowering discourse for improving the lives of those impoverished economically, politically, socially and culturally. Social justice models of rights, as advocated by the likes of Thomas Pogge, demonstrate the capacity for a language of rights to provide a framework for a readjustment of capitalist economics to

³⁷ White, *Rights*, p. 142.

³⁸ L. W. Sumner, ‘Rights’ in H. LaFollette (ed.), *The Blackwell Guide to Ethical Theory* (Oxford: Blackwell, 2000), p. 292, W. Cooney, ‘Rights Theory’ in R. Chadwick (ed.), *Encyclopaedia of Applied Ethics: Volume 4* (London: Academic Press, 1998), pp. 878-879.

³⁹ L. Hunt, *The French Revolution and Human Rights: A Brief Documentary History* (Boston: Bedford Books, 1996), p. 19; Hunt, *Inventing Human Rights*, p. 67; see also K. Cmiel, ‘The Recent History of Human Rights’, *American Historical Review*, 109:1 (2004), p. 122.

⁴⁰ E. Fox-Genovese, ‘Contested Meanings : Women and the Problem of Freedom in the mid-Nineteenth Century United States in O. Hufton (ed.), *Historical Change and Human Rights: The Oxford Amnesty Lectures 1994* (London: Basic Books, 1994), pp. 179-215.

⁴¹ For more on this and the need to express a common sense of humanity see R. Rorty, ‘Human Rights, Rationality, and Sentimentality’ in S. Shute & S. Hurley (eds), *On Human Rights: The Oxford Amnesty Lectures 1993* (New York: Basic Books, 1993), pp. 116-119.

⁴² Douzinas, *The End of Human Rights*, p. 21; Cmiel, ‘The Recent History of Rights’, p. 132, N. Stammers, *Human Rights and Social Movements* (London: Pluto, 2009), pp. 102-130; J. Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (London: Harvard University Press, 1996).

respond to the needs of the global poor.⁴³ Rights politics has also provided an empowering discourse that secures and improves rights on the grounds of culture, race, sexuality or gender.⁴⁴ It has been possible to promote of an active political culture and encourage global solidarities using a language of human rights.⁴⁵ Yet, as communitarian critiques have argued, rights may have contributed to the creation of an atomized individualist political culture.⁴⁶ Furthermore, human rights were a crucial component of decolonization, yet they have also been identified as a driving force behind neo-colonialism and important in the creation of an informal American empire.⁴⁷ Critics have also condemned the use of human rights rhetoric as a dangerous component of humanitarian imperialism.⁴⁸ In an age witnessing greater violations of individual rights, and wider disparity between the wealthy and the poor than any previous epoch, the worldwide agreement on the importance of human rights is clearly

⁴³ T. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2nd Edition: Cambridge: Polity, 2008); T. Pogge, *Freedom from Poverty as a Human Right: Who owes what to the very Poor?* (Oxford: OUP, 2007). For other social justice models of rights see J. Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1979), p. 3; H. Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy* (Princeton: Princeton University Press, 1980), p. 5.

⁴⁴ G. Eley, ‘An Embarrassment to the Family, to the Public and to the State’: Liberalism and the Rights of Women’ in D. Geppart & R. Gerwarth (ed.), *Wilhelme Germany and Edwardian Britain* (Oxford: OUP, 2008), pp. 143-172; C. Bunch, ‘Women’s Rights as Human Rights: Towards a Re-vision of Human Rights’, *Human Rights Quarterly*, 12:4 (1990), pp. 486-498, J. Oloka-Onyango and S. Tamale ‘“The Personal is Political” or Why Women’s Rights are Indeed Human Rights: An African Perspective on International Feminism’, *Human Rights Quarterly*, 17: 4 (1995), pp. 691-731; V. Spike Peterson & L. Parisi, ‘Are Women Human? It’s Not An Academic Question’, in T. Evans (ed.), *Human Rights Fifty Years On: A Reappraisal* (Manchester: MUP, 1998).

⁴⁵ P. G. Lauren, *The Evolution of Human Rights: Visions Seen* (2nd Edition: Pennsylvania: University of Pennsylvania Press, 2003), p. 296; T. Pogge, ‘World Poverty and Human Rights’, *Ethics and International Affairs*, 19:1 (2005), pp. 1-7; R. Burke, *Decolonization and the Evolution of International Human Rights* (Pennsylvania: University of Pennsylvania Press, 2010), pp. 35-58.

⁴⁶ M. Glendon, *Rights Talk* (Oxford: Maxwell Macmillan, 1991), p. x; A. Etzioni, *The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda* (New York: Crown, 1993); R. Putnam, *Bowling Alone: The Collapse and Revival of the American Community* (London: Simon and Schuster, 2000).

⁴⁷ For human rights and decolonization see A. W. Simpson, *Human Rights and the End of Empire Britain and the Genesis of the European Convention* (Oxford: OUP, 2001), pp. 844-873, 1056-1101; R. Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2010), pp. 59-111; R. Burke, ‘From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968’, *Journal of World History*, 19:3 (2008), pp. 275-296. For neo-colonialism and human rights see T. Evans, ‘Introduction: Power, Hegemony, and the Universalization of Human Rights’, in Evans, *Human Rights: Fifty Years On*, pp. 2-23; N. Chomsky, ‘The United States and the Challenge of Relativity’, in Evans, *Human Rights Fifty Years On*, pp. 24-56.

⁴⁸ J. Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York: Monthly Review Press, 2006); M. Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (London: Pluto Press, 2004).

problematic.⁴⁹ As Mark Mazower has shown, there was a level of cynical calculation in the Great Powers' articulation of a human rights programme in the immediate aftermath of the Second World War.⁵⁰ To Mazower, the centrality of the South African Statesman General Smuts to the newfound emphasis on human rights within the UN was symbolic of the paradoxical nature of the rights being defined within the new systems of global governance.⁵¹

These are important global issues. Yet paradoxes are also played out in a national history of liberties and rights. The British Marxists' desire to project a radical vision of liberty is important; but as E.P. Thompson acknowledged, 'patriotism, nationalism, even bigotry and repression were all clothed in the rhetoric of liberty'.⁵² As he added, a tradition of British liberty even supported the era of 'Old Corruption'.⁵³ The subject of liberty was also part of the Whiggish, reformist liberal democratic politics of the nineteenth century.⁵⁴ Furthermore, a sense of a tradition of British liberties has provided a focus for organizations promoting conservatism, anti-socialism, and forms of possessive individualism from the late nineteenth

⁴⁹ Douzinas, *The End of Human Rights*, p. 2; E.J. Hobsbawm, 'Barbarism: A User's Guide', *New Left Review*, 206:1 (1994), pp. 44-54; E. J. Hobsbawm, *The Age of Extremes* (2nd Edition: London: Little, Brown Book Group, 1994), pp. 1-17; S. Power, *A Problem from Hell: America in the Age of Genocide* (New York: Basic Books, 2002), provides a narrative outlining the failure of the international community to respond to gross infringements of human rights since the UDHR.

⁵⁰ M. Mazower, 'The Strange Triumph of Human Rights, 1933-1950', *Historical Journal*, 47:2 (2004), p. 381. This has also been commented on in K. Sellars, *The Rise and Rise of Human Rights* (Stroud: Pheonix Mill, 2002), pp. 67-85.

⁵¹ M. Mazower, *No Enchanted Palace: The Ideological Origins of the United Nations* (Woodstock: Princeton University Press, 2009), pp. 28-65; for more on Smuts see S. Dubow, 'Smuts, the United Nations and the Rhetoric of Race and Rights', *Journal of Contemporary History*, 43:1 (2008), pp. 45-74.

⁵² Thompson, *The Making of the English Working Class*, p. 85.

⁵³ *Ibid.*, p. 85; See also W.D. Rubenstein, 'The End of "Old Corruption" in Britain, 1780-1860', *Past & Present*, 101:1 (1983), pp. 55-86; P. Harling, 'Rethinking "Old Corruption"', *Past & Present*, 147:1 (1994), pp. 127-158.

⁵⁴ E. Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone* (Cambridge: CUP, 1992), pp. 30-84.

century, as much as it has informed the radical mobilizations that have concerned the likes of E.P. Thompson or Christopher Hill.⁵⁵

Keith Ewing and Conor Gearty's *The Struggle for Civil Liberties: Political Freedom and the Rule of Law* sought to create a more workable understanding of civil liberties within Britain. Using the work of Marx as a starting point, they draw a distinction between *droits de l'homme* and *droits de citoyen*. In their view, the former consist of individual rights, such as privacy, private property, freedom of conscience and artistic expression.⁵⁶ The latter category includes political rights exercised in community with others. These include freedom of the press, freedom of assembly, freedom of expression and freedoms to participate in political life through the right to vote and strike.⁵⁷ Whilst the authors acknowledge certain overlaps within such categories, they argue that the purpose of civil liberties is to promote political participation and the development of an active political culture.⁵⁸ This is a useful framework for analysing a set of civil liberties in relation to political and legal systems in a specific period. However, it lacks a focus on the many and varied ways that civil liberties have been defined by those involved in a struggle for civil liberties. Although, the key interest of their work has been in seeking to provide conceptual clarity, it ignores the manner in which rights have meant many things to many different people.⁵⁹

There are then, a number of conceptual challenges around the nature of rights, liberties and freedoms. Indeed, attempts to define and clarify exactly what is constituted as a

⁵⁵ M. W. Taylor, *Men Versus The State: Herbert Spencer and Late Victorian Individualism* (Oxford: Clarendon, 1992); E. H. H. Green, *Ideologies of Conservatism* (Oxford: OUP, 2002), p. 257; E. Bristow, 'The Liberty and Property Defence League', *The Historical Journal*, 18:4 (1974), pp. 761-789; F. Coetzee, *For Party or Country: Nationalism and the Dilemma of Popular Conservatism in Edwardian England* (Oxford: OUP 1990), pp. 123-132, 155-60; A. McIvor, 'A Crusade for Capitalism': The Economic League, 1919-1939', *Journal of Contemporary History*, 2:3 (1988), pp. 631-655; G. C. Webber, *The Ideology of the British Right* (London: Croom Helm, 1986), pp. 81-82; O. Patterson, 'Freedom, Slavery, and the Modern Construction of Rights', in O. Hufton (ed.), *Historical Change and Human Rights*, pp. 131-178.

⁵⁶ K. D. Ewing & C. A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain* (Oxford: OUP, 2000), p. 3.

⁵⁷ *Ibid.*, p. 4.

⁵⁸ *Ibid.*, p. 33.

⁵⁹ Mazower, *No Enchanted Palace*, p. 9.

right have failed to produce any concrete conclusions. Founded on ontological and epistemological differences, the possibility of resolving such conundrums seems unlikely. This thesis takes a more interpretive approach: that is, it examines what rights are emphasised at what times. As Marshall demonstrated, historical contexts and social and economic change help understand ideas about rights.⁶⁰ In place of offering clear guide to what constitutes human rights, historical work on the emergence of forms of global politics, including those of Mazower, have told us much more about how ideas about human rights have reflected the contextual settings in which they were being articulated.

In Mazower's account of the rise of human rights, these were initially empty signifiers providing a more acceptable concept for the Great Powers in restructuring international relations than the minority rights clauses of the League of Nations.⁶¹ Similarly, Jay Winter has shown how the work of René Cassin, the French jurist who helped draft the UDHR, reflected a French Republican ethos.⁶² Moreover, Elizabeth Borgwardt has argued that the rights programme suggested by various American politicians during and following the Second World War projected a 'new deal' ethos onto the global stage.⁶³ Tom Buchanan's discussion of the formation and early years of Amnesty in Britain demonstrates that the organization, in its infancy, reflected both long-standing concerns of its founder Peter Benenson, but also the emergence of a window in Cold War antagonism that allowed the framing of the politics of human rights in keeping with a mood of international liberalization and solidarity.⁶⁴ This was

⁶⁰ Marshall, *Citizenship and Social Class*, p. 7.

⁶¹ Mazower, 'The Strange Triumph of Human Rights', p. 379.

⁶² J. Winter, *Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century* (London: Yale University Press, 2006), pp. 99-120.

⁶³ E. Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (London: Belknap Press, 2005).

⁶⁴ T. Buchanan, "'The Truth Shall Set You Free': The Making of Amnesty International", pp. 575-597.

in marked contrast to the international politics contesting the concept of freedom that marked the early years of the cultural Cold War.⁶⁵

Civil Liberties in Britain, 1930s-1980s

In sharing the concerns of the works of the likes of Mazower, this thesis takes a different approach to the history of civil liberties organizations than currently exists. Mark Lilly and Brian Dyson have provided solid narrative accounts of the NCCL in their semi-official examinations of the organization's work.⁶⁶ Lilley's work is particularly limited in its uncritical approach and meagre source work, having relied solely on the NCCL's official newsletters for evidence. Dyson displays a greater critical engagement and archival investigation of the organization; however the work aims to present a narrative history. Robert Benewick's brief consideration of the NCCL demonstrates the possibility of producing an analysis of the organization's work in relation to alternative forms of activism. However, the author provides little insight into the membership, ideologies and forms of activism that differentiated the NCCL from a vast 'third-world of pressure' groups in which he situated the organization.⁶⁷ Barry Cox's discussion of civil liberties in Britain describes the evolution of the freedoms of assembly, expression, movement from the 1930s until the 1970s.⁶⁸ As with the work of Dyson and Lilley, the NCCL informed (and commissioned) Cox's study.⁶⁹ Like Dyson, Cox is not uncritical of the NCCL's work and activities. However,

⁶⁵ See M. Hochgeschwender, 'A Battle for Ideas: The Congress for Cultural Freedom (CCF) in Britain, Italy, France and West Germany' in D. Geppert (ed.), *The Post-War Challenge: Cultural, Social and Political Change in Western Europe, 1945-58* (Oxford: OUP, 2003), pp. 319-339; H. Wilford, *The CIA, the British Left and the Cold War: Calling the Tune?* (London: Frank Cass, 2003), pp. 193-224.

⁶⁶ M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (London: Macmillan, 1984); B. Dyson, *Liberty in Britain: A Diamond Jubilee History of the National Council for Civil Liberties* (London: Civil Liberties Trust, 1994).

⁶⁷ R. Benewick, 'British Pressure Groups: The National Council for Civil Liberties', *Annals of the American Academy of Political and Social Science*, 413 (1974), pp. 145-157.

⁶⁸ Cox, *Civil Liberties in Britain*.

⁶⁹ *NCCL Executive Committee Minutes*, 11 July 1968, London, Library of Political and Economic Science, Hall Carpenter Archive, HCA/NCCL/2/2.

this thesis seeks to go beyond these in asking and examining broader questions about the organizations' relationships with political culture throughout their existence.

Janet Clarke's recent article covering the formation of the NCCL is a valuable and detailed account that does much work in unpicking the organization's attitude towards the police in its formative years.⁷⁰ Clarke's focus on the police within this period is legitimate given the concerns of the NCCL's leadership, but it underemphasises the relationship between the NCCL to various forms of popular front mobilizations that were a feature of the 1930s. Furthermore, in focussing on civil liberties within a particular time period, that study's approach differs from the one taken within this thesis that has takes a more longitudinal approach exploring changes in the civil liberties lobby over time.

More generally, studies of civil liberties within twentieth century Britain have tended to focus on political, legal and administrative systems and their operation within periods of strain. Gerald Anderson has examined the National Government's handling of public order within the context of the rise and failure of extremism within the interwar period.⁷¹ Others have studied specific time periods, or pieces of legislation that appeared to threaten civil liberties. Neil Stammers demonstrated the ability of the coalition government of the Second World War to produce authoritarian and anti-democratic practices affecting freedom of speech, protection from arbitrary imprisonment, the right to strike, and freedom of assembly.⁷²

A.W.B. Simpson provides a vast and comprehensive analysis of the legal and political discussions of the British delegations, and government branches involved with the formation

⁷⁰ J. Clarke, 'Sincere and Reasonable Men? The Origins of the National Council for Civil Liberties', *Twentieth Century British History*, 20:4 (2009), pp. 513-537.

⁷¹ G. Anderson, *Fascists, Communists, and the National Government: Civil Liberties in Great Britain 1931-1937* (Columbia: University of Missouri Press, 1983).

⁷² N. Stammers, *Civil Liberties in Britain during the Second World War* (London: Croom Helm, 1983), J. Mahoney, 'Civil Liberties in Britain during the Cold War: The Role of the Central Government', *The American Journal of Legal History*, 33: 1 (1989), pp. 53-100.

of the ECHR.⁷³ Additionally, there is a rich set of works considering the relationship between the police, central institutions, and the security services with radical politics in the 1930s and 1940s.⁷⁴ As official documents are released, similar works will no doubt begin to unpick later periods in which civil liberties appeared to be under threat.⁷⁵ All of these works raise valuable and important questions. Stammers' contribution is particularly effective in demonstrating the breakdown of the democratic system within a time of great pressure. However, they are largely the story of political liberties from a legal, administrative and institutional perspective. Given such coverage, this thesis seeks to explore the experience of civil liberties, as understood by organizations and the political aspirations these groups attached to the subject. Thus, the consideration of the politics of civil liberties during the 1940s within this thesis focuses more on examining British activists' attempts to engage with a universal language of human rights, than providing a reiteration of the well known infringements of civil liberties that existed during the Second World War.

Investigating a single civil liberties issue during a particular crisis has proved a popular approach for historians. Particularly demonstrative of this is the interest in the issue of internment. Indeed, one review of the literature on this subject describes the existence of a distinct discipline of 'internment studies'.⁷⁶ Detailed work has emerged covering the arrest of twenty-five hundred aliens during the Second World War under the Defence Regulation

⁷³ A.W.B. Simpson, *Human Rights and The End of Empire*.

⁷⁴ R. Thurlow, *The Secret State: British Internal Security in the Twentieth Century* (Oxford: Blackwell, 1994), and R. Thurlow, 'The Evolution of the Mythical Fifth Column', *Twentieth Century British History*, 10:4 (1999), pp. 471-498; G. Macklin, 'Fascism, Anti-Fascism and the Police' in N. Copsey & D. Renton, *British Fascism, the Labour Movement and the State* (Basingstoke: Palgrave Macmillan, 2005), pp. 52-54; J.

⁷⁵ C. Gearty & K. Ewing, *Freedom Under Thatcher: Civil Liberties in Modern Britain* (Oxford: Clarendon, 1990).

⁷⁶ P. Panayi, 'A Marginalized Subject? The Historiography of Alien Internment in Britain', in R. Dove (ed.), *'Totally Un-English'? Britain's Internment of 'Enemy Aliens' in Two World Wars* (Amsterdam: Rodopi, 2005), p. 21.

18b.⁷⁷ This issue has excited numerous historians who have produced insightful works extending beyond an administrative account of British civil liberties. Non-legalistic accounts of internment, such as those by Ugolini and Schaffer, along with a set of essays collected by Tony Kushner, have studied the internment of aliens in relation to the wider cultural experience and memories of minorities and immigrants within Britain.⁷⁸ In keeping with these, Macklin has recently discussed how myths of interment built on the experience of arrested fascists that aided and sustained right wing ideologies through the 1940s.⁷⁹ Taking up a more micro-historical investigation of a particular infringement of civil liberties clearly extends the subject beyond the legal sphere through raising questions about nationality and race, along with accounting for the experience of individuals and groups that suffered from abuses. These works demonstrate the potential for an investigation of aspects of civil liberties to tackle wider political, social and cultural themes. However, the focus on those on the receiving end of a violation of liberty, rather than the concerns of organizations attempting to represent those interned based on a wider interest in civil liberties differentiates this work. Additionally the focus on single issues contrasts with the broader approach taken here.

Approach

⁷⁷ A. W. B. Simpson, *In the Highest Degree Odious: Detention Without Trial in Wartime England* (Oxford: Clarendon, 1992); A. L. Goldman, 'Defence Regulations 18b: Emergency Internment of Aliens and Political Dissenters in Great Britain during the World War II', *The Journal of British Studies*, 12:2 (1973), pp. 120-136; J. Grant, 'The Role of MI5 in the Internment of British Fascists during the Second World War', *Intelligence and National Security*, 24:2 (2009), pp. 499-528.

⁷⁸ G. Schaffer & W. Ugolini, 'Victims of Enemies?' Italians, Refugee Jews, and the Re-Workings of Internment Narratives in Post-War Britain', in M. Riera & G. Schaffer (eds), *The Lasting War: Society and Identity in Britain, France and Germany after 1945* (Basingstoke: Palgrave Macmillan, 2008), pp. 207-225; See also G. Schaffer, 'Rethinking the History of Blame: Britain and Minorities during the Second World War', *National Identities*, 8:4 (2006), pp. 401-420. D. Ceserani & T. Kushner (eds), *The Internment of Aliens in Twentieth Century Britain* (London: Cass, 1993); See also C. Norton, 'The Internment of Cahir Healy M.P., Brixton Prison July 1941-December 1942', *Contemporary British History*, 18:2 (2007), pp. 170-193 and P. Gilman & L. Gillman, *'Collar the Lot!': How Britain Interned and Expelled its Wartime Refugees* (London: Quartet, 1980).

⁷⁹ G. Macklin, 'Hail Mosley and F'Em All': Martyrdom, Transcendence and the Myth of Internment', *Totalitarian Movements and Political Religions*, 7:1 (2010), pp. 1-23.

A fundamental assumption of this work is that NGOs are worthwhile locations for historical inquiry. Work is currently detailing the crucial role these organizations have played in both specific sectors and in general changes of the nature of political engagement and behaviour in contemporary politics.⁸⁰ Part of the importance of NGOs and social movements has been their roles as locations for creating and establishing dominant meanings in politics.⁸¹ As such, they have had a discursive role. This is particularly apparent in the subject of human rights. NGOs have spread new human rights norms, filtered legal understandings into everyday life and mediated the various rights claims of minorities back into legal political systems.⁸²

In pursuing their various activities, differences over conceptualizations of rights have been as problematic for organizations as they have been for the theorists and historians discussed previously. In Canada, Dominic Clément has been able to conceptualize civil liberties organizations as being distinct from human rights bodies. He shows that Canadian civil liberties activists, in contrast to those advocating a politics of human rights, have avoided advocacy of social, economic and cultural rights.⁸³ Within a British context, such distinctions were less clear-cut. Whilst it is true that the NCCL did not generally involve itself in social and economic rights, it increasingly concerned itself with cultural and minority rights from the 1960s.⁸⁴ Further complicating matters, this interest in group rights led to concerns about some economic rights, such as equal pay. In addition, Amnesty International, a movement entirely centred in relation to a human rights discourse, did not open its agenda to incorporate economic and social rights until the 1980s. Similarly, international watchdog

⁸⁰ See Hilton, 'Politics is Ordinary: Non-Governmental Organizations and Political Participation in Contemporary Britain'.

⁸¹ J. McKay & M. Hilton, 'Introduction' in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, p. 9.

⁸² Keck & Sikkink, *Activists Beyond Borders*, Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice*.

⁸³ D. Clément, *Canada's Right Revolution: Social Movements and Social Change, 1937-82* (Toronto: UBC Press, 2008), p. 7.

⁸⁴ P. Hewitt, 'The NCCL Fifty Years On' in P. Wallington, *Civil Liberties 1984* (Oxford: Martin Robertson & Co. 1984), p. 17.

organizations operating in this field, like Human Rights Watch (1978) and Freedom House (1941), have focussed primarily on civil and political rights.⁸⁵

Taking an interpretative approach allows for a flexible definition of human rights and civil liberties. It also means that the consideration of organizations tackling the politics of civil liberties from the non-left is required. The thesis therefore covers the work of the Society for Individual Freedom (SFIF) formed in 1944; the People's League for Freedom established in 1956 and the National Association for Freedom founded in 1975 (NAFF). Often civil liberties academics have dismissed such organizations citing their focus on economic liberties, rather than civil or political freedoms.⁸⁶ However, given the conceptual problems over what constitutes a legitimate politics of rights and liberties, these organizations should be factored into an analysis of British civil liberties activism. Studies of nineteenth and early twentieth century political mobilizations have accounted for groups with similar characteristics, yet groups working within a similar tradition but in later periods are unexamined.⁸⁷ Additionally, accounts of movement activism within Britain in the late twentieth century have been less responsive to such mobilizations.⁸⁸ This underestimates the significance of such groups: they demonstrate the existence of forms of ideological politics amongst the non-extreme right in the mid-twentieth century.⁸⁹ They also provided forums for strands of new right thought to circulate within locations outside, but informing, formal party

⁸⁵ Amnesty International website <<http://www.amnesty.org/en/who-we-are/history>>. See also K. Cmiel, 'The Emergence of Human Rights Politics in the United States', *The Journal of American History*, 86 (1999), pp. 1231-1250; G. Teeple, *The Riddle of Human Rights* (New York: Humanity Books, 2005), pp. 109-116; T. Buchanan, 'Human Rights Campaigns in Modern Britain' in Crowson, Hilton & McKay, *NGOs in Contemporary Britain: Non-State Actors in Society and Politics Since 1945*, pp. 113-128; W. Korey, *NGOs and the Universal Declaration of Human Rights: "A Curious Grapevine"* (New York: St. Martin's Press, 1998), pp. 443-467.

⁸⁶ C. Gearty, *Civil Liberties* (Oxford: OUP, 2007), p. 4; A. Belsey, 'The New Right, Social Order and Civil Liberties', in R. Levitas (ed.), *The Ideology of the New Right* (Oxford: Polity, 1986), pp. 169-197.

⁸⁷ For some of these groups in the nineteenth century and early twentieth century see Bristow, 'The Liberty and Property Defence League', pp. 761-789; Coetzee, *For Party or Country*, pp. 123-132, 155-60; McIvor, 'A Crusade for Capitalism: The Economic League, 1919-1939', pp. 631-655.

⁸⁸ L. Black, 'There was Something about Mary: The National Listeners' and Viewers' Association and Social Movements in History' in Crowson, Hilton & McKay, *NGOs in Contemporary Britain*, p. 182.

⁸⁹ For the best example of such work see Green, *Ideologies of Conservatism: Conservative Political Ideals in the Twentieth Century*.

politics. Furthermore, the existence and activities of these alternative non-leftist civil liberties organizations are useful reminders of the paradoxical nature of rights and liberties discussed above. This is valuable as it demonstrates that the political right, as much as those on the left, was able and willing to utilise a language of rights and liberties to promote its programme. It is therefore important to determine what rights are being articulated by whom and at what point.

In addition, this work takes a longitudinal approach by covering a set of organizations' activities through a significant period. Given the aims of the thesis, this is the only method that could be used, as such a technique allows a consideration of the changes over time that have affected civil liberties politics. Covering such a broad period has inevitably required certain omissions. The detailed explorations of specific pieces of legislation, the work of government departments, and the operation of the state apparatus are not at the centre of its analysis. It is hoped that this loss is compensated through the alternative issues discussed. The NCCL's remarkable longevity helps demonstrate shifts and continuities in forms of mobilizations throughout the twentieth century. There are obvious overlaps between the NCCL's work and the activism of NGOs, SMOs, social movements, pressure groups, voluntary associations and numerous forms of non-party activism within the twentieth century. Aside from large charitable or voluntary organizations, few organizations working in such fields stretch back into the post-war era. As such, an investigation of the NCCL demonstrates how old forms of politics have persisted in post-modern political systems and have been interpreted, adapted and developed to include new concerns more relevant in the later parts of the twentieth century. By taking such a longitudinal approach, it is possible to detect and explain generational changes in the work of an organization. As is discussed in the third chapter, a generational shift in the 1960s enabled the NCCL to enter a

period of renewal in which it was able to embrace the forms of politics associated with new social movement activism.

In seeking to understand the wider contexts in which the NCCL operated this approach also seeks to accommodate the work of other organizations that framed their activities in relation to the politics of civil liberties. In the 1930s, these included a collection of intellectuals operating under the name For Intellectual Liberty, the Federation for Progressive Societies and Individuals (later known as the Progressive League) and a short lived mobilization known as the 'Movement for a Hundred Thousand' formed in 1938. Within the 1940s, it considers the work of a number of British organizations that attempted to mobilize a form of transnational human rights politics. These included the NCCL, the League for Freedom and Dignity of Man discussed in 1946, an organization associated with George Orwell and Arthur Koestler, an untitled civil liberties group organized by Victor Gollancz in 1950 and 1951, and the United Nations Association (UNA). It also examines the discussions and activities of sections of the British Left in their attempt to create a New Declaration of the Rights of Man that featured in the *Daily Herald* in February 1940. From the 1970s, the work of the NCCL is considered in relation to the UNO's Human Rights Committee and the British Institute for Human Rights (BIHR).

Methodology and Sources

Part of the exercise within this study is to take a subject largely tackled from a legal history perspective and approach it as a site of forms of political culture. Considering the subject through an examination of organizations mobilizing around the subject of civil liberties demonstrates the relationship between the ideological, political, cultural and even economic concerns of activists to their definitions of rights and liberties. In turn, the methods embraced by these groups also sheds light on changes in cultures of activism. Broadly speaking, the

work aligns itself with that of the ‘new political historians’. These have attempted to broaden the sphere of the political to incorporate the social, cultural, and even emotional frameworks through which politics is understood.⁹⁰ As such the ‘intellectual setting’ of politics has been prioritized.⁹¹ Whilst the works of these historians have much to offer, the novelty of such contributions is perhaps somewhat overstated. Historians have long explored the meeting points of the political and the social. Furthermore, generations of social historians have sought to move beyond institutional approaches to history, whilst the cultural settings of politics are long established as targets for historical enquiry.⁹² E.P. Thompson’s *Making of the English Working Class* is the most obvious example of showing an exploration of the subject of liberties in relation to social history.⁹³ Nonetheless, those working within a new political history model have adopted approaches that have allowed subjects seemingly grounded in physical condition, such as hunger, to be understood as social and cultural constructs.⁹⁴ If such an issue can be considered in this way, so civil liberties can also be understood beyond a legal positivist approach and more in relation to political, social and cultural contexts.

In taking these approaches, new political history has often prioritized the discursive locations of politics.⁹⁵ As had been discussed above, NGOs have been important locations for creating political discourse and providing settings of interaction between politicians and public. However, some new political history has, at times, privileged understanding the

⁹⁰ J. Lawrence & M. Taylor, ‘Introduction: Electoral Sociology and the Historians’ in J. Lawrence & M. Taylor (eds), *Party, State and Society: Electoral Behaviour in Britain since 1820* (Aldershot: Scolar Press, 1997), pp. 17-19; L. Black, *Redefining Politics: Culture, Consumerism and Participation, 1954-70* (Basingstoke: Palgrave Macmillan, 2010), pp. 3-4. For emotional approach see M. Francis, ‘Tears, Tantrums and Bared Teeth: The Emotional Economy of Three Conservative Prime Ministers, 1951-1963’, *Journal of British Studies*, 41: 3 (2002), pp. 354-387; M. Francis, ‘The Labour Party: Modernisation and Restraint’ in Conekin, Mort & Walters, *Moments of Modernity: Reconstructing Britain*, pp. 152-170.

⁹¹ S. Pederson, ‘What is New Political History?’ in D. Cannadine, *What is History Now?* (Oxford: OUP, 2004), pp. 36-56.

⁹² G.M. Trevelyan described his aim as attempting to create a new model of history in which the social embraced the political. Quoted in S. Fielding, ‘Looking for a New Political History’, *Journal of Contemporary History*, 42:3 (2007), p. 516.

⁹³ Thompson, *The Making of the English Working Class*, pp. 84-203.

⁹⁴ J. Vernon, *Hunger: A Modern History* (London: Belknap, 2007), p. 7.

⁹⁵ J. Lawrence, *Electing Our Masters: The Spirit of the Hustings in British Politics from Hogarth to Blair* (Oxford: OUP, 2009); J. Thompson, ‘Pictorial Lies? Posters and Politics in Britain c. 1880-1914’, *Past and Present*, 197: 1 (2007), p. 177-210; Black, *Redefining Politics*, pp. 172-205.

location of politics over its content. Civil liberties groups were, of course, creators of discourse and locations of interaction, but these was not their only roles. As such, the thesis will not ignore the substance of their politics in favour of understanding their methods of communication. NGOs have taken up a wide range of activities including service provision, research, lobbying, and assuming watchdog roles.⁹⁶ These aspects will be considered throughout. In part, such an approach has some similarities that taken by Kenneth Cmiel in his examination of human rights politics within the United States. His work demonstrates that taking the subject out of the legal, political setting sheds much light on issues relating to political activism, technological change and post-war globalization.⁹⁷

The sources that have formed the base of the thesis reflect this organizational approach. The spine of the work is the archive of the NCCL. The Liberty archive (as it is called) is held at the Hull History Centre. All of the chapters draw on the vast amount of material held within that collection. At present, the archive consists of over 1000 boxes that stretch from the formation of the NCCL up until the present day. These can have up to twenty-five sub-sections, covering various aspects of the organization's work. That the first thirty years of the NCCL covers around one hundred of the boxes is demonstrative of the increasing workload, professionalism, and technical information required for mobilising an effective politics from the 1960s onwards.

This quantity of information demonstrates the richness of the archive, however it has meant that a certain amount of selectivity has been required. Examinations of newsletters, annual reports and executive meetings helped establish the priorities of the group, and these provided the starting point for more detailed research. The work does not cover all of the NCCL's campaigns, service work, interests and correspondence. However, the approach taken has allowed a consideration of the broad range of interests of the organization, over a

⁹⁶ McKay & Hilton, 'Introduction', pp. 9-10.

⁹⁷ Cmiel, 'The Emergence of Human Rights Politics in the United States', pp. 1231-1250.

long period. Given the aims and scope of the thesis, this has proved the most manageable method of approaching such a vast source.

Despite the scale of the archive, relying solely on NCCL's collection would be inadequate. It has been necessary to go beyond this material. Firstly, the source does little to reflect the thoughts and reflections of individual members and focuses on the everyday, often administrative tasks of an organization. As such, it covers vast numbers of individual cases, information and research reports, and notes of day to day tasks. Secondly, it is possible that the NCCL only shows one side of a case and an issue. Thirdly, there is a risk that the archive largely reflects the actions of a small minority of NCCL's membership.

There have been solutions to these problems. Every effort has been made to uncover material relating to the NCCL's wider membership through looking at the correspondence between the centre of the organization and its branch organizations (when these existed and were in contact). In addition, the work has also sought to engage with a large set of material being produced by alternative civil liberties organizations. These not only show how the NCCL's concerns emerged in alternative locations, but also help understand the critiques of that organization's politics. In addition to this, attempts have been made to locate the private papers of as many individuals involved within these organizations as possible. Of particular use are the files of Sylvia Scaffardi, the partner of the NCCL's founder Ronald Kidd and former Assistant Secretary of the organization. This material includes oral interviews conducted between Barry Cox and various individuals associated with the NCCL from the 1930s until the late 1960s. These were compiled in preparation of his 1972 work *Civil Liberties in Britain*.

In addition, the research for the thesis has sought to uncover material detailing with responses to the NCCL. For the early chapters, extensive use has been made of the detailed collections of the Metropolitan Police, Special Branch and some Secret Service material that

was compiled when such institutions investigated the NCCL and individuals associated with the group. This material is useful for gauging the authorities' reactions and perceptions of the organization, and it also helps balance out some of the more subjective interpretations of the NCCL's work. At times, these accounts present polarized descriptions of the organization's work and the state of civil liberties. The authorities were keen to stress the NCCL's links to the Communist Party of Great Britain (CPGB), whilst the NCCL sought to affirm its non-party political status. In addition to the reactions of state institutions, the work has examined the responses of other institutions such as the Labour Party and the Trades Union Congress (TUC). This material allows consideration of the NCCL from the outside, to supplement the internal accounts produced within its own archives.

More problematic has been locating material for non-leftist civil liberties organizations. These groups have been less willing to deposit their archives. Material relating to the early years of the SFIF can be found in the papers of its founder Sir Ernest Benn. These include pamphlets, circulars and, most usefully, his diaries which provide a valuable corollary to the organizational output. These demonstrate the social circles that Benn, and those involved with his group, moved in, and give some commentary on the internal politics of the organization. The SFIF and the NAFF were contacted, but have been unable to provide archival material, details of the People's League for Freedom is not available to researchers. Indeed, it seems that organizations of the left have been more willing to deposit archival information. This may explain the lack of coverage given to similar non-left movements within the literature on twentieth century activism. However, this does not mean that their activities are impossible to consider. Complete sets of their newsletters are available within the British Library Newspapers Collection, and an interview has been carried out with John Gouriet, the first Director of the NAFF, to help establish a fuller depiction of his

organizations' activities. In addition, the records of the Conservative Central Office have been used to understand the reaction of formal party politics to these mobilizations.

Thesis Outline

This thesis begins with the formation of the National Council for Civil Liberties in 1934. Chapter One argues that the politics of civil liberties during the 1930s has to be understood in relation to efforts to establish forms of popular front political mobilization and efforts to find areas of 'agreement' between socialists and liberals. It examines the work of four mobilizations that framed their activities in relation to civil liberties. These are: the NCCL, For Intellectual Liberty, the Federation of Progressive Societies and Individuals and the Hundred Thousand Movement. Civil liberties were very important in an era that saw the rise of totalitarianism within Europe, the increased activities of political extremism within Britain, and concerns about the authoritarianism of the police and National Government. The reflects the importance attached to civil liberties as a clear meeting point of liberal and socialist ideologies.

However, attempting to articulate this 'agreement' proved a very difficult task. Although many of those associated with the NCCL recognized the importance of civil liberties on an ideological basis, issues associated with such a politics took it into highly controversial areas. In tackling subjects like police power, decolonization, the record of the National Government, and in supporting the civil liberties claims of members of the Communist Party, the NCCL increasingly appeared as a body associated with a radical left wing agenda. Initially this discredited the organization to the Metropolitan Police, the Home Office and the National Government. By the end of the decade, the Labour Party and parts of the trade union movement were also refusing to co-operate with the NCCL.

Chapter Two discusses the activities of British organizations hoping to move this popular front style civil liberties activism into a broader human rights politics during and immediately after the Second World War. The Atlantic Charter (1941), the Charter of the United Nations (1945), and the UDHR (1948), all appeared as important documents in asserting the place of human rights at the centre of the global political agenda. In response, a number of British organizations attempted to mobilize a form of transnational human rights politics. It will be argued that a well-developed conceptualization of political, social and economic rights emerged from the British left during the 1940s. However, the organizations were unable to express this clearly and mobilize accordingly. This reflected the collapse of the popular front alliances forged in the 1930s and the difficulties in articulating political positions distinct from the ideological polarization that emerged with the onset of the Cold War.

That these groups had trouble translating their concerns for civil liberties into a language of human rights was a result of two factors. Firstly, the NCCL appeared to be an organization promoting a pro-Soviet line on many issues. Such perceptions compromised its authority and capacity as a credible actor on civil liberties issues. Secondly, a tension between the new global understanding of rights and a national tradition emerged. Universalism appeared out of context with narratives locating the emergence of rights through British Constitutional developments, or radical national discourses associated with the politics of the 'freeborn Englishman'. In both cases, it was the nation state and not a sense of global solidarity that provided a crucial framework for ideas about rights.

Rather than seeing the inclusion of human rights within the post-war settlement as crucial moment for the expansion of civil liberties into a broader human rights politics, Chapter Three demonstrates that the 1960s, and the social changes of that period, were crucial in such a transition. The 1960s were an important time for the NCCL. It managed to

move itself away from its identification as a pro-Soviet body. This followed a generation shift in the organization's membership and leadership, alongside the recruitment of highly informed, professional, paid staff and the recruitment of numerous expert volunteers. Although it remained an organization with links to left wing politics, such expertise helped it establish a more independent reputation than it had from the 1940s.

This renewal contributed to an increased interest in issues associated with the emergence of new social movement politics. Through the 1960s, the NCCL's agenda expanded to include a wide range of political and social objectives through using a language of both civil liberties and human rights. It demonstrates that many issues identified as distinctive to new social movement models of politics were equally likely to be located within older, more formal bodies. Organizations like the NCCL provided a platform for 'progressive professionals' to pursue a radical politics in a practical fashion. The period saw an increased development of similar organizations able to draw on both old and new politics to support a wide range of progressive issues. These organizations sought to engage with manifestations of the counter cultural politics of the age alongside more mainstream and institutional politics. This presents the 1960s not as a distinct decade of revolution, but as a period in which politics changed through drawing on the old and the new, driven by both the expert and the 'do-it-yourself' activist.

Chapter Four considers the non-leftist organizations promoting a politics of civil liberties. Unlike those on the left, a key component of the conceptualization of liberty advocated by such groups was the importance of economic freedom. It is argued that these organizations provided forums for anti-state capitalist activity stretching from the era of Herbert Spencer, through the time of the Austrian economists, and into the Thatcher years. Although the tone of the arguments shifted over time, such organizations shared a sense of economic liberty and an opposition to socialism throughout the twentieth century.

In part, this account of these organizations complicates understandings about the nature of new social movements, and rights-based activism. At times, these groups appeared to act like social movements. They had a highly activist model of engagement, established informal networks of likeminded organizations and individuals, and these organizations were often understood in relation to middle class interests. By the 1970s, the NAFF attempted to present itself as a profoundly moral movement that transcended materialism, left-right distinctions, and class politics. It also insisted that it be seen as part of a worldwide human rights movement. The argument here is not that these organizations were new social movements. Rather, it seeks to demonstrate how forms of mobilizations and issues associated with new social movements, such as human rights and libertarianism, were within the repertoire of groups that were very different from those discussed by new social movement theorists.

Chapter Five, returns to the NCCL and examines its work in the 1970s. Through this decade, it continued to attract a similar support base to that which helped it renew itself in the 1960s. Additionally, the organization further improved its relationship with those advocating new social movement agendas and those involved in new left politics. The sense of crisis that abounded during the 1970s meant that the NCCL's long standing interests appeared more in keeping with those with radical sensibilities advocating the protecting and expansion of rights and liberties. Through the 1970s, the NCCL became a more radically engaged umbrella organization attempting to reflect such concerns. The reactions against the permissive society of the 1960s, that were characteristic of the 1970s, meant that the NCCL appeared to represent ideas and groups that were outside of the interests of the mainstream once again.

The decade also saw a proliferation of organizations and movements asserting the politics of rights to promote numerous agendas relating to the conditions of various groups. As with the popular front activists during the 1930s, members of the new left saw rights as a

potential force for uniting various strands of the left.⁹⁸ However, as with the 1930s, such a unified politics was never quite established. Rights in the 1970s were linked to fragmentary groups and this made it difficult to turn the proliferation of activists interested in rights for specific groups, into a broader inclusive human rights movement.

This historical narrative leaves the story of civil liberties at a crucial point of left wing renewal. In common with the experience of civil liberties and human rights organizations within Canada and America, civil rights movement models of activism peaked in the 1970s. In the following decade, it became apparent that the NCCL needed to refocus its activities. At this stage, it was overtaken as a broad left-liberal movement by the constitutional reform movement of Charter 88. Furthermore, divisions amongst membership over the correct response to the miner's strikes of 1984 and 1985, difficulties articulating a clear stand on the freedom of speech of the National Front, the election victories of Margaret Thatcher, and her administration's attacks on civil liberties, meant the NCCL reprioritized. Like so many organizations from the 1980s, further professionalism, use of the media and technical excellence were required as an independent NGO role was confirmed. This is hardly surprising, the NCCL's longevity owed much to its commitment to detailed research, professional expertise and specialist knowledge. In the 1980s, this movement symbolised a retreat from the more radical politics with which it had been identified during the previous decade.

There is a politics to civil liberties, although it is not necessarily reformist, radical, conservative, liberal or even ideologically consistent. The range of issues potentially incorporated under the heading of human rights and civil liberties has meant that consistent agreement over such a politics is unlikely. Rhetorically then, human rights may have triumphed on the global stage, but what this means remains open to debate. As Samuel Moyn

⁹⁸ S. Hall & D. Held, 'Left and Rights', *Marxism Today*, June 1989, pp. 16-23.

has recently suggested what may matter more than human rights are its partisan interpretations and applications.⁹⁹ The history of the organizations considered within this thesis shows the importance of these interpretations in the work of those struggling to define civil liberties to create a meaningful politics.

⁹⁹ S. Moyn, 'Human Rights and History', *The Nation* 11 August 2010, p.7.

Chapter One

Decent Citizens and Useful Innocents?

The National Council for Civil Liberties, the Left and Civil Liberties in the 1930s

The difficulty with the Council of Civil Liberties is it includes two different kinds of people (a) communists and agitators who want to cause trouble (b) decent citizens of a literary or religious mind who want to be sure that the forces of law and order do not lord it over unpopular or fallen minorities. [Home Office Minutes, 7 December 1935]¹

Another fellow travelling organization which has drawn a number of useful innocents such as E.M. Forster into its toils. [C. Illingworth, Reports of the Information Policy Department, 1949]²

These assessments written by civil servants in 1935 and 1949 demonstrate the problem the Home Office faced in describing the membership of the National Council for Civil Liberties (NCCL). From the NCCL's formation, the Home Office and Special Branch decided that the organization was a piece of communist machinery. However, the presence of a set of 'decent citizens of a literary or religious mind' within its membership presented difficulties for the authorities in determining an appropriate response to the NCCL's activities.³ For Sir Philip Game, the Commissioner of the Metropolitan Police, this problem would be solved in time. In 1935, he advised John Simon, the Home Secretary, 'I am inclined to think that as class (b)

¹ Home Office minutes, 7 December 1935, Report on Activities of the National Council for Civil Liberties, 28 May 1935, Disturbances: The National Council for Civil Liberties, Kew, The National Archives [Hereafter NA], Home Office Papers [Hereafter HO], HO 45/25462.

² C. Illingworth Minutes, 31 January 1949, Records of the Information Policy Department, Report on National Council for Civil Liberties, 30 September 1948, NA, Foreign Office Papers [Hereafter FO] FO 1110/145.

³ Home Office Minutes on Report on activities of the National Council for Civil Liberties, 28 May 1935, Disturbances: The National Council for Civil Liberties, NA, HO 45/25462.

gets to know class (a), it will tend to withdraw its support, and the activities of the Council will become less troublesome'.⁴

In place of the crude dichotomy between 'communist agitators' and 'decent citizens' proposed by Special Branch, this chapter argues that a more complicated analysis is required. This reflects the fluctuating nature of political identification that existed throughout the 1930s. Discussions of the NCCL through this period have often reinforced the division proposed by the authorities. To those studying the Communist Party, or those preoccupied with the authorities' approach to civil liberties, the NCCL often appeared to conform, either generally or entirely, to the Communist Party of Great Britain (CPGB) line.⁵ In contrast, those who have conducted detailed archival investigations of the NCCL have concluded that 'those wishing to discover hard evidence of manipulation by, or consultation with, the CPGB over NCCL policy will not find it within the surviving NCCL archives'.⁶ Most recently, Janet Clarke's discussion of the origins of the NCCL concludes by remarking that the group was not subject to control by CPGB leaders.⁷

In fact, the politics of civil liberties had a far broader relevance throughout the 1930s. Michael Freedon has persuasively demonstrated that a concern for civil liberties was the most obvious shared ground between socialist and liberal ideologies in the early twentieth century. As such, it provided a clear and unifying theme for adherents of such ideologies.⁸ Within this intellectual context, civil liberties activism was one of a number of projects aiming to find a

⁴ Sir Philip Game Comments, 18 December 1935, on Report on Activities of the National Council for Civil Liberties, 28 May 1935, Disturbances: The National Council for Civil Liberties, NA, HO 45/25462.

⁵ H. Pelling, *The British Communist Party: A Historical Profile* (2nd Edition: London: Adam & Charles Black, 1975), p. 116; J. Jupp, *The Radical Left in Britain* (London: Frank Cross, 1982), p. 144; K. Morgan, *Against Fascism and War: Ruptures and Continuities in British Communist Policies, 1935-1941* (Manchester: MUP, 1989); R. Thurlow, *The Secret State: British Internal Security in the Twentieth Century* (Blackwell, Oxford, 1994); R. Thurlow, 'The Evolution of a Mythical Fifth Column', *Twentieth Century British History*, 10:4 (1999), pp. 471-498.

⁶ B. Dyson, *Liberty in Britain 1934-94: A Diamond Jubilee History of the National Council for Civil Liberties* (London: Civil Liberties Trust, 1994), p. 64.

⁷ J. Clarke, 'Sincere and Reasonable Men', *Twentieth Century British History*, 20:4 (2009), p. 534.

⁸ M. Freedon, *Liberalism Divided: A Study in British Political Thought, 1914-39* (Oxford: Clarendon, 1986), p. 294, 326.

form of ‘agreement’ between liberal and left wing views through the inter-war period.⁹ In part, this reflected specific shifts in the CPGB policy through the 1930s as it altered from a line of ‘class against class’ towards a ‘united front’ politics. Through such a shift, the CPGB aimed to fuse all strands of the left into a ‘popular front’ against the threat of fascism.¹⁰ This centred on a rejection of orthodox socialism in order to attract the middle class into an anti-fascist union.¹¹ However, understanding the popular front in this model leads to a tendency to underplay the agency of those from the non-Communist left. Such an analysis has presented the NCCL as a body that was generally a vehicle for the programme of the CPGB.¹² As a consequence this helped spread the notion that the liberal and non-communist elements within such organizations were either ‘naïve’ or, as Special Branch considered them, a set of duped ‘innocents’ lacking awareness of political reality.¹³

Discussions of civil liberties in the 1930s have generally focused on the activities of the British Union of Fascists (BUF) and the CPGB.¹⁴ Whilst such works provide much valuable information, they demonstrate a politics of civil liberties that was predominately located in the political extremes. This in itself is not surprising. Those holding views contesting the existing political system are the groups most likely to test the boundaries and

⁹ For the classic description of this see A. Marwick, ‘Middle Opinion in the Thirties: Planning, Progress and Political ‘Agreement’’, *English Historical Review*, 79: 331 (1964), pp. 285-299.

¹⁰ For Communist Party, the United Front and the Popular Front see M. Worley, *Class Against Class: The Communist Party in Britain between the Wars* (London: I.B. Tauris, 2002), for United Front and Popular Front see D. Blaazer, *The Popular Front and the Progressive Tradition: Socialists, Liberals and the Quest for Unity* (Cambridge: CUP, 1992), pp. 2-3; Morgan, *Against Fascism and War*, p. 39, for work moving this politics beyond the Communist Party see M. Pugh, ‘The Liberal Party and the Popular Front’, *English Historical Review*, 121:494 (2006), pp. 1327-1350, whilst L. Mates, *The Spanish Civil and the British Left: Political Activism and the Popular Front* (London: I.B. Tauris, 2007) demonstrates the inadequacy of the Communist Party’s strategy in campaigning for the Spanish Popular Front.

¹¹ See R. Kuisel, *Capitalism and the State in Modern France* (Cambridge: CUP, 1981), pp. 108-125; J. Jackson, *The Popular Front in France: Defending Democracy* (Cambridge: CUP, 1988); D. Ritschel, *The Politics of Planning* (Oxford: Clarendon, 1997), pp. 280-290.

¹² Blaazer, *The Popular Front and the Progressive Tradition*, p. 4

¹³ See H. McCarthy, ‘Parties, Voluntary Associations, and Democratic Politics in interwar Britain’, *Historical Journal*, 50:4 (2007), p. 911. As noted by McCarthy this theme emerged in a number of works including D. Birn, *The League of Nations Union, 1918-1945* (Oxford: Clarendon, 1981); M. Ceadel, *Semi-Detached Idealists: the British Peace Movement and International Relations, 1854-1945* (Oxford: OUP, 2000); H. Jones, *Women in British Public Life, 1914-1959, gender, power and social policy* (Harlow: Longman, 2000).

¹⁴ See G. Anderson, *Fascists, Communists, and the National Government: Civil Liberties in Great Britain 1931-1937* (Columbia: University of Missouri Press, 1983); K. Ewing & C. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain 1914-45* (Oxford: OUP, 2000).

definitions of civil liberties within that system.¹⁵ However, rather than focus on the more extreme mobilizations, this chapter argues that the NCCL provided a location for a milieu of leftist and liberal organizations, intellectuals and individuals interested in protection civil liberties. Clarke is correct to point out that the NCCL was not a slavish body that was largely subservient to the Communist line. Her suggestion that the NCCL's actions relate to an emerging culture of non-party networks offering political pressure is important.¹⁶ However, this work differs in aiming to stress that the NCCL also reflected a culture attempting to form modes of popular front politics. As shall be explained, perceiving the organization in such a manner does not mean that it can be dismissed as a communist organization. Nevertheless, for all the NCCL's mainstream language and aspirations it acted much more in keeping with such popular front forms of activism that the voluntary associations and mainstream women's organizations that Clarke cites as part of a non-party culture that was developing during the 1930s.¹⁷ That aside, this chapter's conceptualization of the NCCL through the 1930s perceives it in a similar manner to Clarke. She provides a useful description of the motivations of Ronald Kidd, the driving force and inspiration for the organization, and the chance encounter that contributed to the organization's formation.

David Blaazer has demonstrated that a progressive political space opened following the collapse of the Progressive Movement in 1931.¹⁸ This movement had attempted to find strands of agreement between Liberal and Labour thought, and aimed to facilitate a liberal acceptance of socialist politics.¹⁹ The collapse of this movement, and its lack of an effective parliamentary body, meant that those attempting to articulate the shared components of

¹⁵ Ewing & Gearty, *The Struggle for Civil Liberties*, p. 418.

¹⁶ Clarke, 'Sincere and Reasonable Men', p. 516.

¹⁷ *Ibid.*, p. 514.

¹⁸ Blaazer, *The Popular Front and the Progressive Tradition*, pp. 15-21.

¹⁹ See P. F. Clarke, 'The Progressive Movement in England', *Transactions of the Royal Historical Society*, Fifth Series, 24 (1974), p. 161, 181, M. Petter, 'The Progressive Alliance', *History*, 58 (1973), pp. 45-59.

liberalism and socialism were searching for alternative channels of influence.²⁰ Various forms of activism within the 1930s attempted to promote this progressive tradition. Organizations interested in civil liberties hoped to occupy such a space by forming a coherent politics between a progressive tradition, and one centred on more radical assumptions.

Civil liberties groups such as the NCCL attempted to operate in keeping with efforts to form a politics of ‘agreement’ through the 1930s. As demonstrated by Arthur Marwick, a collection of ‘centrist groups’ including the Next Five Years Group, Political and Economic Planning (PEP), the National Labour Committee, Lloyd George’s Council of Action as well as the National Peace Council and the League of Nations Union aimed to represent this sort of politics.²¹ A concern for the respect and protection of civil liberties existed within the politics of planning as organizations sought to determine the best method for achieving maximum economic output whilst maintaining and securing personal and political freedoms. The Next Five Years Group’s issuing of a programme concerned with a ‘wave of political intolerance’ in 1934 (the same year the NCCL was formed), stressed that attempts to tackle economic problems should not lead to an abandonment of civil liberties.²² However, a group like PEP sought to secure individual liberties in a different manner to the NCCL. The former worked to demonstrate that the solution was the reorganising of economic and social institutions, whilst the latter insisted on the vigorous protection and scrutiny of existing liberties through focussing on state institutions, political and legal systems.²³

This chapter will firstly show that the NCCL’s leadership was not dominated by communists. Rather, it was driven by a genuine attempt to forge an organization founded on the shared liberal and socialist commitment to civil liberties. In attempting to occupy such a

²⁰ J. Campbell, ‘The Renewal of Liberty: Liberalism without Liberals’ in G. Peele & C. Cook (eds), *The Politics of Reappraisal* (London: Macmillan, 1975), pp. 83-113.

²¹ Marwick, ‘Middle Opinion in the Thirties’, pp. 285-299.

²² *The Next Five Years: An Essay in Political Agreement* (London: Macmillan, 1935), p. 3.

²³ K. Lindsay, ‘PEP through the 1930s: Organization, Structure, People’ in J. Pinder (ed.), *Fifty Years of Political & Economic Planning: Looking Forward, 1931-1981* (London: Heinmann, 1981), p. 9.

position, the NCCL included some communists and communist sympathisers. However, the non-communist elements were politically aware enough to pursue issues that promoted agreement. Secondly, it will demonstrate that such ideological agreement existed within a range of alternative civil liberties groups forming within the 1930s. Thirdly, it will explain how these organizations established progressive networks inclusive of a set of left-liberal individuals. Such groups mirrored the efforts to find forms of political 'agreement'. Fourthly, it will demonstrate that in attempting to articulate such ideological agreement and creating overlapping political networks, these organizations were part of attempts to forge forms of popular front politics.

However, there were profound difficulties in the NCCL's efforts to establish itself as a body that was representative of a broad left liberal alliance. For all the shared ideological ground, the themes and methods of popular front mobilization contrasted with efforts attempting to find 'agreement'. Furthermore, whilst inter-war organizations appeared to be manifestations of a movement away from the party, the politics of civil liberties was never quite able to overcome party political and ideological conflict.²⁴ As with many of the efforts associated with attempts to forge wide popular front movements, subjects that appeared to provide unifying points intellectually failed to overcome the pressures of the more political forces that stressed division.²⁵

The NCCL's practical approach to civil liberties meant aligning with those from the extreme sides of politics. This came through defending communists in court and protecting left wing meetings. Such activities meant it was an easy target for accusations of political bias. Ultimately, it became increasingly difficult for the NCCL to operate in a space free from

²⁴ See M. Freedon, 'The Stranger at the Feast: Ideology and Public Policy in Twentieth Century Britain', *Twentieth Century British History*, 1: 1 (1990), p. 30, G. Searle, *Country Before Party: Coalition and the Idea of National Government in Modern Britain, 1885-1987* (London: Longman, 1995), pp. 181-187.

²⁵ See L. Mates, 'A 'Most Fruitful Period'? The Northeast District Communist Party and the Popular Front Period, 1935-39', *North East History*, 36 (2004), pp. 54-98.

partisan or sectarian conflict like other non-party associational groups.²⁶ For all its emphasis on its non-party character, and the broad support for civil liberties through the 1930s, the NCCL, like Stafford Cripps' Socialist League, or the Left Book Club found itself on the side of 'disagreement'.²⁷ This position brought benefits; it allowed the group to liaise and engage with the sections of society whose liberties appeared most endangered. However, this also isolated it from the authorities it aimed to critique. By the Second World War, it had lost support in many of the locations and with many of the organizations and institutions with which it wished to work.

The NCCL's Leadership and Communist Control

The NCCL was built around its founder and Secretary Ronald Kidd. He was a freelance journalist, sometime actor and theatrical manager, who had been running a small bookshop publishing left wing and radical material during the early 1930s.²⁸ His work in the NCCL was undertaken in the companionship of his partner Sylvia Crowther-Smith (later Scaffardi), who acted at times as the organization's Assistant Secretary and Treasurer. Descriptions of Kidd and his political leanings vary. Those within the NCCL saw him as a radical individual with no formal party connections. Kidd considered himself a well-known figure within the 'progressive movement'.²⁹ Kingsley Martin, the *New Statesman and Society* editor, who worked with the NCCL through the 1930s, suggested that Kidd was a genuine liberal who appeared unable to understand 'left wingism and right wingism and fascist and Marxist and

²⁶ McCarthy, 'Parties, Voluntary Associations, and Democratic Politics in Interwar Britain', p. 892.

²⁷ Marwick, 'Middle Opinion in the Thirties', p. 297; See also W. Frame, 'Sir Stafford Cripps and His Friends': The Socialist League, the National Government and The Reform of the House of Lords 1931-1935, *Parliamentary History*, 24: 3 (2005), pp. 316-331; S. Samuels, 'The Left Book Club', *Journal of Contemporary History*, 1: 2 (1966), pp. 65; P. Seyd, 'Factionalism within the Labour Party: The Socialist League 1932-1937' in A. Briggs & J. Saville (eds), *Essays in Labour History* (London: Croom Helm, 1977), pp. 204-231.

²⁸ See Dyson, *Liberty in Britain*, pp. 2-3.

²⁹ Ronald Kidd, Memo on the Presidency of the National Council for Civil Liberties, 12 December 1941, Hull History Centre, University of Hull Archives, Scaffardi Papers [hereafter U DSF], U DSF 3/3.

one thing and another'.³⁰ Neil Lawson, a solicitor associated with the NCCL, thought of Kidd an anarchist and individualist.³¹ Regardless of how Kidd's politics were conceptualised, he was crucial to its activities throughout the 1930s. Indeed, the philosopher George Catlin, who was present at the NCCL's foundation in 1934, suggested that the organization was Kidd's 'chariot' and 'he was going to be in the driving seat'.³²

The Security Services painted a very different picture of Kidd. Special Branch closely monitored the NCCL's activities. They kept records of meetings and events attended by members and intercepted NCCL letters.³³ From June 1936, Samuel Hoare, the Home Secretary, asked Special Branch to make verbatim reports on all of Kidd's speeches attacking the Government.³⁴ Lord Trenchard, the Metropolitan Police Commissioner, concluded that 'Ronald Kidd is not a man upon whom any reliance can be placed as he is evidently out for one side of the case only.'³⁵ A chief inspector reported Kidd to be an 'impossible man' who endeavoured 'to create the impression he is acting in a public spirited manner', but that he was 'affected by political bias and an obvious dislike for the Police'.³⁶ The authorities sought to examine Kidd's political leanings. Special Branch accused him of being 'on terms of intimacy with the CPGB's intelligentsia'. Reports alleged Kidd's membership of the West Central London Branch of the Friends of the Soviet Union as evidence of such an alignment.

³⁰ B. Cox interview with K. Martin, U DSF 4/2.

³¹ N. Lawson to B. Cox, undated, U DSF 4/4.

³² G. Catlin to B. Cox, undated, U DSF 4/2.

³³ See, Disturbances: National Council for Civil Liberties, HO 45/25462-4, Also MI5 intercepted communications, See Communist Action in Government factories 28 October 1938, Wilfred Vernon, Communists and suspected communists, Records of the Secret Service, NA, Secret Service Files [Hereafter KV], KV 2/994.

³⁴ Home Office Minutes, 29 June 1936, HO 45/25463: The police pointed out that whilst this would be done where possible, that much of Kidd's speeches took place in circumstances which made note taking impossible so they would have to rely upon the memory of an individual officer or the notes of informants.

³⁵ Note by Lord Trenchard, 1 November 1935, NA, Metropolitan Police Papers [Hereafter MEPO], Activities of Ronald Kidd, Secretary of the National Council for Civil Liberties, MEPO 3/553.

³⁶ Report: Meetings and Processions, 19 December 1933, MEPO 3/553.

These accounts stated that the communist leadership would not let Kidd join the Party, as he was more useful outside of it.³⁷

Initially, the authorities based the links between the CPGB and Kidd on an unsigned letter from Kidd to Alun Thomas, the Secretary of International Labour Defence; an organization established to protect the interests of working class communist activists.³⁸ Within this letter, Kidd commented that he would not take action opposed to the International Labour Defence. He also wrote that the NCCL would act as ‘a propagandist body of intellectuals to fight against official Fascist or semi-Fascist abuses’, and would ‘keep to the correct party line’, adding that the ‘the comparatively limited scoop [sic] of our work would not give much chance to the “liberals” for deviation’.³⁹

Of even greater concern to Special Branch, were the actions of a ‘secret Communist legal panel’ that apparently circulated around the NCCL. Supposedly, this group attempted to act in the manner the Haldane Society of Socialist Lawyers did for the Labour Party.⁴⁰ Reflecting Special Branch’s inability to differentiate between strands of the left, the lawyers associated with the NCCL were those that also worked for the Haldane Society.⁴¹ In April 1933, the *Daily Worker* had reported the formation of a legal defence committee to provide free legal aid and assistance to those prosecuted for ‘working class activities’.⁴² This consisted of members of the legal profession who remained anonymous as legal rules forbade unpaid work.⁴³ According to Special Branch, the NCCL absorbed this group. Apparently, it included the Labour MP and barrister, D.N. Pritt, the solicitor W.H. Thompson, and the barristers Neil Lawson and Dudley Collard. Special Branch alleged that the CPGB realised

³⁷ Special Branch Report, 12 November 1935, HO 45/25462.

³⁸ ‘Build a powerful National Defence Organization’, *Daily Worker*, 24 May 1933, p. 6.

³⁹ R. Kidd to The Secretary, International Labour Defence, 19 February 1934, HO 45/25462

⁴⁰ Special Branch Report, Summary No. 2, Ronald Hubert Kidd, 12 November 1935, Disturbances: The National Council for Civil Liberties, HO 45/25462; For the Haldane Society see N. Blake & H Rajak, *Wigs and Worker: A History of the Haldane Society of Socialist Lawyers, 1930-1980* (London: Haldane Society, 1980).

⁴¹ Blake & Rakak, *Wigs and Workers*, pp. 8-9.

⁴² ‘To Defend Class War Fighting’, *Daily Worker*, 3 April 1933, p. 6.

⁴³ ‘Legal Defence Committee’, *Daily Worker*, 5 June 1933, p. 4.

that these individuals were more effective within a non-party and non-denominational organization.⁴⁴ Members of this group were subject to various levels of surveillance. Discussions between the NCCL Chairman W.H. Thompson and the Communist leader Harry Pollitt were collected. These exposed little in the way of controversial material, as they largely discussed costs relating to the legal defence of various CPGB and trade union members.⁴⁵ These NCCL members were treated with great suspicion during the Second World War. Concerned about the potential for sedition, officials wished to demobilise Collard from the armed forces and monitored his actions whilst he was on leave. According to Pritt, the armed forces moved Geoffrey Bing, another barrister associated with the NCCL and the Haldane Society, to the 'distant realms of war' for being a 'premature anti-fascist'.⁴⁶

Whilst these lawyers circulated around the NCCL, they were not as important as Kidd and Crowther-Smith in directing the organization's policies. Jonathan Platts-Mills, the radical QC and later Labour MP, wrote that a group of lawyers from the Haldane Society met before NCCL meetings to discuss agendas, but this did not usurp the organization's Executive.⁴⁷ According to Platts-Mills, W.H. Thompson halted these meeting, angrily commenting 'we have notable figures from the broad liberal world such as Henry Nevinson and E. M. Forster. We parade than [sic] as a fairly representative movement, and yet here you are going about in secret and rigging things behind their backs'.⁴⁸

For all of this, there remains no evidence that the NCCL leadership slavishly followed a communist line. Indeed, the records of Special Branch display inconsistencies towards the

⁴⁴ Special Branch Report, Summary No. 2, Ronald Hubert Kidd, 12 November 1935, Disturbances: The National Council for Civil Liberties, NA, HO 45/25462.

⁴⁵ W.H. Thompson to Harry Pollitt, 12 October 1933, William Henry Thompson, Communists and suspected communists, Records of the Secret Service, NA, KV 2/1378.

⁴⁶ Minutes, 1 October 1941, Dudley Collard, Communists and suspected communists, Records of the Secret Service, KV 2/2159; Minutes, 6 July 1943, Dudley Collard, Communists and suspected communists, Records of the Secret Service, KV 2/2159; Dudley Collard, Communist and suspected communists, Records of the Secret Service, Memo, 15 October 1941, NA, KV 2/2160; D. N. Pritt, *The Autobiography of DN Pritt: Part one from right to left* (London: Lawrence & Wishart, 1965), pp. 159-60.

⁴⁷ J. Platts-Mills, *Muck, Silk and Socialism: Recollections of a Left-Wing Queen's Council* (Wedmore: Paper Publishing, 2001), p. 92.

⁴⁸ *Ibid.*, p. 92.

NCCL. By August 1938, it had decided that Kidd was no longer a threat. This came solely from the legal group.⁴⁹ By the end of the decade, it considered Kidd to be acting against a ‘communist faction in the NCCL’.⁵⁰ The authorities’ descriptions of the NCCL are therefore highly problematic. First, they chose not to focus attention on the ‘decent citizens’ and mainly paid attention to the NCCL members from the extreme left. Second, both the Commissioner of the Metropolitan Police and the Commander of Special Branch viewed anti-fascism as synonymous with communism.⁵¹ In the climate of the 1930s, this created difficulties in differentiating between the many subtle nuances of left-wing politics. Indeed, Kingsley Martin claimed to have told a friend in MI5 not to confuse communist organizations with the popular front ones such as the NCCL.⁵²

NCCL members rejected accusations of communist control. Pritt accepted that there were communist members but that in the main it was ‘left of centre rather than extreme’.⁵³ Most of those involved, including Kidd, Crowther-Smith, and Lawson (who would go on to be a Law Commissioner in Northern Ireland) swore that they were not communists.⁵⁴ F. W. Adams, an NCCL member from the 1930s and later Chairman, stated that the ‘political complexion of the Council has always been largely left wing, but individual political opinion was never discussed’.⁵⁵ Kidd stressed to those setting up NCCL branches that the exclusion of communists was unacceptable. However, he also made clear that ‘they [communists] must on no account be allowed to dictate or attempt to dominate the Committee’.⁵⁶

⁴⁹ Special Branch Report, 24 August 1938, HO 45/25464.

⁵⁰ Special Branch Report, 24 September 1940, HO 45/25465.

⁵¹ G. Macklin, ‘Fascism, Anti-Fascism and the Police’ in N. Copsey & D. Renton, *British Fascism, the Labour Movement and the State* (Basingstoke: Palgrave Macmillan, 2005), pp. 52-54.

⁵² Cox interview with Martin, U DSF 4/1.

⁵³ B. Cox interview with D. N. Pritt, U DSF 4/1.

⁵⁴ R. Kidd to R. Chorley, 30 May 1941, U DSF 2/8, See Notes by N. Lawson, U DSF 4/1, S. Scaffardi, *Fire Under The Carpet: Working for Civil Liberties in the 1930s* (London: Lawrence & Wishart, 1986), pp. 110-112.

⁵⁵ B. Cox interview with F.W. Adams, DSF 4/2.

⁵⁶ R. Kidd to J.R. White, 2 April 1935, Hull History Centre, University of Hull Papers, Liberty Archive [Hereafter U DCL] DCL 11/1.

The NCCL was willing to accommodate communists such as Alun Thomas from the International Labour Defence and the *Daily Worker* journalist Claud Cockburn, and featured CPGB leaders as speakers on its platforms. Such alliances did cause some unease. The writer E.M. Forster, who was the NCCL's President at various stages until 1948, expressed doubts as to whether he 'could work with the likes of Cockburn'.⁵⁷ When E.M. Forster was invited to become Vice-President of a NCCL branch in Cambridge, he checked with Kidd that the group had not been 'nobbled by communists'. Although willing to work with communists when their interests aligned, Forster would only do so when aware of individuals' political identifications. Kidd wrote back claiming he supported this position, writing that he was happy to work with communists if they sincerely supported the aims and constitution of the NCCL.⁵⁸

This suggests that NCCL members were not naïve innocents misled by communist conspirators. Individuals such as Kidd, Forster, Kingsley Martin, Harold Laski, and Dingle Foot, were willing to remain in the NCCL as long as it followed the aims of protecting freedom of speech, assembly, and propaganda outlined within its constitution. Whilst the NCCL did accuse the National Government of being a manifestation of a form of 'Tory fascism', this was a position held by many from across the left through the 1930s. At times, the NCCL was willing to resist communist policy. Kidd clearly opposed the policy of the *Daily Worker* at the start of the war.⁵⁹ The NCCL's position on the Public Order Act 1936 differed from that of the CPGB. Whilst the latter criticised the whole ethos of the act, the NCCL only challenged the sections of it referring to the use of political uniforms. This position was more acceptable to the leadership of the Labour Party rather than the CPBG.⁶⁰ As Tony Kushner states, that NCCL took up the issue of anti-semitism during the Second

⁵⁷ E.M. Forster to R. Kidd, 2 May 1941, U DCL 62/5.

⁵⁸ E.M. Forster to R. Kidd, 2 May 1941, U DCL 62/5, R. Kidd to E.M. Forster, 8 May 1941, U DCL 62/5.

⁵⁹ R. Kidd, The Suppression of the Daily Worker, undated note, U DCL 32/2.

⁶⁰ Report on Delegate Conference on Public Order Bill, 5 December 1936, U DCL 1/2, Deputation on the Public Order Bill 1936, U DCL 1/2.

World War prior to the CPGB.⁶¹ With this in mind, the depiction of NCCL members as naïve innocents is difficult to take seriously. Often its members were highly politically aware individuals seeking to establish an appropriate level of co-operation over shared concerns.

Alternative Civil Liberties Organizations

The NCCL was not alone in attempting to mobilize around civil liberties within the 1930s. Another similar organization was For Intellectual Liberty, a collection of intellectuals, academics and literary figures that started meeting in 1935. The French Popular Front Comité de Vigilance des Intellectuels Anti-Fascistes was the group's model.⁶² Following this, For Intellectual Liberty aimed to make use of its intellectual capital to influence opinion across a whole range of issues. These included criticising the National Government's positions in relation to the Spanish Civil War and the invasion of Abyssinia.⁶³ For Intellectual Liberty sought to create pressure through writing letters to MPs, political parties, and newspapers.⁶⁴ Whilst this programme extended into a broader politics promoting peace, liberty and culture, civil liberties emerged as a vital component of its agenda.⁶⁵

From its foundation, For Intellectual Liberty had strong links with the NCCL. Ronald Kidd attended many meetings and urged all those involved to join his organization.⁶⁶ In October 1938, they worked together, with the anti-fascist foreign policy pressure group the Union of Democratic Control (UDC), to create a Joint Committee for the Defence of

⁶¹ T. Kushner, *The Persistence of Prejudice: Anti-Semitism in British Society During the Second World War* (Manchester: MUP, 1989), p. 171.

⁶² R. Thornberry, 'Writers Take Sides, Stalinists Take Control: The Second International Congress for the Defence of Culture (Spain 1937)', *The Historian*, 63: 3 (2008), pp. 589-606.

⁶³ A Huxley to M Gardiner, 23 June 1936, Cambridge, Cambridge University Library, Department of University Archives and Manuscripts, For Intellectual Liberty Papers (Hereafter FIL), Add. 9369/B1/2, Minutes of meeting 19 October 1936, Add. 9369/A1/14.

⁶⁴ M. Gardiner, *A Scatter of Memories* (London: Free Association Books, 1988), pp. 8-9, 187-188.

⁶⁵ The first meeting of the collection of individuals was in December 1935, it would be known under that name For Intellectual Liberty at its second meeting in February 1936. See Minutes, 5 December 1935, FIL, Add. 9369/A1/1, Minutes of meeting, 9 February, FIL, Add. 9369/A1/2.

⁶⁶ Minutes, 5 December 1935, FIL, Add. 9369/A1/1, for example a letter from FIL which was published in the *Manchester Guardian*, the *Daily Herald*, and the *News Chronicle* in March 1936 stressed that the Government's proposed rearmament program meant citizens were in danger of losing civil liberties in the accompanying militarisation, See press cuttings, FIL, Add. 9369/A2.

Democracy.⁶⁷ This short-lived body complained of the undemocratic nature of Chamberlain's diplomatic mission to Munich, opposed political interference with films and press, and objected to any suggestion of colonial transfer, as well as expressing a more general concern about democratic rights.⁶⁸

For Intellectual Liberty and the NCCL's politics appeared very similar. Special Branch even erroneously suggested that Kidd and his organizations were the driving force behind For Intellectual Liberty and that without his presence the individuals would not have taken any action.⁶⁹ Although Kidd was involved, this does not appear to be true. For example, the NCCL rejected suggestions that the two bodies should share offices.⁷⁰ However, there was some overlap of members and ideas. Leonard Woolf, the political scientist who established For Intellectual Liberty and was a member of the NCCL's British Overseas Sub-Committee, worried that the two organizations' interests were too close.⁷¹ He complained that the overlapping concerns and memberships would damage the energy and financial state of For Intellectual Liberty, the UDC and the NCCL.⁷² Indeed, it seems that around 200 members belonged to both For Intellectual Liberty and the NCCL.⁷³

⁶⁷ M. Corbett Ashby to R Kidd, 27 October 1938, U DCL 13/2.

⁶⁸ Joint Committee for the Defence of Democracy: Statement of Policy, U DCL 13/2, It seemed to end its activities in June 1939 having not realised the degree of cooperation intended, M. Corbett Ashby to Members of the Joint Council for the Defence of Democracy, 1 June 1939, U DCL 13/2.

⁶⁹ Special Branch Summary, No. 5, 7 September 1936, Disturbances: The National Council for Civil Liberties, HO 45/25463.

⁷⁰ Minutes of Meeting, 26 November 1936, FIL, Add. 9369/A1/17; Minutes of Meeting, 7 January 1937, FIL Add. 9369/A1/20; also see Gardiner, *A Scatter of Memories*, p. 8.

⁷¹ NCCL British Overseas Sub-Committee, Minutes of First Meeting, 14 June 1937, U DCL 276/1.

⁷² Minutes of Meeting 26 November 1936, FIL, Add. 9369/A1/17.

⁷³ Minutes of Meeting, 7 January 1937, FIL, Add. 9369/A1/20.

Table 1.1: Members of For Intellectual Liberty and Association with the NCCL

Name	Profession	Association with the NCCL during the 1930s
Vanessa Bell	Artist	
W.H. Auden	Poet	
J.D. Bernal	Physicist	Vice President
E.M. Forster	Writer	President/Executive Committee
Margery Fry	Prison Reform Campaigner	Vice President
Margaret Gardiner	Secretary, For Intellectual Liberty	
Duncan Grant	Artist	
Phillip Hartog	Academic	
Leonard Hodgson	Theologist	Vice President
Gerald Heard	Writer	
Aldous Huxley	Writer	Vice President
Storm Jameson	Writer	Vice President
Ronald Kidd	NCCL	Secretary
H. Levy	Mathematician	Vice President
Frank Laurence Lucas	Academic	
Rose Macaulay	Writer	Vice President
J.R. Marrack	Writer	
Kingsley Martin	Journalist, Editor	Vice President/ Executive Committee
Henry Moore	Artist	
R.H. Tawney	Historian	Vice President
Herbert Read	Poet	Vice President
C.P. Snow	Physicist	Vice President
John Strachey	Politician/writer	NCCL Member
C.H. Waddington	Scientist	
Leonard Woolf	Political Scientist	Vice President/ Member of Sub-Committees
Virginia Woolf	Writer	
Edgar Young	Diplomat	

Of less concern to Special Branch, but relevant nonetheless, were the activities of the Federation of Progressive Societies and Individuals. This organization sought to exert a critical influence within the Labour movement representing ‘all lines of progressive thought’ in its affiliates and membership.⁷⁴ Founded by the philosopher and former New Party

⁷⁴ R.A. Wilford, ‘The Federation of Progressive Societies and Individuals’, *Journal of Contemporary History*, 11:1 (1976), p. 49; *Plan*, 14 April 1934, p. 1, London, Library of Political and Economic Science, The Progressive League Archive, The Progressive League, 2/1.

Member C.E.M. Joad, the group extolled the virtues of social democratic planning through its journal *Plan*.⁷⁵ The Federation's agenda was broad, incorporating a wide set of social reforms as it embraced the themes of planning and broad political reconstruction.⁷⁶ Encompassed within this agenda was a commitment to the defence of civil liberties. It created a separate Civil Liberties Group to support the NCCL, and encouraged joint membership of both organizations. Briefly, the Federation had a specific Civil Liberties Secretary whose job was to liaise between the two groups.⁷⁷ When Kidd stressed the importance of civil liberties in *Plan*, the editors commented that while they believed in political liberty, they also believed as passionately that economic freedom must be achieved for political liberties to have real meaning.⁷⁸ Although this group's agenda extended into a broader politics promoting peace, liberty and culture, civil liberties were a vital component of such a programme.

Civil liberties were also a feature of the attempts of Basil Liddell Hart, the *Times* military correspondent and military theorist, to create a 'Movement for Freedom' at the end of 1938.⁷⁹ Liddell Hart's Vice-Presidency of the NCCL from 1940 and correspondence with For Intellectual Liberty in 1936 confirmed an interest in civil liberties.⁸⁰ Following lunch with Winston Churchill and an approach from the Conservative MP Duncan Sandys, these individuals set out a programme for a new political movement that argued that greater attention was needed in the field of civil liberties.⁸¹ Having been threatened with prosecution over breaking the Official Secrets Act in June of that year, Sandys took a keen interest in

⁷⁵ Ritschel, *The Politics of Planning*, p. 97.

⁷⁶ *Ibid.*, p. 241.

⁷⁷ Minutes of a meeting of FPSI, 19 January 1937, *The Progressive League* 1/1; Minutes of the Executive Meeting, 26 February 1937, *The Progressive League* 1/1; Minutes of the FPSI Executive meeting 19 November 1937, *The Progressive League* 1/1.

⁷⁸ *Plan*, Vol. 3, No. 1, 1936, *The Progressive League* 2/2; also included in *Disturbances: The National Council for Civil Liberties*, HO 45/2464.

⁷⁹ *A Movement for Freedom – A Record*, London, Archives Centre King's College, Basil Liddell Hart Papers [Hereafter Liddell], Liddell 5/23.

⁸⁰ B. Liddell Hart to R. Kidd, 4 July 1940, Liddell 5/25, M. Gardiner to B. Liddell-Hart, 19 June 1936, Liddell 5/35.

⁸¹ Notes on Movement for Freedom, Liddell 5/23, 'The British Freedom Movement' draft submitted by D. Sandys to B. Liddell Hart, 1938, Liddell 5/23.

freedom of speech.⁸² Kidd was so impressed with this movement that he wrote to Liddell Hart declaring it a 'subject which interests me greatly'.⁸³ Kidd later withdrew his membership as he felt the organization began to resemble that of a political party, which the constitution of the NCCL precluded him from joining.⁸⁴ What such an association did demonstrate was that civil liberties appeared to be a theme with the potential to unite the dissident Conservatives, Liberals and a heavy section of the Labour Party.⁸⁵

Civil Liberties and 'Agreement'

The themes taken up by the NCCL clearly permeated through various locations during the 1930s. As one NCCL member put it 'this was the time of Cripps' Socialist League, the United Front, and all of these movements contributed to a politics of civil liberties'.⁸⁶ The NCCL's critique of the National Government was present elsewhere. Suggesting that the National Government was a manifestation of a form of 'Tory fascism' was a popular part of left wing rhetoric throughout the 1930s.⁸⁷ This reflected the concern George Orwell expressed at the emergence of a 'slimy Anglicized form of Fascism, with cultured policemen instead of Nazi gorillas and the lion and the unicorn instead of the swastika'.⁸⁸ It was also a concern of political theorists. They were certainly within the interests of Harold Laski, who was an NCCL Executive Committee member periodically through the 1930s and early 1940s. He saw a mounting authoritarianism as characteristic of the period. He identified such a trend in the undermining of the second Labour Government, the National Government's apparent indifference to fascist propaganda, and the arrests and persecutions of left wing publications

⁸² Sandys also had a wider commitment to forms of constitutional democracy and had attempted to form a British Movement in April 1934. See G. Love, 'The British Movement, Duncan Sandys, and the Politics of Constitutionalism in the 1930s', *Contemporary British History*, 23:4 (2009), pp. 543-558.

⁸³ R. Kidd to B. Liddell Hart, 2 January 1939, Liddell 5/23.

⁸⁴ R. Kidd to B. Liddell Hart, 3 January 1939, Liddell 5/23.

⁸⁵ C. Cadogan to B. Liddell Hart, 31 December 1938, Liddell 5/23.

⁸⁶ B. Cox interview with GHC Bing, DSF 4/1.

⁸⁷ Copsey, *Anti-Fascism in Britain*, p. 36.

⁸⁸ G. Orwell, *The Road to Wigan Pier* (London: Penguin, 2001: First Published 1937), p. 215.

during the 1930s.⁸⁹ Such anxieties also informed the politics of the Socialist League, and were reflected by Stafford Cripps' idea of 'country gentleman fascism' that was present within British society.⁹⁰

Objections to forms of 'boiled shirt fascism' were certainly part of the NCCL's repertoire.⁹¹ In the introduction of his book, *British Liberty in Danger* (1940), Kidd recalled a time when 'Conservatives, almost unanimously, did not bother to disguise their dislike of and contempt for democracy'.⁹² Special Branch reported that NCCL members accused the National Government of attacking co-operative societies and unions, protecting Oswald Mosley and his followers, and operating the police force as 'a weapon designed to suppress the workers'.⁹³ Whilst speaking at a French Conference on Anti-Semitism in 1937, Kidd accused the National Government of being a 'reactionary government of the right functioning within a bourgeois democracy', and described British democracy as 'limited and incomplete'.⁹⁴

Civil liberties, as defined by the NCCL, included broad issues that appealed to large sections of those within the progressive tradition, as well as those from more radical constituencies. The first of these was anti-fascism. At times, Kidd resembles the popular anti-fascist speaker addressing the West Bletchley Left Book Club in Orwell's *Coming up for Air*. The half heard speech consisting of phrases such as 'Iniquitous persecution of the Jews... Back to the Dark Ages European Civilization... Act before it's too late... Indignation of all decent peoples. Alliance of democratic nations... Firm stand Defence of democracy...

⁸⁹ H. Laski, *New Clarion*, 23 September 1933, p. 7.

⁹⁰ P. F. Clarke, *The Cripps Version: the Life of Sir Stafford Cripps, 1889-1952* (London: Allen Lane, 2002), p. 62.

⁹¹ B. Cox interview with Claud Cockburn, DSF 4/1.

⁹² R. Kidd, *British Liberty in Danger* (London: Lawrence and Wishart, 1940), p. 13.

⁹³ Special Branch Report, 25 July 1937, HO 45/2563.

⁹⁴ *Great Mass Demonstration against the Sedition Bill* (NCCL: London, 1934), U DCL 47/1, R. Kidd, 'The Question of Legislation Against Racial Discrimination: Second World Congress Against Anti-Semitism', September 1937, U DCL 47/1.

Democracy.. .Fascism... Democracy... Fascism’ would have been typical in the subject and the audience with whom the NCCL engaged.⁹⁵

Months after its formation in 1934, the NCCL suggested extending its programme towards anti-fascist work. Owing to its journalistic and press contacts, legal staff and non-party reputation, it hoped to form a new anti-fascist co-ordinating committee.⁹⁶ Crowther-Smith’s account of the 1930s (under the name Scaffardi), is full of vivid descriptions of fascist activities that she and Kidd witnessed when monitoring BUF marches and meetings.⁹⁷ One member thought that the NCCL was ‘in many ways an anti-fascist, anti-Nazi body’ as ‘it exposed Mosley and all that’.⁹⁸ On this issue, the NCCL’s politics had a broad appeal. As Crowther-Smith commented, this issue embraced ‘the militant left, intellectuals, writers, poets, idealists, pacifists, the liberal-minded and the Liberals’.⁹⁹

Of particular concern was the anti-semitism of the fascist movement. The NCCL reported numerous instances of ‘Jew baiting’, and attacked the Government and police for not preventing such measures.¹⁰⁰ The NCCL wanted the BUF to be halted. It argued that the movement lived on hatred, and caused political cleavages.¹⁰¹ As Kidd perceived it, specific legislation was not required as the Government could not be trusted; rather ‘progressive people’ had to become aware of the threat of fascism and he called for ‘the impartial enforcement of the existing law against all who preach and practice this horrid doctrine’.¹⁰²

In addition, the NCCL scrutinized British colonial policy. From its first year, the NCCL stressed that civil liberties within the colonies required attention. In 1934, it arranged

⁹⁵ G. Orwell, ‘Coming up for air’ in G. Orwell, *The Complete Novels* (London: Penguin, 2000, First Published 1939), pp. 515-516.

⁹⁶ Proposals for the extension of the Activities of the National Council for Civil Liberties in a specifically anti-fascist directions, undated memo, U DCL/74/1.

⁹⁷ Scaffardi, *Fire Under the Carpet*, pp. 56-169.

⁹⁸ B. Cox interview with G. Bing, DSF 4/1.

⁹⁹ Scaffardi, *Fire Under the Carpet*, p. 82.

¹⁰⁰ NCCL News Sheet 4, Autumn 1936, U DCL 47/6.

¹⁰¹ *Fascism and the Jews* (London: NCCL, 1936), U DCL 47/6.

¹⁰² ‘The Question of Legislation Against Racial Discrimination: Second World Congress Against Anti-Semitism’, September 1937, U DCL/47/1.

for two members of the Aboriginals' Rights Protection Society of the Gold Coast to meet with the Colonial Secretary.¹⁰³ These efforts to introduce representatives of those in the colonies to Government Departments aided its reputation outside of Britain.¹⁰⁴ This committee was closely associated with Reginald Bridgeman. Despite his presence, Bridgeman was expelled from the Labour Party until 1938 and again in 1941 and was linked to the CPGB, the NCCL's colonial analysis remained within a liberal democratic tradition.¹⁰⁵ It established a British Overseas Sub-Committee in 1937 that consisted of Kidd, the solicitor David Freeman, R.S. Lazarus, a member of the Haldane Society, and Leonard Woolf alongside Bridgeman.¹⁰⁶ Members of the NCCL's Executive visited the Colonial Office to put on record condemnation of the action taken by the Jamaican authorities against workers striking for higher wages following riots in 1938. It called on the Government to remove all obstacles to Trade Unions and inquire into the conditions in the colonies.¹⁰⁷ Unsurprisingly then, the NCCL also spoke out against any suggestion of the implementation of a scheme of colonial appeasement in 1938.¹⁰⁸

As such, the NCCL was acting within a set of long-standing left/liberal interests. As Stephen Howe has shown, there were a myriad of pressure groups operating in this sphere prior to the Second World War. These included the Labour Party Advisory Committee on Imperial Questions, the Fabian Colonial Bureau, the Congress of Peoples Against Imperialism, the League against Colonialism, and the League of Coloured Peoples along with the UDC. Like the NCCL, these organizations provided platforms for overlapping networks

¹⁰³ See Scaffardi, p. 99-100, NCCL Declaration 1934, U DCL 47/1/11 (a).

¹⁰⁴ Barbara Bush remarked that the NCCL's efforts to get groups representing colonial peoples in contact with Government Departments was 'the least patronising and most consistently respected' of the efforts from British organizations. B. Bush, *Imperialism, Race and Resistance: Africa and Britain* (London: Routledge, 1999), p. 241.

¹⁰⁵ Bush, *Imperialism, Race and Resistance*, p. 241; see also NCCL Statement on the Trinidad Disturbances, U DCL 60/4; NCCL Press Statement, 26 May 1938, U DCL 60/3; NCCL Press Statement, 29 May 1938, DCL 60/3; R. Bridgeman to R.Kidd, 28 December 1937, W DCL 60/4; R. Kidd to G. Bailey, 8 October 1938, NCCL to Stanley Baldwin, 22 March 1937, NA HO 45/26465.

¹⁰⁶ British Overseas Sub-Committee Minutes are available, U DCL 276/1, and U DCL 99/1.

¹⁰⁷ NCCL Press Statement Jamaica Riots, 26 May 1938, U DCL 60/3.

¹⁰⁸ R. Kidd to G. Bailey, 8 October 1938, U DCL 60/3.

of organizations and individuals inclusive of members of the CPGB, the ILP, the Labour Party, the Liberal Party and the Trade Union movement.¹⁰⁹ The UDC's Secretary Dorothy Woodman was involved in the early years of the NCCL, and encouraged recruitment. Indicative of the overlapping membership of these bodies, one member recalled that it was difficult to remember whether he met people on the UDC, the Haldane Society or the NCCL.¹¹⁰

Networks, Members and Organizations

The NCCL, and the other groups promoting civil liberties, aimed to represent broad networks of individuals and organizations. Using coalitions of organizations and parties allowed the NCCL to get its message across to a range of opinion and helped it secure support from a variety of political constituencies. Like groups such as the Rainbow Circle, a collection of socialists, liberals and Fabians that met between 1893 and 1931, which Freedon saw as part of a 'crucible of interpretation', these networks provided the opportunity for the NCCL's work to filter into a range of political spaces. It was through such contacts that its ideas were produced and consumed.¹¹¹ The NCCL provided the platform for some of the ideas of the likes of Laski, Cripps, and Pritt, to filter through to a wider audience. These networks also provided evidence of a 'non-party' status. Crowther-Smith recalled that it was important that the NCCL had a very respectable Secretary and President (Forster) who had an establishment appearance.¹¹² Equally important though were the networks through which the NCCL acted to co-ordinate an interest in civil liberty. The idea was 'to concentrate into a single channel the

¹⁰⁹ S. Howe, *Anti-Colonialism in British Politics: The Left and End of Empire, 1918-1964* (Oxford: OUP, 1993).

¹¹⁰ B. Cox interview with G. Bing, DSF 4/1; B. Cox interview with C. Cockburn, U DSF 4/1.

¹¹¹ See Freedon, 'The Stranger at the Feast', p. 23.

¹¹² B. Cox interview with S. Scaffardi, DSF 4/1.

diffuse efforts of numerous societies which in their limited way are concerned with the preservation of our civil rights'.¹¹³

The NCCL circulated bulletins and reports in various progressive circles.¹¹⁴ Kidd suggested that the best way to build an organization was through a provisional committee including trade unions, trade councils, political societies, religious societies and other organizations concerned with the protection of rights.¹¹⁵ Speakers addressed meetings of groups such as St. Pancras People's Front Propaganda Campaign, the Marylebone Peace Council, and the Marylebone Left Book Club.¹¹⁶ The NCCL evidently aimed to gather support from the array of left wing, progressive activists that fell under the Left Book Club's umbrella.¹¹⁷ Crowther-Smith recalled Kidd attempting to persuade Victor Gollancz to circulate the club with NCCL publications whilst the Club's Committee included Gollancz, Laski and Strachey, all of whom had some association with the NCCL.¹¹⁸

The successful creation of progressive networks was evident in the speakers and audience supporting the NCCL's protest against the Incitement to Disaffection Act in 1934. It called the Act the most open attack on liberty, thought, speech and press seen in modern times.¹¹⁹ During this campaign, representatives of 'all political parties and numerous religions, pacifist and other organizations' were assembled.¹²⁰ A demonstration in June 1934 included as speakers Gerald Barry, the editor of the *Weekend Review*, Dingle Foot representing the Liberal Party, James Maxton of the ILP, and Tom Mann and Harry Pollitt of the CPGB. Representatives of the National Association for Schoolmasters, the National

¹¹³ A Declaration: The National Council for Civil Liberties, 1934, U DCL 47/1/11a' R. Kidd to Councillor Bradbeer, 10 July 1934, U DCL 74/1; The National Council for Civil Liberties Annual Report 1934, U DSF 1/1.

¹¹⁴ *Civil Liberty*, 4, April 1939, U DCL 73/1.

¹¹⁵ R. Kidd to J.R. White, 2 April 1935, U DCL 11/1.

¹¹⁶ Special Branch Report, 14 May 1937, HO 45/25463.

¹¹⁷ Samuels, 'The Left Book Club', p. 65.

¹¹⁸ Scaffardi, *Fire Under the Carpet*, p. 207. Gollancz was a Vice-President, Laski on the Executive Committee, whilst Strachey spoke at the Council's protest against the Incitement to Disaffection Bill, and appeared as part of its protest against police behaviour at Thurloe Square.

¹¹⁹ *The Seditious Bill* (London: NCCL, 1934), U DCL 47/1.

¹²⁰ R. Kidd to Councillor Bradbeer, 10 July 1934, U DCL 74/1.

Women's Liberal Federation, and the London Trades Council, also spoke.¹²¹ Organizations including the Guildhouse, Society of Friends, International Labour Defence, the British Anti-War Movement, and the National Union of Women Teachers attended. In addition, the Labour Party leaders George Lansbury and Clement Attlee, who were both NCCL Vice Presidents in 1934, sent encouragement.¹²² In Cardiff, members of the Women's Liberal Association had led a local branch of the NCCL. A member of this organization recalled that it was not difficult to find a strong group, representing all parties, ready and willing to approach the City Council in response to the Incitement Act.¹²³

The *Daily Herald* noted the support received on this campaign came from both the extreme left and the extreme right. It detailed the existence of members of the Communist, Conservative, Labour and Liberal parties, along with scores of representatives of political and non-political public bodies at a June meeting on incitement.¹²⁴ In October 1934, at a further protest against the Act, the Metropolitan Police and Special Branch reported that NCCL speakers came from the Liberal Party, the CPBG, the ILP, and the Executive Committee of the Labour Party and even included a Conservative Barrister. It reported that the meeting consisted of 'men and women' of widely different creeds and parties.¹²⁵

These networks and a set of specialist expert activists compensated for the relatively small numbers of individuals participated within civil liberties groups. As already hinted at, membership between For Intellectual Liberty, the Federation of Progressive Societies and Individuals, as well as the 'Hundred Thousand Movement', overlapped. The membership of these organizations was relatively small. The NCCL had around 1,000 members in 1936.¹²⁶

¹²¹ Sedition Bill Pamphlet, *Great Mass Demonstration against the Sedition Bill*, 24 June, 1934, U DCL 47/1.

¹²² *Great Mass Demonstration against the Sedition Bill* (London: NCCL, 1934), U DCL 47/1.

¹²³ M. Howell to R Kidd, 15 April 1941, U DCL 32/8.

¹²⁴ *Daily Herald*, Press Clipping, 26 June 1935, U DCL 47/2.

¹²⁵ Metropolitan Police Report, Anti-Sedition Bill Meeting, 28 October 1934, MEPO 3/553, Special Branch Report: Ronald Hubert Kidd, 12 November 1935, HO 45/25462.

¹²⁶ Special Branch Special Branch Report, 25 February 1936, HO 45/25462.

For Intellectual Liberty had around 500 members.¹²⁷ However, mass membership was never a goal for these groups in the same way it was for a body like the League of Nations Union. Indeed, the left wing writer Stephen Spender flagged this up. He suggested that both For Intellectual Liberty and the NCCL were examples of small groups demonstrating that determination, rather than size, mattered most in politics and were at the vanguard of efforts for forming popular front politics.¹²⁸

The membership of For Intellectual Liberty came from an elite constituency. An early recruitment tactic was to flyer material around universities. The occupational breakdown of its membership included: 142 academics; 11 architects; 15 artists; 30 businessmen; 16 journalists; 11 from the legal professions; 44 from the medical profession; 6 musicians or composers; 13 professional politicians; 2 students; 4 publishers; 58 scientists; 15 social workers (a category in which Kidd was surprisingly included); 53 teachers; 111 writers and 6 who worked in the church.¹²⁹ With this, its secretary Margaret Gardiner admitted that the organization had a somewhat misleading title. She preferred the moniker 'Intellectuals for Liberty'.¹³⁰ She added that whilst For Intellectual Liberty, 'hadn't a very large membership' it did have members 'that cut a lot of ice'.¹³¹ The NCCL also sought to create an intellectual cadre. Crowther-Smith reflected that its membership appeared as a cultural, intellectual and progressive *Who's Who*.¹³² Special Branch, for their part, noted the 'formidable galaxy of vice-presidents, composed of persons prominent in the scholastic, clerical, legal, literary, sociological and political worlds'.¹³³

¹²⁷ Minutes of meeting, 30 April 1936, FIL Add. 9369/A1/5.

¹²⁸ S. Spender, *Forward from Liberalism* (London: Victor Gollancz, 1937), p. 237.

¹²⁹ Lists of members gathered in occupations can be found in FIL, Add. 9369/10 (3).

¹³⁰ Minutes of meeting, 30 April 1936, FIL, Add. 9369/A1/5, *Manchester Evening News*, 22 January 1939, FIL, AD 9369/A2.

¹³¹ Gardiner, *A Scatter of Memories*, p. 8.

¹³² Scaffardi, *Fire Under the Carpet*, p. 47.

¹³³ Special Branch Report, Summary No. 2, Ronald Hubert Kidd, 12 November 1935, HO 45/25462.

Such a membership provided intellectual and political capital for the NCCL. In its first major piece of action, the NCCL published a statement featuring the signatures of prominent individuals criticising the National Government for creating anxiety over the hunger marches, and insisted that it would maintain a vigilant observation of the policing of the demonstrators.¹³⁴ H.G. Wells, Vera Brittain, Forster, Julian Huxley and the journalist Henry Nevinson acted as observers of the marchers.¹³⁵ The elite members of these organizations resembled a combination of the Bloomsbury Group and the collection of politically engaged socialist scientists of the ‘Visible College’.¹³⁶

The association of such individuals allowed Scaffardi to present a glamorous history of the organization in which characters such as Forster, the former Czechoslovakian President Benes, Julian Huxley, and even Jawaharlal Nehru, were amongst those visiting the NCCL’s squalid offices.¹³⁷ Special Branch saw such recruitment as an attempt to impress, but insisted that individuals like Forster were ‘innocents’ concluding that the ‘majority of people referred to in publicity material ‘have no knowledge of his [Kidd’s] real activities’.¹³⁸ This was a little unfair. Special Branch’s reports were based on the NCCL’s publications, meetings, and annual reports. All of these were circulated and accessible to members.

It was necessary for these groups to extend beyond an intellectual elite. The writer Douglas Goldring, who was involved in both the NCCL and For Intellectual Liberty, complained that the intellectuals in the latter body had no real programme of work. He wrote

¹³⁴ *Manchester Guardian*, 24 February 1934, U DCL 47/1, also see *Civil Liberty*, No. 2, Autumn 1937, U DCL 73/Aa (i), p. 1. This letter was signed by Lascelles Abercromie, Ambrose Appelbee, Clement Attlee, Dudley Collard, A.P. Herbert, Kingsley Martin, Evelyn Sharpe, D.N. Pritt, Vera Brittain, H. G. Wells, Henry Nevinson and Professor Harold Laski.

¹³⁵ Cox interview with Bing, U DSF 4/1.

¹³⁶ See J. K. Johnson, *The Bloomsbury Group: a study of E.M. Forster, Lytton Strachey, Virginia Woolf and their circle* (London: Secker & Warburg, 1954); G. Werskey, *The Visible College* (London: Allen Lane, 1978); G. Werskey, ‘The Visible College Revisited: Second Opinions on the Red Scientists of the 1930s’, *Minerva*, 45 (2007), pp. 305-319.

¹³⁷ See Scaffardi, *Fire Under the Carpet*, pp. 48-50; B. Cox interview with G. Bing, U DSF 4/1; Notes by S. Scaffardi, U DSF 4/1; National Council for Civil Liberties, Annual General Meeting, 21 February 1939, U DCL 76/1.

¹³⁸ Special Branch Report: Ronald Hubert Kidd, 12 November 1935, HO 45/25462.

that they were essentially a redundant organization ‘going round and round the Bloomsbury bush, shaking the cocoa tin’ in comparison to the hard-working NCCL.¹³⁹ Kingsley Martin felt that For Intellectual Liberty was unsustainable by June 1937, as it was financially dependent on just two unnamed members.¹⁴⁰ In seeking to defend civil liberties, alternative activists were therefore required. Kidd considered the literary and journalistic constituents to be very useful members for spreading information.¹⁴¹ Special Branch even complained that the NCCL had received favourable press from the *News Chronicle*, the *Manchester Guardian*, the *Daily Herald*, *Reynolds News*, the *Star* and *Time and Tide*. It was even more alarmed that the BBC had broadcasted the NCCL’s intention to conduct an inquiry on police behaviour in 1935.¹⁴² The NCCL also found it crucial to assemble a core of members with a background in law. Kidd realised that the ‘technical legal character’ of civil liberties work required solicitors and barristers.¹⁴³ Those with legal occupations were a significant presence on the Executive. The NCCL founded a legal Sub-Committee 1937. Members of this were involved in interviewing, taking notes and appearing in court, and visited the offices on rotation for two hours on Monday nights.¹⁴⁴ Special Branch duly recorded ‘the sprinkling of younger people present included budding solicitors and law students, together with a few nondescript women’ at the NCCL’s AGM in 1936.¹⁴⁵ These members were also involved in a number of political legal cases.¹⁴⁶

In addition, the NCCL arranged for members to give lectures on legal subjects. A legal lecture programme in 1937 covered the following subjects: the law in relation to public

¹³⁹ D. Goldring to R. Kidd, 13 December 1936, U DCL 75/1.

¹⁴⁰ K Martin to M. Gardiner, 2 June 1937, FIL, Add 9369/B1/45.

¹⁴¹ See R. Kidd to Councillor Bradbeer, 10 July 1934, U DCL/74/1.

¹⁴² Special Branch Report: Ronald Hubert Kidd, 12 November 1935, HO 45/25462.

¹⁴³ See R. Kidd to Councillor Bradbeer, 10 July 1934, U DCL/74/1.

¹⁴⁴ Report of the First Meeting of the Legal Sub-Committee, 8 June 1937, U DCL 32/1.

¹⁴⁵ Special Branch Report, 25 February 1936, HO 45/25462; Special Branch Report, 14 May 1937, HO 45/25463.

¹⁴⁶ For example they were involved in efforts to sue the Chief Constable of Cambridge for repressing pacifist literature. Special Branch Report: Ronald Hubert Kidd, 20 January 1936, HO 45/25462; Special Branch Report: Seizure of Anti-War Pamphlets at the Royal Review of the Air Forces at Mildenhall and Duxford on the 6 July 1935, HO 45/25463; Special Branch Report: Thomas vs. Sawkins, HO 45/25463.

meetings, propaganda, censorship, and arrested persons; the powers of the police; and recent legislation and judicial decisions.¹⁴⁷ When Kidd was asked for advice on setting up a parallel group in Ireland, he responded that ‘unattached individuals may be useful if they have specialised knowledge of questions involved, or if they have any special influence and power’.¹⁴⁸ For example, following successful work examining the censorship of films, the *New Statesman and Nation* praised the NCCL’s ability to raise technical points crucial in protecting civil liberties.¹⁴⁹ Furthermore, it worked to recruit or consult with a number of MPs such as Pritt and Foot to ensure that it could have an impact and a presence within Parliament.¹⁵⁰

Such activists were doubtless important resources. Michael Freeden has identified the ‘most important groups of ideological producers within the middle class’ to include ‘writers, journalists, practising reformers, academics, middle-range theorizers, and socially active intellectuals *within* (but not identical with) professions such as lawyers, churchmen, and politicians’.¹⁵¹ Yet attempting to marry the ‘intellectual’ with the workers was sometimes a difficult balancing act. An ILP member complained at a joint conference of the National Union of Journalists and the NCCL in 1938 that both groups only started complaining once a repressive measure went beyond the working class.¹⁵²

Contexts: A Popular Front?

The types of individuals and networks built up by the NCCL were demonstrative of its popular front credentials. In France and Spain, popular front movements had formed around a

¹⁴⁷ *Civil Liberty*, 2, Autumn 1937, U DCL 73/1.

¹⁴⁸ R. Kidd to J. R. White, 2 April 1935, U DCL 11/1.

¹⁴⁹ *New Statesman*, 24 April 1937, U DCL/27/2, *The Spectator*, 8 February 1935, U DCL 1/2, *Non-Flam Films* (London: NCCL, 1934). The Council objected to the proposal in 1934 about the introduction of new regulations that would bring non flammable films under the same control as flammable ones.

¹⁵⁰ B. Cox interview with Dingle Foot, U DSF 4/1.

¹⁵¹ Freeden, ‘The Stranger at the Feast’, p. 29.

¹⁵² Speech in Conference on the Official Secrets Act, 5 November 1938, U DCL 1/2.

shared desire to resist fascism. Whilst offering competing conceptualizations of a popular front both G.D.H Cole and Stephen Spender were convinced that civil liberties were a vital component of this form of activism.¹⁵³ Both For Intellectual Liberty and the Federation of Progressive Societies and Individuals specifically aimed to unite the different strands of the left. The NCCL's association with such a movement was more implied through the associations it established. Following a poll of its members in 1937, the Federation found that its membership supported the creation of a popular front.¹⁵⁴ It wrote to the Labour Party, the Liberal Party, the Unity Campaign, the People's Front Propaganda Committee, and the *Daily Worker*, *News Chronicle*, and *Daily Herald* expressing a willingness to consider cooperation with any representative organization set up to further the establishment of a people's front.¹⁵⁵ Its conceptualization of planning thus stood for 'the unity of the forces of the left against fascism and war, [and] for the unity of progressives themselves in their fight for unpopular reforms'.¹⁵⁶

Similarly, Richard Acland wrote to For Intellectual Liberty suggesting that it appeared to be 'a good nucleus of an organization for united demonstration of progressive forces', whilst its leadership suggested that the group had the potential to be the beginning of a popular front.¹⁵⁷ It also circulated a questionnaire to members on the formation of a popular front.¹⁵⁸ Although only 83 of the 433 questionnaires sent out were returned, only two of these opposed such a proposition.¹⁵⁹ The results of this survey demonstrated a working model for

¹⁵³ Spender, *Forward from Liberalism*, p. 327, G.D.H. Cole, *The People's Front* (London: Victor Gollancz, 1937), p. 14, pp. 348-349.

¹⁵⁴ Minutes of a meeting of the FPSI, 4 December 1936, The Progressive League 1/1, Federation of Society for Progressive Societies and Individuals, Referendum to the membership, 29 January 1937, included in Minutes of a meeting of FPSI, 19 January 1937, The Progressive League 1/1.

¹⁵⁵ Minutes of a meeting of FPSI, 29 April 1937, The Progressive League 1/1.

¹⁵⁶ *Plan*, Vol. 4. No. 11, The Progressive League 2/2.

¹⁵⁷ R. Acland to 'Secretary, if any, of the group which circulated Liberal and Labour MPs' [FIL], Add. 9369/B1/83, H. Levy to M. Gardiner, 29 August 1936, FIL, Add. 9369/B1/24; L. Woolf to M. Gardiner, 5 November 1936, FIL, Add. 9369/B1/14.

¹⁵⁸ FIL Minutes, 21 September 1936, FIL Add. 9369/A1/7.

¹⁵⁹ FIL report on Questionnaires, FIL, Add. 9369/A3/16, with such a small sample For Intellectual Liberty realised that the results were somewhat tenuous, commenting that those who supported a popular front were

the policies and composition of such a union. It concluded that a people's front was desirable, though a number of members believed that it was impracticable.¹⁶⁰ These results demonstrated that civil liberties appeared as an important feature with 95 per cent suggesting that domestic policy should assert the maintenance of people's liberties and the avoidance of militarization of the population.¹⁶¹

That these groups emerged was clearly a response to the events of the 1930s. As Marwick pointed out 'no historian of domestic events in the thirties can afford to avert his eyes from foreign horizons.'¹⁶² The civil liberties activists of the 1930s conducted themselves within the context of an on-going debate about the future of British democracy that was under even greater scrutiny when related to events in continental Europe.¹⁶³ Various strands of the British left that were present in such groups had viewed with alarm the rise of a fascist dictatorship. Laski wrote that the condition of liberty had visibly deteriorated in the seven years between the first and second publications of his *Liberty and the Democratic State* (first edition, 1930, second edition, 1937).¹⁶⁴ Certainly, this was a view popular with many on the left as well as all the civil liberties groups discussed here. The likes of Hobson and Cole bemoaned the discrediting of democracy and freedoms across Europe.¹⁶⁵ The NCCL analysed the situation similarly noting with disgust repressive measures directed against individual liberty, both at home and abroad.¹⁶⁶ One member referred to civil liberties as the qualities that ensured the rejection of a totalitarian state.¹⁶⁷ There was a continental aspect to For

much more likely to respond. It also asked members who should be included in a popular front and what policies it should promote.

¹⁶⁰ Minutes of a Meeting, 19 October 1936, FIL, Add. 9369/A1/14.

¹⁶¹ FIL report on Questionnaires, FIL, Add. 9369/A3/16.

¹⁶² Marwick, 'Middle Opinion in the Thirties', p. 292.

¹⁶³ Freedon, *Liberalism Divided*, p. 329.

¹⁶⁴ H. Laski, *Liberty in Modern State With A New Introduction* (London: Pelican, 1937), p. 11.

¹⁶⁵ J.A. Hobson, *Democracy and a Changing Civilisation* (London: Bodley Head, 1934), p. vii.

¹⁶⁶ *Great Mass Demonstration Against the Sedition Bill* (London: NCCL, 1934), U DCL 47/1.

¹⁶⁷ *Manchester Guardian*, 24 February 1934, U DCL 1/3.

Intellectual Liberty's work. It even held parties to support the popular front forces during the Spanish Civil War.¹⁶⁸

Indeed, many of those involved in the NCCL had been members of the Reichstag Fire Inquiry of 1933. This was a legal counter-trial held in London that aimed to examine the possibility of Nazi conspiracy, and raise awareness of civil liberties issues. Its findings exonerated the communists charged.¹⁶⁹ By 1938, the NCCL attempted to broaden its scope beyond the nation and empire and created a Foreign Sub-Committee.¹⁷⁰ This Committee lobbied the British Government to take responsibility for refugees seeking asylum following the shifts in political geography after German expansion. Following the Munich Conference, a Deputation visited Lord Halifax, the Foreign Secretary, to urge the Government to accept responsibility for large-scale schemes of settlement for Czechoslovakian refugees.¹⁷¹ Deputations also called upon the High Commissioners of Australia, Canada, South Africa, and New Zealand throughout October and November of 1938 to urge the Dominions to afford asylum to German speaking democratic refugees across Europe.¹⁷² The NCCL was assured by Lord Halifax that the Government would do all it could in the matter and by February 1939 Kidd reported with satisfaction that 350 visas had been granted for Czech refugees, which he attributed to the persuasion of his collection of MPs and influential people.¹⁷³

The Foreign Sub-Committee also sent members to Berlin to attend the trial of Pastor Niemöller, a German theologian accused of taking part in activities against the Nazi state.

¹⁶⁸ Minutes of Meeting, 5 December 1935, FIL, Add. 9369/A1/1, Minutes of Meeting 26 November 1936, FIL, Add. 9369/A1/17.

¹⁶⁹ Including Cripps, Lawson, Pritt, RH Tawney, Thomas, Joad, Bridgeman and Gerald Barry, Printed circular advising against participating in communist-backed organizations, Manchester, Labour History and Archive Centre, People's Museum, Labour Party Archive (Hereafter LPA), LPA, LP/JSM/CP/41; *Daily Worker*, 3 April 1933, p. 6; *Daily Worker*, 8 August 1933, p. 4; *Daily Worker*, 17 August 1933, p. 2; *Daily Worker*, 9 September 1933, p. 5.

¹⁷⁰ The National Council for Civil Liberties Annual Report and Balance Sheet 1938-9, U DCL 73/A (ii), p. 11.

¹⁷¹ Refugees and the Right of Asylum: Deputation by the National Council for Civil Liberties, November 1938, U DCL 75/2.

¹⁷² Refugees and the Right of Asylum: Deputation by the National Council for Civil Liberties, November 1938, U DCL 75/2.

¹⁷³ National Council for Civil Liberties Secretary's Report, 21 February 1939, U DCL 76/2 (a).

Although these observers were unable to enter the Special Court, the NCCL suggested it had exercised a considerable effect on its result.¹⁷⁴ This was a little generous as the NCCL's account of these events ignored the second arrest of Niemöller immediately following the trial.¹⁷⁵ An NCCL lawyer also visited Berlin to report on court proceedings relating to the Gestapo's arrest of an abducted Czech lawyer.¹⁷⁶

Indeed, Kidd was so concerned with fascism in Europe that he spent his sick leave in August 1938 on a form of fact-finding mission in Europe. He complained of a 'solicitous semi-fascism in Hungary', and noted with dismay that 'Vienna was a fascist city'.¹⁷⁷ Such international developments help explain how the British left found itself, to use the title of one study, 'in the shadow of the dictators'; a position which ensured that 'dictators and dictatorships shaped the intellectual and rhetorical frameworks with which the left worked in the 1930s'.¹⁷⁸ Indeed, the worsening international situation provided much motivation for forming popular front politics, whilst the planners also attempted to find an alternative to extremism through analysis of the political economy.¹⁷⁹ By 1939, the NCCL further extended its interests abroad by arranging for members to attend trials of anti-fascists in Germany, and called on the British Government to accept full responsibility for large-scale schemes of settlement for refugees from Czechoslovakia.¹⁸⁰

The Politics of Civil Liberties

As demonstrated through an analysis of the progressive networks, the NCCL publicly attempted to occupy a middle position in politics, incorporating all political parties. The

¹⁷⁴ National Council for Civil Liberties Secretary's Report, 21 February 1939, U DCL 76/2 (a).

¹⁷⁵ W. L. Shirer, *The Rise and Fall of the Third Reich: A History of Nazi Germany* (London: Secker & Warburg, 1960), pp. 234-9.

¹⁷⁶ *Civil Liberty*, No. 7, July 1939, U DCL 73/Aa (i).

¹⁷⁷ R. Kidd to S. Crowther-Smith, 18 August 1938, U DSF 2/8.

¹⁷⁸ P. Corthorn, *In the Shadow of the Dictators: The British Left in the 1930s* (London: IP Tauris, 2006), p. 7.

¹⁷⁹ Ritschel, *The Politics of Planning*, p. 280.

¹⁸⁰ Refugees and the Right of Asylum: Deputation by the National Council for Civil Liberties, November 1938, U DCL 75/2; *Civil Liberty*, No. 7, July 1939, U DCL 73/Aa (i); National Council for Civil Liberties Secretary's Report, 21 February 1939, DCL/76/2 (a).

rhetoric of the NCCL was undoubtedly aimed at as broad a constituency as possible through emphasising the importance of democracy, and stressing the importance of civil liberties as a fundamental part of this system.¹⁸¹ This was hardly a controversial position. *Liberty and Democratic Leadership, The Next Five Years* manifesto and Macmillan's *Middle Way* all expressed similar concerns.¹⁸² Furthermore, such bland statements in favour of liberty were within the National Government's repertoire; the Prime Minister Stanley Baldwin declared 'we have steered clear of fascism, communism, dictatorship, and we have shown the world that democratic government, constitutional methods and ordered liberty are not inconsistent with progress and prosperity'.¹⁸³ The Home Office suggested that it, along with the police, would demonstrate that civil liberty was an essential part of law and order.¹⁸⁴ Even MI5 regarded itself as the real champion of democracy and traditional liberties against totalitarianism.¹⁸⁵

In an age of dictators, civil liberties, democracy and liberty were therefore rallying calls from across the political spectrum. However, the multiplicity of meanings associated with such terms meant an alliance of forces was a difficult proposition. The NCCL's strategy of continually stressing its 'non-party' position and attempting to recruit from members of various political groups appeared increasingly unrealistic as formal political parties acted against popular front politics.¹⁸⁶ Whilst it managed to maintain a close association with some on the left of the Labour Party and the Liberal Party, as well as both the ILP and CPGB who were more interested in politics in locations outside of party interests, it had trouble engaging with the leadership of political parties.

¹⁸¹ See A Declaration: The National Council for Civil Liberties 1934, U DCL 47/1/11a.

¹⁸² H. Macmillan, *The Middle Way: A Study of the Problem of Economic and Social Progress in a Free and Democratic Society* (London: Macmillan, 1938), pp. 100-1, pp. 371-376.

¹⁸³ Quoted in Searle, *Country Before Party*, p. 184.

¹⁸⁴ Home Office Minutes, 7 December 1935, Disturbances: The National Council for Civil Liberties, Activities of Ronald Hubert Kidd, HO 45/25462.

¹⁸⁵ Thurlow, 'The Security Service and British Fascism, 1932-51', p. 34.

¹⁸⁶ See Mates, 'A 'Most Fruitful Period'?', pp. 54-98.

Predictably, the NCCL did not manage to sustain the couple of Conservative Party members that appeared on its platforms in its first year. Much of its rhetoric targeted the National Government. The NCCL managed to secure one Conservative MP, Vyvyan Adams, as Vice-President in 1934. He supported the campaign on the Incitement Bill, and congratulated the NCCL's work on this issue as an 'astounding success'.¹⁸⁷ However, Adams resigned before the end of 1934, feeling that he could not remain an isolated Conservative. Writing to Forster, he stated, 'had your Committee succeeded in getting other Conservative Vice-Presidents this difficulty would possibly not have arisen'.¹⁸⁸ Unofficially Adams remained in contact and was occasionally consulted and informed in relation to the activities of the police and on anti-fascist work.¹⁸⁹ He even wrote to the Home Secretary promoting the NCCL's 1935 campaign defending the freedom to circulate pacifist pamphlets at air displays.¹⁹⁰ However, this resignation was particularly regretted by Forster who unsuccessfully urged Kidd to recruit some figures from the right to counter the over represented left.¹⁹¹

More generally, the political complexion of the NCCL helped generate distrust from the Conservatives and those on the right. Forster suspected that the Attorney General Thomas Inskip had put pressure on Adams to resign after Kidd had claimed that the House was misled over the Incitement Bill.¹⁹² Furthermore, Forster had received a letter from the Economic League, a right wing organization of industrialists and financiers aiming to combat socialists and communists. It declared that Kidd's work had appeared in *Labour Monthly*, apparently

¹⁸⁷ R. Kidd to V. Adams, 21 August 1934, U DCL 62/1; V. Adams to R. Kidd, 16 November 1934, U DCL 62/1.

¹⁸⁸ V. Adams to E. M. Forster, 16 November 1934, U DCL 74/1.

¹⁸⁹ M. Battcock to V. Adams, October 1937, London, British Library of Political and Economic Science, Vyvyan Adams Papers [Hereafter VA], VA, V/1/4/9; Cox interview with Bing, U DSF 4/1; R. Kidd to V. Adams, 22 August 1935, VA, V/1/2/4; V. Adams response to NCCL Questionnaire, VA, V/1/2/4.

¹⁹⁰ V. Adams to John Simon, 18 July 1936, VA, V/1/2/4.

¹⁹¹ E. M. Forster to R. Kidd, 21 November 1934, U DCL 74/1.

¹⁹² *The Spectator*; 6 July 1934, U DCL 2/2.

proving him a communist.¹⁹³ Whilst Kidd rubbished such accusations, commenting that he had written for the papers of all the major parties, the suspicion remained that the League had been ‘getting at’ Adams and turning Conservative against the NCCL.¹⁹⁴

Members of the National Government were generally critical of the NCCL. The Attorney General rejected Kidd’s request to send a deputation regarding the Incitement to Disaffection Act. After viewing the NCCL’s list of Vice-Presidents and constitution, Inskip suggested that a meeting would be pointless. He thought that such individuals would not believe his claims that the Government was not trying to attack working class organizations.¹⁹⁵ Kidd was somewhat puzzled by this, pointing out that the list of Vice-Presidents included, at that time, a member of the Conservative Party (Adams) as well as the leader of the Parliamentary Opposition, who he felt were a decent audience.¹⁹⁶

More concerning was that the NCCL’s politics also began to isolate them from the leadership of the Labour Party. Both Attlee and Lansbury were supporters of the NCCL in its first year. However, Attlee resigned his Vice Presidency in 1936 claiming that as leader of the Party in the Commons he could not continue to hold such a role.¹⁹⁷ He also apparently shot out ‘like a frightened rabbit’ after wandering into an NCCL meeting in the House of Commons.¹⁹⁸ By the end of the decade, the Labour Party leadership were even more suspicious. In 1939, the Labour Party advised constituency branches not to affiliate.¹⁹⁹ This eventually led to A.M. Wall from the London Trades Council, who had appeared on a

¹⁹³ See A. McIvor, ‘A Crusade for Capitalism: The Economic League’, *Journal of Contemporary History*, 23: 4 (1988), pp. 631-655; Economic League to E. M. Forster, 19 October 1934, U DCL 74/1.

¹⁹⁴ R. Kidd to E. M. Forster, 31 October 1934, U DCL 74/1; E.M. Forster to R. Kidd, 21 November 1934, U DCL 74/1; R. Kidd to E. M. Forster, 26 November 1934, U DCL 74/1.

¹⁹⁵ R. Kidd to T. Inskip, 23 May, 1934, U DCL 47/1; T. Inskip to R. Kidd, June 1934, U DCL 47/1.

¹⁹⁶ R Kidd to T. Inskip, 8 June 1934, U DCL 47/1.

¹⁹⁷ Report on the Annual General Meeting of the National Council for Civil Liberties, 25 February 1936, Special Branch Report, HO 45/25462.

¹⁹⁸ Cox interview with Adams, U DSF 4/1.

¹⁹⁹ Recommendations of organization sub-committee and decisions of NEC relating to the Communist Party, its subsidiary organizations, and other bodies since 1939, Original Statement, 13 July 1939, Labour Archive, Communist Party and Popular Front (uncatalogued).

platform with the NCCL in 1934, declaring at the Labour Party conference in 1941 that Kidd's organization was 'almost entirely under communist control'.²⁰⁰

Scaffardi placed the blame on the Labour Party, noting that 'preserving party discipline, preventing any fraternisation with Communists was more important than the menace of fascism'.²⁰¹ Leonard Woolf had made a similar criticism of the Labour leadership around the time that For Intellectual Liberty attempted to gain Party support. He complained of 'the unconscious determination not to face the facts until they fall on their heads in the shape of bombs, or as they hope on other people's heads'.²⁰² During a meeting between For Intellectual Liberty and the Labour Party leadership, Hugh Dalton complained that intellectuals that were happy to push the Labour Party into alliances with other parties. Citing the Left Book Club as a similar example, he complained that this was against the policy of the Party.²⁰³ In addition, the institutions of the left still saw themselves as the main protectors of civil liberties. Indeed, the Labour Party argued that activism with local branches would better serve the cause of civil liberties than membership of the NCCL.²⁰⁴ The TUC explained similarly to its members enquiring about the NCCL that whilst it had not blacklisted the organization, the 'trade unions are themselves capable of protecting the civil liberties of our own members'. This line was established in the late 1930s and repeated until the late 1950s.²⁰⁵

With this, the NCCL attracted figures from around the left of the Labour Party. Pritt was a Labour MP until he was expelled in 1940; Cripps was involved in legal cases involving

²⁰⁰ R. Kidd to *Journalist*, 25 June 1941, U DCL 32/8.

²⁰¹ Scaffardi, *Fire Under the Carpet*, p. 80.

²⁰² L. Woolf to M. Gardiner, 23 September 1936, FIL, Add. 9369/B1/13.

²⁰³ Minutes of meeting between the FIL and Labour Party, 30 June 1937, FIL, Add. 9369/A1/39.

²⁰⁴ Recommendations of organization sub-committee and decisions of NEC relating to the Communist Party, its subsidiary organizations, and other bodies since 1939, Original Statement, 13 July 1939, Labour Archive, Communist Party and Popular Front (uncatalogued).

²⁰⁵ Secretary of Organization Department to P. Martin, March 1939, University of Warwick, Modern Records Centre, Trades Unions Congress Archive [hereafter TUC], Mss. 292/860/3; Secretary of Organization Department [TUC] to Beckenham and District Council, 24 August 1940, TUC, Mss. 292/860/3; Secretary of Organization Department [TUC] to Newcastle and District Trades Council, 14 September August 1940, TUC, Mss. 292/860/3; Organization Department [TUC] to L. G. Evans, 5 September 1957, TUC, Mss. 292/860/3; TUC Organization Department to L. G. Evans, 5 September 1957, TUC, Mss. 292/860/3; Organization Department [TUC] to F. G. Pryor, 25 May 1951, TUC, Mss. 292/860/3; Organization Department [TUC] to H. Joyce, 21 March 1950, TUC, Mss. 292/860/3.

the NCCL close to its formation; Bevan appeared on the NCCL platform; whilst George Strauss and other Labour members were involved throughout the war. Bing was an MP for Hornchurch in the 1945 general election, whilst the solicitor David Freeman stood as a Labour Party candidate in the 1935 election.²⁰⁶ However, these individuals appeared to represent a leftward component of the Labour Party and they, like the NCCL, were increasingly marginalized.²⁰⁷ The Liberal Party elements within the NCCL had fewer problems. Dingle Foot, who remained a member through the 1930s and the early 1940s, commented that the Labour Party was chiefly concerned with economic questions, social equality, and an attack on poverty, but was much less concerned with civil liberties'.²⁰⁸ In his pamphlet *Despotism in Disguise* (1937), Foot demonstrated that liberal perspectives were compatible with issues raised by the NCCL.²⁰⁹

However, it appeared that Philip Game's prophecy that the NCCL's 'decent citizens' would fall out with 'the communists and agitators' had come true. Special Branch was pleased to report that the NCCL's AGM in 1937 was attended by only 65 people, and 'the proceedings were seemingly lacking in enthusiasm and were indicative of the dearth of interest in the Council by the more moderately minded persons who supported it in the first place.'²¹⁰ The NCCL's position in relation to the police seemed to cause some problems with the more liberal sections of the membership. Kingsley Martin suggested that whilst Kidd failed to understand politics 'he understood well all about the police' and that he considered 'his main job in life was to fight the police'.²¹¹ This was not always a good thing, as George Catlin commented: 'Kidd's big drawback was his attitude to [the] police – [he] thought they

²⁰⁶ Home Office Minutes, 7 December 1935, Disturbances: The National Council for Civil Liberties, Activities of Ronald Hubert Kidd, HO 45/25462.

²⁰⁷ M. Worley, *Labour Inside the Gate: A History of the Labour Party between the Wars* (London: I.B. Tauris, 2005), p. 211.

²⁰⁸ Cox interview with Foot, U DSF 4/1.

²⁰⁹ D. Foot, *Despotism in Disguise* (London: Liberal Publications, 1937).

²¹⁰ Special Branch Report, 27 April 1937, HO 45/25463.

²¹¹ Cox interview with Martin, U DSF 4/2.

were all Fascists'.²¹² The NCCL repeatedly stressed, as it would throughout its existence, that its principal complaint was not against individual officers but those who ordered, trained and ran the police force.²¹³ Kidd argued that the similarity of police methods across the country were evidence of central government instructions to make things difficult for pacifists and left wing propagandists.²¹⁴ From 1934, the NCCL noted that 'irregular police actions were increasing and contrasted the reluctance to use police power to intervene at Oswald Mosley's meeting at Olympia in 1934, with the heavy handed approach towards the left.'²¹⁵ It wrote, 'to his [the police officer's] official mind (nurtured on the "Daily Mail" and "Evening News") left wing and socialist demonstrations are somehow connected with what he has been taught to regard as "the criminal classes" and pacifist propaganda is at once wrong-headed and unpatriotic'.²¹⁶

The NCCL's biggest inquiry was an investigation of a police baton charge made at an anti-fascist meeting arranged to coincide with a BUF meeting at the Royal Albert Hall at Thurloe Square on 22 March 1936.²¹⁷ It collected a mass of eyewitness statements and sympathetic MPs asked for an inquiry.²¹⁸ The Government refused this request. The Police Commissioner objected to NCCL's work calling it a 'self-constituted body with no authority or statutory powers', whose principle activity was 'to criticise and attack the police on every opportunity they can make'. He added that an inquiry would only encourage its 'troublesome activities' which he considered to have 'no public backing whatever'.²¹⁹ Facing such a response the NCCL held its own Commission of Inquiry conducted by Eleanor Rathbone, J. B. Priestley, and Professor F. M. Cornford. Professor Norman Bentwich chaired this and its

²¹² George Catlin comments on NCCL, see U DSF 4/1.

²¹³ 'News Sheet' – January 1936, U DCL 74/6.

²¹⁴ *The Use of Police for Political Purposes* (London: NCCL, 1938), U DCL 1/3.

²¹⁵ National Council for Civil Liberties Annual Report and Balance Sheet 1934, U DCL 73Aa (ii), p. 27.

²¹⁶ 'News Sheet' – January 1936, U DCL 74/6.

²¹⁷ 'News Sheet' - Autumn 1936, U DCL 74/6.

²¹⁸ Scaffardi noted that they interviewed 113 witnesses, Scaffardi, *Fire Under the Carpet*, p. 130.

²¹⁹ Sir Phillip Game, Comments on Thurloe Square Demonstration, MEPO 2/3089.

Secretary was Dudley Collard.²²⁰ It concluded the Thurloe meeting was peaceful, that the police behaved inappropriately and that the Home Secretary's report on the incident in the Commons was based on inaccurate information.²²¹

Special Branch closely monitored proceedings reporting that the audience was a 'middle class intellectual type', that 'proceedings were conducted in an exaggerated tone', and evidence was 'accepted sympathetically and without question'. The inquiry was dismissed as conveying 'a distinct impression of bias against the police' and that 'the witnesses were palpably the holders of left wing or extreme political views, and many appeared to be merely exploiting the apparatus for bringing grievances under the spotlight of publicity'.²²² In this instance, the political agenda of many of the protagonists gave the Home Office an excuse to dismiss the accusations.²²³

The politics associated with civil liberties appeared to cause some concerns amongst its intellectual membership. Forster criticised an NCCL charter, which expanded its work to areas like the colonies and Ireland.²²⁴ Dingle Foot and J.B. Priestley, both of whom had been active in the early days of the NCCL, complained that the organization was mainly outspoken when communists were involved.²²⁵ George Catlin, who was active on the committee for a couple of years, left as he felt the executive was seemingly in the hands of 'fellow travellers' and 'non card-carrying' communists.²²⁶ Such suspicions lingered on throughout and would eventually lead to a far greater assault on the NCCL during the 1940s and 1950s.

Political difficulties also ruined Basil Liddell Hart's attempt to find 'political agreement' and unite the 'dissident Conservative, Liberals and a fairly heavy section of the

²²⁰*The Thurloe Square Baton Charge: Report of a Commission of Inquiry into Certain disturbances at Thurloe Square on March 22nd 1936* (London: NCCL, 1936), p. 3.

²²¹*Ibid.*, pp. 28-9.

²²² Report of NCCL Inquiry into Thurloe Square, 13 July 1936, HO 45/25462.

²²³ N. Bentwich to Sir John Simon, 23 July 1935, HO 45/25462; Home Office Minutes on Report of NCCL Inquiry into Thurloe Square, 13 July 1936, HO 45/25462.

²²⁴ E.M. Forster to C. Isherwood, 16 July 1935 in M. Lago & P. N. Furbank (eds), *Selected letters of E.M. Forster, Volume: 2* (London: Collins, 1985), p. 124.

²²⁵ B. Cox interview with D. Foot, DSF 4/1; J. B. Priestley to B. Cox, 24 September 1968, DSF/4/1.

²²⁶ George Catlin comments on NCCL, see U DSF 4/1.

Labour Party' into his proposed 'Hundred Thousand' movement.²²⁷ A proposed meeting turned into a farce when Duncan Sandys invited people who were not meant to be included and then informed the press.²²⁸ This ended in a semi-public meeting that was, according to the *Evening Standard*, conducted in a 'cloud of bewilderment and dismay', and the United Front Labour newspaper *Tribune* reported that 'the progressive forces came into an immediate clash' with the likes of Randolph Churchill and Sandys. Many of the individuals involved subsequently walked out.²²⁹ The journalist Henry Nevinson, the NCCL's President at this time, wrote to Liddell Hart offering condolences for the chaos of the meeting.²³⁰ A new political party was not the original intention of the movement. Liddell Hart placed the blame on Sandys. He complained to the Press Association that he did not aim to establish a 'new political group but a new movement of the spirit – the British spirit of freedom and justice to be expressed in co-operation' with 'the hope of rallying the best of all parties'.²³¹ Political differences again challenged attempts to create a political union on the broad terms of freedom, liberty and democracy.

Conclusions

The NCCL was a 'non-party' organization. It was not, however, a non-political organization. This was at the heart of its failure to unite all the parties under the banner of civil liberties. Much like those holding the middle opinion in the thirties, the NCCL's general commitment to democracy and liberty placed it on the side of political 'agreement'. Unlike the planners, members and branches of the CPGB were part of the NCCL's network. This, combined with a version of civil liberties, which appeared far more critical of the extreme right than the

²²⁷ C. Cadogan to B. Liddell Hart, 31 December 1938, Liddell 5/23.

²²⁸ The Movement for Freedom – A record, Liddell 5/23.

²²⁹ See press clippings, Liddell, 5/23.

²³⁰ H. Nevinson to B. Liddell Hart, 9 January 1939, Liddell 5/23.

²³¹ B. Liddell Hart to Press Association, 6 January 1939, Liddell 5/23, B. Liddell Hart to H. Clevely, 9 January 1939, Liddell 5/23.

extreme left, gave it a reputation of political bias, which did not correspond with its supposed 'non-party' position. As one commentator moaned, 'what is sauce for the black goose must never, in Left Wing theory, be sauce for the red gander'.²³² This, along with an increasing tendency to detect fascism in the actions of the police and National Government, placed the NCCL, for all its emphasis on democracy, on the side of 'disagreement' along with the Left Wing Book Clubs, and the Socialist League.²³³

This kind of politics also challenged some of the general assumptions about British society. It queried a tradition, continued until the late 1950s and early 1960s, of a non-political and trustworthy police force that was popular with the majority of 'law abiding citizens' and appeared preferable to continental equivalents.²³⁴ More fundamentally, the NCCL's analysis of civil liberties included an examination of police violence, the recording of repressive measures conducted within the Empire and Ireland, and a constant protest about violence associated with British fascism. This posed a test to what Jon Lawrence identified as Britain's reassuring self perception as a 'peaceable kingdom' which had developed from a fear of brutalization in post-war politics.²³⁵ Civil liberties ultimately did not work as a unifying force in politics. By the Second World War, the NCCL was struggling to hold together the liberal, socialist and communist strands that it had briefly united in the 1930s. As the following chapter will demonstrate, this union collapsed even further throughout the 1940s and 1950s.

The work of the NCCL demonstrated the left's efforts in the 1930s, particularly characteristic of 'popular front socialist and communists', to depict itself as the true

²³² *Evening Standard*, 24 June 1937, U DCL 47/2.

²³³ Marwick, 'Middle Opinion in the Thirties', p. 297.

²³⁴ See C. Emsley, 'An Indulgent Tradition: The English Bobby' in R. Porter (ed.), *Myths of the English* (Cambridge: Polity Press, 1992), pp. 114-135.

²³⁵ J. Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and fear of Brutalization in Post-First World War Politics', *Journal of Modern History*, 75:3 (2003), pp. 587-599; P. Mandler, *The English National Character: the History of an Idea from Edmund Burke to Tony Blair* (London: Yale University Press, 2006).

protectors of British democracy.²³⁶ These organizations aimed, through their progressive networks, to contest the Government's coalition and act like a 'National Opposition' movement.²³⁷ The failure to establish itself as a credible organization operating on a 'solid, non-party base' could, in part, be attributed to political naivety about the communist influence and the seemingly political stance regarding 'anti-fascism' and the police. Kingsley Martin noted that Kidd did not really understand party politics.²³⁸

However, the NCCL's failure was in the context of the failure of bodies that pursued the politics of 'agreement'. That a whole host of organizations, with less controversial political alliances than the NCCL, failed indicates a fundamental problem of attempting to occupy a 'non-party' space in the 1930s. Despite alternative organizations' exclusion of communists, agreement could not be found within the politics of planning.²³⁹ Even the League of Nations Union's success in encouraging democratic participation worked generally only at a local level, with little impact on the Government's foreign policy, whilst the left's attempts to forge a genuine popular front appeared to fail owing to the Labour Party leadership's concerns over the factionalism of left wing politics.²⁴⁰ The implication of such an account of the 1930s is that, at a national level, the space in which a politics could be effective outside of political parties was limited. As shall be demonstrated, this contrasts markedly with the experience of organizations during later time period, when political parties diminished in strength and NGOs, social movements and pressure groups became greater players in politics.

²³⁶ See M. Taylor, 'Patriotism, History and the Left in Twentieth-Century Britain', *The Historical Journal*, 33: 4 (1990), p. 979, see R. Kidd, *The Fight for a Free Press: Historical Struggles for Civil Liberty Series* (London: NCCL, 1942), U DCL 63/2.

²³⁷ Searle, *Country Before Party*, pp. 185-195.

²³⁸ Cox interview with Martin, DSF 4/1.

²³⁹ Ritschel, *The Politics of Planning*, pp. 329-335.

²⁴⁰ Blaazer, *The Popular Front and the Progressive Tradition*, p. 170.

Organizations stressing a ‘non-party’ and ‘non-political nature’ were a feature of interwar Britain. Indeed such labels became the *modus operandi* for pressure politics.²⁴¹ For McKibbin, the ‘non-political’ organizations he examined were, in effect, ‘deeply political’ allowing for Conservative appropriation of a Liberal Party base into an ‘anti-socialist’ coalition.²⁴² Unlike the groups discussed by McKibbin, the NCCL appeared to appropriate liberal values to recruit the Liberal Party and socialists into a left wing anti-fascist coalition. Also unlike those examined by McKibbin, the NCCL, For Intellectual Liberty, and the Federation of Progressive Societies and Individuals worked to encourage a highly active, politicised civil society through providing political information to a range of organizations. Whilst other organizations may have been able to encourage a democratic culture outside of formal party politics at a local level, this was never really achieved by those raising civil liberties issues.²⁴³ Civil liberties meant questioning the powers of the state, thus negotiation with the state was an essential component of such politics. Furthermore, it required interaction with the institutions of the state. This meant intervention into high politics through contacts with Government Ministers, MPs, political parties and various parts of the Government and civil service.

With this in mind, it may be, as Dingle Foot pointed out, that the NCCL’s greatest success was to survive.²⁴⁴ This was something that was not achieved by the Hundred Thousand or For Intellectual Liberty beyond 1940. That the NCCL and some of its members received so much attention from Special Branch and the Home Office was, in some sense, a back-handed compliment; they were clearly aware of the criticisms that being made. Although critical, Special Branch reports admitted that the NCCL was able to ‘raise a storm of controversy’ and that ‘largely owing to Kidd’s industry and guile, a movement has been

²⁴¹ McCarthy, ‘Parties, Voluntary Associations, and Democratic Politics in interwar Britain’, p. 893.

²⁴² R. McKibbin, *Classes and Cultures: England 1918-1951* (Oxford: OUP, 1998), pp. 96-7.

²⁴³ McCarthy, ‘Parties, Voluntary Associations, and Democratic Politics in interwar Britain’, pp. 911-912.

²⁴⁴ Cox interview with Foot, U DSF 4/1.

built up which bids fair to prove a formidable source of anxiety to the authorities'.²⁴⁵ This was some achievement, but it would not be until the late 1960s that the NCCL could genuinely start to pursue a politics which enabled the recruitment of individuals from across the political spectrum. In the meantime, the recruitment of lawyers, journalists, and some politicians, however dubious their politics seemed, provided just enough professional capital to sustain the NCCL in the immediate post war period. Those that remained may not have been considered 'decent citizens' by Special Branch, but they were unquestionably useful.

²⁴⁵ Special Branch Report, Summary No. 2, Ronald Hubert Kidd, 12 November 1935, HO 45/25462.

Chapter Two

From Civil Liberties to Human Rights?

British Civil Liberties Activists and a New World Order

By the end of the twentieth century a marked shift had taken place in the rhetorical framing of the activities of the British civil liberties lobby. The National Council for Civil Liberties (NCCL) became Liberty, operating under the tagline ‘protecting civil liberties: promoting human rights’. Similarly, the Scottish Council for Civil Liberties had become the Scottish Human Rights Centre, whilst the British branch of the International Commission of Jurists, JUSTICE, whose acronym stood tentatively for the ‘Joint Union of Societies to Insure Civil Liberties in England and elsewhere’, now describes its first aim as the promotion of human rights.¹ These shifts appeared to mark the emergence of a new *zeitgeist*, in which a broader, inclusive language of human rights has replaced a more individualistic conceptualization of civil liberties.²

Such a shift in the language of British civil liberties activism reflects the increased importance of the idea of human rights in twentieth-century politics. In charting this, historians have placed great emphasis on the Second World War as a significant period in such a transformation.³ Positivist and legal interpretations of this emergence have identified it within the United Nations Charter of 1945, the Universal Declaration of Human Rights (UDHR) of 1948 and the European Convention on Human Rights in 1950.⁴ These seemingly marked a new era in which the rights of the individual had a place within the global

¹ Minutes of Meeting, 17 January 1957, Hull History Centre, University of Hull Archives, Justice Papers, U-DJU 1/1.

² F. Klug, *Values for a Godless Age: the Story of the United Kingdom's New Bill of Rights* (London: Penguin, 2000), pp. 6-7.

³ P. Kennedy, *The Parliament of Man: The United Nations and the Quest for World Government* (London: Penguin, 2006), pp. 178-9; L. Hunt, *Inventing Human Rights: A History* (London, 2007), pp. 200- 214; Klug, *Values for a Godless Age*, pp. 86-87.

⁴ Article 1, Charter of the United Nations (1945).

institutions of a new world order. As Paul Kennedy has made clear in his study of the United Nations, this was ‘qualitatively different from anything else that had gone before’.⁵

A number of Non-Governmental Organizations (NGOs) played a significant role in this emergence. It was NGOs that lobbied for the UN Draft Charter to open with the phrase ‘we the peoples of the United Nations [are] determined...to reaffirm our faith in fundamental human rights’.⁶ In addition, Eleanor Roosevelt, the leader of the UN’s drafting committee charged with producing the UDHR, explained that these NGOs could provide a ‘curious grapevine’ that would carry the words and significance of the Declaration, which had no built-in enforcement mechanism, to all peoples in all regimes.⁷

Yet, the NGOs working around the formation of the UN, and in the drafting of the UDHR, were mainly American. Within Britain the transition from a national politics of civil liberties into an international language of human rights did not occur in the immediate aftermath of the war.⁸ Indeed, reflecting specifically on the failure of the NCCL’s attempts to mobilise a form of transnational human rights politics between 1945 and 1950, a member of its Executive Committee speculated that it had approached the subject ten years too early.⁹

This chapter discusses the relationship between British civil liberties and rights organizations and the emergence of this new framework for transnational human rights. At the heart of it are a series of difficulties that British organizations had in pursuing an effective

⁵ Kennedy, *Parliament of Man*, p. 177; the uniqueness of this is also commented on in T. Judt, *Post-war: A History of Europe Since 1945* (London, Pimlico, 2007), p. 565; J. Humphrey, ‘The UN Charter and Universal Declaration of Human Rights’ in E. Luard (ed.), *The International Protection of Human Rights* (London: Thames & Hudson, 1967), pp. 39-40.

⁶ W. Korey, *NGOs and the Universal Declaration of Human Rights: “A Curious Grapevine”* (Basingstoke: Macmillan, 1998), p. 39.

⁷ Kennedy, *Parliament of Man*, pp. 178-9; Korey, *NGOs and the Universal Declaration of Human Rights*, pp. 48-9; J. Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999); P. G. Lauren, *The Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2003), p. 116.

⁸ T. Buchanan, ‘Human Rights Campaigns in Modern Britain’ in N. Crowson, M. Hilton & J. McKay (eds), *NGOs in Contemporary Britain: Non-state Actors in Society and Politics since 1945* (Basingstoke: Palgrave Macmillan, 2009), pp. 113-128; S. Hopgood, *Keepers of the flame: understanding Amnesty International* (London: Cornell, 2006), p. vii.

⁹ B. Cox interview with N. Lawson, Hull History Centre, University of Hull Archives, Scaffardi Papers (hereafter U DSF), U DSF/4/3.

politics of human rights in the immediate post-war period. As shall be demonstrated, there was a newfound interest in the idea of human rights from the British left in the 1940s and 1950s; this occurred on both a national and international level. Yet, this did not find effective organizational expression. This chapter will consider why this did not occur and the implications that such an absence has had on the international politics of human rights.

A British Notion of Rights

A distinct line on rights emerged from within the British left during the 1930s and 1940s. This was informed by a longstanding national debate attempting to propose the organization of society under a system of government in which economic and social rights were accommodated alongside political and civil ones. This was the thrust of what T.H. Marshall proposed to be the outcome of a 250 year evolution of British citizenship.¹⁰ Whilst definitions of democracy were very much open for discussion within leftist circles in the 1930s, both competing models of ‘social democracy’ and ‘popular democracy’ emphasised the necessity of combining these rights.¹¹ Indeed, a central part of the national planning politics of the 1930s was a discussion of how to create a society that could gain maximum social advantage and economic expansion, whilst simultaneously ensuring the protection of individual liberty.¹² Rhetorically speaking, these rights could be found in the activities of those understood by Marwick to be representative of the 1930s ‘middle opinion’, in addition to those on the more radical left that had worked towards a popular front politics founded on a shared commitment towards democracy.¹³

¹⁰ T. H. Marshall, *Citizenship and Social Class* (London, 1992: First Published 1950), pp. 7-8.

¹¹ For differing notions of democracy in the 1930s see T. Buchanan, ‘Anti-fascism and democracy in the 1930s’, *European History Quarterly*, 32:1 (2002), pp. 39-58.

¹² K. Lindsay, ‘PEP through the 1930s: Organisation, Structure, People’ in J. Pinder (ed.), *Fifty Years of Political & Economic Planning: Looking Forward, 1931-1981* (London: Heinemann Educational, 1981), p. 9; The Next Five Years Group, *The Next Five Years: An Essay in Political Agreement* (London: The Next Five Years Group, 1935), p. 3.

¹³ A. Marwick, ‘Middle Opinion in the Thirties: Planning, Progress and Political ‘Agreement’’, *English Historical Review*, 79 (1964), pp. 285-299.

Whilst the debates on democracy and economic planning in the 1930s incorporated British thinking on rights, this became expressed in a more obvious and international way during the Second World War. Linked to the discussion of war aims in late 1939 and early 1940 this occurred most obviously in the *Daily Herald's* month long debate on the need for a new declaration of the rights of man. This debate, instigated by H.G. Wells and *The Herald* journalist Peter Ritchie-Calder, led to the *Sankey Declaration of Rights* that was published later that year as well as the publication of Wells' *The Rights of Man* in 1940. Demonstrative of the mood for planning a new world order, the publication was subtitled *What are we fighting for?.* *The Herald* dedicated one page everyday throughout February 1940 to answering this question. Within this particular historical moment then, the project for the rights of man was in keeping with a left wing mood rich in hopes of a Utopian post-war reconstruction.¹⁴ This was most overtly expressed in Wells' *The Rights of Man*:

At various crises in the history of our communities, beginning with Magna Carta and going through various Bills of Rights, Declarations of the Rights of Man and so forth it has been our custom to produce a special declaration of the broad principles on which our public and social life is based, and abide by that as fundamental law.¹⁵

In Ritchie-Calder's words, both he and Wells were convinced of the need for a 'democratic re-action' and 'democratic reflection' on what the country believed to be 'the human liberties for which the war was supposed to be fought'. This would provide 'some kind of world definition – a common denominator of the rights of man' which could be part of the effort to 'reconstruct the ruins' of social and international relations.¹⁶ The translation of the Sankey Declaration into Russian, Italian, Chinese, Greek, and Polish as well as the

¹⁴ Examples of works projecting this included H. Laski, *Where Do We Go From Here* (Harmondsworth: Penguin, 1940); R. Acland, *Unser Kampf* (Harmondsworth: Penguin, 1940), see also N. Joicey, 'A Paperback Guide to Progress: Penguin Books 1935-c.1951, *Twentieth Century British History*, 4:1 (1993), pp. 25-56; J. Winter, *Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century* (London: Yale University Press, 2006), p. 100, 113.

¹⁵ H. G. Wells, *The Rights of Man: or What Are We Fighting For?* (Harmondsworth: Penguin, 1940), p. 13.

¹⁶ P. Ritchie-Calder to Waldemar Kaempffert, 27 January 1940, Edinburgh, National Library of Scotland, Ritchie-Calder Papers (Hereafter CP), Acc. 12533/3.

responses gained from, amongst others, Ghandi, Nehru, and Joseph Goebbels, was indicative of the global aspirations of its protagonists.¹⁷ Lord Sankey, who chaired the drafting committee drawing up the final version of the Declaration, prepared himself by reading every declaration of rights and constitution that he could lay his hands on in order to generate as cosmopolitan a document as possible.¹⁸

Ritchie-Calder and Wells suggested that their work represented a middle ground between the French Declaration of the Rights of Man and the Citizen (1789), with its emphasis on civil and political rights and the Soviet Declaration of the Rights of the Toiling and Exploited Peoples (1918), which emphasised social and economic rights.¹⁹ The first point made in the Declaration was that all people had a right to all the resources, powers and inventions accumulated in the world and were entitled to sufficient nourishment, shelter, and medical care to ensure a decent state of health from birth to death.²⁰ Alongside welfare rights such as education and housing, the document included more libertarian principles including free speech, the protection of property, freedom from arbitrary detention, and political rights such as the right to vote and freedom of movement and assembly.²¹ As such, the work was presented as a 'liberal socialist' project.²² This was the politics of planning gone global.

For Wells, the Declaration was part of a cosmopolitan New World Order, in which liberty could be preserved in a socialist state and through which the goodwill existing amongst mankind could thrive.²³ Although Wells' view of humanity clearly shifted between pessimism and optimism, his contributions to the debate placed him within an idealist

¹⁷ M. Wells to Ritchie-Calder, 12 June 1943; H.G. Wells to Ritchie-Calder, 10 March 1943; M. Wells to Ritchie-Calder, 15 October 1943; Marjorie Wells to Ritchie-Calder, 7 August 1943, CP, Acc. 12533/2, Ritchie-Calder to Waldemar Kaempffert, 25 March 1940, CP, Acc.12533/3; Peter Ritchie-Calder Speech for Human Rights Day, 11 December 1966, Dep. 370, CP, Dep. 370, Acc. 73; H.G. Wells, *The Rights of Man*, p. 84.

¹⁸ P. Ritchie-Calder to Waldemar Kaempffert, 25 March 1940, CP, Acc.12533/3.

¹⁹ Wells, *The Rights of Man*, p. 80, P. Ritchie-Calder to Lord Sankey, 4 April 1940, Oxford, Bodleian Library, Sankey Papers (hereafter SP), mss., eng. hist., c. 518/4.

²⁰ Wells, *The Rights of Man*, p. 80.

²¹ *Ibid.*, pp. 80-84.

²² P. Ritchie-Calder to Waldemar Kaempffert, 27 January 1940, CP, Acc. 12533/3.

²³ H. G. Wells, *The New World Order* (London: Secker & Warburg, 1940), p. 103, 109-110.

tradition.²⁴ They also placed him within a tradition of the British left. Although not an idealist in any sense, attempts to combine a socialist state with a liberal space shared much with the thoughts of Harold Laski.²⁵ Unsurprisingly Laski, although not engaged in the *Herald* debate, was one of the main respondents to Wells' appeal for a nationwide debate on rights, suggesting that fighting for such rights was 'a cause as high as there is in mankind'.²⁶

The debate created interest from across the left. Readers from both *The New Statesmen* and *The Herald* were asked to contribute and discuss the subject in local reading groups and meetings. A mass of correspondence was produced and the newspapers received a significant sales bump.²⁷ With this, the drafting committee claimed its work represented the co-operation of thousands of people.²⁸ Indeed, the individuals who offered critical but generally supportive opinions on the Declaration represented a large section of the left. Intellectual input came from the likes of C.E.M. Joad, J.B. Priestley, and George Bernard Shaw.²⁹ Scientists such as J.B.S. Haldane and Lancelot Hogben chipped in, as did representatives of the major unions.³⁰ Members of women's organizations, peace organizations and religious institutions all commented during the course of the debate.³¹ In addition, politicians such as Harold Nicholson, Richard Acland and the Labour leadership of Clement Attlee, Arthur Greenwood, and Herbert Morrison all contributed.³² Interestingly, both Attlee and Greenwood pointed out any declaration on rights ought to include reference

²⁴ For Wells' more pessimistic considerations see H. G. Wells, *The Fate of Homo-Sapiens* (London: Secker & Warburg, 1939) for Wells' thoughts as idealism, see D. Boucher, 'British Idealism and the Human Rights Culture', *History of European Ideas*, 27:1 (2001), p. 62.

²⁵ See I. Kramnick & B. Sheerman, *Harold Laski: A Life on the Left* (London: Penguin, 1998), p. 383.

²⁶ H. Laski, *The Rights of Man* (London: Macmillan War Pamphlet, 1940), p. 32.

²⁷ P. Ritchie-Calder, *Diary Extracts*, 15 February 1940, 12 February 1940, CP, Acc. 12533/12.

²⁸ Minutes of the drafting committee, 6 April 1940, SP, c. 518/49.

²⁹ *Daily Herald*, 14 February 1940, p. 4, *Daily Herald*, 19 February 1940, p. 4, *Daily Herald*, 20 February 1940, p. 4.

³⁰ *Daily Herald*, 16 February 1940, p. 4, *Daily Herald*, 14 February 1940, p. 4.

³¹ Including the Reverend Henry Carter, the Arch Bishop of York, General Carpenter of the Salvation Army, The Six Point Group, the Married Women's Association, *Daily Herald*, 8 February 1940, p. 4; *Daily Herald*, 9 February 1940, p. 4; *Daily Herald*, 28 February 1940, p. 4.

³² *Daily Herald*, 1 March 1940, p. 8, *Daily Herald*, 20 February 1940, p. 4.

to duties, a line which they would repeat as members of the British Government during the initial UDHR drafting process.³³

Clear links existed between those debating the rights of man in February 1940 and the defenders of civil liberties in the 1930s. For example, Wells was an early supporter of the NCCL, acting as an observer at the Hunger Marches in 1934 and a signatory of one of its early letters to the *Manchester Guardian*.³⁴ Other notable contributors to the debate included Priestley, Attlee, Acland, and Joad, all of whom were involved in the NCCL in various capacities throughout the 1930s. Most clearly, the NCCL's President, the campaigning journalist Henry Nevinson and its founder and Secretary Ronald Kidd, contributed, re-writing a couple of sections of what would become the Sankey Declaration.³⁵

However, all this interest in the debate was not turned into a political movement. Ritchie-Calder complained that he had no machine to aid him in processing responses to the debate or taking it any further.³⁶ Despite an overcrowded meeting held in Westminster to shore up backing for the Sankey Declaration, Ritchie-Calder was unsure that this could be channelled into an organization. He thought that the audience was too receptive and, in the context of the war, was mainly escapist rather than constructive, observing that 'they didn't want peace so much as to be left in peace' and 'would have cheered as vigorously had the subject been not a new world order but seventh day Adventism or the second coming of Christ'.³⁷ Lord Sankey's aim to organise a nationwide campaign to be followed by the petitioning of Parliament with the Declaration did not develop as Ritchie-Calder started a new job organising political propaganda in the Political Warfare Executive.³⁸

³³ *Daily Herald*, 8 February 1940, p. 4.

³⁴ B. Cox interview with G. Bing, U DSF 4/1, *Manchester Guardian*, 24 February 1934, Hull History Centre, University of Hull Archives, Liberty Archive (hereafter U DCL), U DCL/47/1.

³⁵ R. Kidd to *Daily Herald*, 7 February 1940, U DCL 12/4.

³⁶ P. Ritchie-Calder to Waldemar Kaempffert, CP, 25 March 1940, Acc. 12533/3.

³⁷ P. Ritchie-Calder to Waldemar Kaempffert, 25 March 1940, CP, Acc. 12533/5.

³⁸ Sankey to Ritchie-Calder, 23 April 1940, SP, Mss. 518/136.

Attempts to spread the word of this debate across America reinforced it as primarily an intellectual project. A *New York Times* journalist, who was trusted to publicise the debate, played down aspects hinting at a general political movement. Instead he chose to frame it as a discussion amongst the leaders of British thought. He considered this to be the method of ensuring that the greatest impact could be had on American politics.³⁹

Furthermore, as the organization best positioned to benefit from such discussions, the NCCL preferred to continue its work of monitoring the state of British civil liberties during wartime. Kidd's response to the debate was lukewarm. In the *Herald* he noted that his organization welcomed the debate, expressing his hope that freedom of opinion, assembly, organization and speech would be extended in any new world order. He also pointed out recent infringements on civil liberty from the Defence Regulations and the continued relevance of the NCCL in protecting civil liberty.⁴⁰ Privately, though, Kidd considered the Declaration 'too woolly to serve any useful purpose'.⁴¹ He was also uncomfortable with clauses open to interpretation. Of particular concern were those relating to private property: 'I myself would as strongly object to any patent injustice under Socialism and under Capitalism' he wrote, before adding that what appeared indefensible confiscation of property to one man could seem a measure to secure justice to another.⁴² Indeed, whilst many of the protagonists of the debate had appeared alongside the NCCL through the 1930s, its attitude to the debate was that it remained largely an academic question, divorced from the actual work of protecting civil liberties. This view shifted at the end of the war as it became more enthusiastic about expanding its work into an international sphere.⁴³

³⁹ Waldemar Kaempffert to P. Ritchie-Calder, 29 February 1940, Acc. 12533/5.

⁴⁰ *Daily Herald*, 20 February 1940, p. 4.

⁴¹ R. Kidd to H. Nevinson, 29 January 1940, U DCL 12/4.

⁴² R. Kidd to *Daily Herald*, 7 February 1940, U DCL 12/4.

⁴³ Civil Liberties in the New World, NCCL Sub-Committee on the New World, 28 November 1945, U DCL 61/6.

That is not to say that mobilising organizations was considered a fruitless endeavour by those involved. A similar set of individuals were involved in the formation of the 1941 Committee.⁴⁴ This body's nine-point programme included much from within the debate. However, even at this stage, the emphasis had shifted towards a project of re-building the nation state after the war, and not a transnational politics. Furthermore, in the 'polite lobbying' of the 1941 Committee, or in the activities of the Commonwealth Party developed from it under the leadership of Richard Acland, this activism was either thought of as that of an elite group acting like a think tank, or a political party rather than a movement.⁴⁵

It has been suggested that this debate may have influenced President Roosevelt's *Four Freedoms* speech in 1942. However, accounts of this process are a little speculative, and the motivations of Roosevelt's internationalism can be explained in numerous ways.⁴⁶ Nonetheless, Wells believed he had influenced the President.⁴⁷ Ritchie-Calder, however, who met with Roosevelt following an introduction by Wells, was less convinced of the influence as he did not get the opportunity to discuss the Declaration at his meeting with the President.⁴⁸

In terms of the rights discussed within the debate, these found a place within the construction of the welfare state. John Boyd Orr, the doctor, biologist and politician who would go on to become director of the United Nations Food and Agriculture Organization after the Second World War, was a member of *The Herald's* drafting committee. He related the debate to the enthusiasm for new welfare planning during the 1940s. He considered the British Medical Council's Charter for Health, drawn up in 1943, to be a 'concrete companion'

⁴⁴ M. Hilson & J. Melling, 'Public Gifts and Political Identities: Sir Richard Acland and the Moral Politics of Land Ownership in the 1940s', *Twentieth Century British History*, 11:2 (2000), pp. 156-182.

⁴⁵ Commonwealth Party, *Report of the First Annual Conference held in Manchester 23 April 1943*, p. 1.

⁴⁶ On this see J. H. Burgers, 'The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century', *Human Rights Quarterly*, 14:4 (1992), p. 447.

⁴⁷ Peter Ritchie-Calder speech for Human Rights Day 11 December 1966, CP, Dep. 370, Acc. 73, .G. Wells to President Roosevelt, 3 March 1942, CP, Acc. 12799.

⁴⁸ Peter Ritchie-Calder speech for Human Rights Day 11 December 1966, CP, Dep. 370, Acc. 73.

to the Rights of Man discussion, and also linked the climate of ideas created by Ritchie-Calder and Wells to those that appeared so popular in the Beveridge Report.⁴⁹

That Ritchie-Calder and Orr would correspond is hardly surprising, and Orr's vision of extending his scientific campaign for a planned food policy based on human needs into the empire and the world in the post-war era, had exactly the same internationalist spirit as the Wells debate.⁵⁰ Ritchie-Calder articulated this social democratic vision of the future: 'collectivism is inevitable' but 'we must have the counter poise of individual liberty and of collective criticism'.⁵¹ Indeed, to some, the demise of the Commonwealth Party in 1945 appeared to symbolise the Labour Party's endorsement of its programme through its championing of the politics of welfare.⁵² Yet, this had become a vision of rights framed in relation to the nation state and not the global project of *The Herald*.

It is easy to condemn Wells' aspirations for global government as a utopian dream or, as he put it, 'another Wellsian fantasy'.⁵³ Indeed, Wells was aware of this and was concerned to gather as many contributors as possible. His refusal to be a lone signatory on the Declaration's introduction aimed to reduce the risk that it would appear a fictional invention by a famous author.⁵⁴ Whilst Wells' ideas on world government were more utopian than many in the 1930s, he was certainly not a solitary voice in seeking global answers to the problems of inter-war Britain. Popular front politics, movements for pacifism and the search for world government through activism related to the League of Nations Union were demonstrative of the internationalism of inter-war political mobilizations.⁵⁵ The Sankey Declaration was evidence that a wider portion of the British left saw the possibility that the politics of rights

⁴⁹ Sir John Boyd Orr to Peter Ritchie-Calder, 2 January 1945, CP, Acc. 12533/9.

⁵⁰ See J. Vernon, *Hunger: A Modern History* (London: Belknap, 2007), p. 153.

⁵¹ P. Ritchie-Calder to Waldemar Kaempffert, 25 March 1940, CP, Acc. 12533/5.

⁵² Hilson & Melling, 'Public Gifts and Political Identities', p. 158.

⁵³ As George Orwell did in his 1941 writing 'Wells, Hitler and the world state', included within G. Orwell, *Critical Essays* (London: Secker and Warburg, 1946). For Wells' own assessment see Proceedings of the meeting of the drafting committee, 6 April 1940, SP, c. 518/49.

⁵⁴ Proceedings of the Minutes of the Drafting Committee, 6 April 1940, SP, c. 518/49.

⁵⁵ R. Overy, *The Morbid Age: Britain Between the Wars* (London: Allen Lane, 2009), pp. 263-266; M. Freedon, *Liberalism Divided: A Study in British Political Thought* (Oxford: Clarendon, 1986), pp. 363-365.

could provide an opportunity to move from a capitalist society to a global socialist world. Wells, as the most articulate and convinced adherent of such sentiments, hoped this could be achieved in ‘a revolution that need not be an explosion or a coup d’état’.⁵⁶

At the end of the war further attempts were made to start organising around the subject of human rights. The NCCL became enthusiastic about expanding its work into an international sphere and in December 1947, its newsletter commented that ‘we do not apologise for devoting so much attention to Human Rights, as we believe it is a subject of the greatest importance to humanity’.⁵⁷ Within this, its Secretary wrote that:

As a result of the spread of the fascist régimes on the continent and the danger to British liberties from a possible invasion and consequent spread of fascism to this country, the voice of the British people was added to the spontaneous demand from all people all over the world that human beings should be assured certain rights because they were human beings. The question has ceased to be academic.

The NCCL supported the provisions of the UN Charter which referred to human rights, although remained critical of the absence of references to colonial policy, and the danger of leaving the ‘guardianship’ of world peace to the United Nations Organizations and what it called the ‘experts’.⁵⁸ Yet, it now enthusiastically embraced what it described as a ‘new dimension of civil liberties stretching beyond the rights of a citizen into a broader notion of human rights for humanity’.⁵⁹ With this in mind, it offered itself as a body able to co-ordinate the many organizations interested in one or other aspects of human rights.⁶⁰ To carry out this role it organised an International Conference on Human Rights in June 1947, a National Conference followed this in November 1947, and it established a Committee for a World Conference on Human Rights, which was created to build on these and provide a trans-

⁵⁶ *Daily Herald*, 1 January 1940, p. 11.

⁵⁷ *Civil Liberty*, Vol. 7, No. 14, December 1947, U DCL 73/Aa/(2).

⁵⁸ *Civil Liberty*, Vol. 6., No. 6, February 1946, pp. 1-2, U DCL 73/Aa/(2).

⁵⁹ NCCL Annual Report and Balance Sheet (London, 1946-7), p. 5, U DCL 77/Aa (2).

⁶⁰ *Civil Liberty*, Vol. 8., No. 1, January 1948, p. 1, U-DCL/73/Aa/(2); *Civil Liberty*, Vol. 8, No. 3, March 1948, p. 7, U DCL 73/Aa/(2).

national umbrella organization for co-ordinating and organizing further international events.⁶¹ These aimed to discuss the definition of human rights and the role organizations could play in their promotion.⁶²

The end of the war also saw attempts by George Orwell, Victor Gollancz, and Arthur Koestler to create an international group.⁶³ This was tentatively named the League for the Freedom and Dignity of Man. Although Orwell had been critical of Wells' efforts to promote the Rights of Man, complaining that Wells kept 'bubbling' about his Declaration and debate, there were similarities between the projects.⁶⁴ In writing that his project sought a synthesis between political freedoms on the one hand, and economic planning and control on the other, Orwell took up the same issues that Wells had attempted to discuss in 1940.⁶⁵ Furthermore, the group attempted to gain an international echo through building up networks with groups like the *Amis de la Liberté* and *Esprit* in France, and the anti-fascist *Giustizia e Libertà* in Italy.⁶⁶

In addition to this, a different collection of left-liberal political figures got together in at various meetings between 1950 and 1951, led by Victor Gollancz, to form an alternative human rights and civil liberties group. Gollancz had arranged for leading figures of left liberal thought to meet with Roger Baldwin, former Director of the American Civil Liberties

⁶¹ National Conference on Human Rights, 22-23 November 1947, U DCL 77/5, Minutes of Enlarged Meeting of Provisional International Committee for the Organisation of a World Conference on Human Rights, 13 November 1948, U DCL/77/4.

⁶² *Civil Liberty: Annual Report 1947-48*, Vol 8, No. 3, March 1948, p. 7, U DCL 73/Aa/(2), Letter of invitation to International Conference on Human Rights, February 1947, U DCL/59/8.

⁶³ A. Koestler to G. Orwell, 9 January 1946, Edinburgh University Library, Special Collections and Archives, Koestler Archive (hereafter KA), MS 2345/2.

⁶⁴ G. Orwell to A. Koestler, 10 January 1946, KA, MS 2345/2. For a detailed account of Wells and Orwell's relationship see J. Partington, 'The Pen as Sword: George Orwell, H.G. Wells and Journalistic Patricide', *Journal of Contemporary History*, 39:1 (2009), pp. 45-56.

⁶⁵ A. Koestler to G. Orwell, 9 January 1946, KA, MS 2345/2.

⁶⁶ A. Koestler to V. Gollancz, 20 June 1946, KA, MS 2345/1.

Union (ACLU) and Director of the International League for the Rights of Man.⁶⁷ At the request of the US State Department, Baldwin was visiting thirty-two countries hoping to establish branches of the International League and he arranged with Gollancz to have meetings with interested parties.⁶⁸

Yet all these projects failed to gain momentum. The NCCL's attempts to organise both national and international conferences were failures. A large amount of material was sent to the UDHR drafting committee, and delegates from UNESCO attended the event. However, the NCCL had planned for hundreds of delegates to attend its international conference, but only sixty-nine were present, representing just fifteen countries and four colonies.⁶⁹ Indicative of the increasingly left-ward lean of the NCCL, delegates came from Yugoslavia, China, Poland, and Czechoslovakia. Delegates from America represented the Chicago Council for Civil Liberties, a more radical organization that had split from the more prominent and established ACLU and included communist members.⁷⁰ Furthermore, the NCCL failed to build up a network of organizations equivalent to those that had been involved in *The Herald* debate. At its National Conference it only received delegates from eight Labour party and two Liberal party branches.⁷¹ In fact, this period was a low ebb for the NCCL more generally, as it faced consistent accusations of communist influence whilst also being criticised by the non-communist left.

⁶⁷ Civil Liberties Meeting, 25 July 1950, University of Warwick, Modern Record Centre, Gollancz Papers (hereafter GP), Mss 157/3/CL/3/8. The full list is Sir Richard Acland, Mr and Mrs Henry Andrews, Lady Violet Bonham Carter, Professor Norman Bentwich, Robert Boothby, Fenner Brockway, Lt Col C.F. Byers, Rev. Canon Collins and Mrs Collins, Arthur Creech-Jones, Geoffrey Crowther, T.H. Elliot, Dingle Foot, Michael Foot, Gerald Gardiner, J. Grimond, Major the Hon. Quintin Hogg, John Hynd, Benn W. Levy, Captain Liddell Hart, Lord Layton, Lord and Lady Pakenham, R.T. Paget, R.W.S. Pollard, Ernest Raymond, Herbert Read, Wilfred Roberts, Rev. Sir Michael Scott, Richard Shuckburgh, Rev R.W. Sorenson, R.E. Stokes, Alan Thomas, Harry Walston, Miss Barabara Ward, Mr and Mrs Ian Winterbotham. In 1951 Gollancz also tried to form a streamlined group consisting of Michael Foot, Dingle Foot, Benn Levy, RWS Pollard, S. Silverman, VG, Frank Bowles.

⁶⁸ V. Gollancz to J. Grimond, 19 July 1950, GP, MSS. 157/3/7; V. Gollancz to N. Bentwich, 31 July 1950, GP, MSS. 157/3/CL/13; R. G. Cottrell, *Roger Baldwin and the American Civil Liberties Union* (New York: Columbia, 2000), p. 330.

⁶⁹ *Civil Liberty*, Vol. 7, No. 9, July 1947, p. 1, U DCL 73/Aa/(2).

⁷⁰ *Civil Liberty*, Vol. 7., No. 9, p. 2, 8, U DCL 73/Aa/(2); I. Lattimer to E. Allen, 29 June 1926, U DCL 53/3.

⁷¹ National Council for Civil Liberties National Conference on Human Rights, 22-23 November 1947, U DCL 77/5.

Indeed, all the non-NCCL mobilizations mentioned here justified their activities through accusing the NCCL of being captured by the Communist party.⁷² Many of the individuals gathered together by Victor Gollancz were ex-members of the NCCL who had drifted out or resigned in protest at its activities during the late 1930s and 1940s. Gollancz himself had been an early supporter of the NCCL and advertised its activities in *Left News*, the newsletter of his Left Book Club.⁷³ By 1946, however, he wrote that the NCCL had ‘made nonsense of its name and objects’.⁷⁴

Attempts to follow up the NCCL’s London conferences with further international meetings also failed. An effort to gather in Czechoslovakia in 1948 went nowhere. Roger Baldwin of the ACLU, specifically rejected involvement as he felt it absurd to hold a conference on human rights in a country which had become a single party state following the 1948 coup.⁷⁵ This did not concern the NCCL, who sent L.C. White, its chairman and editor of the *Daily Worker*, to discuss the project.⁷⁶ The venture did not go any further as the NCCL lost touch with Czech delegates, whilst an attempt to move the scheme to Belgium failed and it was unable to communicate effectively with the American contacts made in 1947.⁷⁷

In addition, Orwell and Koestler’s project did not develop. Bertrand Russell pulled out, citing that intellectuals were more likely to rally against the atomic bomb than for human rights.⁷⁸ Indeed, there was some element of truth within this as there were distinct similarities between the prominent public figures involved throughout these groups and those campaigning against the bomb in the early stages of the Campaign for Nuclear Disarmament

⁷² V. Gollancz to V. Bonham Carter, 26 July 1950, GP, Mss. 157/3/1/7; V. Gollancz to Koestler, 18 June 1946, GP, Mss. 157/3/CL/5/7.

⁷³ V. Gollancz to H. Nevinson, 30 June 1937, Mss. 157/3/CL/1/s – i.

⁷⁴ V. Gollancz, *Our Threatened Values* (London: Victor Gollancz, 1946), p. 30.

⁷⁵ R. Baldwin to E. Allen, 16 November 1948, U DCL 53/1.

⁷⁶ L.C. White to NCCL Members and affiliated organisations, 30 July 1948, U DCL 78/2 (1); Transcript of an interview with Elizabeth Allen from observation post number 25, Broadcast on the home service, presented by Richard Bennett 20 June 1947, U DCL 77/4.

⁷⁷ Committee for a World Conference on Human Rights, June 1947, U DCL 77/4; Minutes of Enlarged Meeting of Provisional International Committee for the Organisation of a World Conference on Human Rights, 13-14 November 1948, U DCL 77/4.

⁷⁸ A. Koestler to B. Russell, 6 May 1946, KP, Ms 2345/2.

(CND). In the end funding dried up and Koestler realised that both himself and Orwell, living in North Wales and the Inner Hebrides respectively, were ill suited to the day-to-day tasks required in the running an organization.⁷⁹

Furthermore, the attempts to form a new organization in the 1950s ended up highlighting ideological differences between liberals and socialists. Gollancz complained that ‘it is a thousand pities that people cannot see that there are a hundred and one things on which everyone can unite – all they have to do is leave the hundred and second alone’. This was apparent as differences in members’ conceptualizations of basic human rights and concerns about the implications of the idea of ‘supra-national authority’ led to division of supporters.⁸⁰

Organizational interest in human rights thus stagnated in the late 1940s and early 1950s. The transition towards the age of rights, in which human rights supposedly emerged as the only political-moral idea that has received universal acceptance, was slow.⁸¹ Even within the United Nations Association (UNA), which had 80,000 members in the post-war period there is little sense of enthusiasm for basing activities on human rights. Although the UNA’s constitution committed it to supporting the provisions of the UN Charter and thus standing for a transnational politics of human rights, it did not turn this into any notable activity. Annual General Meetings had only brief mention of the subject and little enthusiasm greeted Human Rights Day celebrations during the 1950s. Asked by UNESCO to mobilise various branches, church groups and civil society organizations in the promotion of Human Rights Day, the results were hardly worth recording.⁸² The sole action of voluntary organizations had been the distribution of UNESCO leaflets. Reports suggested that the day fell too close to

⁷⁹ R. Phillips to A. Koestler, 19 March 1946, KP, Ms 2345/2.

⁸⁰ V. Bonham Carter to V. Gollancz, 26 July 1950, GP, Mss 157/3/CL/3/28 (i); V. Bonham Carter to V. Gollancz, 14 July 1950, GP, Mss 157/3/CL/3/1.

⁸¹ L. Henkin, *The Age of Rights* (New York: Columbia University Press, 1990), p. xi; J. Waldron, *Nonsense Upon Stilts: Bentham, Burke and Marx on the Rights of Man* (London: Methuen, 1987), p. 1.

⁸² UNESCO to Foreign Office, 20 July 1953, The National Archives (hereafter NA), Kew, Foreign Office Papers (hereafter FO), FO 371/107141; J.E. Jackson FO minutes, 7 July 1952, NA, FO 371/107141; C. Cope Minutes, 9 July 1953, NA, FO 317/112495.

United Nations Day to promote any effective action.⁸³ This attitude had evidently shifted by 1968 when the Human Rights Year Campaign claimed the support of 170 different organizations.⁸⁴ It was only after 1968 that the UNA established a Human Rights Committee, and this work was given greater emphasis by the late 1970s, following the UNA's decision that the world movement for human rights had been making little progress and lacked direction.⁸⁵

The question that then emerges is what happened? British civil liberties activists and human rights thinkers had something to say about rights in the 1930s, 1940s and 1950s but were unable to find an appropriate organization able to express this. How can this failure be explained and what were the implications of this? In attempting to answer these questions two interrelated themes emerge. The first is the ending of the popular front model of politics and the second is the recurring difficulty presented to British organizations by the post-war universalism of human rights. Universalizing human rights made them global political issues. This in turn meant that the subject became an ideological weapon within the dominant Cold War paradigm of international politics.⁸⁶ These themes were interrelated as the Cold War presented difficulties for those with historical and cultural links founded in a popular front era.

⁸³ J.S. Arthur to J. Somers Cocks, 15 February 1954, NA, FO FO 371/112495; United Nations Publicity Liaison Group: Human Rights Day 1954, NA, FO 371/112495; D. Ennals to M.P. Buxton, 28 October 1954, NA, FO 137/112495.

⁸⁴ Human Rights Year 1968 in the United Kingdom of Great Britain and Northern Ireland: Report of the United Kingdom Committee for Human Rights Year, London, British Library of Political and Economic Science, United Nations Association Papers (hereafter UNA), UNA/14/12.

⁸⁵ L. Levin to Frank Field, 22 June 1978, UNA 14/2/4; UNA Human Rights Committee Proposal, December 1977, UNA 14/2/6.

⁸⁶ A. Gewirth, *Human Rights: Essays on Justification and Applications* (London: University of Chicago Press, 1982), p. 1; T. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibility and Reforms* (Cambridge: Polity, 2002), p. 54; C. Douzinas, *The End of Human Rights* (Oxford: Hart, 2007), p. 124, T. Evans, 'Introduction: Power, Hegemony and the Universalization of Human Rights' in T. Evans (ed.), *Human Rights Fifty Years On* (Manchester: MUP, 1998), pp. 10-11.

The End of the Popular Front

The failure of the popular front is a theme that most closely relates to the NCCL. Within this time period it was placed under significant pressure. Ultimately, its difficulties were ideological, political and tactical. It persisted to pursue a politics of the popular front in an age when this no longer seemed as relevant or even viable to much of the left.⁸⁷ Although the outbreak of the Second World War boosted the NCCL's membership as the prospect of military mobilization provoked understandable concerns about individual liberty, this boom was short lived.⁸⁸ Frequent complaints were made that it ignored the dangers to civil liberties from the threat of foreign invasion. One member of the Women's Liberal Association, who had been involved in the NCCL since its formation, complained that during a meeting in Cardiff in 1941 members seemed unaware that liberty 'is menaced from without even more gravely than within'; this exact complaint was also raised by the Labour MP Ernest Thurtle in June 1940 following the NCCL's announcement of its aims in wartime.⁸⁹ At the same meeting in Cardiff, a local barrister accused it of being captured by the Communist Party, and not doing all it could to fight totalitarianism.⁹⁰ Lady Rhondda's anti-fascist and anti-communist newspaper *Time and Tide* pointed out in an editorial that the NCCL appeared to be unaware that there was a war going on and that its activities were aimed at hindering the war effort.⁹¹ This, combined with its association with communists and pacifists, did not help its reputation, leading to a gradual drift of more moderate supporters.⁹²

A number of policy decisions during the war meant the NCCL lost the support of those who had embraced the socialist liberal position of Wells. Laski, himself accused of

⁸⁷ B. Jones, *The Russia Complex* (Manchester, 1977), p. 40.

⁸⁸ Special Branch Report, 6 February 1940, NA, Home Office Papers (Hereafter), HO 45/25463.

⁸⁹ M. Howell to R Kidd, 15 April 1941, U DCL/32/8; E. Thurtle to R. Kidd, 11 June 1940, U DCL/32/8; R. Kidd to E. Thurtle, 1 July 1940, U DCL/32/8.

⁹⁰ See Special Branch Report, 15 March 1941, NA, HO 45/25463.

⁹¹ *Time and Tide*, 28 June 1941, Press Clipping, U DCL/32/8.

⁹² M. Howell to R Kidd, 15 April 1941, U DCL/32/8; E. Thurtle to R. Kidd, 11 June 1940, U DCL/32/8; R. Kidd to E. Thurtle, 1 July 1940, U DCL/32/8; Special Branch Report, 6 February 1940, NA, HO 45/25463, *Time and Tide*, 28 June 1941, Press Clipping, U DCL/32/8.

being a ‘fellow traveller’, resigned from the NCCL following his submission of a draft pamphlet on Freedom of the Press in 1941 for the organization, owing to both pressure of work and unwillingness to work with a body which contained communist members.⁹³ Shortly after his resignation, Laski broadcasted his view that the preservation of freedom within Britain was remarkable given the war time conditions and that set against the record of any other state, ‘we were entitled to be proud’.⁹⁴ Kingsley Martin, the editor of the *New Statesman* also appeared to turn against the NCCL. Following the protest against the suppression of the *Daily Worker*, Special Branch reported that Martin confronted Kidd about the communist influence within his organization.⁹⁵ Indeed, Martin was viewed with a reasonable amount of hostility by Sylvia Crowther-Smith, Kidd’s Assistant-Secretary, at his treatment of the NCCL, who complained that he was ready to run at any association with communists.⁹⁶ Kidd’s response to such questions was that he did not ask the party affiliations of staff or which organizations they belonged to, but that the only test would be whether they took a genuine interest in the work being done and whether they did the job conscientiously.⁹⁷

This damage was enhanced by Labour politicians’ entry into the war-time Government.⁹⁸ Labour Ministers began to be circulated with the hostile Special Branch reports and they rejected various deputations of the NCCL on the recommendation of Sir Arthur Maxwell, the Home Office’s Under Secretary of State.⁹⁹ Herbert Morrison was also informed of attacks on him by Bevan at an NCCL conference on Freedom of the Press.¹⁰⁰ Similarly, the Home Office blocked a proposed deputation with Herbert Morrison in 1946,

⁹³ H. Laski to R. Kidd, 16 May 1941, U DCL 32/8; Special Branch Report, 20 May 1941, NA, HO 45/25463.

⁹⁴ *News of the World*, 8 June 1941, U DCL 47/2.

⁹⁵ Report, 22 April 1941, NA, Secret Service Files, KV 2/2093.

⁹⁶ Scaffardi, *Fire Under the Carpet*, p. 207; B. Cox interview with DN Pritt, U DSF 4/1.

⁹⁷ R. Kidd to O. Rattenbury, 28 July 1941, U DCL 32/5.

⁹⁸ S. Brooke ‘Introduction’ in S. Brooke (ed.), *Reform and Reconstruction: Britain after the War: 1945-51* (Manchester: MUP, 1995), pp. 8-9.

⁹⁹ Home Office Minutes, 22 July 1940, NA, HO 45/25463; Minutes, 1 August 1940, NA, HO 45/25463; Minutes Sir A. Maxwell, 27 July 1940, NA, HO 45/25463.

¹⁰⁰ M. Marcus to H. Morrison, 13 April 1942, NA, HO 45/25463.

using the change in Government as ‘useful ground to discourage this communist body’.¹⁰¹ Thus, the Labour Party leadership was privy to a source of information which had from the NCCL’s foundation dismissed it as a communist front. This meant that MPs who had worked with the NCCL such as Attlee, Cripps, Bevan and Creech-Jones, who would all hold positions in the post-war period, and had at times worked with it during the 1930s, did not work with them during or after spells in Government.

From 1939, the Labour Party recommended that its constituency branches should not affiliate to the NCCL.¹⁰² It was attacked by the TUC in August 1940 in a circular to all affiliated unions, trades councils, constituency and local parties and women’s sections. This criticised the NCCL’s claims to represent affiliated unions at a conference on ‘Civil Liberty and the Defeat of Fascism’.¹⁰³ The NCCL faced a further attack from within the Labour Party at its annual general meeting in 1941. As discussed in the previous chapter, the trade unionist A.M. Wall announced that the NCCL was almost entirely under communist control. This was particularly irritating because Wall had been involved in NCCL activities in the 1930s and had until the outbreak of the war, been listed as a Vice President.¹⁰⁴

Furthermore, the NCCL also lost the support of Liberal MPs during the Second World War. Already support had been diminishing in the 1930s as fewer Liberal Party branches were involved in NCCL activities. However, the NCCL benefitted from Liberal support from the likes of Dingle Foot, who helped raise concerns about Defence Regulations in the House of Commons and intermittently from Wilfred Roberts and Richard Acland. However, Foot resigned citing communist influence in 1944. This was particularly associated with the NCCL’s criticism of the release of Oswald Mosley who had been interned under Regulation

¹⁰¹ Home Office Minutes, 24 May 1945, NA, HO 45/2564.

¹⁰² Recommendations of organizations sub-committee and decisions of the NEC relating to the Communist Party, its subsidiary organizations, and other bodies since 1939, 13 July 1939, Manchester, Labour History and Archive Centre, People’s History Museum, Labour Party Archive (un-catalogued papers).

¹⁰³ National Council of Labour Circular, 9 August 1940, U DCL 32/5.

¹⁰⁴ Sedition Bill Pamphlet, *Great Mass Demonstration against the Sedition Bill*, 24 June, 1934, U DCL/47/1; R. Kidd to *Journalist*, 25 June 1941, DCL 32/8; R. Kidd to H. Nevinson, 5 June 1941, U DCL 32/8.

18b.¹⁰⁵ ‘To hear a communist speak of civil liberties makes me sick’ he later commented.¹⁰⁶ The NCCL’s position on 18b also caused offence to members of the Progressive League, who had formed an alliance with the organization in the popular front era of the 1930s.¹⁰⁷ In total 39 NCCL members resigned in protest of this line between December 1943 and June 1944.¹⁰⁸ Even Herbert Morrison, the Home Secretary pointed out quite correctly that this represented a colossal u-turn in NCCL policy.¹⁰⁹ Indeed, Gollancz wrote that in its support of demands to outlaw fascism in 1946 ‘the National Council for Civil Liberties has made nonsense of its name’.¹¹⁰ The NCCL’s support of the internment of Mosley suggested that the organizations’ anti-fascism had trumped its commitment to civil liberties principles.

In an age during which the Soviet Union was viewed much more critically than ever before, and in which criticisms of totalitarianism were directed as much at communism as fascism, the NCCL became an organization that aroused suspicions.¹¹¹ Its unwillingness to criticise a Soviet model of ‘democracy’ did not conform to prevailing assessments of communism as a government system systematically contravening established notion of freedom and democracy.¹¹² Indeed, it framed its versions of human rights in a manner different to that being projected on the international stage. Writing to the leader of the French

¹⁰⁵ *Civil Liberties*, Vol. 4, No. 6, December 1943, U DCL/73/Aa(ii).

¹⁰⁶ D. Foot interview with B. Cox, U DSF 4/1.

¹⁰⁷ Minutes of the Executive Committee, 2 December 1943, London, British Library of Political and Economic Science, The Progressive League Papers, The Progressive League 1/1; Minutes of the Executive Committee, 26 January 1944, The Progressive League 1/1.

¹⁰⁸ B. Dyson, *Liberty in Britain: 1943-1994: A Diamond Jubilee History of the National Council for Civil Liberties* (London: Civil Liberties Trust, 1994), p. 29.

¹⁰⁹ *Hansard Parliamentary Debates*, v. 345, No. 4, 1 December 1943, p. 475. Indeed it was, Kidd had called internment the most objectionable feature of the Defence Regulations in R. Kidd, We Must get rid of repression, NCCL Draft Article, DCL/32/3.

¹¹⁰ Gollancz, *Our Threatened Values*, p. 30.

¹¹¹ See J. Schneer, *Labour’s Conscience: The Labour Left 1945-51* (London: Unwin Hyman, 1988); Jones, *The Russia Complex*, p. 212; P. Corthorn, *In the Shadow of the Dictators: The British Left in the 1930s* (London: Tauris Academic Studies, 2006), p. 214; G. Orwell, ‘The Prevention of Literature’ in G. Orwell, *Inside the Whale and Other Essays* (Harmondsworth: Penguin, 1971: First Published, 1946), p. 159-174; R. Smith, ‘Ernest Bevin, British Officials and British Soviet Policy, 1945-47’, in A. Deighton (ed.), *Britain and the First Cold War* (New York: St Martin Press, 1990), pp. 32-52.

¹¹² L. Black, ‘The Bitterest of Enemies of Communism’: Labour Revisionists, Atlanticism and the Cold War’, *Contemporary British History*, 15: 2 (2001), p. 28; W. Thompson, ‘British Communists and the Cold War, 1947-52’, *Contemporary British History*, 15: 3 (2001), p. 111. For the NCCL and Soviet Union as different form of democracy see E. Allen to D.N. Pritt, 23 March 1953, U DCL 53/1; D.N. Pritt to E. Allen, 20 March 1953, U DCL 53/3.

League for the Rights of Man about Baldwin's International League for the Rights of Man, Elizabeth Allen complained that 'their [the ACLU and International League for the Rights of Man] ideas of democracy are very different from ours' and stating her view that civil liberties were perhaps not 'absolute rights but subject to the necessities of the democracy which is being built'.¹¹³ For all of its initial enthusiasm for human rights work, this relativism seemed out of step with the universalism of the UDHR.

All of this placed the NCCL within a pro-Soviet tradition, which appeared particularly unacceptable in reference to civil liberties.¹¹⁴ A number of policies in the 1940s, such as the support for the internment of Mosley, its glowing reports of liberties behind the 'Iron Curtain' in Czechoslovakia, and an unwillingness to engage in criticism of the Soviet Union's policies, particularly in relation to the movement of 'Soviet Brides' in 1948, further collapsed the organization's credibility to large portions of the non-communist left.¹¹⁵ After a number of prominent resignations, including that of its long-term President E.M. Forster in 1948, the Information Research Department of the Foreign Office, who along with Special Branch monitored the NCCL's activities quite closely, even thought that the NCCL was on the point of breaking up.¹¹⁶

Through the 1940s, the NCCL appeared to maintain the support of MPs that it had received in the 1930s (see Graph 1 and 2). Looking at the biographical details of those involved, it is worth noting that the MPs were often of an independent nature or those in disagreement with the Party leadership. Thus Labour MPs included Bevan, whose speech against the suppression of the *Daily Worker* at an NCCL conference on Freedom of the Press

¹¹³ E. Allen to E. Kahn, 28 September 1945, U DCL/59/6.

¹¹⁴ For pro-Soviet tradition see, D. G. Lilleker, *Against the Cold War: the History and Political Traditions of Pro-Sovietism in the British Labour Party, 1945-1989* (London: Taurus Academic Studies, 2004).

¹¹⁵ E. M. Forster to E. Allen, 30 April 1948, U DCL 32/12.

¹¹⁶ H. Gee to G. Joy, 30 September 1948, NA, FO 1110/145.

in 1942 appeared to be an attack on Herbert Morrison.¹¹⁷ In addition, those who had a sustained relationship with the NCCL were often those on the left of the Labour Party. MPs like George Strauss, Sydney Silverman, Tom Driberg, Maurice Orbach, and Bevan had been floating around the left of the Labour Party throughout the war.¹¹⁸ As well as these, there were a number of MPs such as Acland and the numerous Independent MPs who were associated with the NCCL who had a distinctly ‘rebellious’ attitude to party discipline.¹¹⁹

G.H.C. Bing, who would become a Labour MP after the war, Platts-Mills and most obviously Pritt were even more controversial figures who were involved in the NCCL. Bing was a self-confessed ‘fellow traveller’ by the 1940s. Platts-Mills provided a link between the Cominform and numerous British organizations in his role in the Haldane Society and in the International Association of Democratic Lawyers, and worked to provide sympathetic staff in these organizations.¹²⁰ Pritt was considered by many contemporaries to be slavish to the Soviet line.¹²¹ Both Pritt and Platts-Mills, members of the NCCL’s Executive Committee in the 1940s, were part of the Labour Independent Group expelled from the Labour Party and were broadly speaking supportive of the Soviet Union. Pritt’s presence was particularly damaging to the NCCL’s ‘non-party credentials’. This was especially the case following the publication of pro-Soviet foreign policy and defending of the Soviet Union’s invasion of Finland in 1940, for which he had been expelled from the Labour Party.¹²² Whilst the NCCL insisted that Pritt offered advice on legal aspects and Parliamentary procedure, adding that his

¹¹⁷ Special Branch Report, 3 October 1942, NA, HO 45/25465; M. Marcus to H. Morrison, 13 April 1942, NA, HO 45/25465.

¹¹⁸ Schneer, *Labour’s Conscience*; Jones, *The Russia Complex*, p. 212.

¹¹⁹ Certainly these were how such individuals have been portrayed in biographies and autobiographies, see E. Hughes, *Sydney Silverman, Rebel in Parliament* (London: Skilton, 1969); D.N. Pritt, *The Autobiography of DN Pritt* (London: Lawrence & Wishart, 1965).

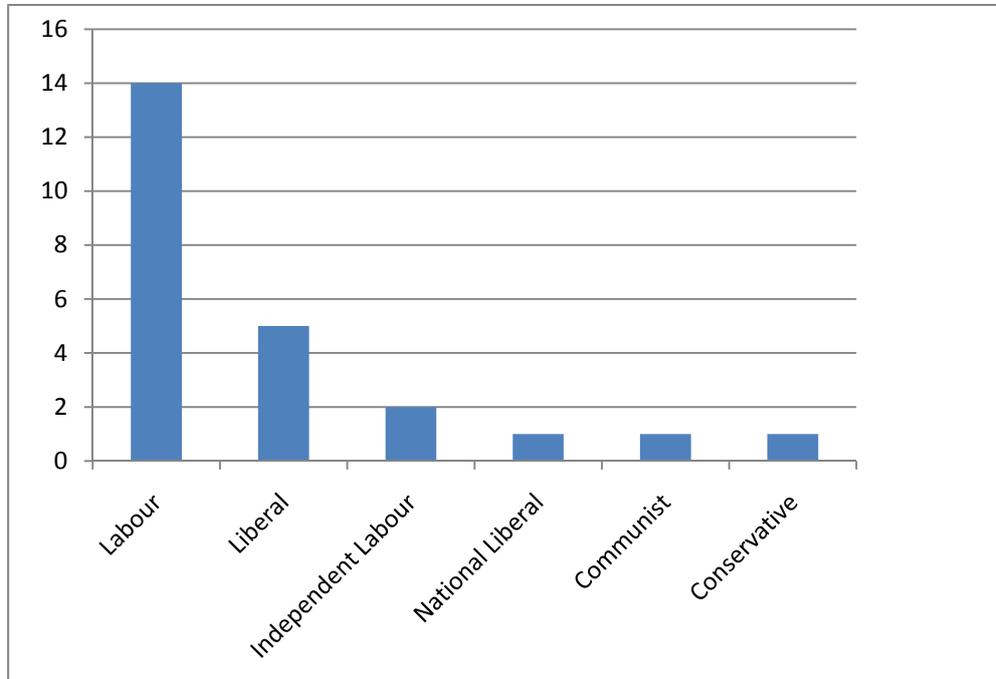
¹²⁰ Lilleker, *Against the Cold War*, p. 30, 233.

¹²¹ For example see J. Frolick, *The Frolick Defection* (London: Cooper, 1975), p. 123.

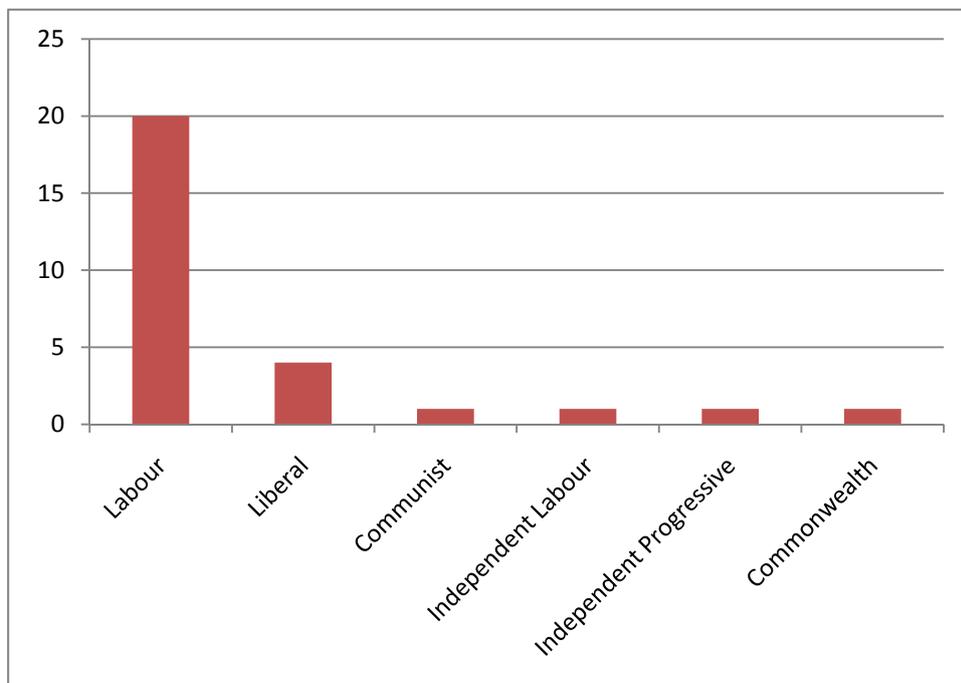
¹²² One member suggested that they ought to balance out his name on their notepaper by adding that of Rudolph Hess, A Palmer to NCCL, 15 May 1941, U DCL 32/8; D.N. Pritt, *Light on Moscow: Soviet Policy analysed* (Harmondsworth: Penguin, 1939); D.N. Pritt, *Must the War Spread* (Harmondsworth: Penguin, 1940).

politics were not discussed, nor shared by less prominent members of the executive, this did little to appease critics.¹²³

Graph 2.1: Party Affiliation of MPs associated with the NCCL in the 1930s



Graph 2.2: Party Affiliation of MPs associated with the NCCL in the 1940s



¹²³ S. Crowther-Smith to Mr Humphrey, 16 March 1951, U DSF 1/9.

Countries condemned at the NCCL's Human Rights Conferences were either those with nationalist governments or those in the West. Those criticised for limiting freedom of the press were the nationalist Kuomintang China, Greece, and Spain. It attacked the USA, Britain, and South Africa for discriminatory legislation. Those attacked for limiting the right to vote were the USA, Greece, Canada, South Africa, Belgium, and a host of colonial or mandated territories within the British Empire.¹²⁴ This attitude was not acceptable to all those at its International Conference. For example, the inclusion of a clause within the NCCL's conference discussions permitting censorship in certain circumstances, was opposed by the National Union of Journalists.¹²⁵

With the NCCL appearing even closer to communist influence than it had in the 1930s, alternative organizations were sought for the protection of civil liberties from those who had been in sympathy with it in its early phases. The first of these, the Freedom Defence Committee, was founded to defend four anarchists tried at the Old Bailey for incitement to Disaffection in 1944.¹²⁶ Support was gained from the sort of intellectuals that had initially lent support to the NCCL, including Bertrand Russell, Laski, Joad, Gollancz and Basil Liddell Hart.¹²⁷ In the end this alternative organization had little impact, and dissolved in 1949, with Koestler complaining to Orwell of its disappointing campaign conducted in a 'dilettante way'.¹²⁸ Orwell explained that the organization could only call on the aid of one lawyer, had a tiny staff and as a result got little done. Nonetheless, he insisted that it was necessary as the NCCL had become a 'Stalinist organization' and this had meant there had been no organization aiming chiefly at the defence of civil liberties. This point was reiterated

¹²⁴ *Civil Liberty*, Vol. 7, No. 9, July 1947, p. 5, U DCL 73/Aa/2.

¹²⁵ *Civil Liberty*, Vol. 7, No. 9, July 1947, p. 6, U DCL 73/Aa/2.

¹²⁶ Bulletin of the Freedom Defence Committee, July 1945, LH 5/14.

¹²⁷ Herbert Read to the Secretary of State, 9 January 1946, NA, HO 144/22740.

¹²⁸ A. Koestler to G. Orwell, 18 March 1947, KA, MS 2364/2.

by Gollancz.¹²⁹ As suggested by Hugh Wilford, the group, whose policies outwardly resembled the broad aims of the NCCL, was part of a movement of anti-Stalinist literary intellectuals aiming to provide an alternative platform for the left's conception of the politics of civil liberties.¹³⁰

Yet the collapse of popular front alliances was not just about the division between supporters and critics of the Soviet Union within the NCCL. Ideological differences between liberals and socialists frustrated Gollancz to the extent that he abandoned his project in April 1951. Particularly difficult for him were the likes of Violet Bonham Carter and Jo Grimond, both Liberals, who together expressed vast difference in attitudes to human rights. The most contestable points were related to the closed shop and the unions, the attitude towards property, and the direction of labour.¹³¹ Gollancz blamed 'too much stupid militancy' on the part of the Liberals, commenting that 'people had behaved abominably'. He complained that it was no good trying to get an organization together if no one cared.¹³²

All of which demonstrated the collapse of the popular front style left-liberal alliances. This was not a unique experience for the NCCL, as other British popular front organizations like the Haldane Society for Socialist Lawyers and the Socialist Medical Association were under greater scrutiny at this time.¹³³ In fact, this problem was not just a feature of the British politics of rights and liberties. The French League for the Rights of Man became dogged by political infighting from those who had aligned politically during the 1930s.¹³⁴ And in Germany various human rights and civil liberties organizations were split politically along

¹²⁹ G. Orwell to A. Koestler, March 1947, KA, MS 2364/2; V. Gollancz to A. Koestler, 18 June 1946, KA, MS 2345/1.

¹³⁰ H. Wilford, *The CIA, The British Left and The Cold War: Calling The Tune?* (London: Frank Cass, 2003), p. 28.

¹³¹ V. Bonham Carter to V. Gollancz, 26 July 1950, GP, Mss. 157/3/CL/3/28 (i).

¹³² V. Gollancz to R.W.S. Pollard, 31 July 1950, 31 July 1950, GP, Mss. 157/3/CL/1/11.

¹³³ Jones, *The Russia Complex*, p. 51; J. Stewart, *The Battle for Health: A Political History of the Socialist Medical Association, 1930-51* (Aldershot: Ashgate, 1999); Minutes by R. Murray, 6 November 1948, NA, Foreign Office Papers [Hereafter FO], FO 1110/145.

¹³⁴ W. D. Irvine, *Between Justice and Politics: The Ligue Des Droits des Hommes* (Stanford: Stanford University Press, 2007), pp. 216-219.

similar lines in the late 1940s and early 1950s.¹³⁵ This demonstrates the cleavages in democracy in the post-war period. Whilst the models of ‘social democracy’ and ‘popular democracy’ appeared to be unified in opposition to the fascist threat during the 1930s, by the late 1940s they were now competing.¹³⁶

Universalising Rights

In order to understand the difficulties these groups had in pursuing an international post-war agenda, the collapse of popular front politics and emergence of the Cold War were both important. Additionally, these were both related to a problem that the universalising of rights presented to British organizations. Because human rights were international with transnational implications and were located in global institutions, the subject was caught up in the divisions of international politics.¹³⁷ In the context of the Cold War, differences over conceptualizations of rights served to reinforce the ideological distinctions that would be part of the cultural Cold War, rather than transcend such divergences, as had been hoped by the drafters of the UDHR.¹³⁸ Indeed, that Declaration’s multilateral spirit has been described by one historian as being ‘the last train out of the station’ before the Cold War set in.¹³⁹

Against such a context, individuals like Koestler and Richard Crossman, who featured in Orwell and Koestler’s discussions, and even some of those associated with Gollancz, who had attempted to forge a ‘third force’ style social democratic vision of human rights, chose liberalism over socialism through involvement in organizations like the Congress for Cultural

¹³⁵ L. Wildenthal, ‘Human Rights Activism in Occupied and Early West Germany: the Case of the German League for Human Rights’, *Journal of Modern History*, 80 (2008), p. 517.

¹³⁶ Buchanan, ‘Anti-Fascism and Democracy in the 1930s’, pp. 39-57.

¹³⁷ Douzinas, *The End of Human Rights*, p. 124; Evans, ‘Introduction’, pp. 10-11.

¹³⁸ See P. Coleman, *The Liberal Conspiracy: The Congress for Cultural Freedom and the Struggle for the Mind of Postwar Europe* (London: Free Press, 1989).

¹³⁹ D. Fromkin, ‘Drawing a Line, However Thin’, *New York Times*, 22 April 2001.

Freedom, or For Intellectual Freedom.¹⁴⁰ Other pro-Soviet elements such as the lawyers D.N. Pritt and John Platts-Mills, both members of the NCCL's Executive Committee, took to the other side in this by joining up with the International Association of Democratic Lawyers through their contacts with the Haldane Society.¹⁴¹ The anti-totalitarianism of those leftist advocates of a liberal socialism moved them to the liberal camp, whereas groups with historic connections to the Soviet Union sided with the Communists. In this polarization, thinking about global rights had to be accommodated within two sides, neither of which were the perfect location for the British left.

That universalism presented a problem by forcing engagement in a binary Cold War politic was significant, but it also challenged British thinking at a more conceptual level. For all the internationalism of these groups, more general leftist imagining of rights traced these through a peculiarly British heritage. Whether found in the popular front politics of the 1930s, or in the attempts to foster patriotism in the early phases of the Second World War, these became part of a radical national narrative.¹⁴² Contemporary works such as Christopher Hill's, *The English Revolution* (1940), A.L. Morton's, *A People's History of England* (1939), Jack Lindsay and Edgell Rickwords' *A Handbook for Freedom* (1939), T.A. Jackson's *Trials of British Freedom* (1940) and even Marshall's, *Citizenship and Social Class* (1950) reinforced the idea of the development of rights in relation to the nation state.¹⁴³ This was further reinforced by later British Marxists historians' works such as Rodney Hilton's,

¹⁴⁰ See M. Hochgeschwender, 'A Battle for Ideas: The Congress for Cultural Freedom (CCF) in Britain, Italy, France and West Germany' in D. Geppert (ed.), *The Post-War Challenge: Cultural, Social and Political Change in Western Europe, 1945-58* (Oxford: OUP, 2003), pp. 319-339; H. Read to V Gollancz, 7 July 1950, GP, Mss. 157/3/CL/2/24.

¹⁴¹ For International Association of Democratic Lawyers see NA, FO 975/59; also FO 371/72722 and FO 1110/269. John Platts-Mills wrote 'the NCCL and the Haldane Society were routinely criticised for being too far on the left, but the International Association of Democratic Lawyers, which I joined as soon as it started up, was even more radical', in J. Platts-Mills, *Muck, Silk and Socialism: Recollections of a Left-Wing Queen's Council* (Wedmore: Paper Publishing, 2001), p. 266.

¹⁴² See M. Taylor, 'Patriotism, History and the Left in Twentieth-Century Britain', *The Historical Journal*, 33 (1990), pp. 979-983; R. Samuel, 'British Marxist-Historians, 1880-1980: Part One', *New Left Review*, 120, March-April 1988, pp. 21-96.

¹⁴³ As Ishay has demonstrated the Nationalism of the eighteenth and nineteenth centuries were crucial to the development of economic and social rights. See M. Ishay, *The History of Human Rights from Ancient Times to the Globalization Era* (London: University of California Press, 2004), pp. 117-172.

Communism and Liberty (1950) and Christopher Hill's study of the 'Norman Yoke' which further emphasised a national tradition of liberty and freedom.¹⁴⁴ It was in relation to these rhetorical constructions, and not to the new institutions of the UN, that the British left framed its notions of rights.

Such thinking was apparent within the organizations and activists discussed here. The NCCL had presented itself upholding a radical history of British rights, and it explained this in relation to its new found interest in human rights.¹⁴⁵ It was, after all a *National Council for Civil Liberties*. Aware that it had framed a version of rights in relation to a national history the NCCL resolved this complexity through arguing that rights were relative to the society being built.¹⁴⁶ On one level this was a slightly clumsy justification for an apparent open-mindedness about one-party states and state controlled press in the newly forming Eastern block. But it also demonstrated the problem of universalism: as British rights were formed in a national context, why should these be imposed upon others?

Even Wells, the arch-cosmopolitan, discovered that the Sankey Declaration had come to reflect a national conceptualization of rights. Ghandi and Nehru's critical responses to *The Herald* debate forced Ritchie-Calder and Wells to unhappily conclude that they had projected a British expression of rights in the idiom of Western Parliamentary democracy onto the global stage.¹⁴⁷ Orwell and Koestler realised the risk of projecting a national vision of rights and subsequently rejecting calling their body *The Magna Carta League*, through fear this would only have meaning within Britain (that said, they also rejected the more cosmopolitan sounding *Renaissance*).¹⁴⁸

¹⁴⁴ C. Hill, *Puritanism and Revolution: Studies in Interpretation of the English Revolution* (London: Secker & Warburg, 1958); R. Hilton, *Communism and Liberty* (London: Lawrence & Wishart, 1950).

¹⁴⁵ R. Kidd, *The Fight for a Free Press: Historical Struggles for Civil Liberty Series* (London: NCCL, 1942), U DCL 63/2 and for a later attempt on the part of the Council, *General Introduction on Human Rights in Great Britain and the Colonies: the Background*, International Conference on Human Rights, June 1947, U DCL 76/4(1).

¹⁴⁶ E. Allen to E. Kahn, 28 September 1945, U DCL 59/6.

¹⁴⁷ P. Ritchie-Calder speech for Human Rights Day 11 December 1966, CP, Dep. 370, Acc. 73i.

¹⁴⁸ A. Koestler to G. Orwell, 9 January 1946, KP, MS 2345/2.

This was not just a feature of these organizations but also the Labour Party. In the House of Commons, when accused of paying ‘lip-service’ to the notion of human rights following the publication of the UDHR, Clement Attlee stated ‘I think, generally, that both here and in the Commonwealth we approach more nearly these ideals than does any other country in the world’.¹⁴⁹ The UDHR was not for Britain, but for other nations. This enabled Attlee to dismiss the challenge posed by the UDHR to British Colonial policies and the closed shop practices of British trade unions.¹⁵⁰ Thus in attempting to re-imagine rights globally, the British left were fighting against a history it had been inadvertently creating for much of the 1930s and the 1940s.

Those writing about the usefulness of the UDHR have stressed that it provided a framework through which NGOs could shape various political and social agendas.¹⁵¹ This has evidently been the case for parts of the latter half of the twentieth century. The NCCL after all described itself as being part of a global human rights movement by 1968.¹⁵² However, the framing of rights within national narratives meant the universalism and rights doctrines of Roosevelt’s Four Freedoms, the Atlantic Charter, the UN Charter or the UDHR were not the key reference points for British organizations or individuals in the immediate post-war period. Neither were the rights claims of the smaller states present at the UN Commission on Human Rights.¹⁵³ Demonstrative of this was the outlining of rights in relation to the construction of the post-war welfare state. Whilst the new social rights being framed in William Beveridge’s Report on Social Insurance and Allied Services were related to the inclusion of ‘freedom from want’ and the ‘advancement of social welfare’ within the Atlantic

¹⁴⁹ *Hansard*, 18 January 1949, 5th series, vol. 460, c. 17.

¹⁵⁰ *Hansard*, 18 January 1949, 5th series, vol. 460, c. 17-18, *Hansard*, 20 Jan 1949, 5th Series, Vol 160, c. 334.

¹⁵¹ Hunt, *Inventing Human Rights*, p. 208; Korey, *NGOs and the Universal Declaration of Human Rights*, p. 546.

¹⁵² *Civil Liberty 1968* (London: NCCL, 1968), p. 3.

¹⁵³ S. Waltz, ‘Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights’, *Third World Quarterly*, 23 (2002), pp. 437-448.

Charter, his report stressed that the new provisions stemmed fundamentally from a 'British tradition'.¹⁵⁴

Of course, those debating transnational human rights at the end of the war brought a set of assumptions based on domestic politics with them to international discussions. Indeed, as Jay Winter has demonstrated, René Cassin, the French lawyer who played a crucial role in the drafting of the UDHR, contributed a particularly French Republican tradition to the post-war human rights discussions.¹⁵⁵ Similarly, Elizabeth Borgwardt has recently shown that the American wartime emphasis on human rights was the projection of a form of Roosevelt's 'New Deal' politics onto the world.¹⁵⁶ That the British left's framing of rights would become less authoritative when projected internationally, whilst an American vision of rights featuring strong civil and political rights with a relatively meagre commitment to social welfare, would dominate thinking on human rights is demonstrative of the new power structures developing in the post war era.

Conclusions

Many of the tensions within the notion of rights discussed in this chapter were not only evident in Britain. They were apparent on the international stage too. The loss of the liberal socialist ethos that Ritchie-Calder and Wells had hoped to promote meant that a supposed division between economic and social rights and political and civil rights emerged. By 1952, the UN had decided to separate civil and political rights from economic and social rights; a split confirmed in the two distinct International Covenants of 1966.¹⁵⁷ This division was representative of the international divisions that were a feature of the drafting process of the

¹⁵⁴ W. Beveridge, *Social Insurance and Allied Services* (London: HMSO, 1942), pp. 170-172.

¹⁵⁵ Winter, *Dreams of Peace and Freedom*, pp. 100-101.

¹⁵⁶ E. Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (London: Belknap, 2005).

¹⁵⁷ Kennedy, *The Parliament of Man*, pp. 183-184. See also <http://untreaty.un.org/cod/avl/ha/iccpr/iccpr.html>.

UDHR.¹⁵⁸ Accordingly, human rights came to have a meaning associated with liberalization of trade, collective security, the rule of law and individual rights, along with a modest programme of welfare. This was not the world imagined by Wells.

The transformation of the meaning of human rights helps in trying to understand the various critiques offered towards this subject in the latter half of the twentieth-century. It has helped create the appearance of the USA as a 'global hegemon' and leader of human rights and reaffirms this as a liberal project.¹⁵⁹ This, in turn, has contributed to the more cynical recent understandings of the history of human rights.¹⁶⁰ Furthermore, it has led to the communitarian criticisms of human rights which have suggested that too great an emphasis has been placed on the needs of the individual over the welfare of wider society.¹⁶¹ Of course, a liberal socialist human rights project such as those imagined within this chapter would have generated a wealth of criticisms and objections, but the point is that these would have been different complaints.

Such a narrative is in keeping with works stressing the post-war era as a period of missed opportunities, as Cold War settings limited the capacity for radical political change.¹⁶² This is not to say that this international socialist liberal impulse disappeared in this period. James Vernon, for example, has demonstrated that activists working to extend such values abroad through the provision of international relief in the immediate aftermath of the war

¹⁵⁸ For a detailed account of the drafting of the UDHR see M. Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (London: Random House, 2001).

¹⁵⁹ Evans, 'Introduction', p. 5

¹⁶⁰ For example see K. Sellers, *The Rise and Rise of Human Rights* (Stroud: Sutton, 2002); J. Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York: Monthly Review Press, 2006); Korey, *NGOs and the Universal Declaration of Human Rights*, p. 476

¹⁶¹ R. Putnam, *Bowling Alone: The Collapse and Revival of the American Community* (London: Simon and Schuster, 2000); M. Glendon, *Rights Talk* (Oxford: Free Press, 1991), p. x; A. Etzioni, *The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda* (New York: Crown, 1993); L. W. Sumner, 'Rights' in H. LaFollette (ed.), *The Blackwell guide to ethical theory* (Oxford: Blackwell 2000), p. 97; J. Griffin, 'First Steps in an Account of Human Rights', *European Journal of Philosophy*, 9 (2001), p. 306; Douzinas, *The End of Human Rights*, p. 324.

¹⁶² G. Eley, 'When Europe Was New: Liberation and the Making of the Post-War Era' in M. Riera & G. Schaffer (eds), *The Lasting War: Society and Identity in Britain, France and Germany after 1945* (Basingstoke: Palgrave Macmillan), p. 39.

encapsulated such ideals.¹⁶³ However, these efforts were not couched in the language of universal human rights and would arguably not be until the late 1990s, when many aid and development charities adopted a rights-based approach to development.¹⁶⁴ Similarly, the social democratic politics developing across Europe, complete with many new social and economic rights for citizens was, as with Britain, framing this in relation to the development of the nation state.¹⁶⁵ It is also not to say that Britain did not play a role in defining human rights. Britain did contribute to the development of human rights in political and judicial sub-fields in the UN, and in Europe, once the British Government had ensured that clauses respecting colonial privileges could remain in place.¹⁶⁶ Again though, this was a different set of actors promoting a different set of rights.

To return then to the NCCL member who suggested that the subject of human rights had been approached ten years too early. This claim would imply that it was the 1960s that was a more important period in which organizations started to utilise the UDHR as a starting point through which they could phrase various agendas. Within this later period, the NCCL was able to begin to apply the language of human rights to its politics more successfully. This development raises a series of other questions about the subject: was this rise then a form of post-material 'new' politics switching to an emphasis on values and identity? Was this, as has been suggested, related to significant cultural changes of the period of the 1960s?¹⁶⁷ How did this relate to the opening up of the UN to allow smaller former colonial nations to project

¹⁶³ Vernon, *Hunger*, pp. 277-278; M. Frank, 'The New Morality: Victor Gollancz, 'Save Europe Now' and the German refugee crisis, 1945-46', *Twentieth Century British History*, 17: 2 (2006), pp. 230-256.

¹⁶⁴ P. Gready & J. Ensor (eds), *Reinventing Development? Translating Rights Based Approaches from Theory into Practice* (London: Zed, 2005).

¹⁶⁵ S. Berger, 'Democracy and Social Democracy', *European History Quarterly*, 32:1 (2002), pp. 28-29.

¹⁶⁶ G. Marston, 'The United Kingdom's Part in the Preparation of the European Convention on Human Rights, 1950', *The International and Comparative Law Quarterly*, 43: 4 (1993), pp. 796-826. See A.W.B. Simpson, *Human Rights and the End of Empire* (Oxford: OUP, 2001).

¹⁶⁷ M.E. Keck & K. Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (London: Cornell Press, 1998), p. 200.

human rights claims outside of a Cold War paradigm?¹⁶⁸

The new found interest in human rights in the 1960s is important. However, it did not mean the return for the liberal socialist agenda of the 1930s and 1940s. The programme of the most successful human rights organization, Amnesty International, remained limited to the political and civil rights of prisoners in this decade, and had little to say about economic and social rights until the 1980s, only adding them to its mission statement in 2001.¹⁶⁹ Furthermore, once the UN had established a Human Rights Committee by the 1970s, it also rejected the broad conceptualization of rights. Acknowledging that ‘economic rights had their own importance’ and should be recognised, it concluded that unlike political and civil rights, it could not be said ‘that governments were under an obligation to introduce them’ so it prioritised accordingly.¹⁷⁰ Indeed, this was in keeping with Maurice Cranston’s widely read 1973 work *What Are Human Rights?* which denied any universal claims to social and economic rights.¹⁷¹ By this stage it was the UDHR that was providing a framework for activists from a different generation to those who failed to mobilise in the post-war age. However, this remained a different version of rights from that articulated by both the planners and civil liberties activists from the left in the 1930s and 1940s.

Mark Mazower’s account of the ‘strange triumph of human rights’ reminds us that the history of human rights can be written as a triumph of civilization over barbarism, but also points out it must be seen as a triumph imbued with a fair share of cynicism for state interest.¹⁷² He is correct, but we should also be aware that it was not just governments and the UN that were the locations of this type of politics. As he points out, it does no good to

¹⁶⁸ R. Burke, ‘From Individual Rights to National Development: The First UN international Conference on Human Rights, Tehran, 1968’, *Journal of World History*, 19:3 (2008), pp. 275-297.

¹⁶⁹ Amnesty International website <<http://www.amnesty.org/en/who-we-are/history>>. See also K. Cmiel, ‘The Emergence of Human Rights Politics in the United States’, *The Journal of American History*, 86:3 (1999), pp. 1231-1250.

¹⁷⁰ UNA Seminar on Human Rights, 24/25 June 1977, UNA 4/4/1.

¹⁷¹ M. Cranston, *What Are Human Rights?* (London: Bodley Head, 1973).

¹⁷² M. Mazower, ‘The Strange Triumph of Human Rights, 1933-1950’, *Historical Journal*, 47: 2 (2004), p. 381.

disguise the political struggles and conflicts of interest that led to the emergence of human rights on the international arena.¹⁷³ These struggles and conflicts of interests had a profound role in the definitions of human rights as put forward on an international level. They also demonstrate the difficulties organizations and individuals had in constructing versions of human rights which appeared to be outside of the interests of those producing more authoritative meanings.¹⁷⁴

In the midst of all the divisions covered in this chapter, the intention of the UDHR to provide ‘a common understanding’ of rights and freedoms had clearly not materialised.¹⁷⁵ W.E. Beckett, the Foreign Office’s legal advisor, suggested that the British Government feared the UDHR would merely be a battleground for different views on the terms contained in the Declaration’.¹⁷⁶ Indeed, Harold Laski, warned of the danger that a document stating human rights could serve to separate men in different political societies.¹⁷⁷ Both these fears seem legitimate but could be taken further. In the context of Britain in the 1940s, a document stating human rights had served to separate men and women that had, until recently, been operating within the same political tradition.

¹⁷³ *Ibid.*, p. 397.

¹⁷⁴ K. Nash, *The Cultural Politics of Human Rights: Comparing the US and UK* (Cambridge: CUP, 2009), p. 31.

¹⁷⁵ N. Bobbio, *The Age of Rights* (Cambridge: Polity, 1996), p. 5; A. Tay ‘Human Rights Problems: Moral, Political, Philosophical’ in B. Galligan & C. Sampford (eds.), *Rethinking Human Rights* (Sydney: Federation Press, 1997), p. 23.

¹⁷⁶ W. E. Beckett, ‘Human Rights’, *Transactions of the Grotius Society*, 34 (1949), p. 71.

¹⁷⁷ H. J. Laski, ‘Towards a Universal Declaration of Human Rights’, 25 July 1945, in UNESCO (ed.), *Human Rights: Comments and Interpretation: A Symposium edited by UNESCO* (Paris: UNESCO, 1948), p. 71.

Chapter Three

The Progressive Professionals

The National Council for Civil Liberties and the Politics of Activism in the 1960s

In October 1968 an estimated one hundred thousand people marched in London to protest against the war in Vietnam.¹ Amongst the Vietnam Solidarity Campaign's supporters and peace demonstrators, another set of activists had gathered. Following clashes between protestors and the police at a previous demonstration in March, politicians expressed much anxiety as the media predicted that large scale violence would accompany the march. Despite these worries, two hundred National Council for Civil Liberties (NCCL) observers circulated the protests. These individuals, with only a notebook and an NCCL Accredited Observers Certificate as protection from either side, attempted to place themselves where the police and protesters appeared most likely to clash.² Such activists were not expressing solidarity with Vietnam or criticizing foreign policy, although many sympathized with such views. Rather, this group had taken to the street to ensure a different cause was respected and upheld: that of freedom of assembly.³

The location of these activists between police and protesters symbolises the NCCL's wider positioning in this period. Politically, it occupied a space between the formal left, represented by the Labour governments, and developing manifestations of a new left

¹ S. Ellis, "A Demonstration of British Good Sense?" British Student Protest during the Vietnam War" in G. DeGroot (ed.), *Student Protests: The Sixties and After* (London: Longman, 1998), p. 63-4.

² A. Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy and the United States* (Oxford: OUP, 1998), pp. 639-640; D. Sandbrook, *White Heat: A History of Britain in the Swinging Sixties* (London: Abacus, 2006); pp. 534-537, T. Smythe to J. Callaghan, 27 November 1968, London, British Library of Political And Economic Science, Hall-Carpenter Archives (Hereafter HCA), HCA/NCCL/2/1.

³ The Council's General Secretary had to apologise to members for a statement issued after the demonstrations in March which criticized American foreign policy. Admitting his mistake, he wrote that 'what annoyed me was the number of statements deploring violence from people who apparently do not deplore violence in Vietnam'. T. Smythe to E. Wright, 19 March 1968, HCA/NCCL/6/1.

associated with extra-Parliamentary movements and the emerging counter-culture. Strategically, it found itself between the formal tactics of an insider pressure group and the more informal tactics of social movements. This sense of ‘in betweenness’, for want of a better phrase, led Tony Smythe, the NCCL’s General Secretary between 1966 and 1972, to suggest his organization occupied a ‘curious no-man’s land’.⁴

This in between space requires greater articulation. The NCCL has been described as a member of a ‘third world’ of pressure groups, in which groups’ ‘radical world views’ limited their ability to influence decision makers.⁵ Indeed, it conformed to the model of a pressure group described as an organization seeking to influence public policy with a defined membership, stated objectives related to public policy, and a paid staff.⁶ However, the politics of the NCCL in the 1960s also shared certain characteristics with emerging ‘new forms’ of activism which theorists such as Alberto Melucci, Alain Touraine and Jürgen Habermas saw as representative of a shift in the nature of politics.⁷

The new politics of the 1960s supposedly shifted away from a ‘welfare state pattern’ of institutionalized conflict focussing on material production, economic distribution, military and social security, towards a new activism inclusive of culture, identity, socialization and human rights.⁸ These new concerns manifested themselves within an expanded conceptualization of civil liberties around which the NCCL worked. In fact, almost all of one theorist’s list of ‘the politics of social identity’ including ‘abortion, anti-pornography, sexual harassment, marital abuse’ and those associated with movements of ‘cultural and physical

⁴ T. Smythe, ‘The Role of the National Council for Civil Liberties’ in R. Benewick & T. Smith (eds), *Direct Action and Democratic Parties* (London: Allen & Unwin, 1972), p. 275.

⁵ R. Benewick, ‘British Pressure Group Politics: The National Council for Civil Liberties’, *Annals of the American Academy of Political and Social Science*, 413 (1974), pp. 150-151.

⁶ W. Grant, *Pressure Groups and British Politics*, (Basingstoke: Macmillan, 2000), p. 7.

⁷ J. Habermas, *Theory of Communicative Action - Volume 2* (Cambridge: Polity, 1987); A. Touraine, *The Voice and the Eye: An Analysis of Social Movements* (Cambridge: CUP, 1981).

⁸ Habermas, *Theory of Communicative action – volume 2*, p. 392; C. Offe, ‘New Social Movements: Challenging the Boundaries of Institutional Policies’, *Social Research*, 52:4 (1985), p. 832.

minorities' including homosexuals, ethnic minorities, and the handicapped became part of the NCCL's agenda in the 1960s and 1970s.⁹

Furthermore, in the context of emerging new social movement activism, older civil liberties appeared essential. Civil liberty became an important issue as a new set of activists operated on the boundaries of the law. As mass mobilizations like the Campaign for Nuclear Disarmament (CND) and the Vietnam Solidarity Campaign engaged in direct action, they brought politics into the streets in a manner that had not been witnessed in the post-war years.¹⁰ Both the radical protesters of the anti-nuclear Direct Action Committee (DAC) and those of the more moderate Committee of 100 raised issues relating to freedom of speech and freedom of assembly through their forms of protest.¹¹ Additionally, the questioning of moral standards that was a feature of cultural shifts during the 1960s brought new interests in freedom of publication and speech.¹² Aspects of counter cultural movements also raised civil liberties issues. The policing of the emerging drug culture was a repeated cause of concern through the 1960s.¹³

During the 1960s, the NCCL, a democratic organization willing to pursue a version of direct action, albeit firmly within the rule of law, grew in size and influence, whilst various organizations with similar characteristics flourished. Such developments complicate Adam Lent's narrative of political and social activism that describes the decline of groups typified

⁹ H. Kitschelt, 'Social Movements, Political Parties, and Democratic Theory', *Annals of the American Academy of Political and Social Science*, 528: (1993), p. 14; A. Melucci, *Nomads of the Present: Social Movements and Individual Needs in Contemporary Society* (London: Radius, 1989), p. 29.

¹⁰ B. Harrison, *Seeking a Role: The United Kingdom, 1951-1970* (Oxford: Clarendon, 2009), pp. 98-99; D. Sandbrook, *Never Had It So Good: A History of Britain from Suez to the Beatles* (London: Abacus, 2005), pp. 261-275; B. Levin, *The Pendulum Years: Britain in the Sixties* (London: Icon Books, 2003: First Published 1970), pp. 266-267.

¹¹ For more on the tactics of various strands of activity against nuclear weapons see J. Burkett, 'Direct Action and the Campaign for Nuclear Disarmament, 1958-62', in N. Crowson, M. Hilton & J. McKay (ed.), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945* (Basingstoke: Palgrave Macmillan, 2009), pp. 21-37; B. Osgerby, 'Youth Culture' in P. Addison & H. Jones (eds), *A Companion to Contemporary Britain, 1939-2000* (Oxford: Blackwell, 2005), p. 133.

¹² A. Travis, *Bound and Gagged: A Secret History of Obscenity in Britain* (London: Profile Books, 2000); L. A. Hall, 'Sexuality', in Addison & Jones, *A Companion to Contemporary Britain*, pp. 151-152.

¹³ For this see A. Mold, 'The Welfare Branch of the Alternative Society? The Work of Drug Voluntary Organization Release, 1968-78', *Twentieth Century British History*, 27: 1 (2006), pp. 55-56.

by 'moderate values, polite lobbying and elitist structures' that were increasingly marginalized by a more radical politics.¹⁴ Far from being replaced or superseded, many organizations with similar characteristics as the NCCL were formed and galvanized in the 1960s and 1970s. Indeed, Lent's suggestion that the decade was characterized by the sidelining of the piecemeal pressure group, appears a rather reductionist assessment.¹⁵

The emergence of new issues during the 1960s gave the NCCL a renewed focus and relevance. As the previous chapter has highlighted, the organization had fallen out of favour to large sections of the left through the 1940s. The failure to respond to an international language of human rights in the immediate aftermath of the Second World War, and the short-lived emergence of alternative left-liberal civil liberties groups within that period signposted the diminished significance of the group in the immediate post-war era. As Geoff Eley has demonstrated, the appearance of new political movements generated excitement outside the formal institutions of the left. Such movements promoted an agenda that the old left found difficult to express.¹⁶ However, unlike the Labour Party and the trade union movement, it was relatively easy for the NCCL to blend supposedly older civil liberties concerns with a new rhetoric of rights associated with 1960s activism.¹⁷

This, combined with the rise in quantity and influence of a number of other similar groups within the period, has a number of implications towards understanding 1960s activism. These organizations were crucial in shifting modes of political activism in the post-war era. This chapter will argue that these should be conceptualized as progressive professional organizations. A progressive politics generally associated with various strands of

¹⁴ A. Lent, *British Social Movements since 1945: Sex, Colour, Peace and Power* (Basingstoke: Palgrave Macmillan, 2001), p. 7.

¹⁵ *Ibid.*, p. 4

¹⁶ G. Eley, *Forging Democracy: The History of the Left, 1850-2000* (Oxford: OUP, 2002), p. 353.

¹⁷ See for example, D. Clément, *Canada's Rights Revolution* (Toronto: UBC Press, 2008), p. 200; M. Madsen, 'France, the UK and the 'Boomerang' of the Internationalisation of Human Rights (1945-2000)' in S. Halliday & P. Schmidt (eds), *Human Rights Brought Home: Socio-Legal Studies of Human Rights in the National Context* (Oxford: Hart, 2004), p. 71; T. Buchanan, 'Human Rights Campaigns in Modern Britain' in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, p. 120.

the left, which had an issue based compatibility with the forms of politics associated with the ‘new politics’ of the 1960s, was articulated by such organizations. Yet, this was carried out in a professional manner, with methods associated with more formal pressure groups, and driven by those with professional socio-economic backgrounds.

From the Popular Front to Progressive Professionals: The NCCL, 1948-1960

The initial post-war period had been difficult for the NCCL. Martin Ennals, Smythe’s predecessor as General Secretary between 1960 and 1966, described the organisation as being ‘very stagnant’ when he joined its staff 1959.¹⁸ From 1942, Elizabeth Allen ran the NCCL. As the previous chapter has demonstrated it was dogged by the accusations of communist and pro-Soviet bias throughout her tenure. The break-up of the popular front components of the organizations discussed previously strained the NCCL as it struggled to occupy a clear political space. The divisions of its membership from the late 1940s had been so marked that Foreign Office officials commented that ‘the NCCL is making such little fuss now compared with its prominence in the ‘30s, that we may as well let sleeping dogs lie’.¹⁹ Whilst there were attempts from within the Labour Party to undermine and split the Haldane Society of Socialist Lawyers in the immediate post-war period, the NCCL’s importance had diminished so much so that officials suggested that there was no need to interfere in its activities.²⁰

The NCCL’s reduced status continued until the 1960s. Under Allen in the early 1940s, it had rapidly expanded its anti-fascist work. Whilst such a move was popular towards the end of the Second World War, it was less important in the post-war world.²¹ Furthermore, the

¹⁸ B. Cox interview with M. Ennals, Hull History Centre, University of Hull Archives, Scaffardi Papers (hereafter U DSF), U DSF 4/2.

¹⁹ Minutes by R. Murray, 6 November 1948, The National Archives (hereafter NA), Kew, Foreign Office, Papers [Hereafter FO], FO 1110/145.

²⁰ Minutes by R. Murray, 6 November 1948, NA, FO 1110/145.

²¹ B. Cox interview with S. Scaffardi, U DSF 4/2; E. Allen, *It Shall Not Happen Here: Anti-Semitism, Fascists and Civil Liberty* (London: NCCL, 1943), Hull History Centre, University of Hull Archives, Liberty Archive (hereafter U U DCL), U DCL 73/A (3).

organization seemed to have lost some of its 1930s prestige. The NCCL's work in the 1950s was very different from the glamorous portrait of its 1930s programme projected by Sylvia Crowther-Smith, its Assistant Secretary and partner of the NCCL founder Ronald Kidd.²² Allen's own efforts, along with the resignations of prominent members covered in the previous chapter, had reduced the organization's association with the 'galaxy' of popular front stars that Kidd had accumulated through the 1930s.²³ Indeed, the Labour MP, and barrister, D.N. Pritt, who had been involved in the NCCL from its formation, described her running of the organization as a little timid.²⁴ Whilst Crowther-Smith objected to this characterization, she acknowledged that the group had become a little more 'dreary'.²⁵

The NCCL's role during the 1950s therefore changed. It continued to have a function throughout this period, but its status and priorities shifted. It participated in less overtly confrontational subjects through providing information and guidelines on existing rights.²⁶ It also took up work more in keeping with social service provision. Particularly important in sustaining the NCCL through the 1950s was work relating to the rights of those confined within institutions on mental health grounds. This incorporated fact finding about individual cases, co-ordinating witnesses and volunteers to participate in tribunals, and acting as an information source for family members, and friends of those seeking advice.²⁷ This by-passed the hostile Home Office and Special Branch, and focussed on less controversial issues and more obvious injustices. However, it was a reduced role, Pritt even considered it a 'slight run-away'.²⁸ To Pritt, used to fighting high profile political battles and engaging in international politics, this may have appeared the case. However, these campaigns began to mark out the more specialised service role that could be played. By 1956, the NCCL had compiled over

²² S. Scaffardi, *Fire Under the Carpet* (London: Lawrence & Wishart, 1986), pp. 170-171.

²³ Notes by S. Scaffardi, U DSF 4/2.

²⁴ B. Cox interview with D.N. Pritt, U DSF 4/1.

²⁵ Notes by S. Scaffardi, U DSF 4/2.

²⁶ *Handbook on Citizen's Rights* (London: NCCL, 1955).

²⁷ *Civil Liberty: Annual report 1953*, p. 4, pp. 14-15, U DCL 73 A (3).

²⁸ Cox interview with Pritt, U DSF 4/1.

850 reports on mental deficiency cases. It turned these cases into questions in the House of Commons, held conferences, and sent detailed reports to Royal Commissions.²⁹ The 1959 Mental Health Act seemingly vindicated the NCCL's work in this field. This may have been a 'slight runaway' to Pritt, but it demonstrated the benefits that well researched and detailed casework could provide in giving momentum to the improvement of the rights of a disadvantaged section of society and eradicating obvious abuses. Despite the reduced prominence of the NCCL, this campaign demonstrated the continued necessity of organizations to take up issues that received little attention. It also demonstrated the new way of mobilizing that would become a feature of the NCCL's work in the post-war era.

Although such work marked out new approaches for the organization it was still in decline. Indicative of the state of the NCCL at his appointment as General Secretary in 1960, Martin Ennals was initially warned off taking the leadership of the organization. Its Chairman, Malcolm Purdie who had been an active NCCL member since the 1940s, was concerned that Ennals was entering a job that had no career prospects and little scope for future development.³⁰ By the late 1950s, Ennals' predecessor Allen suffered severe arthritis and only managed two or three days work a week. This left much correspondence unanswered. Additionally, only five members regularly attended Executive Committee meetings.³¹

The renewal of the NCCL in the 1960s was partly produced by a generational shift and a subsequent refocusing of its agenda. A new leadership was important in the organization finding a new voice. Martin Ennals had joined the NCCL in 1959 as Allen's Assistant Secretary. Ennals was a figure from a respectable political background. He was a graduate in international relations at the London School of Economics, and had been working

²⁹ B. Dyson, *Liberty in Britain: 1943-1994: A Diamond Jubilee History of the National Council for Civil Liberties* (London: Civil Liberties Trust, 1994), pp. 33-36.

³⁰ Cox interview with Ennals, U DSF 4/2.

³¹ Cox interview with Ennals, U DSF 4/2; E. Allen to J.W Roebuck, 25 August 1959, U DCL 81/2 (1); E. Allen, Appeal for Funding, 13 November 1958, U DCL 81/2 (1).

for UNESCO immediately before joining the NCCL.³² Ennals' family ties were indicative of his politically respectable background. One of his brothers, David Ennals, was Secretary of the United Nations Association (UNA); he would become a Labour MP and Government Minister. His other brother, John Ennals, had been President of the League of Nations Union between 1938 and 1939, a tutor in international relations at Oxford, and was Director General of UNA between 1966 and 1969.³³ Once in charge, Martin Ennals sought to focus the NCCL's activities in new areas such as discrimination and the rights of minorities, in particular he focused on the operation of the colour bar within British society.³⁴ These had been on the organization's agenda through the 1950s, but the group was engaged in very little high profile work in such fields.

The 1960s saw the repudiation of the communist reputation as Allen, the 'fellow travelling' Pritt, whose association had been the source of much controversy for the NCCL, and various other Executive members resigned.³⁵ There is no evidence that the late 1950s witnessed a schism or set of disputes amongst members of the NCCL. Rather, it was a time in which a dormant organization shifted to a new generation of activists. Some of those that had joined in the 1930s and 1940s remained. These were not, however, the high profile and controversial figures that worked alongside the NCCL in the immediate post-war era.³⁶

These shifts helped the NCCL's reputation. Certainly, the emergence of the alternative civil liberties groups discussed in the previous chapter demonstrated how it had fallen out of favour with the non-communist left. Through the later 1950s, it remained suspicious to many. The *New Statesman* wrote in 1963 that the NCCL had been 'understood by timid progressives

³² B. Cox interview with M. Ennals, U DSF 4/2.

³³ F. Field, *60 Years of UNA-UK* (London: United Nations Association, 2006), pp. 6-18; See H. Glennester, David Hedley Ennals, *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com.ezproxyd.bham.ac.uk/view/article/59129> (Consulted 10 August 2010); T. Dayell, 'Obituary: Lord [David] Ennals', *The Independent*, 19 June 1995, <http://www.independent.co.uk/news/people/obituarylord-ennals-1587195.html> (Consulted 4 September 2010).

³⁴ Cox interview with Ennals, U DSF 4/2.

³⁵ NCCL Annual Report 1959 U DCL 260; NCCL Annual Report 1960, U DCL 260.

³⁶ Notes by Malcolm Purdie, U DSF 4/2; Notes by F.W. Adams, U DSF 4/2.

to be a communist-front organization. It never was, though it did for a time come under strong communist influence'.³⁷ The other prominent civil liberties organisation JUSTICE resolved at its foundation in 1957 to have nothing to do with the NCCL.³⁸ Indeed, when Peter Benenson, formerly involved with JUSTICE, wrote about the creation of Amnesty he explained that he avoided the NCCL, considering it 'under Communist influence' and thus suspect and unimportant.³⁹ By 1963, however, the NCCL's work after reorganization changed Benenson's view. He wrote that it had acquired 'a much more independent reputation'.⁴⁰ Indeed, JUSTICE noted with favour the attempts to make the NCCL 'less of the extreme left'.⁴¹ In addition, the Labour Party softened its attitude. Having been invited to attend a meeting in 1962, the Party leadership were cautious of communist influence. It sent officials to observe the meeting unofficially and reported that it was 'on the face of it very respectable' as 'not many long haired types' and only 'one or two known Communists' attended.⁴² By 1967, the wife of the Labour Minister Anthony Greenwood was on the Executive.⁴³ The *New Statesman* found that the NCCL had become 'in the best sense respectable'.⁴⁴ Ennals' first task, which he did successfully, was to convince people they were not communists.⁴⁵

The 1960s were also a vital period of growth in terms of membership. By the late 1950s, the NCCL only had around 1,000 members in total.⁴⁶ This increased to 3,000 by 1968,

³⁷ London Diary, *New Statesman*, 1 November 1963, U DCL 115/3.

³⁸ Minutes of the first meeting of the Executive Committee, 11 July 1957, Hull History Centre, University of Hull, Justice Archive [Hereafter U DJU], U DJU 2/1.

³⁹ Amnesty International Archives, Oral History Project (AIA), *Peter Benenson's memoir accompanying interview transcript*, 7 November 1983, p. 4.

⁴⁰ *The Scotsman*, 10 December 1964, U DCL 115/1.

⁴¹ Minutes of the twenty-first meeting of Executive Committee, 14 July 1960, U DJU 2/1.

⁴² A.L. Williams to George Brown, 23 August 1962, Manchester, Labour History and Archive Centre, People's Museum, Labour Party Archive (Hereafter LPA), General Secretary Files, Lab GS/NCCL/4; Labour Party Archive, General Secretary Files, *Report on National Council for Civil Liberties Meeting on Race*, 25 November 1962, LPA, GS/RAC/76i.

⁴³ 1966/7 Biographical notes submitted for election to the executive committee, U DCL 260.

⁴⁴ London Diary, *New Statesman*, 1 November 1963, U DCL 115/3.

⁴⁵ Cox interview with Ennals, U DSF 4/2.

⁴⁶ Cox interview with Ennals, U DSF 4/2; E. Allen to J.W Roebuck, 25 August 1959, U DCL 81/2 (1); E. Allen, Appeal for funding, 13 November 1958, U DCL 81/2 (1).

peaking with 5,400 members in 1972. By this point, it had also gained around 450 affiliated bodies.⁴⁷ Between 1965 and 1971, twenty-one local Civil Liberties Liaison Branches formed. This represented a brief attempt to resolve the difficulty of being a ‘national but not a nationwide organisation’ which was ‘over-extended at the centre and under-developed beyond that’.⁴⁸ In response to this expansion of local networks, Smythe reiterated that it should remain a campaigning pressure group rather than a mass movement.⁴⁹ This demonstrates that the distinction between movement and pressure group had become somewhat blurred. One Executive Committee member wrote a memo stating that the NCCL ought to concentrate on a pressure group role but acknowledged that others wished it to develop ‘as a movement’.⁵⁰

The NCCL’s renewal within this period was partly a result of these organizational shifts. As shall be discussed, the increasing professionalism of the NCCL helped it establish itself as an organization that responded well to the types of issues raised by new social movements. In part, the newfound relevance of the NCCL reflected the specific generation changes in personnel and organizational structure detailed above. Equally significant though were structural changes. The mood of liberalisation of the 1960s led to greater attention on civil liberties from across the political spectrum.⁵¹ There was also an increased willingness from wider sections of society to critique the functions and operations of state institutions.⁵² Within this period, the police, judiciary, and armed forces came under much greater scrutiny.⁵³ In addition, civil rights appeared a more prominent and positive political discourse, following the high profile civil rights movement within America.⁵⁴ By the 1960s, the political

⁴⁷ 7th National Meeting of liaison groups, 17 November 1971, U DCL 349/7.

⁴⁸ J Bradshaw to P. Burns, 21 May 1970, U DCL 350/4; *The Promotion Secretary’s Report to the Annual General Meeting 1969*, HCA/NCCL/1/5.

⁴⁹ *NCCL Organisation Manual 1973*, U DCL 349/12.

⁵⁰ *The NCCL’s Public Position*, Henry Hodge to the Executive Committee, September 1971, U DCL/107A (1).

⁵¹ Marwick, *The Sixties*, p. 19.

⁵² Harrison, *Seeking a Role*, pp. 433-434.

⁵³ L. Black, *Redefining Politics: Culture, Consumption and Participation, 1954-70* (Basingstoke: Palgrave Macmillan, 2010), pp. 204-205.

⁵⁴ S. Rowbotham, ‘Introduction’ in H. Curtis & M. Sanderson (eds), *The Unsung Sixties: Memoirs of social Innovation* (London: Whiting & Birch, 2004), p. ix.

theorist Bernard Crick noted that the subject of civil liberties was on everybody's lips.⁵⁵ In this context, the NCCL became relevant once more.

Social Movements, Pressure Groups and the National Council for Civil Liberties

The NCCL saw itself principally as a pressure group. Smythe stated that it was viewed 'as an important, though small, national pressure group by social and political activists'.⁵⁶ It relied on formal membership and affiliated groups to provide resources and remained relatively centralized. Attempts at creating a grass roots presence were limited, with its network of liaison groups representing only a minor success.⁵⁷ By 1969, just nine groups existed; at their peak there were only twenty-one branches, with some more successful than others.⁵⁸ In 1972, the Liverpool branch had a hundred members whilst the Cambridge group was virtually defunct.⁵⁹

Unsurprisingly, such a limited expansion had little effect on the NCCL's metropolitan image. The persistence of this is indicated by Roy Hattersley referring to it as the 'London National Council for Civil Liberties' despite his involvement with the NCCL on a number of issues.⁶⁰ The branches it had were far less numerous than other organizations: Amnesty mentioned 70 branches in its first annual report and by 1969 claimed 649 groups, whilst the Child Poverty Action Group (CPAG) in the same period boasted over 50 groups.⁶¹ In 1969, Des Wilson, the founder and director of the housing charity Shelter, wrote in *The Guardian* of

⁵⁵ Quoted in Harrison, *Seeking a Role*, p. 432.

⁵⁶ *Civil Liberty*, December 1972, p. 2.

⁵⁷ National Council for Civil Liberties: *Civil Liberty 1965* (London: NCCL, 1965), p. 26.

⁵⁸ J Bradshaw to P. Burns, 21 May 1970, U DCL 350/4.

⁵⁹ *Minutes of the Winter 1972 National Meeting of Liaison Groups*, 2 December 1972, U DCL 349/7.

⁶⁰ Roy Hattersley, *Fifty and Years On: A Prejudiced History of Britain since the War* (London: Abacus, 1997), p. 197.

⁶¹ T. Buchanan, 'The Truth Shall Make You Free: The Making of Amnesty International', *Journal of Contemporary History*, 37: 4 (2002), p. 595; *Amnesty International Annual Report 1967-68*, 29, U DCL 608/15, *Child Poverty Action Group Booklet*, U DCL 349/11.

his disappointment that there was no comprehensive movement for civil rights and human rights within the country.⁶²

Attempts to appear ‘non-party, non-denominational’, were indicative of a desire for credibility within political institutions whilst not being beholden to party policy - hardly the activities of the new social movements described as being so radical that they test the limits of compatibility of a system.⁶³ Indeed when asked to comment specifically Smythe refused to tolerate direct action except under very pressing circumstances. He wrote that ‘governmental and traditional solutions should not be attacked until alternatives can be put forward’.⁶⁴ The NCCL also relied on that central pillar of ‘old’ social movements, the trade unions, for funding.⁶⁵

Yet considering the NCCL solely as a ‘middle class pressure group’ seems inadequate.⁶⁶ The term pressure group is not a useful descriptor of a specific type of activism. It is most appropriate for political scientists concerned with assessing the influences and contributory forces surrounding policy decisions.⁶⁷ In doing this, such analysis fails to offer insights into broader aspects important for a historical consideration of activism, including identification of methods, organization, membership, socio-economic base or political positioning. This becomes an incredibly broad conceptualization covering an enormous diversity of activism.⁶⁸ Placing an organization like the NCCL in this large paradigm means it is inappropriately categorized with sectional groups such as the National Farmers’ Union, or the Confederation of British Industry.

⁶² *The Guardian*, 16 September 1969, U DCL 608/(1).

⁶³ Cox interview with Smythe, U DSF 4/4; Melucci, *Nomads of the Present*, p. 29.

⁶⁴ T. Smythe to D. Rassapollous, Undated Article on ‘New Radicalism’, U DCL 420/1.

⁶⁵ Cox interview with Ennals, U DSF 4/2.

⁶⁶ A. Marwick, *A History of the Modern British Isles, 1914-1999: Circumstances, Events and Outcomes* (3rd Edition: Oxford: Blackwell 2000), p. 111.

⁶⁷ R. Baggott, *Pressure Groups Today* (Manchester: MUP, 1995), p. 21, G. Jordan and J. J. Richardson, *Government and Pressure Groups in Britain* (Oxford: Clarendon, 1987), p. 43.

⁶⁸ Baggott, *Pressure Groups Today*, p. 2.

The NCCL does fit the category of ‘the cause or promotional group’ aiming to represent a belief of principle.⁶⁹ Yet this label could be applicable to a range of organizations with little in common. For example, the NCCL wrote to Mary Whitehouse’s National Viewers’ and Listeners’ Association (NVLA), another ‘middle class pressure group’, objecting to what it considered to be a support of censorship.⁷⁰ Its politics had more in common with the Anti-Apartheid Movement (AAM) than the NVLA.⁷¹ Similar criticisms can be mounted at attempts to categorize groups by strategy choices, as outsider or insider group.⁷² The NCCL was one of many organizations that sought to use formal and informal methods, depending on the circumstances, issues and their goals.

In pursuing its activities, the NCCL blurred old political issues with new ones. That the NCCL embraced a politics associated with new social movements can be seen in examining its definition of civil liberties. One task facing the NCCL in the 1960s was clarifying what was meant by civil liberties. As has been observed elsewhere, civil liberty is, and was, a fluid subject.⁷³ This fluidity was noted by *The Times* in 1971 which criticized the NCCL for lacking a ‘coherent philosophy, and appropriate strategy and a just tactical sense’. The newspaper observed that on some issues the NCCL attempted to act as ‘the watchdog of the community’ whilst on others it ‘intended to affect society’s attitude to specific contentious social questions’.⁷⁴ Smythe’s suggestion, when reporting on his first year in charge in 1967, that the NCCL used the term ‘too glibly’ and that whilst he knew approximately what

⁶⁹ J. D. Stewart, *British Pressure Groups: Their Role in Relation to the House of Commons* (Oxford: OUP, 1958), p. 2.

⁷⁰ M. Ennals to M. Whitehouse, 22 June 1964, U DCL 316/1.

⁷¹ Ennals was also a field secretary in the Boycott Movement, for NCCL role in the Anti-Apartheid Movement see R. Fieldhouse, *Anti-Apartheid: A History of the Movement in Politics* (London: Merlin, 2005), p. 13, pp. 21-5.

⁷² Grant, *Pressure Groups and British Politics*, pp. 19-20.

⁷³ H. Street, *Freedom, The Individual and The Law* (Harmondsworth: Penguin, 1963), p. 9.

⁷⁴ *The Times*, 29 March 1971, p. 13.

constituted infringements of civil liberties it lacked a positive definition expressed such a sentiment.⁷⁵

This lack of clarity provided the opportunity to pursue a version of civil liberties that amalgamated a concern with ‘first generation rights’ or traditional civil liberties, with ‘third generation rights’ claims of women, minorities and other groups.⁷⁶ Traditional approaches to the study of human rights suggested that political and civil liberties emerged in the seventeenth, eighteenth and nineteenth centuries and were concerned with the rights to life, physical security, freedom from torture, slavery and arbitrary detention, rights to fair criminal process and personhood and privacy, as well as freedom of conscience, religion, expression along with the right to vote and participate in government.⁷⁷ The 1960s saw the emergence of a new range of rights claims including those belonging to women, gays, ethnic minorities, the disabled, prison inmates and asylum seekers.⁷⁸

According to Ennals, the NCCL’s main purpose was campaigning for ‘the rights of minorities, whether the mentally defective, or the criminally accused, the rights of religious or anti-religious groups, and those with different racial backgrounds’, in addition to ‘the rights of free speech and the right of protest’.⁷⁹ Smythe commented that civil liberty meant ‘anything that would serve to redress the balance of power between individuals and authority or between minorities and the majority’.⁸⁰ Occasionally, the scope of civil liberties permitted

⁷⁵ *Report of the General Secretary to the AGM 1967, HCL/NCCL/1/5*

⁷⁶ E. Friedmann, ‘Women’s Human Rights: The Emergence of a Movement’, in J. Peters & A. Wolper (eds), *Women’s Rights, Human Rights: International Feminist Perspectives* (London: Routledge, 1995); J. Freeman & V. Johnson (eds), *Waves of Protest: Social Movements since the Sixties* (Oxford: Rowman & Littlefield, 1999), p.x.

⁷⁷ F. Klug, *Values for a Godless Age: The Story of the United Kingdom’s New Bill of Rights* (London: Penguin, 2000), p. xvii, 9; T. H. Marshall, *Citizenship and Social Class* (New Edition, London, 1992); L. Henkin, ‘The Universality of the Concept of Human Rights’, *Annals of the American Academy of Political and Social Science*, 506 (1989), p. 11.

⁷⁸ C. Bunch and S. Frost, *Women’s Human Rights: An Introduction* in C. Kramarae and D. Spender (eds), *Routledge Encyclopedia of Women: Global Women’s Issues and Knowledge* (London: Routledge, 2000), p. 1; A. Fraser, ‘Becoming Human: The Origins and Development of Women’s Human Rights’, *Human Rights Quarterly*, 21:4 (1999), pp. 853-905; A. Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: Public Affairs, 2003), p. ix.

⁷⁹ *Tribune*, 30, 7 (18 February 1966), p. 6.

⁸⁰ *Civil Liberty*, December 1972, p. 2.

criticism beyond that of *The Times*. Professor Coulson, Chairman of Oxfam, responded to a motion at the NCCL's 1967 AGM protesting religion's place in society, by suggesting that if it continued to hold such a broad interpretation of what constituted a civil liberty issue it ought to change its name to 'The Society for Propagating Ideas Which Seem Good to Most of our Members'.⁸¹

However, in amalgamating a traditional civil liberties agenda with the increasingly important human rights discourse, the NCCL tackled the sorts of issues raised in social movement literature. Indeed, Habermas suggested that new forms of politics incorporated equal rights, self-realization, human rights and participation, which as noted by the Report of the Human Rights Year Campaign in 1968, were the 'whole raison d'être of the NCCL'.⁸² This accommodation of a third generation of rights was a relatively straightforward development for the NCCL. As such, the distinction between old and new politics is debateable. First-generation civil liberties were considered by Touraine to be indicative of an older form of politics, acting as a bulwark against market society.⁸³ The idea that civil liberties were an older political issue is mirrored by Ewing and Gearty's identification of civil liberties as those promoting political participation and encouraging an active political culture.⁸⁴ Indeed, their explanation of civil liberties, couched in references to the politics of Marx, and institutions such as the courts, parliament, and the rule of law, demonstrate civil liberties as an 'older' politics. For all its new concerns, the role of the state as both 'principal violator and essential protector' of human rights meant the NCCL engaged with both alternative political cultures and old political institutions.⁸⁵

⁸¹ C. A. Coulson to T. Smythe, 5 October 1967, U DCL 309/(3).

⁸² Habermas, *Theory of communicative action - volume 2*, p. 394; Human Rights Year Report, LSE Library, United Nations Association Archive, UNA/14/12/1.

⁸³ Touraine, *The Voice and the Eye*, p. 24.

⁸⁴ K. D. Ewing & C. A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain* (Oxford: OUP, 2000), p. 33.

⁸⁵ J. Donnelly, *Universal Human Rights: In Theory and Practice Second Edition* (London: Cornell Press, 2003), p. 15.

Yet, for the NCCL ‘old’ and ‘new’ were pursued with little sense of contradiction. It embraced the ‘emancipatory politics’ that defined the industrial or market era, supporting ideas such as citizenship and participation, whilst being equally comfortable engaging with identity or ‘life politics’ of the new era.⁸⁶ Of the 321 legal cases investigated in 1964, one third were complaints against the police including: ‘6 perjury; 14 framing; 21 brutality; 67 general (prejudice, threats, irregularities, etc.)’.⁸⁷ By the next year, the NCCL dealt with 150 complaints about the police, 168 the year after.⁸⁸ The substantial amount of work done in relation to the police meant the NCCL had to remind its volunteers that the ‘NCCL is not anti-police’.⁸⁹ Indeed, one of its biggest successes was the exposure of the racist Detective Sergeant Henry Challenor in 1964, found guilty of planting evidence and abusing prisoners.⁹⁰ For Ennals, this case ‘shattered the illusion that an innocent person is never convicted ... almost certainly there are a great number of innocent people in prison’.⁹¹ For one historian, it was a decisive reminder of the gulf between fictional policemen like *Dixon of Dock Green* and those encountered in normal life.⁹²

The NCCL also campaigned on other traditional civil liberties issues such as censorship, setting up a conference in Brighton following the prosecution of Unicorn Books and raising funds to pay fines for those prosecuted and involved in legal action. It helped establish the Defence of Literature and the Arts Society in 1968, as well as tackling questions of law reform.⁹³ It followed cases concerning the freedom to protest carefully and the police’s

⁸⁶ A. Giddens, *Modernity and Self-Identity: Self and Society in the Late Modern Age* (Cambridge: Polity, 1991).

⁸⁷ National Council for Civil Liberties, *Civil Liberty 1964* (London: NCCL, 1964), p. 27.

⁸⁸ *Civil Liberty 1965*, p. 28, National Council for Civil Liberties, *Civil Liberty 1966* (London: NCCL, 1966), p. 28

⁸⁹ *NCCL Speakers Notes*, January 1965, U DCL 104/1.

⁹⁰ Cox interview with Ennals, U DSF 4/2; M. Grigg, *The Challenor Case* (London: Penguin, 1965), p. 186; A. James, *Report of the Challenor Inquiry* (London: HMSO: Cmnd. 2735, 1965).

⁹¹ *Tribune*, 28, 43 (23 October 1964), p. 10

⁹² J. White, *London in the Twentieth Century: A City and its People* (London: Viking, 2001), p. 303.

⁹³ *NCCL Press Release*, 13 June 1968, U DCL 314/2; *NCCL Press Release, Public Meeting on Censorship*, June 1968, U DCL 314/2; The NCCL and the Defence of Literature and Arts Society set up a fund to help pay Unicorn Book’s fine. T. Smythe to Unicorn Books, 9 September 1968, U DCL 314/2; it also offered assistance to *The International Times*.

conduct in relation to the actions of anti-Vietnam or CND demonstrations.⁹⁴ It also raised money for those prosecuted for protesting, including the creation of a legal defence fund following the arrest of the CND activist George Clark in 1963.⁹⁵

However, the NCCL's leadership stressed the importance of tackling third generation rights. Ennals, previously working abroad for UNESCO, had returned to Britain to campaign on such issues.⁹⁶ Indeed, Ennals resigned his place on the National Committee for Commonwealth Immigrants (NCCI) following the Commonwealth Immigration Act 1968 because the body was 'too closely connected with Government and the Home Office to escape the smear of the recent legislation'.⁹⁷ When traditional civil liberties conflicted with minority rights, it prioritised the latter. It approved of the Race Relations Act in 1965 with relatively few qualms, although the civil liberties academic Harry Street described this legislation as having a disturbing element restricting freedom of speech.⁹⁸ Indeed, Smythe wrote to a member who suggested that his organization spent too much time on race issues stating that 'colour prejudice is the most obscene social perversion of our age, and we all recall what such prejudice led to in Nazi Germany'.⁹⁹

The Progressives: The NCCL and the Left

The left wing complexion of the NCCL can be seen in its relationship with other forms of activism. Its leftist hue indicates similarity with descriptions of new social movements of the 1960s. Whilst theoretical literature on new social movements has stressed their non-party political status, such mobilizations have been seen as crucial to understanding the political

⁹⁴ *Civil Liberty* 1966, p. 9.

⁹⁵ George Clark to NCCL, 5 July 1964. U DCL/344/14a. The remainder of the money in the defence fund became a source of contention between members of CND and NCCL each claiming that they ought to be given a share following Clarke's appeal.

⁹⁶ Cox interview with Ennals, U DSF 4/2.

⁹⁷ *Tribune*, 32, 10 (8 March 1968), p. 3.

⁹⁸ H. Street, *Freedom, The Individual and The Law* (2nd Edition: London, 1967), 50, *Minutes of the AGM 1965*, U DCL 261.

⁹⁹ T. Smythe to R. Gribble, April 1967, U DCL 688.

left. According to Geoff Eley, new social movements exposed a new political space for the reinvigorated left that were ambivalent to parliamentary systems. This created two parallel lefts, one following a new social movements paradigm including feminism, ecology, peace, Third World solidarities, gay-lesbian rights, and anti-racism, and another consisting of the formal political party aiming to win elections.¹⁰⁰

Yet the relationship between the left and social movements has been complicated by studies of this activism. Examinations of social movements, such as those of the CND and the AAM, have demonstrated clear associations between movements and the institutional left.¹⁰¹ On the other hand, accounts of women's movements found groups struggling to assert themselves within formal politics, whilst consumer movement activists were committed to a strict non-party political status.¹⁰² Both the membership and the targeted membership of the NCCL demonstrate its links to all of those on the left of the political spectrum.

Such associations existed through the NCCL's relationship with formal political parties and the developing alternative left within the period. Despite consistently re-iterating that it was 'non-party' and 'non-denominational', the NCCL appealed to members of the Labour Party. Ennals and Smythe wrote columns for the Labour newspaper *Tribune*. The former, writing weekly from 1964 until his resignation, observed a tendency to associate civil liberties activism with the left. He wrote that this was natural 'because those of the right tend to be less critical of established systems, to have more faith in our traditions, our judges and our administration', and that 'the support that Civil Liberties receives from the labour movement is vital'.¹⁰³ In 1973, the NCCL's Promotion Officer wrote to Labour MP Joan Lestor, suggesting that her Party was 'a natural source of support and encouragement for the

¹⁰⁰ Eley, *Forging Democracy*, pp. 460-1.

¹⁰¹ P. Byrne, *The Campaign for Nuclear Disarmament* (London: Croom Helm, 1988), J. Mattausch, *A Commitment to Campaign: A Sociological Study of CND* (Manchester: MUP, 1989), Fieldhouse, *Anti-Apartheid*, p. 205.

¹⁰² P. Byrne, *Social Movements in Britain* (London: Routledge, 1998), M. Hilton, *Consumerism in Twentieth Century Britain: The Search for a Historical Movement* (Cambridge: CUP, 2003), p. 198.

¹⁰³ *Tribune*, 28: 18 (1 May 1964), p. 8; *Tribune*, 29: 39 (24 September 1965), p. 15.

NCCL'.¹⁰⁴ By 1967, thirteen branches of the Labour Party affiliated along with branches of the Independent Labour Party, Chingford Young Socialists and the Headquarters of the Independent Labour Party.¹⁰⁵

Throughout the 1960s, the NCCL had been creating a Parliamentary Civil Liberties Group that by 1968 contained over seventy MPs that were circulated with NCCL material. Of these, forty-eight were from Labour, twelve Conservative, and five Liberal. Twenty-six of these MPs were full NCCL members: one Conservative, one Scottish National and twenty-four Labour MPs. The only Conservative was Nigel Fisher, from the Party's left.¹⁰⁶ In addition, the more general attitude of the Conservatives illustrates some scepticism. Smythe, when writing to a Young Conservatives branch requesting payment for missing literature following a meeting, wrote that whilst he enjoyed himself, the most vocal of the group were not sympathetic.¹⁰⁷

The NCCL was particularly unappealing to the Conservative party's right. Harold Soref, a member of the Monday Club, wrote that he considered the NCCL never far removed from Marxist ideology or a communist line, considering it 'hostile to the forces that made Britain great'.¹⁰⁸ Such critiques would re-emerge in the activities of alternative non-left civil liberties groups, particularly the National Association for Freedom (NAFF) that will be discussed in the following chapter. The first member of the Conservative Party standing for election onto the NCCL's Executive Committee was Gareth Whaller in 1970.¹⁰⁹ Whaller, as a member of Pressure for Economic and Social Toryism (PEST) who had worked for the AAM was, like Fisher, from the Party's left.¹¹⁰ He believed his presence would strengthen the

¹⁰⁴ D. Barnard to J. Lestor, 23 May 1973, U DCL 309/7.

¹⁰⁵ *Report of the 1967 Annual Meeting*, U DCL 261.

¹⁰⁶ *MPs who have shown at anytime interest in the NCCL, 1968*, U DCL 478/1.

¹⁰⁷ T. Smythe to Muswell Hill Young Conservatives, 3 May 1967, U DCL 119/2.

¹⁰⁸ H. Soref, 'Introduction' to S. Swerling, *Some Uncivil Liberties* (London: The Monday Club, 1972), p. 3.

¹⁰⁹ Gareth Whaller to Tony Smythe, 11 February 1970, U DCL 262/1.

¹¹⁰ Swerling, *Some Uncivil Liberties*, p. 17.

NCCL's non-party role as a parliamentary pressure group.¹¹¹ Despite his presence, it would have been unthinkable for a Conservative leader of the opposition to demand NCCL (now Liberty) recommendations be considered during a Commons debate.¹¹²

The NCCL also had a relationship with the 'new left'. Local and national CND groups asked for advice on demonstrations, it was involved in the AAM, and even attempted to engage with the developing drug culture.¹¹³ Smythe saw this relationship as mutually beneficial: the NCCL provided protesters with information on rights and took up complaints, whilst protesters provided information on the operation of state apparatus.¹¹⁴ The NCCL also sought to promote groups concerned with cultural identity, such as the Gypsy Council. It encouraged this group to use its Parliamentary machinery, to take this over and develop such methods for interacting with formal politics.¹¹⁵ A meeting of the NCCL Parliamentary Civil Liberties Group in July 1969 stressed the need for communication between representatives of minority groups, specifically those who did not pursue 'insider' politics, and MPs responsible for legislation affecting such groups.¹¹⁶

More generally, the NCCL's relationship with more radical left wing politics can be seen in its treatment of the *Oz* trial. The son of Grace Berger, the NCCL's Chairman, had drawn the controversial Rupert the Bear cartoon prosecuted in the *Oz Schoolkid's* edition, and it protested against the verdict.¹¹⁷ The reaction to the *Oz* trial demonstrates the NCCL's position in relation to more radical politics. Like Berger it was a permissive parent (it was

¹¹¹ Gareth Whaller to Tony Smythe, 11 February 1970, U DCL 262/1.

¹¹² *Parliamentary Debates* (Commons), 2108, 463, 25 July 2007, c. 847.

¹¹³ Cox interview with Ennals, U DSF 4/2; *Minutes and papers advisory committee on drugs*, 18 July 1967.

¹¹⁴ T. Smythe, Symposium of Direct Action and Democratic Representation, 'The Role of the NCCL', undated article, U DCL 420/1.

¹¹⁵ Cox interview with Smythe, UDSF 4/4.

¹¹⁶ Meeting of the Parliamentary Civil Liberties Group, 17 July 1969, HCA/NCCL/1969. The meeting was chaired by Eric Lubbock and attended by Joan Vickers, Joyce Butler, Evan Luard, Hugh Jenkins, A.H. MacDonald, Shirley Summerskill, Michael McNair Wilson, Peter Jackson, Ben Whitaker, Donald Dewar, and Tony Smythe, Peter Burns, Gail Paterson from the NCCL as well as representatives of the Defence of Literature and Arts Society, The Gypsy Council, *International Times* and the Albany Trust.

¹¹⁷ *The Daily Telegraph*, 30 July 1971, U DCL 315/1; *NCCL Press Statement on the 'OZ' Verdict*, 28 July 1971, U DCL 60/6 9(b).

after all born in the 1930s) looking sympathetically though somewhat detached from left wing radicalism. Like a parent it explained the rules and informed the Committee of 100, the DAC, CND, and AAM activists what they could and could not do.¹¹⁸ It watched over mass protests hoping no-one would get hurt and taking stern action if they did, and generally sticking up for them in a more formal political sphere.¹¹⁹ It no longer rallied fervently against a supposedly fascist police force as it had done at its formation and as more radical activists did in the 1960s and 1970s.¹²⁰ As Smythe wrote on the trial, ‘personally I don’t like *Oz* very much and I like the *Daily Express* even less but I wouldn’t indulge my own prejudice by banning them’.¹²¹ It did not necessarily always agree with radical politics, but it would advise, observe and protect those who did.

The Professionals – The Work of the NCCL in the 1960s

In some ways, the NCCL typified a fluidity between movement politics and more formal organizations. This was personified by the career of Tony Smythe. He had been active in the Committee of 100 and was a founding member of the CND.¹²² This experience interested him in civil liberties. Indeed, as a conscientious objector he was jailed for three months in 1958 for refusing both military and civil service and again in 1961 for refusing to be ‘bound over’ by the Metropolitan Police.¹²³ Nonetheless, prior to the joining the NCCL, Smythe had started to make a career out of his politics. He had worked for War Resisters’ International and OXFAM before taking up his role in the NCCL. In moving from a form of movement

¹¹⁸ J. Killip to M. Ennals, 16 September 1963, U DCL 345/12; D. Blundell to NCCL, undated letter, U DCL 345/12; J. Lake to M. Ennals, 8 December 1962, U DCL 347/1; A. Woods to M. Ennals, 2 June 1962, U DCL 347/8.

¹¹⁹ M. Ennals to Commissioner of Police, February 1961, U DCL 346/12; M. Ennals letter to observers, February 1961, U DCL 346/12; NCCL Press Release, U DCL 346/7.

¹²⁰ One early member wrote that Ronald Kidd thought all police were fascists. B. Cox interview with G. Catlin, U DSF 4/3, for more radical opinions see *The Black Book of Political Police in Britain* (London: Pig Production, 1971), p. 1 or S. Bowes, *The Police and Civil Liberties* (London: Lawrence & Wishart, 1966), p. 19.

¹²¹ T. Smythe to A. Wilks, 7 October 1971, U DCL 606/6.

¹²² Cox interview with Smythe. U DSF 4/4.

¹²³ ‘Obituary: Tony Smythe’, *The Guardian*, 29 March 2004, <http://www.guardian.co.uk/news/2004/mar/29/guardianobituaries.humanrights> (Consulted 4 September 2010).

politics into an organization sphere, he commented that such locations required both an ideological and practical commitment.¹²⁴ This was symbolic of the NCCL's position within the decade. It was ideologically similar to the new social movement, but differentiated from this through a practical ethos.

The NCCL's work in the 1960s was divided into three categories: research, service work including casework and the provision of information, along with larger scale campaigning.¹²⁵ In doing this, it considered itself to be acting like a pressure group. As Smythe stressed, 'threats to civil liberty must be met with research, education, and organised pressure' and 'exposed in Parliament, and through the political parties, the churches, trade unions and other sections of organised opinion'.¹²⁶ A relatively small staff conducted the NCCL's work. In 1960, there were two full time members of staff along with the General Secretary.¹²⁷ Representative of the broader expansion of the NCCL within this period, this had increased to 17 by 1969.¹²⁸

In terms of service provision, the NCCL published information on citizen's rights, or 'layman's guides' to the law, from 1954.¹²⁹ These served strictly informative and explanatory purposes and were regularly updated and reprinted.¹³⁰ This did not go down well amongst all sections of society. Lord Shawcross, chairman of JUSTICE and former Attorney-General, complained that the pamphlets served as a 'user guide to the inexperienced criminal', and senior police officials suggested they might hamper their work. Ennals called the criticisms

¹²⁴ Cox interview with Smythe.

¹²⁵ T. Smythe to W. Sadler, 11 December 1967, U DCL 688.

¹²⁶ T. Smythe, Draft of article *Threats to Civil Liberty*, undated, U DCL 490/2.

¹²⁷ NCCL Annual Report 1959.

¹²⁸ International Press Release – Civil Liberties in Britain: Full text of a talk by the NCCL's General Secretary, T. Smythe, 8 September 1971, U DCL 106/1.

¹²⁹ NCCL, *Handbook of Citizen's Rights: A Guide to the Law for the Man in the Street* (London: NCCL, 1954), although a brief guide to the citizen's rights in relation to local government had been published in 1945, E. Allen, *Local Government and Civil Liberty: A Citizen's Rights and Duties Explained* (London: NCCL, 1945), U DCL 100/27.

¹³⁰ The NCCL's handbook of citizen's rights was re-published in 1964, 1965, 1968 and 1971. Even more comprehensive guides were published under the title *Civil Liberty: The NCCL Guide to Your Rights* in 1972, 1973 and 1978.

nonsense, pointing out that the guides simply described and clarified the law.¹³¹ Part of the NCCL's agenda was therefore to make people more aware of their rights to preserve and extend the climate of political freedom.¹³² By 1978, the NCCL guide was both substantial in size and comprehensive in scope with contributions from a number of prominent lawyers and academics.¹³³

However, the politics of civil liberties also required more hands-on activity. The NCCL began to send observers to monitor and report on the handling of demonstrations and protests once more, having first attempted such activities in the 1930s at the hunger marches. NCCL observers were present at numerous demonstrations throughout the period, including those against South African sports teams, evictions of gypsies in the Midlands and Manchester, and numerous anti-war protests, including the two hundred sent to Grosvenor Square in October 1968 and twenty-five present at the March protest.¹³⁴ NCCL volunteers attended mental health tribunals assisting patients by presenting cases to Review Tribunals.¹³⁵

Service provision also sprang from legal case work with the running of what it called a 'kind of legal ambulance service' confronted by around forty to fifty cases or enquiries each week.¹³⁶ The level of casework carried out by the NCCL necessitated a full time legal officer co-ordinating the legal panel.¹³⁷ Many queries came from prisoners unsure of their rights and wanting advice on appeals procedure, CND protestors asking for advice about demonstrations

¹³¹ *Tribune*, 28, 51 (December 1964), p. 9.

¹³² *Civil Liberties 1969* (London, 1969), p. 5, Smythe, 'The Role of the National Council for Civil Liberties', p. 281.

¹³³ Including those who would go on to have prominent careers Geoffrey Bindman, Henry Hodge, Helena Kennedy, and Martin Kettle amongst others, L. Grant, P. Hewitt, C. Jackson & H. Levenson, *Civil Liberty: The NCCL Guide to Your Rights* (3rd Edition: Harmondsworth: Penguin, 1978), p. 11.

¹³⁴ M. Ashley to T. Smythe, 16 October 1968, U DCL 218/4; 6th National Meeting of NCCL Liaison Groups, 12 June 1971, U DCL 349/6; Smythe, 'The Role of the National Council for Civil Liberties', p. 287

¹³⁵ NCCL Current Activities, July 1966, U DCL/104/1 (1).

¹³⁶ P. Burns, *The Rise of the Illiberals*, November 1970, U DCL 420/1; *Report of the General Secretary 1969*, HCA/NCCL/1/3; National Council for Civil Liberties, *Civil Liberties 1968* (London: NCCL, 1968), p. 2; General Secretary's Report to the AGM, April 1960, U DCL 260.

¹³⁷ NCCL Legal Program, November 1968, U DCL 272/4.

and parades, and from those who had complaints about the police.¹³⁸ In fact, the level of casework sometimes became a problem as the NCCL found itself snowed under by demand.¹³⁹ Indeed, it had to reject the suggestion of establishing a twenty-four hour phone information service similar to that provided by the drugs welfare organisation RELEASE, as it could not provide the necessary staff.¹⁴⁰ In pursuing this work, a number of distinct comparisons exist between the increased emphasis on rights-based approaches and service provision developing in a range of similar organizations at this time.¹⁴¹ As shall be discussed within chapter five, a whole host of organizations active in the 1970s increasingly framed their activities around a rights discourse. This process had started during the 1960s.

Service provision depended upon an informed understanding of the law and its administration. This research was a ‘mammoth task’ performed by members of the NCCL’s legal panel.¹⁴² It undertook projects to assess specific civil liberties subjects. Important amongst these were new civil liberties concerns emerging from cultural and technological change, including the emerging drug culture and attempts to police this and the implications of developments of new technology on privacy.¹⁴³ Work was required in preparing detailed notes for members of the Parliamentary Civil Liberties Group and circulating reports to

¹³⁸ Cox interview with Ennals, U DSF 4/2; National Council for Civil Liberties, *Civil Liberties 1969* (London: NCCL, 1967), p. 5; *Civil Liberty 1967* (London, 1967), p. 7.

¹³⁹ J. Walters, *Report to the G.P.C.*, 12 September 1970, U DCL 272/3.

¹⁴⁰ Legal Draft Group Programme, October 1968, U DCL 272/4.

¹⁴¹ T. Evans, ‘Stopping the Poor Getting Poorer: The Establishment and Professionalisation of Poverty NGOs, 1945-95’, in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, p. 154; Mold, ‘The Welfare Branch of the Alternative Society? The Work of Drug Voluntary Organization Release, 1968-78’, pp. 55-56; Hilton, *Consumerism in Twentieth Century Britain*, p. 167-218.

¹⁴² NCCL Legal Program, November 1968, U DCL 272/4.

¹⁴³ Minutes and papers of advisory Committee on Drugs, 1967, 18 July 1967, U DCL 262/2 (1); Report to the NCCL: Drugs and Civil Liberty, U DCL 262/2 (2), for the NCCL’s work on privacy see D. Madgwick & T. Smythe, *The Invasion of Privacy* (London: Pitman, 1974); *NCCL Campaign on the Right to be Left Alone: Report on ‘Privacy and the Outsider’*, 17 July 1969, HCA/NCCL/2/3.

Parliamentary and Governmental Committees.¹⁴⁴ This was aided by the formation of the Cobden Trust by the solicitor Alan Paterson in 1963. The Trust, which operated alongside the NCCL, was created to undertake longer-term research projects aiming to increase the theoretical awareness of civil liberties work. This could take advantage of the charity status that was denied to the NCCL.¹⁴⁵

The NCCL's other task was campaigning. This overlapped with its research and casework. Individual cases could be taken up and turned into sustained campaigns. For example, the NCCL's efforts to raise awareness about young servicemen fixed to lengthy spells in the armed forces from an early age, which involved lobbying MPs, Ministers and the Ministry of Defence, sprang from an initial query. In the end this became an early British case for consideration by the European Commission on Human Rights.¹⁴⁶

In campaign work, the NCCL took up a number of issues associated with new social movements. Throughout 1968, it sought to create a network of organizations and movements to combat racism. This reflected a frustration with formal political channels on this issue illustrating the capacity of the NCCL to act as an extra-parliamentary and anti-establishment body. The NCCL suggested that as political parties were 'infected with disillusionment and disarray' it, and all other organizations concerned with race relations, ought to consider 'other

¹⁴⁴ Meeting of Officers of the Parliamentary Civil Liberties Group, 8 October 1968, U DCL 272/3; T. Smythe, Commentary on the Younger Committee Report, undated publication, U DCL 107/a (2); *Report to the Secretary of State for the Home Department of the Departmental Committee on Evidence of Identification in Criminal Cases* (Devlin Committee). The NCCL met with Frank Soskice in December 1964 to discuss the aftercare treatment of offenders. Kew, The National Archives [Hereafter NA], Home Office Papers [Hereafter HO], Acto Sub-Committee on After Care: Discussions with Interested Parties and Individuals, National Council for Civil Liberties, HO 383/14, *Public Inquiry chaired by Mr Arthur Evans James QC into allegations of corruption against Detective Sergeant Challenor and other Metropolitan Police Officers*, NA, Treasury Solicitor and HM Procurator General's Department, TS58/800.

¹⁴⁵ M. Hurwitt, 'The Cobden Trust' in M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (London: Macmillan, 1984), pp. 155-158.

¹⁴⁶ NCCL, *Civil Liberty 1967*, pp 8-9; Cox interview with Smythe, U DSF 4/4; J. Davidson to T. Smythe, 16 January 1968; T. Smythe to J. Davidson, 18 January 1968; N. Fisher to T. Smythe, 28 February 1968; T. Smythe to T. Driberg, 25 March 1969, all U DCL 591/2; T. Smythe to E. Lubbock, 16 October 1968, U DCL 591/4; S. C. Robinson to T. Smythe, 26 April 1972, U DCL 591/4; *Guardian*, 11 December 1967, U DCL 591/8(1).

methods of combating the government and the racialism to which it now panders'.¹⁴⁷ J. Joshi of the Indian Workers Association (IWA) welcomed this new position, stressing that 'genuine militant immigrant' organizations should attend and that institutional channels would have no use.¹⁴⁸ Therefore, the NCCL could be more radical if necessary. Smythe admitted that whilst it 'never supported civil disobedience on the grounds that civil liberty can only be maintained under the rule of law... on a realistic political level we surely can't forget that civil disobedience in this country and elsewhere has been the last hope for democracy and social change where Government has abused its function'.¹⁴⁹

Following the Commonwealth Immigration Act 1968, the NCCL accused the Government of 'continually giving in to racist pressures' and wrote to the Prime Minister Harold Wilson accusing him of committing a 'monstrous breach of faith' that would do 'untold harm to Britain's standing overseas'.¹⁵⁰ This act provoked it into playing a role in the formation of the Joint Council for the Welfare of Immigrants (JCWI).¹⁵¹ The NCCL wrote to Enoch Powell expressing deep regret for the tone of his famous 'rivers of blood' speech and 'the terrifying response it evoked from wide sections of the community'.¹⁵² This led to an attempt to mobilise liberal and progressive opinion through a 'Speak Out' for tolerance and understanding. This consisted of a series of speeches and corresponding publications, to demonstrate that 'Powellism' would be contested and defeated.¹⁵³ Smythe wrote 'no other organization has spent so much of their time and resources in trying to make good the damage done by Powell' and he travelled all over the country speaking out against Powell.¹⁵⁴ The year ended with the NCCL presenting a declaration with 3,500 signatories to the Home

¹⁴⁷ NCCL to all UK Organisations Concerned with Race Relations, 4 March 1968, U DCL 101/4 (3).

¹⁴⁸ J. Joshi to T. Smythe, 9 March 1968, U DCL 101/4 (3).

¹⁴⁹ Open Address by the General Secretary, Tony Smythe, NCCL Annual Meeting, 29 April 1972.

¹⁵⁰ T. Smythe to D. Forbes, 20 December 1968, U DCL 585/11, NCCL to Harold Wilson, 25 February 1968, U DCL 585/11.

¹⁵¹ Cox interview with Smythe, U DSF 4/4; M. Dummet, 'Unjustly Refused', in H. Curtis & M. Sanderson (eds.), *The Unsung Sixties: Memoirs of Social Innovation*, p. 172.

¹⁵² T. Smythe to E. Powell, 8 May 1968, U DCL 585/11.

¹⁵³ *Speak Out: Race*, 1, (September 1968), p. 1.

¹⁵⁴ Smythe to Forbes, 20 December 1968, U DCL 585/11.

Office calling for racial tolerance.¹⁵⁵ Additionally, it also acted strongly to support gypsies and travellers as it considered such an issue to relate to the problems of an underprivileged social minority. It therefore called upon MPs and the media to support Eric Lubbock's Caravan Sites Act 1968.¹⁵⁶ Much of the work of local branches of the NCCL in Manchester and the West Midlands tackled problems faced by travellers and ensuring that the Caravan Sites Act was enforced.¹⁵⁷

Furthermore, it was in this period that the NCCL began to campaign more seriously on issues concerning women's rights. Ronald Kidd had rejected this as a civil liberties concern in the 1930s and 1940s. Although Kidd had worked for the suffrage movement, he considered questions of civil liberty to be those affecting all citizens and not women in particular.¹⁵⁸ The NCCL remained relatively quiet on gender inequalities until 1964 when it pointed out that 'discrimination against women is still a reality and requires exposure', and that the nation 'fails to provide the facility for their education and training, and pays and employs them as second rate workers'.¹⁵⁹ From this period, it regularly spoke out and took up cases of gender discrimination. As Chapter Five will discuss, such activism became increasingly important to the work of the NCCL during the 1970s.¹⁶⁰

The Professionals – Pressure Groups, Social Movements and Social Bases

For all that these issues were compatible with the new politics of the 1960s, the NCCL's activism was largely driven by a professional class. In taking an individual case, then turning this into a wider campaign or even a separate sub organization, Smythe compared the NCCL

¹⁵⁵ Declaration on Racial Tolerance December 1968, U DCL 585/10; *The Guardian*, 21 December 1968, U DCL 585/10.

¹⁵⁶ NCCL Statement on the Caravan Act, 28 February 1968, U DCL 104/1 (3).

¹⁵⁷ 6th National Meeting of NCCL Liaison Group, 1971, U DCL 349/6.

¹⁵⁸ R. Kidd to R. Lamartine-Jones, 18 January 1940, U DSF 1/9.

¹⁵⁹ *Civil Liberty*, 25, June 1941, p. 1; National Council for Civil Liberties, *Women* (London: NCCL, 1965), p. 15.

¹⁶⁰ P. Hewitt, 'The NCCL Fifty Years on' in P. Wallington (ed.), *Civil Liberties 1984* (Oxford: Robertson 1984), p. 27.

not to the new social movements, but to the forms of consumer activism taken up by Michael Young of the Consumers Association (CA).¹⁶¹ According to Ennals, the recruitment of ‘Kingsley Martin social democrats’, left lawyers and good solid citizens was vital for the organization’s reinvigoration.¹⁶² Smythe also stressed the importance of ‘the middle-class, intellectual audience’, which he considered to be the ‘the right bias, because these are the ones which make decisions in society’.¹⁶³ These were members comfortable attending that epitome of middle class entertainment, the cheese and wine party, following an Annual General Meeting in 1969.¹⁶⁴

Of course, not everyone saw the NCCL in this light. Sir Robert Mark, Metropolitan Police Commissioner between 1972 and 1977, called it ‘a small self-imposed pressure group with a misleading title’.¹⁶⁵ Whilst it was reported that ‘the Police Federation now has the greatest respect for [The National Council for] Civil Liberties’ and recognised ‘the need for such a body and its officers are perfectly genuine’ such sentiments were not always shared.¹⁶⁶ Mark halted sending detailed reports to the NCCL, a move that was ‘widely popular with both CID and branch officials’.¹⁶⁷ Similarly, the Metropolitan Police, discussing the Race Relations Act, noted that ‘it will give the National Council for Civil Liberties and other trouble-makers ample opportunity to stir up racial minorities in order to upset to police and authority in general’.¹⁶⁸ That the NCCL was regarded as a group of troublemakers perhaps did not bode well for the likes of the West Indian Standing Committee (WISC), the Campaign

¹⁶¹ Cox interview with Smythe, U DSF 4/4. For more on Young see M. Hilton, ‘Michael Young and the Consumer Movement’, *Contemporary British History*, 19:3 (2005), pp. 311-319; Hilton, *Consumerism in Twentieth Century Britain*, p. 268-279.

¹⁶² Cox interview with Ennals, U DSF 4/2.

¹⁶³ Cox interview with Smythe, U DSF 4/4.

¹⁶⁴ *NCCL AGM 1969*, U DCL 261.

¹⁶⁵ R. Mark, *In The Office of Constable* (London: Collins, 1978), pp. 132-133.

¹⁶⁶ *Sunday Telegraph*, 5 July 1964, U DCL/115/4.

¹⁶⁷ Mark, *In The Office of Constable*, p. 133.

¹⁶⁸ Race Relations Act 1965. Commissioner’s and Solicitor’s observations on the proposed Bill, amendment to police general orders 1965, NA, Records of the Metropolitan Police Office, MEPO 2/10489.

Against Racial Discrimination (CARD), the IWA and other more radical groups campaigning against racial discrimination that would act more aggressively during the 1970s.¹⁶⁹

Experts conducted the operation of the NCCL's legal casework and much of its research. At one stage, it had sixty qualified volunteers comprising barristers, solicitors, academics, law students and clerks.¹⁷⁰ Volunteers from its legal panel held weekly evening meetings to discuss cases.¹⁷¹ Therefore, when Ennals bemoaned that 'the membership of the Council is not large enough' he still suggested that they had 'a first class team of experts and regular volunteers who handle most of the work in criminal fields'.¹⁷² These were members expressing uncertainty over the NCCL's expansion, suggesting 'quality' was more important than 'quantity'.¹⁷³ Discussing the wider membership of the NCCL is more difficult. In fact, such members played a relatively minor role.¹⁷⁴ The annual review of 1961 stated that 'the NCCL asks little of most of its members and very much of the few (the Legal Panel and the Executive, for example)'.¹⁷⁵ Whilst the 1960s held greater opportunities for activists to be involved, through sending observers to protests and traveller's sites, encouraging members to attend mental health tribunals, along with the limited success of the liaison branches, much of the work was still done by paid staff and legal volunteers.

This was most obvious in the personnel of its Executive Committee. Of the 26 members elected to the executive in 1967 seven were lawyers, three came from within the organisation, and two were journalists. The rest of the Committee came from the leadership of various trade unions and professional bodies including the Association of Supervisory Staffs, Executives and Technicians, the Institute of Professional Civil Servants, and the

¹⁶⁹ J. Whitfield, *Unhappy Dialogue: The Metropolitan Police and Black Londoners in Post-War Britain* (Devon: William Publishing, 2004), p. 81.

¹⁷⁰ *NCCL Legal Report*, November 1968, U DCL 272/4.

¹⁷¹ Secretary's Report 1968, U DCL 260.

¹⁷² *Report of the General Secretary 1962*, U DCL 260.

¹⁷³ NCCL AGM, 1963-4, U DCL 260.

¹⁷⁴ One member of the University of Birmingham's History Department, who can be found in the list of members in the 1970s, has no recollection of membership. *NCCL Contact Details of Members in the West Midlands 1972*, U DCL 350/2.

¹⁷⁵ National Council for Civil Liberties, *Civil Liberty 1961* (London: NCCL, 1961), p. 1.

Musicians' Union; or organisations such as the CARD, the WISC, the National Secular Society, the Socialist Medical Association and the Connolly Association.¹⁷⁶ Other nominees for election included teachers, architects, scientists, graphic designers, and a probation officer.¹⁷⁷

Indeed, the NCCL provided a forum for lawyers and activists who would go on to be involved in a wide range of human rights activity. Ennals was Secretary General of Amnesty International between 1968 and 1980, Smythe ran the mental health organization MIND and Pete Burns, the NCCL's Promotions Officer from the late 1960s, would go on to work for War on Want and Amnesty.¹⁷⁸ Some prominent NCCL members from the legal field included Henry Hodge, the future judge and director of the CPAG, Ben Birnberg, who established one of the first radical law offices in the UK and would work closely with the CPAG, and Alan Paterson, who went on to work with Birnberg at War on Want.¹⁷⁹ In addition to these Cedric Thornberry, a future Assistant-General-Secretary of the United Nations, was a member of the NCCL Executive in 1967.¹⁸⁰ Such activists and lawyers would go on from the NCCL in the 1960s to play a vital role in the expanding sphere of human rights from the 1970s.

The leadership of the local branches developing in this period also had professional characteristics. A dentist led the North-West group; a journalist ran the Southern group and a factory owner, solicitor, trade unionist, social worker and two members of the Co-Operative Women's Guild constituted the West Midlands branch.¹⁸¹ Paul O'Higgins, a leading academic

¹⁷⁶ 1966/7 Biographical notes submitted for election to the executive committee, U DCL 260.

¹⁷⁷ 1966/7 Biographical notes submitted for election to the executive committee, 1970/71, U DCL 260; Biographical Notes submitted by candidates for election to the executive committee, U DCL 260.

¹⁷⁸ For Smythe at MIND see P. Fennel, *Treatment Without Consent: Law, Psychiatry and the Treatment of Mentally Disordered People Since 1845* (Cardiff: University of Wales, 1994), p. 172; E. Larsen, *A Flame in Barbed Wire: The Story of Amnesty International* (London: Muller, 1978).

¹⁷⁹ 1966/7 Biographical notes submitted for election to the executive committee, 1970/71, U DCL 260; Madsen, 'France, the UK and the 'Boomerang'', p. 80.

¹⁸⁰ 1966/7 Biographical Notes submitted by candidates standing for election to the executive committee 1966/7, U DCL 260; 6th National Meeting of NCCL Liaison Groups, 12 June 1971, U DCL 349/6.

¹⁸¹ J. R. Shaw to P. Burns, 21 May 1970, U DCL 349/4; J. Batson to P. Burns, Undated letter, U DCL 350/6; *Birmingham Post*, 27 September 1965, U DCL 350/2; M. Ennals draft Article for Tribune, 30 November 1964, U DCL 114/4 (1).

in trade union and civil liberty law piloted the Cambridge group; whilst in Manchester, Harry Street, the nation's leading civil liberties academic, was involved in its early stages.¹⁸² Branches of the NCCL established legal advice centres in Bedfordshire, Cambridge and Portsmouth. In Nottingham, a panel of young lawyers was established, and the South-West group reported a surfeit of qualified, professional help.¹⁸³ Of the twenty members of the Bristol Group, eleven were from the legal profession.¹⁸⁴ This mirrored the instructions given to members forming liaison branches that the most important task was to recruit a panel of lawyers to advise and take up individual cases either passed down from the central organization or discovered directly by the branch.¹⁸⁵ Other committees tackling a specific issue included doctors, probation officers, social workers, teachers and doctors.¹⁸⁶

The NCCL's pursuit of a different form of politics from more radical activists reflects its membership's alternative socio-economic background, this was different from the middle class radicalism of new social movements established by Frank Parkin's work and emphasised in subsequent studies.¹⁸⁷ Typical amongst new social movement membership were 'decommodified groups' of 'housewives, high school and university students, retired people, and unemployed or marginally employed youths' and such organizations were attractive to teachers, social workers, and health workers.¹⁸⁸ Some members of CND and anarchist groups did join the NCCL; one CND member joined having seen an advert in *Anarchy*, whilst a member of the Committee of 100 joined following an incident at a

¹⁸² Meeting of the Steering Committee of the Cambridge NCCL, 21 July 1970, U DCL 350/5.

¹⁸³ 7th National Meeting of NCCL Liaison Groups, 27 November 1971; U DCL 349/7.

¹⁸⁴ 5th National Meeting of NCCL Liaison Groups, 5 December 1970, U DCL 349/5.

¹⁸⁵ P. Burns to J. Eastwood, 14 July 1969, U DCL 349/1.

¹⁸⁶ Minutes of the NCCL Committee on Drugs, 28 February 1967, U DCL 262/2

¹⁸⁷ F. Parkin, *Middle Class Radicalism: The Social Bases of the British Campaign for Nuclear Disarmament* (Manchester: MUP, 1968); S. Cotgrove & A. Duff, 'Middle-Class Radicalism and Environmentalism' in J. Goodwin & J. Jasper (eds), *The Social Movements Reader: Cases and Concepts* (Oxford: Blackwell, 2003), p. 79.

¹⁸⁸ H. Kriesi, 'New Social Movements and the New Class in the Netherlands', *The American Journal of Sociology*, 94:5 (1989), p. 1082; Offe, 'New Social Movements', p. 834.

protest.¹⁸⁹ Yet Ennals noticed that when the police broke up a CND meeting or the NCCL fought for the rights of another movement it recruited from such groups, but a year later most failed to renew their membership.¹⁹⁰

The NCCL's 'visible membership' was generally educated and politically active but not representative of the 'new middle class'. Lawyers, journalists, dentists and academics identifiable as active members, do not match the 'social and cultural' background of social workers, teachers and health workers that were so essential to new social movements. The NCCL's leadership was more from the bracket of 'administrative and commercial personnel'.¹⁹¹ Furthermore, this was not a form of identity politics. The women's movement and gay rights movement had a presence in the NCCL from the late 1960s through individuals such as Edgar Wright. However, this was not how it defined itself and its work.¹⁹² Rather, it was an older left wing body given a new lease of life. The proliferation of rights claims of the 1960s led to a proliferation of the work of the NCCL. As it reported in 1969, the areas of concern for the NCCL seemed limitless and its activities could now be seen in the context of a worldwide movement for human rights.¹⁹³ This would be extended, formalized and expanded even further through the 1970s, as the NCCL became increasingly associated with the forms of new left activism that it remained somewhat detached from during the 1960s.

The NCCL increasingly saw itself stretching beyond its role as a civil liberties body and advocating a programme closely resembling a civil rights group. Indeed, Smythe approved of the increased focus on the UDHR following the Human Rights Year Campaign of 1968. He suggested that the appeal of the document was that it provided a clear, codified

¹⁸⁹ I. Clegg to NCCL, 19 February 1963, U DCL 119/1 (3); W. P. Kitson to M. Ennals, 3 December, 1964 & M. Ennals to W. P. Kitson, 6 December 1964, U DCL 119/1 (3); John Duncan to NCCL, 17 February 1964, U DCL 119/1 (3).

¹⁹⁰ *Tribune*, 28, 49 (4 December 1964), p. 9.

¹⁹¹ Kriesi, 'New Social Movements', p. 1082, Offe, 'New Social Movements', p. 834.

¹⁹² Hewitt, 'The NCCL Fifty Years on', p. 28.

¹⁹³ NCCL, *Civil Liberty 1968*, p. 3, NCCL, *Civil Liberties 1969*, p. 1.

description of a ‘reasonable’ standard of rights. This contrasted with the experiences of the civil liberties activists in the 1940s. As Smythe suggested, the UDHR appeared to encapsulate a standard of rights far more coherently than an abstract tradition of liberty, or that ambiguously outlined within the British constitution.¹⁹⁴ Increasingly, through this period, Britain looked overseas for new political models to protect the rights of citizens. The emergence of the Parliamentary Ombudsman in 1967 provided a Scandinavian Model for the protection of rights.¹⁹⁵ Furthermore, the decision to allow British citizens to apply to the European Commission on Human Rights in 1966, strengthened a transnational rights framework within British law.¹⁹⁶

Certainly, there were some parallels between developments within American civil liberties politics during this era emerging within the NCCL’s work. Indeed, to Aryeh Neier, the Director of the American Civil Liberties Union (ACLU) from the mid 1960s, the era marked a shift from a rhetoric of liberties to one of rights. In the words of Neier, this had led to a new found importance on the rights of those ‘hidden from view – women, gays, ethnic minorities, the disabled, and inmates of prisons and other asylums’.¹⁹⁷ Civil rights were proving a compelling discourse within America, as rights consciousness emerged and motivated such groups.¹⁹⁸ A similar process was in place, albeit on a smaller scale within Britain. Engaging with the politics of the new social movements brought the NCCL more comfortably in line with the language of human rights than the shifts in language of international governance discussed within the previous chapter. Within the 1960s, the

¹⁹⁴ Cox interview with Smythe, U DSF 4/4.

¹⁹⁵ See G. O’Hara, ‘The Parliamentary Commissioner for Administration, The Foreign Office, and the Sachsenhausen Case, 1964-1968’, *The Historical Journal*, 53:3 (2010), pp. 771-781; Harrison, *Seeking a Role*, p. 432.

¹⁹⁶ NCCL, *Civil Liberty 1969*, p. 2.

¹⁹⁷ Neier, *Taking Liberties*, p. ix.

¹⁹⁸ S. Walker, *In Defence of American Liberties: A History of the ACLU* (Oxford: OUP, 1998), pp. 262-267, 299-300.

emphasis on civil and political rights and inclusion of minority and cultural rights under such headings was in keeping with the cultural shifts of the period.¹⁹⁹

Conclusions

The NCCL was only one relatively small group. A study of its actions and membership cannot be applied to all organizations in the vast and diverse NGO and pressure group sectors in the 1960s. Yet understanding it not as a unique organization, but as the location for the activism of progressive professionals allows such a group to be compared with a number of other organizations in the 1960s and 1970s. This politics incorporated issues associated with new social movements that were pursued in a more formal manner. So whilst Eley's study of the left demonstrated the emerging radical new left inclusive of the counter-culture and new social movements, existing in parallel to the older established left of the trade unions and formal Labour Party, these progressive professionals worked in the space between these two branches hoping to mediate and encourage dialogue.²⁰⁰

There were a number of activists pursuing a similar politics to the NCCL in the 1960s. Those on the left of JUSTICE, the medical-legal panels of the Abortion Law Reform Association, as well as a host of activists discussed in a recent study of 1960s social innovation fit the progressive professional profile.²⁰¹ The decade saw a rise of groups featuring young graduates, sociologists and professionals who were committed to responding to the 'rediscovery of poverty' within the 1960s; the CPAG tapped into this resource through establishing a legal office in 1969 and a Citizen's Rights Office in 1970.²⁰² It has also been

¹⁹⁹ Marwick, *The Sixties*, p. 19.

²⁰⁰ Eley, *Forging Democracy*, pp. 467-9.

²⁰¹ P. Kandler, 'You Thought That a Really Great Society was going to come out of all of this' in Curtis and Sanderson, *The Unsung Sixties*, pp. 155-167; *ALRA Newsletter*, 13 January 1966, p. 1, U DCL/173/1, J. McKewen 'Birth Control for the Unmarried' in Curtis & Sanderson (eds), *The Unsung Sixties*, pp. 239-46, T. Evans, 'Stopping the Poor Getting Poorer', pp. 147-163.

²⁰² P. Whiteley & S. Winyard, *Pressure for the Poor: The Poverty Lobby and Policy Making* (London: Methuen, 1987), p. 3, 11, 46; M. Meyer-Kelly, 'The Rise of Pressure Groups in Britain 1965-74: Single Issue Causes and Their Effects', in M. Meyer-Kelly & M. Kandiah (eds), *The Poor get Poorer Under Labour: The validity & effects of CPAG campaign in 1970*, Witness seminar held 18 February 2000, Institute of Contemporary British History, 2003, <http://www.icbh.ac.uk/downloads/cpag.pdf>, p. 14.

suggested that the NCCL's 'activist lawyers and public intellectuals' were the types of people who would years later sign up to Charter 88.²⁰³ In addition, Amnesty activists have been described as 'white, middle-class, well educated', and lawyers Benenson and Louis Blom-Cooper played a significant role in its foundation and in the human rights lobby in general.²⁰⁴ The consumer movement has also been described as having a notable ethos of professionalism.²⁰⁵ Even within the 'middle-class radicals' of CND, groups such as Scientists Against Nuclear Arms, Journalists Against Nuclear Extermination and Lawyers for Nuclear Disarmament were CND affiliates while retaining their own identity.²⁰⁶ Work on the drugs welfare group RELEASE shows an organization attempting to engage with the counter culture whilst in contact with the political establishment.²⁰⁷

Whilst emphasis has been given to the rise of youth activism, subcultures and movements critiquing aspects of established society within this period, the progressive professionals show that voices of criticism emerged from elsewhere in society.²⁰⁸ Such activists embody the progressive flank of the experts playing an increased role within Harold Perkins' 'professional society'.²⁰⁹ They reflect the expansion of experts and their forms of knowledge identified as a feature of the post-war period.²¹⁰ Their efforts did not go far enough for some; the NCCL remained frustrated that too few lawyers were involved, especially in comparison with similar organizations in the USA.²¹¹ Nonetheless, these were

²⁰³ C. Gearty, *Civil Liberties* (Oxford: OUP 2007), p. 184.

²⁰⁴ S. Hopgood, *Keepers of the Flame: Understanding Amnesty International* (London: Cornell University Press, 2006), p. 115; Buchanan, 'The Truth Will Set You Free', pp. 575-597, Buchanan, 'Human Rights Campaigns', pp. 123-4.

²⁰⁵ Hilton, *Consumerism in Twentieth Century Britain*, p. 196.

²⁰⁶ Byrne, *Social Movements*, pp. 88-89.

²⁰⁷ Mold, 'The Welfare Branch of the Alternative Society?', pp. 50-73.

²⁰⁸ Marwick, *The Sixties*, p. 17.

²⁰⁹ H. Perkin, *The Rise of the Professional Society: England since 1880* (London, 1989).

²¹⁰ B. Conekin, F. Mort and C. Waters, 'Introduction' in Conekin, Mort and Waters (eds), *Moments of Modernity: Reconstructing Britain 1945-1964* (London: Rivers Oram, 1999), pp. 14-15.

²¹¹ *Civil Liberty*, December 1972, p. 2, Hewitt, 'The NCCL Fifty Years On', p. 32.

professionals unconcerned with perpetuating a greedy monopoly of elite positions, who advocated measures threatening to diminish their wealth and status.²¹²

Further reflecting the uselessness of pressure group as an analytical term, such activists were professionals ideologically opposed to the version of a 'pressure group state' portrayed by Richard Titmuss. He described interlocking economic, managerial and self-regarding professional power conducted by sectional groups and business interest.²¹³ Considering the progressive professional in post-war activism demonstrates members from this branch of society, contradicting Titmuss' characterization of the professional society's 'growing conservatism'. These were the very people armed with both progressive arguments and professional expertise who held the language and skills to sustain a well-constructed critique of such developments.

Organizations made use of members familiar with formal meetings and institutional channels encouraging the use of expertise. They provided a more acceptable platform for radicalism than movements like CND without pressing concerns for a shared identity. Such activists resemble the 'younger sons of the bourgeoisie' who, according to Orwell, would bring a mild-mannered English revolution in socialism: 'Most of its directing brains will come from the new intermediate class of skilled workers, technical experts, airmen, scientists, architects and journalists, the people who feel at home in the radio and ferro-concrete age'.²¹⁴ In the 1960s, they were relatively young, often the first in their family to attend universities, they were optimistic and open minded about the possibilities the supposed permissive society offered but equally willing and able to criticize, oppose and scrutinize this society.

²¹² The NCCL were in favour of the type of legal reforms Perkin saw as part of the attack on the professional society, see Perkin, *The Rise of the Professional Society*, pp. 477-83.

²¹³ R. Titmuss, 'The Irresponsible Society' in P. Alcock, H. Glennester, A. Oakley & A. Sinfield (eds), *Welfare and Wellbeing: Richard Titmuss's contribution to social policy* (Bristol: Polity Press, 2001; First published Fabian Tract, 1960), p. 157.

²¹⁴ G. Orwell, *The Lion and the Unicorn* (Harmondsworth: Penguin, 1982: First Published 1941), p. 114.

Considering activism in this way complicates understandings of ‘new’ and ‘old’ politics. Radical politics were pursued in non-radical styles. In fact, the importance of the issues associated with new social movements lay not just in support from mass movements and within the counter-culture but also in their integration into a range of political channels. The progressive professionals aided this process. In place of a simple ‘old’ and ‘new’ dichotomy, this presents a more complex narrative. The assessment of the 1960s as a distinct decade of revolution, the salient feature of which was the emergence and use of non-conformist activism replacing a jaded pressure group culture, is challenged. In its place a period emerged which altered politics through drawing on ‘old’ and new, on the expert and the ‘do-it-yourself’ activist. Undoubtedly, further work is needed in exposing this less glamorous activism. Yet in forging this type of politics, in demonstrating the broader diffusion of ideas associated with 1960s radicalism, and translating such themes to more formal political spheres, these progressive professionals played a vital role that should not be overlooked.

Chapter Four

‘Fighters and Philosophers’?

Freedom Groups and Civil Liberties Activism in Contemporary Britain

In 1972, an American advertising agency offered its services to both the National Council for Civil Liberties (NCCL) and the Society for Individual Freedom (SFIF). Pete Burns, the NCCL’s Promotions Secretary, told this agency that it would be unwilling to work with any company associated with the SFIF. Although he acknowledged that both groups ‘worked in the same field’, he pointed out that they actually held ‘diametrically opposed views’. That an NCCL member took a brief moment whilst compiling newspaper clippings to sketch a toothbrush ‘Hitler’ moustache onto the upper lip of the SFIF’s Chairman Sir Ian MacTaggart further demonstrated the two groups’ differences.¹ Although a somewhat puerile gesture, this symbolised an ideological distinction between these two organizations that both claimed to be working for the protection of British civil liberties.

This chapter is about the organizations and activists holding views ‘diametrically opposed’ to those advocating civil liberties from the left. It will focus on three groups promoting such a politics. The first of these is the Society for Individual Freedom, a group formed in 1944.² The second is the People’s League for Freedom, established in 1956. This was one of a range of ‘freedom organizations’ associated with the publisher Edward Martell during the 1950s and 1960s. Of all of Martell’s groups, the People’s League framed its activities most clearly in relation to individual liberty.³ The third group is the National

¹ NCCL Clipping, *The Sunday Times*, 27 June 1971, Hull History Centre, Hull, Liberty Archive, U DCL 615/1.

² *Individualism: the Journal of the Society for Individual Freedom*, 31, November 1951. Modern Records Centre, University of Warwick, Benn Papers [Hereafter BP], Mss. 257.6/SI/5.

³ *The People’s Guardian*, 1, 1 March 1956, p. 2.

Association for Freedom (NAFF), an organization formed in early 1975 that was renamed The Freedom Association in 1979.⁴

As the other chapters of this thesis demonstrate, studies of British civil liberties activism have often focused on the activities of those on the left. This reflects a long-standing interest in the subject within the works of the new left British historians.⁵ To this group of historians, many of whom left the Communist Party in 1956, the assertion of a radical British tradition of liberty provided a historical narrative in which socialist politics could be enthused with a sense of individual freedom and humanity that appeared lacking in Soviet political models.⁶ Such a new left focus has also informed studies of activism. Whilst there is a rich historiography of philanthropic, voluntary and charitable activism and associational life from non-leftist organizations, accounts of more radical or politically motivated mobilizations have focussed largely on left wing social movements, or those from the extreme right.⁷ In contrast, accounts of new right mobilization within the United States have taken such activists

⁴ *The Free Nation*, Vol. 4, No. 3, 2-15 February 1979, p. 1. Although the NAFF was renamed the Freedom Association it shall be referred to using the acronym NAFF through this chapter.

⁵ E. P. Thompson, *The Making of the English Working Class* (Third Edition: First Published, London: Victor Gollancz, 1963); R. Hilton & H. Fagan, *The English Uprising of 1381* (London: Lawrence and Wishart, 1950), pp. 9-10; C. Hill, 'The Norman Yoke', in J. Saville (ed.), *Democracy and the Labour Movement: Essays in honour of Dona Torr* (London: Lawrence & Wishart, 1954), pp. 11-66; M. Taylor, 'Patriotism, History and the Left in Twentieth-Century Britain', *The Historical Journal*, 33: 4 (1990), p. 974.

⁶ B. D. Palmer, 'Reasoning Rebellion: E.P. Thompson, the British Marxist Historians, and the Making of Dissident Political Mobilization', *Labour/Le Travail*, 50 (2002), pp. 187-216; R. Johnson, 'Culture and Historians', in J. Clarke, C. Critcher & R. Johnson (eds.), *Working-Class Culture: Studies in History and Theory* (London: Hutchison, 1981), pp. 41-71; R. Samuel, 'British Marxist-Historians, 1880-1980: Part One', *New Left Review*, pp. 38-42.

⁷ F. Prochaska, *The Voluntary Impulse: Philanthropy in Modern Britain* (London: Faber & Faber, 1988); B. Harrison, 'Civil Society by Accident? Paradoxes of Voluntarism and Pluralism in the Nineteenth and Twentieth Centuries' in J. Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions* (Oxford: OUP, 2003), p. 87, 93, 96; R. McKibbin, *Classes and Cultures: England, 1914-1951* (Oxford: OUP, 1998); H. McCarthy, 'Parties, Voluntary Associations, and Democratic Politics in interwar Britain', *Historical Journal*, 50:4 (2007), pp. 891-912. For the extreme right see: M. Walker, *The National Front* (Glasgow: Fontana, 1977); P. Coupland, 'A Politics of "Action"', *Socialist History*, 32 (2007), pp. 36-58; M. Pugh, *Hurrah for the Blackshirts: Fascists and Fascism Between the Wars* (London: Pimlico, 2005); R. Thurlow, 'National Front Ideology: The "Witches" Brew', *Patterns of Prejudice*, 12:3 (1978), pp 1-9; R. Thurlow, *Fascism in Britain: A History* (Oxford: Blackwell, 1989); R. Thurlow, *Fascism in Modern Britain* (Stroud: Sutton, 2000); P. Gordon & F. Klug, *Racism and Discrimination in Britain: A Select Bibliography* (London: Runcymede Trust, 1984); D. Baker, 'A.K. Chesterton, the Strasse Brothers and the Politics of the National Front', *Patterns of Prejudice*, 19:3 (1985), pp. 23-33.

seriously in relation to new social movement theory.⁸ Lawrence Black has recently pointed out the lack of attention to such mobilizations within his account of the activities of Mary Whitehouse's National Viewers' and Listeners' Association (NVLA). To Black, numerous accounts of social movements devoting attention to environmental, feminist and peace movements have reinforced a set of new left assumptions about radical politics.⁹

This chapter will provide a brief narrative of the non-leftist civil liberties groups. This will demonstrate the existence of a set of non-left groups that were as willing and able to use a politics of liberties and rights as those on the left were. These organizations provided a platform for an anti-statist ethos stretching back prior to the Second World War. As such, the conclusions of one study of nineteenth and early twentieth century individualism that has suggested there was no 'Apostolic succession' of free market anti-statism from the Victorian era into the period witnessing the emergence of the new right is queried. According to that account, the new right 'independently discovered arguments which had once been the stock-in-trade of Individualism'.¹⁰

It will then consider the ideologies of such groups. It will be argued that their activities were representative of a strain of anti-state capitalism that had its roots in a support for liberal economic policies. This was not a clear and coherent ideological position. As Ben Jackson has recently demonstrated, the 'neo-liberalism' of economists like Friedrich Hayek, who came to prominence in the 1930s, only became a fully formed censure of the welfare

⁸ For example L. McGirr, *Suburban Warriors: The Origins of the New American Right* (Oxford: University of Princeton Press, 2001); J. A. Andrew, *The Other Side of the Sixties: Young Americans for Freedom and the Rise of Conservative Politics* (London: Rutgers University Press, 1997); K. D. Wald & J. C. Corey, 'The Christian Right and Public Policy: Social Movement Elites as Institutional Activists', *State and Policy Quarterly*, 2:2 (2002), pp. 99-125.

⁹ See L. Black, 'There Was Something About Mary: The National Listeners' and Viewers' Association and Social Movements in History' in N. Crowson, M. Hilton & J. McKay (ed.), *NGOs in Contemporary Britain* (Basingstoke, Palgrave Macmillan, 2009), p. 182.

¹⁰ M.W. Taylor, *Men Versus the State: Herbert Spencer and Late Victorian Individualism* (Oxford: Clarendon, 1992), p. ix.

state in the 1950s and 1960s.¹¹ The groups considered within this chapter struggled to offer a clear and detailed political philosophy through which to articulate their views. Rather than following a specific line of economic thought, the sense of individual liberty enshrined within these groups was more akin to what Raymond Williams would describe as a 'structure of feeling'.¹² Often this was not the academically presented or theoretically informed think tank politics. It was, however, very much in keeping with the underlying assumptions of new right politics.¹³ Nonetheless, such a politics emphasised the importance of a sense Western liberalism, free market economics and social conservatism. Stressing a British libertarian tradition (distinct from that framed by the left wing radical historians discussed within the second chapter of this thesis), was symbolically important to these organizations.

At times, there were numerous inconsistencies with such politics. These groups supported economic liberty benefitting large corporations whilst purporting to support the interests of the small businessman. Periodically, the social conservatism of the groups contradicted and trumped their language of libertarianism. Furthermore, neo-liberalism permitted a certain level of rhetorically inconsistent authoritarianism if an acceptable version of law and order was challenged.¹⁴ Literature on neo-conservatism within the United States has frequently demonstrated the numerous ideological inconsistencies of such forms of

¹¹ B. Jackson, 'At the Origins of Neo-Liberalism: The Free Economy and the Strong State', *Historical Journal*, 53:1 (2010), pp. 150-151.

¹² R. Williams, *The Long Revolution* (Peterborough: Broadview Press, 2001; First Published, 1961), pp. 63-64; R. Williams, 'Literature and Sociology: In Memory of Lucian Goldman', *New Left Review*, 67 (May-June 1971), p. 12.

¹³ For examples of the difficulties NAFF had in articulating a political philosophy see the collection of essays in K. D. Watkins (ed.), *In Defence of Freedom* (London: Cassell, 1978).

¹⁴ A. Belsey, 'The New Right, Social Order and Civil Liberties', in R. Levitas (ed.), *The Ideology of the New Right* (Cambridge: Polity, 1986), p. 191.

politics.¹⁵ Tensions between liberalism and social conservatism are also observable within the history of the Conservative Party through the twentieth century.¹⁶

Following this, the chapter will consider how best to conceptualize these groups. Many links existed between such organizations and the think tanks that appeared to be driving an ‘economic counter revolution’. However, unlike such bodies the People’s League and the NAFF in particular were much more active. Through such organizations, the politics of ‘freedom’ extended beyond the ‘fifty men in the room’ associated with economic think tanks.¹⁷ Michael Ivens, a member of the NAFF’s inner core who was also Chairman of the free market and private enterprise promoting organization Aims of Industry, wrote that the NAFF’s significance was that it had been ‘both fighter and philosopher’.¹⁸ In acting in this manner, these groups at times attempted to present themselves as a form of new social movement. In part, the activities and projects of these anti-state capitalist freedom groups have parallels with some themes introduced by new social movement theorists. Theorists of ‘new politics’ have been keen to stress that this has pursued a programme encompassing new goals including privacy, individualism and libertarianism.¹⁹ Indeed, the Libertarians of the Young Conservatives during the 1970s and 1980s have been described as post-modern

¹⁵ W. Brown, ‘American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization’, *Political Theory*, 34:6 (2006), pp. 690-714; M. Hilton, *Prosperity For All: Consumer Activism in an Age of Globalization* (London: Cornell, 2009), pp. 169-170; S. Blumenthal, *The Rise of the Counter-Establishment: The Conservative Ascent to Political Power* (London: Union Square Press, 2008), pp. 19-20.

¹⁶ For the best account see M. Francis, ‘“Set the People Free”? Conservatives and the State’, in M. Francis & I. Zweiniger-Bargielowska (eds.), *The Conservatives and British Society, 1880-1990* (Cardiff: University of Wales Press, 1996), pp. 58-77.

¹⁷ Quoted in R. Cockett, *Thinking the Unthinkable: Think tanks and the Economic Counter Revolution* (London: Harpers Collins, 1994), pp. 3-4, for more on these think tanks see G. Thompson, *The Political Economy of the New Right* (London: Pinter, 1990) & A. Denham, *Think Tanks of the New Right* (Aldershot: Dartmouth Press, 1996).

¹⁸ *The Free Nation*, Vol. 10, No. 6, December 1985, p. 2. Aims of Industry was founded in 1942. It was renamed Aims for Freedom and Enterprise between 1975-8, and Aims between 1978-80. The organization will be referred to as Aims for Industry throughout this chapter.

¹⁹ See S. Beuchler, *Social Movements in Advanced Capitalism: The Political Economy and Cultural Construction of Social Activism* (Oxford: OUP, 2000), pp. 74-74, P. Lucardie, ‘Why would Egocentrics become Ecocentrics: On Individualism and Holism in Political Theory’ in A. Dobson & P. Lucardie, *The Politics of Nature: Explorations in Green Political Theory* (London: Routledge 1993), pp. 21-35.

radicals whose views cut across ethnicity, class and nationality, religion and ideology.²⁰ Furthermore, by the 1970s, the NAFF and the SFIF both framed their activities in relation to an international human rights movement, which as previous chapters have demonstrated, was often a form of politics associated with new social movements.²¹ Like new social movements, the NAFF, the SFIF and the People's League were all eager to present themselves as manifestations of a moral politics rejecting materialism that extended beyond working class/middle class dichotomies and left-right distinctions.²²

However, these groups lack a certain number of key characteristics of social movements. Firstly, rhetoric aside, the focus of such organizations centred upon the distribution of wealth.²³ Attempting to describe this as a new, non-materialistic politics promoting family values and defending the nation was a typical component of new right language.²⁴ It was not, however, demonstrative of a new set of issues signifying an era of post-material politics. Secondly, inner groups, prominent leaders and unelected committees drove these organizations. These had a more oligarchic structure that contrasts with the more democratic membership of the new social movement.²⁵ As such, these organizations' efforts to increase interest in citizen participation and self-expression was limited.²⁶ Thirdly, whilst the groups had middle class constituencies, seen as typical of late-twentieth century movement activism, these were more demonstrative of a form of petit-bourgeois

²⁰ T. Evans, *Conservative Radicalism: A Sociology of Conservative Party Youth Structures and Libertarianism* (Oxford: Bergham, 1996), p. 130.

²¹ N. Stammers, *Human Rights and Social Movements* (London: Pluto, 2009), p. 133-159.

²² Tame cited in R. King, 'The Middle Class Revolt' in R. King & N. Nugent (eds.), *Respectable Rebels: Middle Class Campaigns in Britain* (London: Hodder & Stoughton, 1979), p. 14, *The Economist*, 2 July 1977, p. 4.

²³ For descriptions of the post-material nature of new social movements see J. Habermas, *Theory of Communicative Action: Vol. 2* (Cambridge: Polity, 1987), p. 392; C. Rootes, 'The New Politics and New Social Movements: Counting for British Exceptionalism', *European Journal of Political Research*, 22:2 (2006), pp. 171-191.

²⁴ J. Isaac, 'The New Right and the Moral Society', *Parliamentary Affairs*, 43:2 (1990), pp. 209-226; A.M. Smith, *New Right Discourse on Race and Sexuality: Britain, 1968-1990* (Cambridge: Cambridge University Press, 1994).

²⁵ For the democratic nature of new social movements see H. Nehring, 'The Growth of New Social Movements' in P. Addison & H. Jones, *A Companion to Contemporary Britain, 1939-2000* (Oxford: Blackwells, 2005), pp. 389-406, G. Eley, *Forging Democracy: The History of the Left in Europe* (Oxford: OUP, 2002), p. 356.

²⁶ Rootes, 'The New Politics and New Social Movements', p. 172.

conservatism than middle class radicalism.²⁷ These groups were the locations for the political aspirations of the small businessman, not the social worker. Fourthly, these organizations reflected a desire to shift the position of a party on a specific set of issues rather than finding alternative locations for political struggle.²⁸ This aimed to question the conduct of *government*, not the existing conduct of *politics* in general.²⁹ Attacking the welfare state, the powers of the unions and the wider left challenged the operation of a system rather than its underlying assumptions.³⁰ Rather than demonstrating a form of new politics, this was an old form of politics dressed in new clothing. The legacy of new social movements of the left was not just changing the political issues pursued by those on the left. They also changed the rhetoric and patterns of mobilization undertaken by the non-left.³¹ Furthermore, the ‘new’ issues of human rights and libertarianism were adopted and interpreted in a manner not envisaged by the new social movement theorists.³²

Instead of seeing these groups as manifestations of new social movement politics, they must be seen as organizations that provided a forum for new right sentiment throughout the post-war era. Studies of new social movements are perhaps correct to ignore these groups from their analysis. However, considering the numbers of individuals involved, the influence they carried in certain circles, and the networks of organizations established, any accounts of post-war political mobilization should include this form of action. As Ewen Green has persuasively demonstrated, the ideas associated with right wing think tanks had broader constituencies throughout the 1960s.³³ As Green explained, Thatcher and Thatcherism

²⁷ A. Gamble, *The Conservative Nation* (London: Routledge, 1974); p. 133; R. King, ‘Petit-Bourgeois Conservatism’, *Parliamentary Affairs*, 34:3 (1981), pp. 308-321.

²⁸ C. Offe, ‘New Social Movements: Challenging the Boundaries of Institutional Politics’, *Social Research*, 52:4 (1985), pp. 817-868.

²⁹ P. Byrne, *Social Movements in Britain* (London: Routledge, 1997), p. 21.

³⁰ See A. Touraine, *The Voice and the Eye: An Analysis of Social Movements* (Cambridge: CUP, 1981).

³¹ For more along this line of thought see P. Sedgwick, ‘Farewell, Grosvenor Square’, in D. Widgery (ed.), *The Left in Britain* (London, 1976), pp. 19-41.

³² Evans, *Conservative Radicalism*, p. 130, Habermas, *Theory of communicative action - volume 2*, p. 394, Kitschelt, ‘Social Movements, Political Parties and Democratic Theory’, p. 180.

³³ E.H.H. Green, *Ideologies of Conservatism* (Oxford: OUP, 2002), pp. 240-290.

‘embodied and articulated a moment of shift that had been in process since the late nineteenth century’.³⁴ The amalgamation of economic liberty with social conservatism in the advocacy of the free economy and the strong state that would be a hallmark of the Thatcher era was located within the activities of these freedom groups throughout the twentieth century.³⁵

The Society for Individual Freedom and Anti-State Politics during the 1940s

Although the SFIF was formed in 1944, its founder Sir Ernest Benn had been involved in non-party individualist politics for many years. The SFIF was created through the amalgamation of two existing bodies; the oxymoronically titled Society for Individualists, which Benn had established in 1942, and the National League for Freedom, formed in 1943.³⁶ Described by his son as being a ‘spirited and even bitter opponent of Whitehall’ who was ‘all white hot with righteous indignation while, as he saw it, the country was being led further and deeper into the illusive mire of collectivisation’, Benn had promoted a doctrine of individual responsibility all of his life.³⁷ Linked to this was a staunch advocacy of free trade, through which he had endorsed the co-operative movement during the 1930s.³⁸ It was Benn, and those surrounding him, who helped shrink the meaning of free trade into a creed of libertarian individualism during the 1920s.³⁹

The SFIF had three phases. The first of these was under the leadership of Benn through the 1940s. In this period, the group emerged as the location for a politics incorporating free market liberals who had fallen out with the increasingly collectivist Liberal Party. In 1925, Benn formed a dining club of Liberals interested in economics which became

³⁴ E. H. H. Green, *Thatcher* (London: Hodder Education, 2006), pp. 50-51.

³⁵ A. Gamble, *The Free Economy and the Strong State: The Politics of Thatcherism* (London: Macmillan, 1988), p. 183.

³⁶ Proceedings at a Mass Public Demonstration of The Society for Individualists and the National League for Freedom at Central Hall Westminster, Wednesday, 24 January 1945, BP, Mss. 257/6/SI/5.

³⁷ *Freedom First*, Spring 1955, p. 11.

³⁸ M. Hilton, *Consumerism in Twentieth Century Britain: The Search for a Historical Movement* (Cambridge: Cambridge University Press, 2003), p. 87.

³⁹ F. Trentmann, *Free Trade Nation: Commerce, Consumption, and Civil Society in Modern Britain* (Oxford: Oxford University Press, 2008), p. 329.

a 'little movement' called the Hugh Bell Club, named after a liberal economist.⁴⁰ By 1928, this developed into an Individualist Bookshop that held monthly talks. This was not a formalised organization having no membership, branches or substantive propaganda.⁴¹ The bookshop aimed to provide a semi-public, semi-trading establishment as a starting point from which Benn thought more orthodox political activity could be co-ordinated if desired.⁴²

Benn took a renewed interest in this project during the Second World War. He hoped it could develop propaganda and research to provide an alternative framework for reconstruction in the post-war era to that provided by the planners.⁴³ During 1942, subscribers to the Individualist Bookshop doubled as publications increased.⁴⁴ Benn and the academic C.K. Allen drew up a manifesto on British Liberty to articulate and formalise this interest and the Society for Individualists was founded. Benn was appointed President, Allen was Treasurer alongside the former editor of the *Johannesburg Star*, Sir Frederick Hamilton and Lord Leverhulme became the President of the National Council.⁴⁵ At an inaugural meeting in 1943, Leverhulme explained that individualism stood for opposition to totalitarianism and the idea that the State should exist to serve the individual. He attacked the politics of planning, which he thought would lead to government control of every aspect of life.⁴⁶

The Beveridge Report was of particular concern, with Benn commenting that it would furnish him with plenty of material for his column in the right wing weekly Conservative journal *Truth*.⁴⁷ Leverhulme complained that the emergent welfare state would lead to

⁴⁰ Benn Diary, 2 February 1925, BP, Mss. 257/6/6, for obituary of Bell see *Journal of Royal Statistical Society*, 94: 3 (1931), pp. 472-473.

⁴¹ Benn Diary, 4 March 1928, BP, Mss. 257/8/6.

⁴² E. Benn, *The First Years Work of the Individualist Movement* (London: The Individualist Bookshop, 1923), p. 4.

⁴³ Benn Diary, 26 November 1941, 4 December 1941, BP, Mss. 257/8/9.

⁴⁴ Proceedings of the Public Inaugural Meeting of the Society of Individualists, January 1943, BP, Mss. 257.6/SI/5.

⁴⁵ Benn Diary, 9 November 1942, 16 November 1942, BP, Mss. 257/8/9, D. Abel, *Ernest Benn: Counsel for Liberty* (London: Ernest Benn Ltd., 1960), p. 103.

⁴⁶ Proceedings of the Public Inaugural Meeting of the Society of Individualists, January 1943, BP, Mss. 257.6/SI/5.

⁴⁷ Benn Dairy, 3 December 1942, BP, Mss. 257/8/9.

Government control of everyday life, which he considered to represent ‘a road from democracy to totalitarianism’.⁴⁸ Between 1941 and 1943, the group produced a series of pamphlets dealing with post-war questions. This series included attacks on the expansion of bureaucracy during the war, appeals over the need for the restoration of free markets in place of state monopoly, and warnings of the dangers of international planning.⁴⁹ A symposium discussing the Beveridge Plan demonstrated an emphasis on liberties rather than rights. In his introduction, Benn wrote that the Plan’s conception of natural rights was bankrupt; ‘no society can be based on rights, but it can on duties’, whilst other contributors pointed out that ‘if all the difficulties are removed strength of character is undermined’.⁵⁰ The formation of the SFIF came about when Benn’s initial organization merged with the National League for Freedom. This latter organization had been associated with the National Liberal MP George Lambert, the Conservative politician Leonard Lyle (also the Chairman of Tate & Lyle), and Conservative MPs Alan Dower and George Terrell.⁵¹ Although the National League for Freedom had the support of a number of prominent MPs, its programme was not as substantial as that put forward by Benn. In fact, it had just two objectives; the first was to offer loyal support for the vigorous prosecution of the war and the second was ‘to secure for the British people freedom from unnecessary Government control after the war’.⁵² Once amalgamated, the combined organizations claimed to have over 30,000 members.⁵³ This claim was probably exaggerated; a recalculation in 1952 showed it to have around 3,000

⁴⁸ Proceedings of the Public Inaugural Meeting of the Society of Individualists, January 1943, BP, Mss. 257.6/SI/5.

⁴⁹ C. K. Allen, *What Price the British Constitution?: Post War Questions No 10* (London: The Individualist Bookshop, 1941), St. John Ervine, *Is Liberty Lost?: Post War Questions No 8* (London: The Individualist Bookshop, 1941), F. W. Hirst, *Markets or Monopoly?: Post War Questions No 11* (London: The Individualist Bookshop, 1941), D. Jerrold, *World Order or World Plan?: Post War Questions No 15* (London: The Individualist Bookshop, 1941).

⁵⁰ Society for Individual Freedom, *Beveridge Symposium: Post War Questions 24* (London: The Individualist Bookshop, 1943), p. 30, 34.

⁵¹ Abel, *Ernest Benn*, pp. 116-117, *The Times*, 16 April 1943.

⁵² National League for Freedom Manifesto (1943), U DCL 13/3.

⁵³ Press Clipping, *Evening Standard*, 1 August 1944, U DCL 13/3.

members.⁵⁴ Benn was pleased about this amalgamation. However some Liberals, such as the former *Economist* editor Francis Hirst, left having wanted to claim the Society for Individualists as a group solely representing the interests of the old Liberal Party.⁵⁵ Despite the more Conservative nature of the National League for Freedom, Benn saw the union as beneficial in part owing to the MPs associated with the League.⁵⁶

The SFIF therefore reflected both long term interests of individualists like Benn, and their responses to the changing relations between the individual and the state that were a product of the Second World War. As Harriet Jones has demonstrated the Second World War and the period of ‘war communism’, with its emphasis on post-war planning, required the development of New Conservatism and the need for consensus building. This had dramatically shaken ‘free market’ economic assumptions and pragmatically accepted the nationalization programme of the Labour Government.⁵⁷ It was in the context of the increased use of war controls, the ascendancy of post-war planning, the emerging welfare politics, and the Conservative Party leadership’s accommodation rather than opposition of social and economic reforms, that the SFIF found a voice.⁵⁸

Individual Freedom in the 1950s and 1960s

The second phase of the SFIF occurred between 1954 and 1968 under the leadership of Lillian Sutton (later Lillian Hardern). She was the first woman on the organization’s Executive Committee and had previously been a legal and publicity Secretary of the National

⁵⁴ *Individualism*, Bulletin 1, January 1953, BP, Mss. 257.6/SI/6, p. 2,

⁵⁵ Benn Diary, 12 September 1943, BP, Mss. 257/8/6.

⁵⁶ Benn Diary, 4 August 1944, BP, Mss. 257/8/6.

⁵⁷ H. Jones, “New Conservatism?”, *The Industrial Charter, Modernity and the Reconstruction of British Conservatism after the war* in B. Conekin, F. Mort & C. Waters (eds), *Moments of Modernity: reconstructing Britain 1945-64* (London: River Oram, 1999), p. 174; J. Ramsden, ‘A Party of Property Owners or Earners? How far did the Conservative Party really change after 1945?’, *Transactions of the Royal Historical Society*, 37 (1987), p. 60.

⁵⁸ E. H. H. Green, ‘The Conservative Party, the State and the Electorate, 1945-64’ in J. Lawrence & M. Taylor (eds), *Party, State and Society: Electoral Behaviour in Britain since 1820* (Aldershot: Scolar Press, 1997), pp. 177-180.

Council for Women.⁵⁹ Like Benn, she was involved with forms of pre-war free trade politics.⁶⁰ Leadership of this organization also came from Sir Ian MacTaggart, a businessperson who had served in the military during the Second World War.⁶¹ Like Sutton, he had links with the Conservative Party; he stood as a Conservative candidate in the general election of 1945, and would do so again in 1970. He also served as the Conservative County Councillor for Fulham between 1945 and 1951.⁶² Under this guidance, the SFIF became more closely associated with the right of the Conservative Party. MacTaggart and Sutton hoped to end the prospects of a ‘Liberal’ takeover of the group.⁶³ Conservative Central Office acknowledged that Sutton was, ‘a good conservative, very helpful and prepared to support on all counts’.⁶⁴ By 1965, Sutton (at this point remarried as Mrs Lillian Hardern) offered to print any information the Party could ‘feed’ it.⁶⁵ The SFIF claimed to have 5,000 members during this period and many prominent speakers appeared at the organization’s regular lunch meetings.⁶⁶

Through the 1950s and the early 1960s, the SFIF called for the reduction of taxes, opposed nationalism, and attempted to demonstrate the problems presented by the continued operation of the welfare state.⁶⁷ This articulated a set of grass roots concerns continuing to circulate around the Conservative Party through the 1950s and 1960s.⁶⁸ Of particular unease was the state’s power of compulsory purchase. The SFIF was most enraged about the refusal

⁵⁹ *Freedom First*, Spring 1965, p 2.

⁶⁰ A rare photo of Sutton, dressed in ‘Empire Products’, can be seen in Trentmann, *Free Trade Nation*, p. 234.

⁶¹ ‘Sir Ian (Auld) MacTaggart’, *Who’s Who*,

http://www.ukwhoswho.com.ezproxye.bham.ac.uk/view/article/oupww/whowaswho/U166710/MACTAGGART_Sir_Ian_Auld?index=1&results=QuicksearchResults&query=0 (Consulted May 2010).

⁶² F. S. W. Craig, *British Electoral Results, 1918-1949* (London: Macmillan, 1969), p. 58; F. W. S. Craig, *British Parliamentary Election Result, 1950-1970* (Chichester: Political Reference Publications, 1971), p. 13.

⁶³ Lillian Sutton to J. Hare (National Union of Conservative and Unionist Associations), 11 January 1955, Bodleian Library, Oxford, Conservative Party Archive [Hereafter CPA], Conservative Central Office [Hereafter CCO] 3/4/97.

⁶⁴ FAY [unknown] to Lord Hailsham, 22 January 1958, ES Adamson to Miss Yonge, 1 April 1957, CPA, CCO 3/5/112.

⁶⁵ Lillian Hardern to Edward Du Cann, March 1965, CPA, CCO 3/6/144.

⁶⁶ *Freedom First*, Jan 1965, p. 3.

⁶⁷ *Freedom First*, Spring 1956, p. 9; *Freedom First*, Spring 1956, p. 8.

⁶⁸ Green, *Ideologies of Conservatism*, p. 12; Green, ‘The Conservative Party, The State and The Electorate’, p. 194.

to return land purchased in 1937 by the Air Ministry in what became known as the Crichel Down case.⁶⁹ It sent memorandums to the Franks Committee established to review the powers of compulsory purchase.⁷⁰ Whilst at times critical, the SFIF tentatively supported the Conservative line on the unions through the 1950s and 1960s, by acknowledging that, whilst closed shop practices and union strength were undesirable, there was a need for the Party to avoid industrial disputes.⁷¹

By the 1950s, the People's League for Freedom joined the SFIF in addressing similar issues. The League was formed by Edward Martell in 1956 and aimed to demonstrate 'the first sign of mass organization to fight against acts of injustice' and fight against what it considered the 'union tyranny' and 'arrogant bureaucracy' of the welfare state. Like the SFIF, it placed emphasis on economic freedom and individual liberty. Unlike the SFIF, its politics were much more confrontational. Of primary concern was the power of trade unions. It criticised both the Labour Party and the Conservative Party. The latter was guilty of continuing to support consensus politics. Commander Hyde C. Burton, who wrote for both the SFIF and the People's League, used the League's newsletters to demand new leadership of the Tory Party and revision of the Welfare State. He commented that 'no one has done more to destroy the Conservative outlook than Mr. R. A. Butler'.⁷²

The People's League for Freedom was part of Martell's attempts to establish a network of organizations known as the Freedom Group. This consisted of five separate organizations working in close association. These were the National Fellowship, the People's League, the Free Press Society, the Anti-Socialist Front and the *New Daily* newspaper.⁷³

⁶⁹ For a description of this see J. Griffith, 'The Crichel Down Affair', *The Modern Law Review*, 18:6 (1955), pp. 557-570; J. Griffith, 'Crichel Down – The Most Famous Farm in British Constitutional History', *Contemporary British History*, 1:1 (1987), pp. 35-40.

⁷⁰ *Freedom First*, Summer 1957, p. 10; *Freedom First*, Spring 1956, p. 10; *Freedom First*, Winter 1959, pp. 5-7.

⁷¹ *Freedom First*, Autumn 1956, p. 5; P. Dorey, 'Industrial Liberty Versus Industrial Order: Conservatives and the Trade Union Closed Shop 1944-64', *Contemporary British History*, 23:2 (2009), pp. 221-244.

⁷² *The People's Guardian*, 25 January 1958, p. 4.

⁷³ Memo on the Freedom Group, 2 August 1963, CPA, CCO 3/6/128.

These wanted to occupy a middle area between capitalists and Trade Unions, and hoped to appeal to a ‘mass of people who are unorganised’.⁷⁴ By 1963, Martell’s groups had three aims: the reduction of state activity; fighting the Labour Party; and the introduction of controls on the powers of trade unions.⁷⁵ Initially, the People’s League was unwilling to give details of its numerical strength arguing that people were too quick to judge organizations because of membership. Eventually it claimed to have 40,000 members in June 1958 and 50,000 members by November of the same year.⁷⁶

These organizations articulated similar concerns through the 1950s and 1960s. At the SFIF’s annual general meeting in 1956 members suggested that the organizations should amalgamate.⁷⁷ The SFIF commented that Martell’s groups chose their targets well.⁷⁸ However, both the leadership of the Conservative Party and the public was not entirely hospitable. In 1957, the Conservative Central Office considered the SFIF to be a rather ‘cranky’ body. The Party viewed its journal as ‘useful’, but ‘not sufficiently useful’ that it wished to take up the invitation of providing articles or information for publication.⁷⁹ It also worried that support for such groups might divert people with money from the direct interests of the Party.⁸⁰ Similarly, the Conservative Party chose to largely ignore Martell’s movements, suggesting that it was in a much better position to judge appropriate policies towards trade unions.⁸¹ Martell’s criticisms of party policies also caused offence.⁸² Whilst the SFIF continued through the 1970s, Martell’s activities wound up by the late 1960s. By 1964, he was in a financial crisis.⁸³ With this, his organizations quickly disappeared from politics.⁸⁴

⁷⁴ *The People’s Guardian*, No 1, 15 May 1956, p. 1.

⁷⁵ N. Nugent, ‘The National Association for Freedom’, in R. King & N. Nugent (eds), *Respectable Rebels*, p. 80

⁷⁶ *The People’s Guardian*, 7 June 1958, p. 2, *The People’s Guardian*, 28 November 1958, p. 4.

⁷⁷ *Freedom First*, Autumn 1956, p. 12.

⁷⁸ *Freedom First*, Summer 1956, p. 3.

⁷⁹ Letter on SFIF, 2 March 1965, CPA, CCO 3/6/144.

⁸⁰ T.F. Watson to J.F. Garmonsway, 27 November 1952, CPA, CCO 3/4/97.

⁸¹ Draft Response, 22 November 1960, CPA, CCO 3/6/136.

⁸² C. Birkenhead to E. Martell, 9 January 1963, CPA, CCO 3/6/128.

⁸³ *The Times*, 20 September 1967, p. 1.

⁸⁴ *The Times*, 11 February 1966, p. 8; *The Times*, 21 January 1966, p. 8.

The Society for Individual Freedom, the NAFF/TFA and the Politics of the 1970s

By the late 1960s, the SFIF's agenda became more adversarial. This coincided with Hardern leaving the organization in 1968 to move to South Africa. At this stage, it described its aims as being: the achievement of a Bill of Rights, the repeal of race relations legislation, and the introduction of legislation to forbid the 'closed shop' practice within the unions. It also called for the ending of the BBC monopoly, and reform of the taxation system to give individuals 'the right to dispose of their own earnings and savings', as well as the more trivial concern of insisting that there be no compulsory school uniforms.⁸⁵ After 1971, the group took up a much more aggressive critique of Conservative policy following the failure of the Heath Government to control inflation and effectively resolve industrial relations difficulties.

Rejecting its previously reverential tone, the group's journal *Freedom First* shifted approach and featured a cartoon mocking the Conservative leader Edward Heath. The following edition reported that Enoch Powell was impressed by the cartoon and had a framed copy of it on the wall of his office.⁸⁶ A 1973 editorial even declared the 'Death of Conservative Politics'.⁸⁷ With this change in tone, the SFIF President John Rodgers, a Conservative MP for Sevenoaks, resigned. He considered it to have become a vehicle for 'the dissemination of narrow sectarian views' which he thought were not always relevant to individual freedom.⁸⁸ From the late 1960s, its critique of the trade unions hardened, it began to attack 'subversive' academics in universities, and supported the Institute of Economic Affairs proposals for the formation of Independent Universities.⁸⁹ Despite this, the NAFF had comfortably eclipsed the SFIF by the late 1970s. As the NAFF's prominence increased through the 1970s, some SFIF members suggested incorporation within the NAFF.⁹⁰ By

⁸⁵ *Freedom First*, Autumn 1968, p. 36.

⁸⁶ *Freedom First*, May 1973, p.25.

⁸⁷ *Freedom First*, May-August 1973, p. 2.

⁸⁸ *Freedom First*, Oct-Dec 1973, p. 18.

⁸⁹ *Freedom First*, January 1969, p. 25, *Freedom First*, Autumn 1968, p. 10.

⁹⁰ *SFIF Newsletter*, January 1977, p. 2.

1983, the SFIF newsletter reported that although both organizations had some differences, they were of ‘emphasis rather than substance’.⁹¹

The NAFF was formed, in the words of its first Director John Gouriet, to ‘combat the advance of commune-socialism in trade unions and the excessive influence of trade union leaders over the then Labour Government’.⁹² It issued a 15 point charter of rights and liberties it considered to be within a British tradition (see Table 4:1) on its launch at a press conference in December 1975. It had an inner committee consisting of Gouriet, Brian Crozier, the former director of counter terrorism and subversion think tank the Institute for the Study of Conflict, Michael Ivens, the Director of Aims of Industry, the journalist Robert Moss, and Ross and Norris McWhirter, the journalists who were the creators of the *Guinness Book of Records*, and sometime presenters of the BBC television programme *Record Breakers*.⁹³ Ross McWhirter had also been a member of the SFIF’s Executive Committee in the early 1970s, and his presence coincided with that organization’s attack on the leadership of Heath, and apparent shift to support the policies of Enoch Powell.⁹⁴

As one journalistic account of the activities of these individuals from the right observed, nothing Martell did would have seemed out of place in the work of the NAFF.⁹⁵ Certainly, there were similarities between their activities and targets. However, by the late 1970s attitudes had turned more forcibly against the unions.⁹⁶ Furthermore, the NAFF and its members were keen to play on the discourses of crisis that were a feature of the 1970s. Robert Moss, a journalist and writer associated with the NAFF, wrote that Britain in the

⁹¹ *SFIF Newsletter*, September 1983, p. 1.

⁹² J. Gouriet. ‘Introduction’ in R. Webster, *When Britain Waived the Rules...And Sampled Anarchy: The Battle Won for Freedom-Loving Britons*, pp. vii-ix.

⁹³ B. Crozier, *Free Agent: The Unseen War: The Autobiography of an International Activist* (London: Harper Collins, 1993), pp. 118-119, Christopher Moores interview with John Gouriet.

⁹⁴ *Freedom First*, No 73, Jan-April 1973, p. 6.

⁹⁵ R. Ramsey, ‘The British Right’, *Lobster*, 12 (September 1986).

⁹⁶ A. Beckett, *When the Lights Went Out: Britain in the Seventies* (London: Faber, 2009), p. 441; Green, *Thatcher*, p. 107; B. Harrison, *Finding a Role?: The United Kingdom, 1970-1990* (Oxford: Clarendon, 2010), pp. 158-159.

1970s was ‘a singularly depressing example of the abuse of democratic institutions by the enemies of the free society’ and was undergoing a ‘crisis of structures and beliefs’.⁹⁷

Frequently the NAFF’s newsletter *Free Nation* returned to the theme of a ‘crisis’ of British liberties.⁹⁸ In doing this, it expressed anxieties over the threat of communist subversion abroad, the threat of violence from Northern Ireland, along with the difficulties in industrial relations that marked the period.⁹⁹ The anti-statist, pro-market themes advocated by the anti-state capitalist groups carried greater resonance through this period. Such a politics was in keeping with the anti-socialist, anti-collectivist, and anti-statist themes that Stuart Hall identified as manifestations of an increasingly pervasive ‘authoritarian populism’ that helped pave the way for the hegemony of Thatcher.¹⁰⁰

⁹⁷ R. Moss, *The Collapse of Democracy* (London: Abacus 1975), p. 15, 20.

⁹⁸ *The Free Nation*, 19 Jan-1 Feb 1974, Vol. 4, No. 2, p. 1, *The Free Nation*, Vol. 2, No. 5, 4-17 March 1977, p. 1.

⁹⁹ S. Hall, C. Crichton, T. Jefferson, J. Clarke & B. Roberts, *Policing the Crisis* (London: Macmillan, 1978), p. 315.

¹⁰⁰ S. Hall, ‘The Great Moving Right Show’ in M. Jacques & S. Hall, *The Politics of Thatcherism* (London: Lawrence & Wishart, 1983), p. 27, 33, 38.

Table 4:1: The NAFF's Charter of Rights and Liberties

1. The right to be defended against the country's enemies.
2. The right to live under the Queen's peace.
3. Freedom of movement within the country and in leaving or re-entering it.
4. Freedom of religion and worship.
5. Freedom of speech and publication.
6. Freedom of assembly and association for a lawful purpose.
7. Freedom to withdraw one's labour other than contrary to public safety.
8. Freedom to belong or not to belong to a trade union or employees' association.
9. The right to private ownership.
10. The right to dispose or convey property by deed or will.
11. Freedom to exercise choice, and from oppressive, unnecessary or confiscating taxation.
12. Freedom from all coercive monopolies.
13. Freedom to engage in private enterprise and pursue the trade or profession of one's choice without harassment.
14. Freedom of choice in the case of state and private services.
15. The right to protection from invasion of privacy.

The founding of the NAFF was generated by a mix of domestic and international concerns. Members feared that Harold Wilson would be replaced in the Labour Party by 'Michael Foot, with his retinue of extreme Left supporters'. It also objected to the power the unions had been wielding over industrial policy, and was particularly critical of the Heath Government's handling of industrial relations.¹⁰¹ Additionally, it was a response to the fears of Communism globally. Members like Gouriet, Brian Crozier and Robert Moss saw themselves as Cold War Warriors attempting to stop the spread of communism from the Soviet Union.

The NAFF was also associated with a particular section of the Conservative Party. MPs associated with it included Stephen Hastings, Winston Churchill, Norman Tebbit, Julian Amery, Jill Knight and Nicholas Ridley.¹⁰² Despite such memberships, it publicly stressed that it should not be identified by formal political party labels, and it even objected to the label 'right wing'.¹⁰³ Gouriet preferred to say that it was not a case of 'right or left' but 'right

¹⁰¹ See Crozier, *Free Agent*, pp. 118-119, Interview with Gouriet.

¹⁰² *The Free Nation*, Vol. 1, No. 14, 17 September 1976, p. 1

¹⁰³ Lord De L'Isle, letter see above.

or wrong'.¹⁰⁴ The closest label it felt comfortable with was either being part of the 'un-left' or the 'civilized right'.¹⁰⁵

Certainly, the NAFF claimed the support of more MPs than Martell's groups had through the 1950s and 1960s. Indeed, it was much more in keeping with the Conservative Party's attitude towards the unions, which had hardened through the 1970s.¹⁰⁶ Whilst at times both Benn and Martell considered turning their organizations into political parties, this never concerned NAFF. In part, this was because it seemed more likely that the Conservative Party would embrace monetarist economic policies and attack union power than in previous decades.

By March 1977, the NAFF claimed to be a mass organization with 50 branches. At its height, it recorded having 80,000 members.¹⁰⁷ Aiming to act as an umbrella body for a range of organizations proposing neo-liberal policy ideas, it fostered links with the likes of Aims of Industry, the Institute of Economic Affairs and other organizations.¹⁰⁸ Its networks also included alliances with more populist groups such as Teresa Gorman's Association of Self-Employed People.¹⁰⁹ In addition to these groups, the NAFF was able to harness the support of the emerging Libertarian right in this period. Included amongst its staff were young libertarian activists such as Chris Tame, Sean Gabb, and Graham Smith all of whom would play important roles within the Libertarian Alliance founded in 1979.¹¹⁰

It was only in this decade that the organizations saw themselves as explicitly challenging the politics of the NCCL. In the NAFF's first newsletter the NCCL was chastised:

¹⁰⁴ Interview with Gouriet.

¹⁰⁵ *The Free Nation*, Vol. 2, 10, 13 May 1977, p. 9.

¹⁰⁶ Dorey, 'Individual Liberty Vs. Industrial Order', pp. 221-244.

¹⁰⁷ Interview with Gouriet, *The Free Nation*, Vol. 2, No. 7, April 1977, p. 12,

¹⁰⁸ Interview with Gouriet, see also Nugent, 'The National Association for Freedom', p. 97

¹⁰⁹ *The Free Nation*, Vol. 1, No.1, 19 March 1976, p. 3.

¹¹⁰ Interview with Gouriet.

Whenever freedom of squatters, IRA sympathisers, the man in the dirty Mac and the British Transvestite Liberation Army to behave exactly as they like is found to be limited by English Law, we can count on the National Council for Civil liberties to spring to their defence.¹¹¹

The NAFF noted that the NCCL was not interested in the sections of the European Convention on Human Rights (ECHR) which gave parents choice in the education of their children. It also complained that the NCCL wished to restrict freedom of assembly by banning the marching of the Ulster Volunteer Force. Additionally, it attacked the NCCL for its refusal to comment on the closed shops, which it attributed to the NCCL's union affiliates.¹¹² After discovering a NCCL request for funding had been sent to all trade unions in 1979 the NAFF commented: 'it has been a long time since most of us saw that [the NCCL] crowd as defenders of individual freedom'. It added that 'if anyone wants to know why the NCCL is disinterested in the plight of the closed shop, and similarly unconcerned about freedom of choice in medicine or education, you now have the answer'.¹¹³

In fact, the two organizations were manifestations of each other's sense of crisis in the 1970s. For the NCCL and the new left, the NAFF appeared an organization whose commitment to liberty was rhetoric serving to mask authoritarian concerns for law and order, whilst limiting the freedoms of those with alternative political beliefs.¹¹⁴ For the NAFF, the NCCL had collapsed a sense of British liberty by supporting a series of minority rights claims and offering uncritical support towards the union movement.¹¹⁵ Thus, the NCCL was guilty of supporting a 'radical fringe' and having 'less and less to do with the broad majority of the

¹¹¹ *The Free Nation*, Vol. 1, No. 1, 19 March 1976, p. 9

¹¹² *Ibid.*, p. 9.

¹¹³ *The Free Nation*, Vol. 1, No. 7, 11 June 1979, p. 7.

¹¹⁴ See S. Hall, 'The Great Moving Right Show', pp. 28-20, 30, or for a critique of the NAFF's critique of university education see Editorial Collective, *History Workshop*, 4: 1 (1977), pp. 1-4.

¹¹⁵ *The Free Nation*, Vol. 1, No. 1, 19 March 1976, p. 9

British people'.¹¹⁶ Accordingly, in supporting these liberties the NAFF suggested that 'you may as well send your cheque direct to Brezhnev'.¹¹⁷

This increased hostility was also matched by that of the SFIF in the late 1970s and early 1980s. In 1983 it wrote that it would work on issues with the NCCL when they were on the same side, but 'that this does not happen very often'. It added; 'at best the NCCL might be called "the Society for Collective Freedom" but all too often its concern for freedom is to be subordinated to a quest for the evanescent and highly subjective goal of 'social justice''.¹¹⁸ It was in the 1970s and early 1980s that these alternative conceptualizations of civil liberty appeared most highly polarized and in confrontation. Indeed, this represented the polarization of the decade.¹¹⁹ The presence of both organizations, as key protagonists on either sides of the Grunwick Dispute, one of the most emblematic moments of the divisions of the 1970s, symbolized the conflicting politics of civil liberties at that time.¹²⁰

Ideologies

These groups' conceptualizations of civil liberties were part of a wider commitment to economic liberty and individual freedom. Unlike the NCCL, the attitudes of the groups within this chapter were more in keeping with the concept of negative liberty offered by Isaiah Berlin: 'liberty is liberty, not equality, fairness or justice or culture, or human happiness, or a quiet conscience'.¹²¹ Although the principal target of these organizations shifted depending on the periods in which they operated, there was some sense of consistency in their objectives. Two main themes prevailed. These were the support of free market

¹¹⁶ *Ibid.*, p. 9.

¹¹⁷ *The Free Nation*, Vol. 1, No. 7, 11 June 1979, p. 7.

¹¹⁸ *SFIF Newsletter*, September 1983, p. 2.

¹¹⁹ L. Black and H. Pemberton, 'The Benighted Decade? Reassessing the Seventies', Draft paper for Reassessing the 1970s, Centre for Contemporary British History, London, 2010, p. 14.

¹²⁰ For Grunwick as a microcosm of British unrest and crisis during the 1970s see McGowan, "'Dispute', 'Battle', 'Siege', 'Farce'? – Grunwick 30 Years On', pp. 383-406; For similar sentiments see Beckett, *When the Lights Went Out*, pp. 358-403; A. Marwick, *British Society Since 1945* (3rd Edition; London: Penguin, 1996), p. 223; J. Dromey & G. Taylor, *Grunwick: The Workers Story* (London: Lawrence & Wishart, 1978).

¹²¹ I. Berlin, 'Two Concepts of Liberty' in I. Berlin, *Four Essays on Liberty* (Oxford: OUP, 1969), p. 125.

capitalism and, linked with this, opposition to socialism and communism, often taken as synonymous. This was, then, a form of capitalist anti-statism.¹²² Within such a paradigm, the operation of a state was criticised when economic freedom and property rights were seen not to be upheld. In equating freedom with political liberty, the organizations' typical targets were, in the words of one of the founders of the NAFF, 'high taxation, universal welfare, centralized planning, state control, high public spending, massive bureaucracies, income and price policies, and trade unions with legal immunities'.¹²³ Members of these organizations considered the 'shadow of the police state' to mean tax inspectors, not police officers.¹²⁴ As one member of the NAFF put it, 'most of our members would not consider that police harassment will lead to a police state' adding that civil liberties were 'much more likely to be infringed by the police being unable to enforce law and order than by individual corrupt policemen'.¹²⁵

The history of anti-state capitalist groups goes back at least to the nineteenth century. In the late 1880s individuals like Herbert Spencer and organizations including the Liberty and Property Defence League and the British Constitutional Association promoted such a politics.¹²⁶ The development of a more collectivist new liberalism meant that these men increasingly saw the Conservative Party as the best location for preserving individualism.¹²⁷ The groups discussed within this chapter were acting within a tradition of organizations objecting to the collectivism of the Tory Party following the end of the Lloyd George coalition in 1922. As such, parallels existed in the platforms of the SFIF, Martell's Freedom Groups, the NAFF and the work of a number of inter-war anti-socialist organizations like the

¹²² G. C. Webber, *The Ideology of the British Right* (London: Croom Helm, 1986), p. 84.

¹²³ N. McWhirter, 'Freedom of Choice' in Watkins (ed.), *In Defence of Freedom*, p. 63.

¹²⁴ *The Free Nation*, 19 March 1976, Vol. 1, No. 1, p. 1; *Freedom First*, Spring 1956, p. 8.

¹²⁵ Quoted in Nugent, 'The National Association for Freedom', pp. 84-85.

¹²⁶ See Taylor, *Men versus the State*; Green, *Ideologies of Conservatism*, p. 257; E. Bristow, 'The Liberty and Property Defence League', *The Historical Journal*, 18:4 (1974), pp. 761-789.

¹²⁷ Webber, *The Ideology of the British Right*, p. 81-82.

Middle-Class Union, the Anti-Waste League, the Anti-Socialist Union and the Economic League.¹²⁸

Whilst the NCCL's efforts to establish a form of popular front mobilization in the 1930s harnessed on the progressive elements that had abandoned the Liberal Party, these groups provided a location for economic liberals who had become disgruntled with new liberalism.¹²⁹ These organizations would appear to reinforce the recent historiography stressing the continued relevance of liberal ideas in a time when such politics was supposedly in decline.¹³⁰ Benn saw his organization as heirs to a Liberal tradition and potential successor to the Liberal Party which he considered to have been wrecked by Lloyd George.¹³¹ In 1927, J. Maynard Keynes complained that Benn wished to undo any good achieved by the shifts of Liberalism.¹³² The SFIF featured individuals like John Murray, who had been a coalition Liberal MP during the First World War, and left that Party in dispute with Lloyd George over the latter's proposed nationalization of land and the coal industry.¹³³ It was in keeping with such a theme that a SFIF newsletter of 1950 noted that; 'the Society unites Liberal and Conservative streams in a powerful tide'.¹³⁴ To the SFIF it was a 'solemn duty' for

¹²⁸ Green, *Ideologies of Conservatism*, pp. 122-123; Webber, *The Ideology of the British Right*, pp. 16-25; F. Coetzee, *For Party or Country* (Oxford, 1990), pp. 123-132, 155-60; A. McIvor, "A Crusade for Capitalism': The Economic League, 1919-1939', *Journal of Contemporary History*, 2:3 (1988), pp. 631-655.

¹²⁹ For the authoritative account of this shift in the attitudes of the liberal politics see P. F. Clarke, *Lancashire and the New Liberalism* (London: Cambridge University Press, 1971), P. F. Clarke, *Liberals and Social Democrats* (Cambridge: Cambridge University Press, 1974) and M. Freeden, 'Biological and Evolutionary Roots of the New Liberalism in England', *Political Theory*, 4:4 (1976), pp. 471-490. For the relationship of this shift and the politics of the right see Weber, *The Ideology of the British Right*, pp. 80-86. For more recent accounts of this shift in relation to the politics of free trade see F. Trentmann, 'The Strange Death of Free Trade: The Erosion of 'Liberal Consensus' in Great Britain, c. 1903-1932' in E. F. Biagini (ed.), *Citizenship and Community: Liberals, Radicals and Collective Identities in the British Isles* (Cambridge: Cambridge University Press, 1996), pp. 219-250.

¹³⁰ See D. Dutton, *Liberals in Schism: A History of the National Liberal Party: Political Values, Moral Leaders and the Reception of Economic Debate* (London: IB Tauris, 2005) and E. H. H. Green & D. Tanner, 'Introduction' in Tanner & Green (eds), *The Strange Survival of Liberal England* (Cambridge: CUP, 2007), pp. 1-36.

¹³¹ Benn Diary, 3 January 1927, BP, Mss. 257/8/6. See also Abel, *Ernest Benn*, p. 12; E. Benn, *Happier Days: Recollections and Reflections* (London: Ernest Benn Ltd., 1949), p. 120

¹³² D. Moggridge (ed.), *The Collected Writings of John Maynard Keynes: Volume XIX Activities 1922-1927, The Return to Gold and Industrial Policy* (Cambridge, Cambridge University Press, 1981), p. 640.

¹³³ Oxford Dictionary of National Biography, entry on John Murray (1879-1964); Benn Diary, 13 March 1943, BP, Mss.257/8/6.

¹³⁴ *Individualism*, June 1950, BP, Mss. 257.6/Si/5.

Conservatives and Liberals to put aside their differences and ‘present a united front against enemies of our Constitution, our traditions and our heritage’.¹³⁵ Martell had also been the Chairman of the Liberal Central Association and stood in two elections as a Liberal candidate.¹³⁶ By 1963, he had joined the Conservative Party.¹³⁷ The NAFF also saw itself in a British Liberal tradition pointing out that it would have been unnecessary had there been the continued existence of the old Liberal Party and liberal economists.¹³⁸ It also attempted to attract Liberal support; Jo Grimond considered himself to be broadly in line with the NAFF’s policies (although he protested against its anti-federalist position on Europe).¹³⁹ As such, these organizations demonstrated the increasing association of old Liberal Party ideas within Conservative politics.¹⁴⁰

Unlike the neo-liberal economists, these groups were not concerned with presenting an ideologically consistent vision of economic liberty. They were unbound by a precise definition of liberty and freedom: indeed, attempts of members to do this normally failed.¹⁴¹ As one SFIF member put it: ‘individualism is not easy to define. It depends on the individualist’.¹⁴² Gamble has suggested that much of the new right’s platform incorporated a simple equation of ‘markets good, governments bad’.¹⁴³ These organizations supported such a viewpoint. Rather than set a definitive philosophical position, the sense of individual liberty enshrined in these freedom organizations, was more demonstrative of what Raymond Williams would describe as a ‘structure of feeling’. This expressed a set of common

¹³⁵ *Individualism*, October/November 1950, BP Mss. 257.6/Si/5.

¹³⁶ Conservative Central Office Draft letter, 22 November 1960, CPA, CCO 3/6/136. See also P. Barberis, *Liberal Lion: Jo Grimond, a Political Life* (London: IB Tauris, 2005), p. 53; R. Douglas, *History of the Liberal Party, 1895-1970* (London: Sidgwick & Jackson, 1971), p. 250.

¹³⁷ Memo on the Freedom Group, 2 August 1963, CPA, CCO 3/6/128.

¹³⁸ *Free Nation*, Vol. 1, No. 11, 6 August 1976, p. 7.

¹³⁹ Barberis, *The Liberal Lion: Jo Grimond*, p. 191.

¹⁴⁰ See J. Ramsden, *An Appetite for Power: A History of the Conservative Party Since 1880* (London: HaperCollins, 1998), pp. 262-263, 280-281.

¹⁴¹ For the best of these see A. Flew, ‘The Philosophy of Freedom’, in Watkins (ed.), *In Defence of Freedom*, pp. 155-169.

¹⁴² *Individualism*, 51, January 1952, BP, Mss. 257.6/SI/6.

¹⁴³ A. Gamble, ‘The Political Economy of the Freedom’, in Levitas, *The Ideology of the Right*, p. 30.

characteristics, sentiment or sense of the age held by a certain set of individuals acting within a particular historically constructed situation.¹⁴⁴ Often this was not the academically presented or theoretically informed work of a think tank, but it was in keeping with underlying assumptions of new right politics.¹⁴⁵ Within this structure of feeling, an ideologically inconsistent sense of Western liberalism, free market economics and social conservatism was established as a form of ‘common sense’.

One of the main components of such ‘common sense’ was a commitment to economic freedom. Ernest Benn, who saw himself as an heir to Herbert Spencer, expressed most clearly a commitment to free market economics.¹⁴⁶ Certainly, he followed the latter’s stress on economic freedom as a vital component of political freedom.¹⁴⁷ As the SFIF wrote: ‘freedom is indivisible, economic freedom and political freedom cannot be separated’, adding, ‘to expect democracy to be alive and healthy after you have sliced off free enterprise is like expecting an animal to stay alive and vigorous after its body has been sliced in two’.¹⁴⁸ In fact, the SFIF’s critique of the emerging welfare state, and socialism in the 1940s, was much more aggressive than that found in the works of the neo-liberal economists within this period.¹⁴⁹ Whilst in *The Road to Serfdom*, Hayek aimed to tackle ‘hot socialism’ of the Soviets rather than the ‘cold socialism’ of the welfare state, the SFIF ceaselessly equated the models.¹⁵⁰ As Benn wrote, ‘I see no difference between the Bolshevik of Russia and the numerous types of moderate Socialist’.¹⁵¹ Rather than neo-liberal economics, it was the

¹⁴⁴ Williams, *The Long Revolution*, pp. 63-64; R. Williams, ‘Literature and Sociology: In Memory of Lucian Goldman’, p. 12.

¹⁴⁵ For examples of the difficulties NAFF had in articulating a political philosophy see the collection of essays in K.W. Watkins, *In Defence of Freedom* (London: Cassell, 1978).

¹⁴⁶ Abel, *Ernest Benn*, pp. 148-151.

¹⁴⁷ G. Doherty & T. Gray, ‘Herbert Spencer and the Relation Between Economic and Political Liberty’, *History of Political Thought*, 14:3 (1993), pp. 475-490.

¹⁴⁸ *Individualism*, 37, Oct/Nov 1950, BP, Mss. 257/6/SI/5.

¹⁴⁹ Jackson, ‘At the Origins of the Welfare State’, p. 129-151.

¹⁵⁰ F. A. Hayek, ‘The Road to Serfdom After Twelve Years’, in F.A. Hayek (ed.), *Studies in Philosophy, Politics and Economics* (London: Routledge & K. Paul, 1967), pp. 220-221.

¹⁵¹ E. Benn, *The Confessions of a Capitalist* (13th Edition: London: Hutchinson & Co. 1936; First Published, 1925), pp. 26-27.

laissez-faire of Spencer, or classical Liberalism of Mill that provided the starting points for some of the SFIF's members in the 1940s. It was only during the 1950s that the SFIF began to circulate works by the likes Hayek, Ludwig von Mises and Arthur Fisher.¹⁵² By the 1970s however, some members of the NAFF found greater inspiration from the Austrian economists.¹⁵³

The second key component of these groups' works was an attack on socialism and a critique of left wing politics. Ignoring the efforts of the planners of the 1940s, and the new left from the 1950s to articulate a humanist socialism distinct from a Soviet model, these groups insisted in equating socialism with Soviet Communism. Such an idea existed within the works of those associated with the SFIF from its formation through to the works of those associated with NAFF.¹⁵⁴

This vision of rights was more critical of the conduct of political parties than the non-party political institutions of state. Generally, these groups supported the police and thought the judiciary could be trusted to enforce a Bill of Rights impartially.¹⁵⁵ For anti-state capitalists, these institutions served to enforce law and order and ensure that property rights were maintained.¹⁵⁶ In 1970, the SFIF sent a letter to the Home Secretary defending the record of the police within Britain. In this it noted the profound respect of citizens 'towards its bobby' and commented that efforts to recruit police from minorities had no value unless based on merit. Attempts to improve relations 'between themselves and the coloured community' would be pointless if there was no reciprocal gesture from the 'advocates of black power'. Furthermore, it was concerned that such measures may lead to resentment

¹⁵² E. Benn, *The State the Enemy* (London: Ernest Benn Ltd., 1953), p. 59; Ludwig von Mises, 'The Alleged Inevitability of Socialism', *Individualism*, 44, June 1951, p. 7, BP, Mss. 257.6/SI/6.

¹⁵³ K.D. Watkins, 'The Challenge to Freedom', in Watkins (ed.), *In Defence of Freedom*, p. 133; Interview with Gouriet; Moss, *The Collapse of Democracy*, p. 36, 68, 206.

¹⁵⁴ C. Brogan, *Patriots?...My Foot* (London: Hollis & Charter, 1949), p. 82; C. Brogan, *Our New Masters* (London: Hollis & Carter 1947).

¹⁵⁵ Moss, *The Collapse of Democracy*, pp. 185-187.

¹⁵⁶ P. Ingress Bell, 'Liberty and Property', *Freedom First*, Spring 1957, p. 5.

‘amongst the majority of Englishmen’.¹⁵⁷ Aside from promoting a discourse of ‘otherness’, there was an absence of minority rights or collective group rights from the individualists’ repertoire. The well-documented harassment and marginalization of the dissenting, the disadvantaged, or minority groups that have been a feature of post-war society were absent from these organization’s programmes.¹⁵⁸ In 1963, a member of the SFIF cited freedom of association to defend a right to choose not to hire employees on race grounds.¹⁵⁹ Race Relations legislation was an ‘open invitation to limit our freedom’ and appeared ‘the thin end of the wedge’.¹⁶⁰ The controversial Conservative MP Ronald Bell used the SFIF to suggest that there was no need for such legislation. He claimed that immigrants instantly had full civil and political rights as soon as they set foot in Britain. Thus, legislation served to confer advantages on the immigrant community and attempted to force social equality.¹⁶¹ Such an account seems markedly different from that of organizations like the Joint Council for the Welfare of Immigrants, the Institute for Race Relations, or the NCCL who dealt with the numerous civil rights problems of those entering the country.¹⁶² In contrast, the NAFF generally sought to avoid discussion of race.¹⁶³ Indeed, it was keen to present itself as a respectable body that did not embrace the political extremes.¹⁶⁴ It stated that ‘the British citizen is not to be judged by race, colour or creed, but by devotion and adherence to freedom’.¹⁶⁵ In part, this was a result of a determination to differentiate its form of ‘national’

¹⁵⁷ ‘Police and Race’, *Freedom First*, 65, November 1970, pp. 6-7.

¹⁵⁸ Belsey, ‘The New Right, Social Order and Civil Liberties’, p. 172; D. Humphrey, *Police Power and Black People* (London: Panther, 1972), P. Foot, *Immigration and Race in British Politics* (Harmondsworth: Penguin, 1976).

¹⁵⁹ J.R. Baker, ‘Freedom of Association’, *Freedom First*, p. 29

¹⁶⁰ Invigilator, ‘Race and Liberty’, Summer 1966, p. 16.

¹⁶¹ *Freedom First*, Summer 1969, p. 10.

¹⁶² M. Dummett, ‘Unjustly Refused’, in H. Curtis & M. Sanderson (eds.), *The Unsung Sixties: Memoirs of social innovation* (London: Whiting & Birch, 2004), pp. 168-175.

¹⁶³ *The Free Nation*, Vol. 3, No. 15, p. 7; *The Free Nation*, December-January 1978, p. 4.

¹⁶⁴ *The Free Nation*, Vol. 2, No. 5, 4-17 March 1977, p. 1.

¹⁶⁵ Quoted in N. Saroop, ‘Freedom and Race’, in Watkins (ed.), *In Defence of Freedom*, p. 118.

politics from that of the resurgent National Front.¹⁶⁶ It was also determined to focus on the issues of the trade unions and control of the economy.

At times individualist groups' concerns could also be part of the NCCL's agenda. The SFIF's Bill of Rights drafted in 1968 included a range of traditional civil liberties including much that would have been acceptable to both organizations.¹⁶⁷ This incorporated freedom from arbitrary arrest, equality before the law, and freedom of speech. However, the dangers to freedom of association and freedom of speech were viewed differently. The NAFF had little to say about numbers 3, 4, 5 and 6 on its Charter of Rights and Freedoms, covering freedom of speech, assembly, religion and movement, because it considered these to have been established and secured.¹⁶⁸ For both Martell and the NAFF, the most significant limitation on freedom of speech was the threat posed by the printing unions.¹⁶⁹ For Benn, the monopoly of the BBC was the principal threat to the freedom of speech.¹⁷⁰

Periodically, the social conservatism of these groups appeared to contradict their commitment to individual liberty. In particular, the SFIF took objection towards the shifts in the 1960s that appeared to mark the 'permissive society'. It argued that the era had led to the 'tyranny of minorities'.¹⁷¹ It supported efforts to ban controversial cultural works such as Kenneth Tynan's *Oh Calcutta* in 1970.¹⁷² Members of the SFIF advocated the use, and then restoration, of capital punishment.¹⁷³ Furthermore, by the 1980s, the NAFF shifted its focus to a more authoritarian or paternalist politics. It was no longer trade unions and government intervention into economics that were the threat to, in its words, the 'traditional liberties and the moral and cultural values underlying them'. Its main concerns were violent books and

¹⁶⁶ *The Free Nation*, Vol. 2, No. 15, p. 7; *The Free Nation*, December-January 1978, p. 2.

¹⁶⁷ *Freedom First*, Autumn 1968, p10.

¹⁶⁸ Interview with Gouriet.

¹⁶⁹ *The People's Guardian*, No. 30, December 1956 p. 1; R. Lewis, 'Freedom of Speech and Publication' in Watkins (ed.), *In Defence of Freedom*, p. 86.

¹⁷⁰ E. Benn, *Benn's Protest: Being an argument for the Restoration of our Liberties* (London: John Gifford, 1947), pp. 76-101.

¹⁷¹ *Freedom First*, Autumn 1969, p. 13.

¹⁷² *Freedom First*, November 1970, p. 4.

¹⁷³ Hyde C Burton, 'A momentous election', *Freedom First*, Spring 1966, p. 46.

films, broken marriages, fragmented families, delinquent children, and rising crime.¹⁷⁴ Such a shift marked the cleavage between the NAFF's radical components, whose libertarianism extended beyond the sphere of economics into the social and cultural, from those whose primary concerns were economic liberty and social conservatism.¹⁷⁵

This social conservatism followed the new right rhetoric of linking economic freedom and individualism with the protection of the nation, and a particular form of Christian morality. Benn described one set of pamphlets produced for the SFIF as being 'an interesting jumble of Liberty, free trade, Christianity and damn the Government'.¹⁷⁶ Contributors to its journal linked economic, political and social problems to moral and religious ones.¹⁷⁷ Benn himself referred to a British tradition of respect for law and order that was unobservable in any other race. He linked what he conceived to be a decline of this tradition to a decline in personal standards and respect. According to Benn, such shifts challenged the quality of citizenship.¹⁷⁸ Martell's publicity included an appeal 'to restore Britain's greatness by leading a return to sane government and a national morality based upon Christian principles'.¹⁷⁹ Gouriet described his organization as an attempt to 'defend the faith and defend the nation'.¹⁸⁰ The NAFF's newspaper contained regular columns entitled 'Pulpit Watch', which sought to counter attack against criticisms of Thatcher coming from strands of the clergy during the

¹⁷⁴ *The Free Nation*, Vol. 11, No. 1, p. 2.

¹⁷⁵ Interview with Gouriet, See J. Englander, 'First Editorial', *Free Life*, Winter 1979, p. 1, The Libertarian Alliance offered a more libertarian position on social issues including the de-regulation of prostitution, a permissive attitude to pornography. As its editor put it 'to concretise the definition of freedom as a space filled with options, imagine a society where individual property-owners run shoulders with commune members; where free-enterprise TV's five hundred channels provide everything from continuous culture to non-stop porn where trade union competes with independent workers; where some streets carry advertising hoardings and some do not; where some transport companies and restaurants ban smoking and others do not; where some families are nuclear and others extended; where some men and women have one spouse and others have more. Freedom is the shop around society', Judy Englander, 'Killing Freedom by Stealth', *Free Life: The Journal of the Libertarian Alliance*, Vol. 1: No. 2, p. 1.

¹⁷⁶ Benn Diary, 24 April, April 1941, BP, Mss. 257/8/9.

¹⁷⁷ W. J. Brown, 'The Moral Issue', *Individualism*, 62, February 1952, p. 7, BP, Mss. 257.6/SI/6.

¹⁷⁸ Benn, *The State the Enemy*, pp. 25-26.

¹⁷⁹ Conservative Central Office Memo on the Freedom Group, 2 August 1963, CPA, CCO 3/6/128.

¹⁸⁰ Moores interview with Gouriet.

1980s.¹⁸¹ These were written by Rachel Tingle, who would publish *Gay Lessons: How Public Money and Funds are used to Promote Homosexuality Among Children and Young People*, which she claimed helped to maintain Section 28 within British law during the 1980s.¹⁸² There were parallels here with the politics of the new radical right in America. Tony Benn, the Labour Minister who was also the nephew of Ernest Benn, noted this. Writing in the *Guardian*, he commented that the politics of Martell, who had stood against him in the Bristol South East by-election of 1963, ‘appeal to a right-wing audience who are not so different from those who elected Senator Goldwater’.¹⁸³

With the emphasis on social conservatism during the 1980s, and the association with the new right and Thatcherism, the NAFF’s activities and media profile declined once Thatcher took power. This had exposed the group’s commitment to ‘non-economic freedom’ as a sham that was quickly reinforced by the group’s indifference to civil liberties infringements during the Thatcher governments through the 1980s.¹⁸⁴ It is easy to see why the inconsistency between liberalism and paternalism within Conservative Party rhetoric has been flagged up as an important feature in the post-war period.¹⁸⁵ It is also easy to see why it has been argued that the commitment to liberty from anti-state capitalists like Benn owed as much to a desire to perpetuate or accentuate existing social inequalities and strengthen the nation (as they perceived it) than to increase the rights and freedoms of the individual citizen.¹⁸⁶

¹⁸¹ See the work of L. Filby, ‘Faith, Hope and Charity: The Church, the State and the Voluntary Sector under Thatcher’, unpublished paper at DANGO Conference, The Midlands Institute, Birmingham, 6 July 2007.

¹⁸² R. Tingle, *Gay Lessons: How Public Funds are used to Promote Homosexuality among Children* (London: Pickwick, 1986) and R. Tingle, *Another Gospel: An Account of the Growing Involvement of the Anglican Church in Secular Politics* (London: Christian Studies Centre, 1988).

¹⁸³ *The Guardian*, 5 June 1964, p. 28; see also *The Guardian*, 12 July 1964, p. 10.

¹⁸⁴ K. D. Ewing & C. A. Gearty, *Freedom Under Thatcher: Civil Liberties in Modern Britain* (Oxford: Clarendon, p. 255; R. Levitas, ‘Introduction’ in R. Levitas (ed.), *The Ideology of the New Right* (Oxford: Polity, 1986), p. 12; Belsey, ‘The New Right, Social Order and Civil Liberties’, p. 195; M. Loney, *The Politics of Greed: The New Right and the Welfare State* (London: Pluto, 1986), p. 3.

¹⁸⁵ Francis, ‘“Set the People Free”? Conservatives and the State’, pp. 58-77.

¹⁸⁶ Weber, *The Ideology of the British Right*, p. 81, 84, 87.

Like the left's conceptualization of rights and liberties during the 1930s and 1940s, this politics was phrased in relation to a British tradition of liberty. Adverts for the SFIF encouraged the involvement of individuals who would 'demand your heritage under Magna Carta'.¹⁸⁷ Appeals were made to 'our proud and historic creed of liberty' and frequent references were made to Runnymede and a spirit of liberty.¹⁸⁸ One of its principal objectives through the 1950s and 1960s was 'the restoration of our traditional civil liberties and personal liberties whose history goes back beyond Magna Carta'.¹⁸⁹ These rights were within a British tradition that was superior to Universal or European notions of rights, which were seen as irrelevant or alien.¹⁹⁰ The difficulty with such conceptualizations was that they allowed little space for those who sought a version of civil liberty incorporating an element of social justice.¹⁹¹

An Activist Politics?

Richard Cockett has described new right think tanks as playing a crucial role in an economic counter-revolution in Britain. The anti-state groups discussed within this chapter pursued a similar politics but in a much more activist sense. As Gouriet of the NAFF put it; 'we acted, we did things. We turned theory into fact'.¹⁹² These groups took a range of actions to promote their goals. Efforts included case work, attempting to influence Parliament, and even a version of direct action, albeit firmly within the parameters of the rule of law. The repertoires of activism employed by both Martell's Groups, the NAFF and, to a lesser extent the SFIF, attempted to bring the themes of individual and economic freedom into political spaces that were generally uncontested by the think tanks. Unlike bodies concerned with spreading

¹⁸⁷ *The Times*, 20 June 1945, p. 3.

¹⁸⁸ *Individualism: Bulletin Series*, No. 2, February 1953, BP, Mss. 257.6/SI/7; *Freedom First*, Spring 1965, p. 2.

¹⁸⁹ *Freedom First*, Autumn 1954, p. 1.

¹⁹⁰ *Individualism*, No. 36, September 1950, p. 1, BP, Mss. 257.6/SI/5.

¹⁹¹ R. Moss, 'The Defence of Freedom' in Watkins (ed.), *In Defence of Freedom*, pp. 142-143.

¹⁹² Interview with Gouriet.

messages to political elites, these groups took the work out into the wider civil society. It was in taking its politics into such spaces that the NAFF declared itself both a ‘fighter and a philosopher’.¹⁹³

Of these groups, the SFIF most resembled the think tank model of politics. Its work, particularly under Benn, focussed on providing an economic and moral case for individualism. To do this it used publications and pamphlets. Its other main activities, which focused around political luncheon events, hardly suggest innovative and dynamic activism. However, at times these efforts were combined with a willingness to engage with more imaginative repertoires of activism. Well before the more popular book clubs of the 1930s, Benn had established an Individualist Book Club.¹⁹⁴ He also introduced a ‘Workers Book Club’ through which he hoped to put a selection of sound, readable, economic and anti-socialist literature into the workplace, which he thought were dominated by groups he considered to be ‘disruptive forces’. Titles circulated included Benn’s bestseller, *Confessions of a Capitalist* and W.W. Paine’s *The Menace of Socialism* alongside the work of Herbert Spencer.¹⁹⁵

Once organised into a more formal body the group attempted to spread its message through alternative ‘non-party’ organizations such as Rotary Clubs, the Reform Club, political meetings, and Brains’ Trusts. As Benn put it, ‘man after man mugs up on one of our pamphlets and lets it off at his audience’.¹⁹⁶ Between April and May 1946, SFIF speakers addressed 56 meetings and by 1950 it boasted a panel of one hundred speakers. These were overworked by heavy demands from clubs, societies and associations in every part of the

¹⁹³ *The Free Nation*, Vol. 10, No. 6, p. 2.

¹⁹⁴ See S. Samuels, ‘The Left Book Club’, *Journal of Contemporary History*, 1:2 (1996), pp. 65-86, T. Rodgers ‘The Right Book Club: Text Wars, Modernity and Cultural Politics in the Late Thirties’, *Literature and history*, 12: 2 (2003), pp. 1-15.

¹⁹⁵ The Society for Individual Freedom: Its Aims and its Work, undated, BP, Mss. 257.6/SI/5.

¹⁹⁶ Benn Diary, 28 April 1943, BP, Mss. 257/8/6.

country.¹⁹⁷ Members were also encouraged to spread individualism through the local and national press. In the period between April and May 1946, SFIF members published 33 articles and 87 letters in various newspapers and periodicals.¹⁹⁸ It circulated an estimated 128,000 copies of its newsletters circulated between 1941 and 1950 and claimed to have produced 4,500,000 copies of its various publications.¹⁹⁹

Attempts to exploit these ‘non-political’ and ‘non-party associational’ spaces, which made up a vital component of British political activity decreased somewhat after the war.²⁰⁰ Whilst public meetings may still have been a vibrant force in certain regions, the SFIF no longer saw these as the main location for its policies.²⁰¹ The increasing association with the Conservative Party meant that the SFIF saw Parliament, MPs, and political parties as the most important audience for its work.

Despite losing part of its zeal for the public meeting and writing letters to the press, the group remained active in alternative ways. Its principle form of spreading the word continued to be through the publication of its journal *Freedom First* and the holding of regular lunches.²⁰² Additionally, it began to take up case work regarding issues like compulsory purchase of land.²⁰³ It contributed to Parliamentary Select Committees and still held occasional meetings, such as a rally against the Race Relations Bill 1968.²⁰⁴ The SFIF also used its prominent members to promote its policies; for example, its President Viscount Lambton attempted to introduce a Modern Bill of Rights in the House of Lords in 1968.²⁰⁵ However, as one of its Executive Committee members, the former MI6 deputy director

¹⁹⁷ News Bulletin: The Society of Individualists and National League for Freedom, July 1946, London, British Library of Political and Economic Science, Donald McIntosh Johnson Papers [Hereafter Johnson], Johnson 10/1.

¹⁹⁸ *Ibid.*

¹⁹⁹ *Individualism*, Dec 1950, BP, Mss. 257.6/Si/5.

²⁰⁰ See McCarthy, ‘Parties, Voluntary Associations and Democratic Politics in Interwar Britain’, pp. 891-912.

²⁰¹ J. Lawrence, *Electing our Masters: A History of the Hustings from Hogarth to Blair* (Oxford: OUP, 2009), p. 153.

²⁰² *Freedom First*, January 1969, p. 9.

²⁰³ M. Popham, *Boring – Never: The Memoirs of Margaret E. Popham* (London: Johnson, 1968), p. 166.

²⁰⁴ *Freedom First*, Summer 1968, p. 10, *Freedom First*, Winter 1956, p. 3.

²⁰⁵ *Freedom First*, Autumn 1968, p. 3.

George K. Young suggested, ‘in contrast to the NCCL’ it ‘tended to operate more behind the scenes than in the political eye’.²⁰⁶

If the SFIF was at times acting behind the scenes, then Martell’s movements and the NAFF were certainly not. Amongst other activities, Martell ran as a People’s League candidate in the East Ham by-election in 1957.²⁰⁷ In order to combat postal strikes in 1962 the group opened up alternative post offices in London, Newcastle, Edinburgh, Colchester, Exeter, Birmingham, London, Glasgow and Manchester.²⁰⁸ By February 1962, it claimed to have delivered 30,000 parcels and published its own stamps.²⁰⁹ Responding to bus workers’ strikes in 1958, it arranged for the use of thirty buses in central London.²¹⁰ During later disputes, it recorded that it had fleets of buses at its disposal in case of strikes and was making negotiations for the use of a plane.²¹¹ The League set up a registration of members with cars and vans in case unions disrupted the nation’s food supplies. It attempted to keep a record of skilled electricians so that the Electrical Trades Union could not cut off Britain’s power supply.²¹² Martell also bought and ran a union free printing press to ensure that newspapers could be published in case of major industrial action. He suggested that this, along with the purchase of a daily paper *The New Daily*, would ensure that Britain continued to have a free press.²¹³ Aside from these more dramatic and symbolic protests, the group took up to thirty or forty individual cases a week and established a legal aid department.²¹⁴

An activist ethos determined much of the work of the NAFF. John Gouriet suggested that in his role as Campaign Director he attended 160 meetings in the space of a few

²⁰⁶ *Freedom First*, April/May 1969, p. 21.

²⁰⁷ *The People’s Guardian*, 13 March 1957, p. 1

²⁰⁸ *The People’s Guardian*, 13 January 1962, p. 1, *The People’s Guardian*, 20 Jan 1962, p. 1.

²⁰⁹ *The People’s Guardian*, 3 February 1962, p. 1, *The Guardian*, 11 January 1962, p. 1.

²¹⁰ *The People’s Guardian*, 7 June 1958, p. 1, *The People’s Guardian*, 13 June 1958, p. 1.

²¹¹ *The People’s Guardian*, 17 February 1962, p. 1.

²¹² *The People’s Guardian*, 30, 5 December 1956, p. 1.

²¹³ Green, *Ideologies of Conservatism*, p. 230, *The People’s Guardian*, Vol. 4, No. 9, 11 July 1959, p. 4, *The People’s Guardian*, Vol. 4, No. 51, 30 April 1960, p. 1, *The Manchester Guardian*, 16 June 1956, p. 14.

²¹⁴ *The People’s Guardian*, 30, December 1956, *The Manchester Guardian*, 1 June 1956, p. 3; *The People’s Guardian*, 26 June 1956, p. 1.

months.²¹⁵ The NAFF also took up legal work. It supported the legal cases of parents in the Tameside dispute who wanted to fight against plans to replace grammar schools with a comprehensive system.²¹⁶ The two legal cases that stood out for the NAFF were the Gouriet Case, in which he took the Attorney General to court and won (although incurring £91,000 costs) and the support of three British Rail workers who were sacked for refusal to join a union.²¹⁷ It encouraged members to write in to MPs to oppose the closed shop.²¹⁸ During his leadership Gouriet travelled the country acting against ‘victims of the closed shop’. He recalled ‘going up and down the country like a demented bluebottle’.²¹⁹ Demonstrative of a wider shift against the party and into political pressure groups, Gouriet estimated that the smallest audience he addressed with the NAFF contained at least a hundred people, whereas his appearances in place of Conservative MPs at meetings had generally been to around twelve people.²²⁰

Most indicative of the NAFF’s activism was its efforts surrounding the Grunwick Dispute. It even engaged in direct action and called itself a ‘genuine combat organization’ from this point.²²¹ As a recent account of the dispute has demonstrated, it gained an iconic national status as a focal point for the contestation of individual freedom against the power of the unions, and thus was vital to debates surrounding British industrial relations.²²² The NAFF supported George Ward, the employer of the Grunwick film processing factory, whose dismissal of a worker had led to the protracted union dispute. In the early hours of 11 June 1977, twenty-five NAFF members including Gouriet and Theresa Gorman entered the

²¹⁵ Interview with Gouriet.

²¹⁶ *The Free Nation*, Vol. 3, No. 5, 3 March 1978, p. 2.

²¹⁷ Interview with Gouriet; R. Webster, *When Britain Waived the Rules...and Sampled Anarchy* (Hadlow Downs: Windmill Press, 2000).

²¹⁸ *The Free Nation*, Vol. 3, No. 2, 20 January 1978, p. 1.

²¹⁹ Interview with Gouriet.

²²⁰ Interview with Gouriet.

²²¹ *The Free Nation*, 2:5, March 1977, p. 1.

²²² McGowan, “‘Dispute’, ‘Battle’, ‘Siege’, ‘Farce’”, p. 384, 386.

Grunwick plant and removed the £100,000 backlog of orders and, using an articulated lorry and £12,000 worth of stamps, distributed them at a series of random post boxes.²²³

Freedom Groups, Social Movements and Party Politics

In working with such an activist ethos, these groups appeared to promote a form of social movement politics. In particular, the language, and repertoires of such activism are observable. The NAFF chose to present its activities as a politics rejecting a working class/middle class dichotomy, whilst Lord De L'Isle, one of its founders, cited the political scientist Samuel Beer to explain that the group could not 'be adequately explained in terms of right-wing/left wing politics'.²²⁴ Rhetorically, such programmes were packed in a language of morality and values. Benn wrote that the chief fault of modern economics was the degradation of the individual.²²⁵ The NAFF complained that 'the socialists still talk in abstract' about 'working people' or 'proletariat'. In contrast, the NAFF claimed 'we talk about individuals and human beings'.²²⁶ In 1985, it wrote that it was 'fighting against materialism as well as socialism'.²²⁷ It added that, 'instead of being fought on traditionally purely materialistic line of sterile economics it was lifted into a higher plane'.²²⁸ The NAFF also attempted to challenge normative assumptions about radicalism. As it wrote:

The genuine radicals in Britain are not those on the Left ... today's radicals are people who believe that we do not have to live in a society where bureaucracy intrudes into every corner of our lives, where independence of mind and exceptional personal effort are penalised as 'anti-social' qualities, where an unrepresentative minority of trade union bosses is accepted as the de facto government.²²⁹

²²³ *Ibid.*, p. 399.

²²⁴ Tame cited in R. King, 'The Middle Class Revolt', p. 14, *The Economist*, 2 July 1977, p. 4.

²²⁵ Benn, *Benn's Protest*, p. 7.

²²⁶ *The Free Nation*, 4 March 1977 p. 2.

²²⁷ *The Free Nation*, November 1985, p. 2.

²²⁸ *The Free Nation*, Vol. 4, No. 10, 11 May 1979, p. 7.

²²⁹ *The Free Nation*, Vol. 1, No. 5, p. 1.

With this, the NAFF attempted to present itself as the location for a politics outside of class interests and it claimed to have switched the debate from class conflict to that focussing on society versus the individual.²³⁰

Networks of organizations with shared interests were established. The NAFF worked alongside the intellectual think tanks including the Aims Group, the Institute for Economic Affairs, and other more populist organizations like Theresa Gorman's Association of Self-Employed People.²³¹ Expressive politics were also carried out by NAFF members. They sold copies of its paper *Free Nation* next to those selling the *Socialist Worker* in the streets, and counter-marched at CND protests during the late 1970s and early 1980s. Members attempted to run a range of voluntary organizations including Women's Institutes, churches and Youth Clubs to deliver Christmas cards in case of postal strikes.²³² It was possible to demonstrate and identify with this politics, by ordering and wearing a NAFF T-shirt bearing the slogan 'never have the so many been bullied by the so few'.²³³ All the organizations discussed within this chapter relied on charismatic leadership (of a sort) and displayed a sense of media savvy, both of which have been seen as features of new forms of political activism.²³⁴

However, a number of differences exist between the works of these groups and new social movements. As the chapter has demonstrated, this politics centred on the old political issues of trade unionism and welfare provision. The NAFF promoted a human rights politics, identified as being part of the new politics, in a manner different from that discussed by new social movement theorists. The NAFF was enthusiastic about presenting itself as a body

²³⁰ *The Free Nation*, Vol. 2, No. 25, 21 December 1977, p. 4.

²³¹ *TFN*, Vol. 1, No.1, 19 March 1976, p. 3.

²³² McGowan, "'Dispute', 'Battle', 'Siege', 'Farce'? – Grunwick 30 Years On', p. 384, 386, *The Free Nation*, Vol. 1, 13, 12 November 1977, p. 3; Beckett, *When the Lights Went Out*, p. 380;

²³³ *The Free Nation*, Vol. 1, No. 10, 23 July 1976, p. 12

²³⁴ J. Goodwin & J. Jasper, 'Editors' Introduction' in J. Goodwin & J. Jasper (eds), *The Social Movements Reader* (Oxford: Blackwell, 2003), p. 3.

working as part of a global human rights movement.²³⁵ This reflected the new emphasis on human rights as a specific critique of communist systems during the 1970s.²³⁶ The NAFF offered support for the Czech human rights movement Charter 77 and provided a forum on which individuals from this group such as Vladimir Bukovsky and Leonid Chernikov could speak.²³⁷ As mentioned previously, it made use of human rights legislation to fight against the closed shop by funding the British Railway workers dismissed for refusing to belong to a union.²³⁸ It criticised alternative groups campaigning on human rights issues such as Amnesty International, the Anti-Apartheid Movement, Liberation and War on Want for focussing on the violations of anti-communist governments whilst ignoring ‘the unrivalled crimes of leftist regimes’ and it suggested that in some cases these organizations came under the influence of the Communist Party of Great Britain.²³⁹ As part of a Cold War ethos surrounding the group, it argued that authoritarian governments should not be criticised if they respected private property, the rule of law, and economic independence from the Soviet Union as the most important human rights issue was the ‘containment of communism’.²⁴⁰ Indeed, this had been the justification used by the SFIF, and the NAFF, for continued support of the South African or Rhodesian political system.²⁴¹

Such a conceptualization of human rights was in keeping with a ‘liberal, democratic Western political heritage’ of these organizations.²⁴² This conveniently ignored the socialist contribution to rights discourse, and excluded mention of the range of economic and social

²³⁵ Lord De L’Isle, ‘Freedom and the Constitution’, in Watkins (ed.), *In Defence of Freedom*, pp. 19-20; N. McWhirter, ‘Freedom of Choice’, in *Ibid.*, p. 62; W. Churchill, ‘Freedom and National Security’, in *Ibid.*, pp. 102-102.

²³⁶ See M. C. Morgan, ‘The Seventies and the Rebirth of Human Rights’ in N. Ferguson, C. Maier, E. Manela, & D. Sargent (eds), *The Shock of the Global* (London: Belknap, 2010), pp. 237-250.

²³⁷ Interview with Gouriet.

²³⁸ *The Free Nation*, Vol. 1, No. 6, 28 May 1976, p. 1.

²³⁹ *The Free Nation*, December 1977, p. 7; *The Free Nation*, Vol. 3, No. 3, 3-16 February 1978, p. 4.

²⁴⁰ *The Free Nation*, Vol. 7, No. 1, January 1982, p. 1.

²⁴¹ *The Free Nation*, Vol. 2, No. 13, June-July 1977, p. 7; *Freedom First*, Spring 1968, p. 3.

²⁴² S. Haseler, ‘Freedom and the Trade Unions’, in Watkins (ed.), *In Defence of Freedom*, p. 56.

rights featured within documents like the UDHR.²⁴³ The employment of a language of human rights did not aim to transcend a Cold War politics, but aimed to win the Cold War for the West by supporting Soviet dissidents.²⁴⁴ This international human rights agenda had more to do with national security than third world solidarity and identity politics that marked the subject as a new form of politics to new social movement theorists.²⁴⁵

Whilst these groups also had middle class constituencies seen as important to new social movement activism, they were representative of a different section of the middle class.²⁴⁶ Writing in a newsletter to promote the Birmingham branch of the SFIF in 1952 the former Lord Mayor of Birmingham Norman Tiptaft argued that it was the middle classes who had to take a keener interest in government.²⁴⁷ The People's League for Freedom felt it had ensured that the 'plight of the middle classes is now recognised'.²⁴⁸ Reporting on one of Martell's meetings, *The Times* observed 'so far as it is reasonable to generalize it could be said that the audiences were of the petit bourgeois sort'. It reported that shopkeepers, senior clerks, retired officers, representatives of the fixed income group and old-age pensioners attended the meeting alongside 'a rather surprising number of young men who may well be in the professions'.²⁴⁹

The appearance of a number of young men marked this out as different from those involved within the SFIF. In 1960, it attempted to establish a group of Young Libertarians. This lasted only for a number of months, and amounted to a trip to the theatre and two coffee parties.²⁵⁰ The SFIF commented that it was only in the latter stages of life, having gained a

²⁴³ See M. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (London: University of California Press, 2004), pp. 118-172, 199-205.

²⁴⁴ See Moss, *The Collapse of Democracy*, p. 19.

²⁴⁵ Offe, 'New Social Movements', p. 832.

²⁴⁶ For this analysis see R. King & N. Nugent, 'Conclusions', in King & Nugent, *Respectable Rebels*, pp. 183-188.

²⁴⁷ *Your Freedom: Journal of the Birmingham Branch of the Society for Individual Freedom*, No. 8, April 1952, p. 1.

²⁴⁸ *The People's Guardian*, 1 March 1958, Vol. 2, No. 42, p. 1.

²⁴⁹ *The Times*, 29 June 1956, p. 6.

²⁵⁰ S. Woodward, 'Young Libertarians', *Freedom First*, Spring 1960, p. 17.

position in business or industry or possession of a piece of land, that individuals became aware of the lack of freedom.²⁵¹ Speakers at the SFIF's event were indicative of a more elitist form of politics than movement activism. These were judges, politicians, surveyors and doctors, educationalists from public schools, bishops and clerics, economists, editors and authors, and industrialists.²⁵² Furthermore, although it claimed otherwise, examinations of the NAFF show it to be an organization representing the middle classes.²⁵³

These were very different sections of the middle class to those normally associated with the new social movement. These groups were acting in keeping with a new right attack on the professional society. For all their middle class credentials these organizations lacked the social workers, teachers and health workers that were a feature of the new social movement paradigm.²⁵⁴ Rather, these were activists that Roger King has identified as representations of a petit-bourgeois conservatism.²⁵⁵ As Gamble explained, such groups were those most favourable to free market economics in the 1970s.²⁵⁶ Indeed, Seyd's analysis of the Monday Club during the 1970s also suggests that anti-statist ideas resonated most fully with those with small business backgrounds.²⁵⁷ There were then some similarities between the components of these groups and the shopkeepers, small businessmen that were attracted to the anti-state Poujadist movement in France.²⁵⁸ Furthermore, unlike the new social movements there were, with some notable exceptions, very few women working within these

²⁵¹ S. Woodward, 'Young Libertarians – Slower than had hoped', *Freedom First*, Autumn 1960, p. 45.

²⁵² *Freedom First*, January 1969, p. 8.

²⁵³ Nugent, 'National Association for Freedom', p. 81.

²⁵⁴ See H. Perkin, *The Rise of Professional Society: England since 1880* (London: Routledge, 1989), p. 478; Kriesi, 'New Social Movements'; p. 1082; Offe, 'New Social Movements', p. 834, For more on the relationship of new social movement members and the public sector see Byrne, *Social Movements in Britain*, p 67.

²⁵⁵ King, 'Petit-Bourgeois Conservatism', pp. 308-321.

²⁵⁶ Gamble, *The Conservative Nation*, p. 133.

²⁵⁷ P. Seyd, 'Factionalism within the Conservative Party: "The Monday Club"', *Government and Opposition*, 7:4 (1972), p. 480.

²⁵⁸ J. Shields, 'The Poujadist Movement: A Faux 'Fascism'', *Modern & Contemporary France*, 8:1 (2000), pp. 19-34.

groups.²⁵⁹ Lillian Sutton, whose hard work sustained the SFIF through the 1950s and much of the 1960s, commented ‘I am not a feminist’ before adding that ‘I do not think women are as objective as men’.²⁶⁰

Although all of the organizations discussed could claim grass roots support at various stages of their existence, they were driven from the top down. Internal structure was not democratic and often not open. Benn’s group initially revolved around his contacts in the Reform Club and then followed the direction of an unelected Executive Committee. Martell’s groups were unable to withstand his bankruptcy and had fallen apart by the 1970s. Although it claimed a mass membership with a branch structure, the NAFF’s policies were directed by a small leadership committee whose composition was not determined by the wider membership, nor were there any policy setting Annual General Meetings.²⁶¹ That both policy and strategy were so centralized, suggests that for all the activism of these organizations they did little to create real cultures of activism or participation.

Indeed, these members were part of a wider community of anti-state organizations circulating from the late 1960s. Ross McWhirter and Ian MacTaggart, of the SFIF, were both members of an obscure organization called the British Committee of the Free Czechoslovakia Campaign.²⁶² This also included Lady Morrison of Lambeth, a future member of the NAFF.²⁶³ The SFIF and the NAFF also featured a number of individuals associated with the Monday Club through the late 1960s and early 1970s. From 1968, following Lillian Sutton’s exit, the SFIF had closer ties with the Monday Club. Members reported as belonging to the Monday Club included the sometime SFIF General Secretary and future Conservative MP, Gerald

²⁵⁹ For gender and social movements see Byrne, *Social Movements in Britain*, p. 76; H. Kriesi, ‘New Social Movements and the New Class’, *American Journal of Sociology*, 1989, p. 1106.

²⁶⁰ *Freedom First*, January 1965, p. 28.

²⁶¹ *The Free Nation*, Vol. 2, No. 5, 4 March 1977, p. 1, Nugent, ‘The National Association for Freedom’, p. 94; *The Free Nation*, Vol.3, No. 24, 24 November-7 December 1978, p. 11.

²⁶² *The Times*, 6 November 1968, p. 11; *The Times*,

²⁶³ See Lady Morrison of Lambeth, ‘The Freedom and the Family’ in Watkins, *In Defence of Freedom*, pp. 73-83.

Howarth, and the controversial Conservative MP Ronald Bell.²⁶⁴ Howarth was also involved in the NAFF's early years.²⁶⁵ The SFIF's Chairman for much of the 1960s was George K. Young, the former MI6 officer and bogeyman to many on the left.²⁶⁶ Links also existed between the members of the NAFF and the Selsdon Group, in the form of the editors of *Free Nation* Stephen Eyres and Phillip Vander Elst, and associated MPs including Nicholas Ridley and Ronald Bell.²⁶⁷ Upon taking editorship of *Free Nation*, Vander Elst commented on the importance of the Institute of Economic Affairs in nurturing the 'intelligent right' that he described as working with the NAFF.²⁶⁸ Such memberships suggest that the groups were interacting, networked, but quite elite locations of activism. Although the NAFF sought a mass membership, this had very little interaction with those directing its politics.

The funding of the activities of all of these organizations is also problematic. Often these groups have been reluctant to disclose information on funding or provide researchers with any archives describing the running of organizations. Clearly, a lot of money was required for their activities. In its early phases the SFIF relied on funds from Benn, and those to whom he was able to appeal for money in the Reform Club. Sales of books and publications also brought it a fair amount of revenue.²⁶⁹ The SFIF had relatively few costs. Its luncheons and speeches were self-financing and its Secretary worked largely for no fee.

Martell evidently pumped a large amount of his personal wealth into the activities of his various organizations.²⁷⁰ He claimed that he had found it difficult to raise funds following the Labour Government's 1964 proposal that businesses declare their political donations.²⁷¹ In 1966, he faced various bankruptcy petitions. Indeed, five Labour MPs demanded an inquiry

²⁶⁴ *Freedom First*, Summer 1968, p. 10. *Freedom First*, Autumn 1969, p. 36.

²⁶⁵ Cockett, *Thinking the Unthinkable*, p. 223.

²⁶⁶ Walker, *The National Front*, p. 126; J. Andrew, 'My encounter with George K. Young and Tory Action Group, 1979-1988', *Lobster*, 52 (Winter 2006/2007).

²⁶⁷ See Cockett, *Thinking the Unthinkable*, p. 213

²⁶⁸ *The Free Nation*, Vol. 6, No. 6, p. 1.

²⁶⁹ *Individualism*, December 1950, p. 12, Benn Papers, Mss. 257.6/SI/5.

²⁷⁰ *The Guardian*, 4 May 1968, p. 4.

²⁷¹ *The Times*, 20 September 1967, p. 10.

into the Freedom Group's finances.²⁷² Eventually, when Martell's groups were unravelling in 1967, *The Times* revealed he had taken out over £100,000 in loans. At one point, *The Times* reported that he owed around £400,000 to creditors and shareholders for various business interests he had pursued.²⁷³ Although Martell insisted that 90 per cent of those who had loaned money were not demanding repayment, his organizations could not withstand this financial crisis and his activities dried up. It was for this reason he was described in the House of Commons as 'the Horatio Bottomley' of the 1960s, after the swindler and politician of the late nineteenth and early twentieth century, when MPs attempted to investigate Martell's financial operations.²⁷⁴

As for the NAFF, its research officer Chris Tame suggested that two thirds of its funding came from membership fees and donations, with one third donated by business groups.²⁷⁵ Although the NAFF's membership was expensive, at £5 a year, its outgoings clearly went beyond its subscriptions.²⁷⁶ In 1979, the NAFF admitted to funding the legal costs of the Labour MP Reg Prentice, who would later defect to the Conservative Party. Prentice was appealing against his de-selection by his constituency Labour Party who sought a more radical candidate.²⁷⁷ The money raised came from the backing of the set of wealthy individuals around the NAFF's inner core, who later claimed that Gouriet acted as a lone force in the campaign.²⁷⁸

Furthermore, these organizations pursued a politics wholly in reference to party politics. Obviously, this did not mean that they were uncritical of party politics. At times, both Benn and Martell even considered turning their mobilisations into more formal political

²⁷² *The Guardian*, 16 June 1965, p. 3.

²⁷³ *The Times*, 6 October 1967, p. 3.

²⁷⁴ *The Guardian*, 18 June 1965, p. 3.

²⁷⁵ Nugent, 'The National Association for Freedom', p. 95.

²⁷⁶ *Ibid.*, p. 96

²⁷⁷ *The Guardian*, 13 October 1979, p. 3.

²⁷⁸ Interview with Gouriet; *The Guardian*, 13 October 1979, p. 3.

organizations.²⁷⁹ Martell claimed that ‘The People’s League came into being only because of the widespread conviction that the Government and the Conservative Party are falling down on the job’.²⁸⁰ In an article published in October 1956 entitled ‘Why the League directs its main fire at the Conservatives’ the League argued that ‘all the tyranny and abuses and bureaucracy under which this country now suffers is happening under a Conservative Government... it is really escapism to blame a Socialist administration which has been out of office since 1951’.²⁸¹

Similarly, Lillian Sutton of the SFIF complained that at a Conservative Party conference ‘freedom appeared to be the theme’, yet members from the constituencies offered ‘too much *Oliver Twist* and not enough *Good Housekeeping*’ with requests for financial aid and the extension of government intervention in particular constituencies’.²⁸² The SFIF thus attacked the Conservative Party’s lack of rigour whilst claiming to be ‘setting the people free’ during the 1950s. It also questioned whether the Party’s pride in being a ‘defender of the nation’s tradition of ordered liberty’ was in danger of being lost.²⁸³ Whilst a number of former Liberals were involved, membership was generally associated with the Conservative Party. The Conservative Central Office suggested that 90 per cent of the membership of Martell’s group was drawn from the Party, whilst it considered that the SFIF would be ‘willing to help [the Party] on all counts’ during the 1950s.²⁸⁴ Generally, these groups did not want to split the anti-socialist vote, so called on members to support the Conservative Party.

The NAFF had even closer connections with members of the Conservative Party. It included amongst its members and leadership MPs from the Selsdon Group including Jill Knight, Winston Churchill and Stephen Hastings. Ian Gow, Margaret Thatcher’s Private

²⁷⁹ Benn Diary, 3 January 1927, BP, Mss. 257/8/6.

²⁸⁰ *The People’s Guardian*, 1 August 1956, p. 1.

²⁸¹ *The People’s Guardian*, 10 October 1956, p. 1.

²⁸² *Freedom First*, Autumn, 1960, p. 14.

²⁸³ *Freedom First*, Spring, 1956, p. 8. *Freedom First*, Autumn 1956, p. 5.

²⁸⁴ Report on Edward Martell, 9 January 1964, CPA, CCO 3/6/101, ES Adamson to Miss Yonge, 1 April 1957, CPA, CCO 3/5/112.

Political Secretary, was a member who ‘opened a vital communication with Downing Street’ after 1979.²⁸⁵ Although it was critical of Conservative ‘wets’, especially Jim Prior, this activism still revolved overwhelmingly around party politics.²⁸⁶ Gouriet explained that he considered there to be a ‘damp, rotten streak’ which was ‘deeply embedded within the Party’. However, he also suggested that pointing the Tory party in the ‘right direction’ was one of the organization’s key aims.²⁸⁷ As it explained in its paper, ‘where they [the Conservatives] depart from our libertarian philosophy which they frequently did through fear or political inconsistency, NAFF would not hesitate to act’.²⁸⁸ Through attempting to demonstrate that the public had turned against the unions and that the Labour Party was unfit to govern the group hoped to shift the Conservative Party’s attitudes.²⁸⁹ The NAFF aimed not to champion the Conservative Party but to ‘keep them up to the mark’.²⁹⁰ At times, it could call on the support of those not associated with the Party. Lady Morrison of Lambeth, the wife of former Labour Home and Foreign Secretary Hugh Morrison, and Stephen Haseler, who formed and ran an anti-communist Labour Party group the Social Democratic Alliance that was situated on the right of that Party, were involved but they were untypical members. It had contacts with leadership of the various think tanks, and had the support of key figures such as the head of the Institute of Economic Affairs Ralph Harris, Norman Tebbit and Thatcher.²⁹¹ Gouriet even claimed to have addressed Thatcher’s Shadow Cabinet.²⁹² As Green has pointed out, these groups did not provide a threat to the party, but were manifestations of discontent within the Party’s grass roots.²⁹³ Party politics then remained the central framework around which such movements revolved.

²⁸⁵ *The Free Nation*, Vol. 4, No. 18, 11-24 May, 1979, p. 2.

²⁸⁶ *The Free Nation*, Vol. 2, No. 15, 14 October 1977, p. 7.

²⁸⁷ Interview with Gouriet.

²⁸⁸ *The Free Nation*, Dec 1977, p. 9.

²⁸⁹ *The Free Nation*, Vol. 1, No. 1, 19 March 1977, p. 2.

²⁹⁰ *The Free Nation*, Vol. 4, No. 19, 14 September 1979, p. 11.

²⁹¹ Thatcher, *The Path to Power*, p. 401.

²⁹² Interview with Gouriet.

²⁹³ Green, *Ideologies of Conservatism*, p. 123.

Although the theorist Kitschelt discovered ‘libertarianism’ to be a feature of the new forms of political mobilization in the late twentieth century, this was a ‘left libertarianism’.²⁹⁴ Unlike the ‘left libertarian’ model of action, the mobilizations of the organizations within this chapter did wholeheartedly trust the free market. The human rights politics used by the NAFF did not resemble that described by new social movement theorists. What is important then, is how organizations were required to present their politics in a manner that appeared akin to the new social movement whilst being very much a form of old politics. These groups support the idea that what was novel about the new right was not the ideas or conceptualizations surrounding it, but the harnessing of popular support in favour of Thatcherism.²⁹⁵ In doing this, pursuing such forms of activism was crucial.

Conclusions

This chapter had exposed many of the paradoxes associated with the politics of rights and liberties.²⁹⁶ At times, rights have been an empowering rhetoric, promoting global solidarity, equality, minority and collective rights alongside a range of progressive political goals.²⁹⁷ Yet, theories of natural rights and human rights have also been a vital part of Western Liberal political and economic systems and, used in extremes, have contributed to substantial infringements on dignity and equality.²⁹⁸ Similarly, civil liberties politics has asserted a range of minority or groups’ rights claims, social justice and a radical critique of state institutions. It

²⁹⁴ Kitschelt, ‘Social Movements, Political Parties and Democratic Theory’, p. 180.

²⁹⁵ E. J. Evans, *Thatcher and Thatcherism* (London: Routledge, 1997); Hall, ‘The Great Moving Right Show’, pp. 28-20. See also A. Gamble, ‘Thatcher and the Conservative Politics’ in Hall & Jacques, *The Politics of Thatcherism*, p. 113.

²⁹⁶ K. Cmiel, ‘The Recent History of Human Rights’, *The American Historical Review*, 109:1 (2004), pp. 117-135; C. Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (Abingdon: Routledge-Cavendish, 2004), p. 33; J. Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (London: Harvard University Press, 1996); N. Stammers, *Social Movements and Human Rights* (London, Pluto, 2009), pp. 102-130.

²⁹⁷ P. G. Lauren, *The Evolution of International Human Right: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2003), pp. 277-279.

²⁹⁸ C. Douzinas, *The End of Human Rights: Critical Legal Thought at the Turn of the Century* (Hart: Oxford, 2000), p. 68; N. Chomsky, ‘The United States and the Challenge of Relativity’, in T. Evans, *Human Rights Fifty Years On: A Reappraisal* (Manchester: Manchester University Press, 1998), pp. 25-56; J. Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York: Monthly Review Press, 2006).

has also promoted economic liberalism, market forces and, at times, a form of social authoritarianism under a doctrine of ‘law and order’.²⁹⁹ These groups demonstrate that liberty rights can be defined as ‘rights that define protected spaces in which individuals are able to pursue their own subjects’ and can be identified by the motto that the ‘government who governs least governs best’.³⁰⁰

The anti-statist capitalist ethos of individualist freedom groups within this chapter may have played a role in assuring the victory of Thatcher over the ‘wets’ within the Conservative Party, and then in a series of general elections.³⁰¹ They were also part of the populist authoritarianism that became a defining feature of Thatcherism through circulating and expressing discourses concerning ‘law and order’, race, economic management and the trade unions.³⁰² Whether this had an effect on understanding of civil liberties and human rights is more open to question. Globally, human rights politics often remains understood in relation to social justice, economic and social rights and supporting those elements of society that have been ill served by globalization.³⁰³ Interest in civil liberties remains largely focused on a critical examination of the operation of systems of justice, protection from police powers, freedom to protest and has often been inclusive of the rights of minorities.³⁰⁴ Nonetheless, these organizations, underline the potential for critiques of the welfare state and government bureaucracy, attacks on the extension and proliferation of rights, and

²⁹⁹ Belsey, ‘The New Right, Social Order and Civil Liberties’, pp. 169-197; G. Teeple, *The Riddle of Human Rights* (London: Merlin, 2005), p. 12-16; E.P. Thompson, *The Making of the English Working Class* (London: Penguin, 1991: First Published 1963), p. 87.

³⁰⁰ L. W. Sumner, ‘Rights’ in H. LaFollette (ed.), *The Blackwell Guide to Ethical Theory* (Oxford: Blackwell, 2000), p. 292, W. Cooney, ‘Rights Theory’ in R. Chadwick (ed.), *Encyclopaedia of Applied Ethics* (London: Academic Press, 1998), pp. 878-9.

³⁰¹ As suggested in Hall, ‘The Great Moving Right Show’, p. 19, 30.

³⁰² Hall, Crichton, Jefferson, Clarke & Roberts, *Policing the Crisis*, p. 315, 323.

³⁰³ T. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2nd Edition: Cambridge: Polity, 2008); T. Pogge, *Freedom from Poverty as a Human Right: Who owes what to the very Poor?* (Oxford: OUP, 2007); D. Chandler, ‘The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda’, *Human Rights Quarterly*, 23: 3 (2001), pp. 678-700.

³⁰⁴ K. D. Ewing, *Bonfire of the Liberties: New Labour Human Rights and the Rule of Law* (Oxford: University Press, 2010); R. Stone, *Textbook on Civil Liberties & Human Rights* (6th Edition; Oxford: OUP, 2006).

condemnation of the ‘nanny state’ to be incorporated within such a paradigm. This has provided a challenge to the meaning of civil liberties as defined by the NCCL.³⁰⁵

These organizations are clearly problematic towards accounts of both political activism and the politics of rights and liberties within Britain during the twentieth century. They may not have been social movements, as understood by social movement theorists, but examining their numbers and influence alone demonstrates that they require consideration in accounts of activism. In fact, further work is required in unpicking and historicizing the roots of Thatcherism and new right politics outside of the Conservative Party.³⁰⁶ These groups demonstrate that there were forums for the type of politics associated with the new right that stretched back to the 1940s and even beyond. Although the organizations discussed within this chapter were those that stressed a politics most clearly related to civil liberties, they were part of a wider network of groups promoting new right issues.

These included the moral watchdogs like the NVLA, Action to Ban the Sexual Exploitation of Children, the Festival of Light, and the Order of Christian Unity. In addition, a series of groups advocating the interests the small self-employed businessmen, like the National Federation of the Self-Employed, the Association for Self Employed Persons, and the National Association for the Self Employed emerged from the 1960s. These were joined by groups seeking to represent the interests of taxpayers such as the National Union for Ratepayers’ Associations, the National Association for Ratepayers’ Action Groups. These were all locations for the politics of the new right that were outside, though closely related

³⁰⁵ D. Raab, *The Assault on Liberty: What Went Wrong with Rights* (London: Fourth Estate, 2009); B. Montieth, *The Bully State: The End of Tolerance* (London: The Free Society, 2008); Teeple, *The Riddle of Human Rights*, p. 15.

³⁰⁶ Ewen Green had effectively demonstrated the potential for this through his examination of the roots of Thatcherism within the Party.

with the Conservative Party.³⁰⁷ Special interest groups such as FOREST, the freedom to smoke organization, which NAFF members Chris Tame and Stephen Eyres were willing to work with, also provided another strand to this form of mobilization. Often these organizations united in offering critiques of morality, bureaucratization, planning and socialism. Such a politics was not necessarily modernizing or progressive, but it did include overlapping networks of individuals and cultures of activism that have certainly received less attention than the many studies available on left wing non-governmental activism and social movement activism.³⁰⁸ In part, this reflects these organizations' reluctance to deposit or release archival material. Nonetheless, that these groups increasingly demonstrates a more activist social movement model, and used a politics of rights from the 1960s is indicative of the idea that the 1960s encouraged and influenced new right individualism as much as it did the new politics of the left.³⁰⁹

³⁰⁷ For a sociological account of some of these organizations see R. King, 'The Middle Class in Revolt', pp. 1-22; N. Nugent, 'The Ratepayers' in King & Nugent, *Respectable Rebels*, pp. 23-45. Contemporary accounts of these groups include, M. Whitehouse, *Cleaning Up TV: From Protest to Participation* (Blandford: Blandford Press, 1967); J. Capon, *And Then There was Light: The Story of the Nationwide Festival of Light* (London: Lutterworth, 1972).

³⁰⁸ L. Black, *Redefining British Politics: Culture, Consumerism and Participation, 1954-1970* (Basingstoke: Palgrave Macmillan, 2010), p. 208.

³⁰⁹ B. Harrison, *Seeking a Role* (Oxford: Oxford University Press, 2009), pp. 523-526.

Chapter 5

From Progressive to Radical?

The Crisis of the 1970s and the National Council for Civil Liberties

Returning from holiday in the summer of 1971, the NCCL's General Secretary Tony Smythe was confronted with reports of internment and death in Northern Ireland, the stern verdicts in the *Oz* trial, accounts of the murder of a police officer in Blackpool and a media attack on the NCCL. With this, he feared that the climate might have shifted against support for civil liberties. He wrote that these development shifted perceptions of the NCCL, pointing out that when the organization was being linked with Irish terrorists 'our members will get a little edgy and wonder what on earth they have joined'.¹ By 1972, he commented that 'the impression is growing that the rather tolerant climate of social affairs, which during the 1960s was labelled the permissive society by its opponents, is gradually being replaced by the kind of intolerance and oppression which is the hallmark of an insecure and divided society'.²

Whilst the popular image of the 1960s as a permissive decade, infused with a general sense of liberalism, individualism and a new emphasis on rights, persists, the era appeared to collapse during the 1970s.³ This change had an effect on the state of civil liberties. Although they were unable to identify a starting point of such a process, Conor Gearty and Keith Ewing, leading legal authorities on civil liberties, documented an attack on civil liberties that started in the 1970s, and became much more pronounced from 1979 following the election of

¹ *NCCL Bulletin*, October 1971, Hull History Centre, University of Hull Archives, Liberty Archive (hereafter U DCL), U DCL 106/1 (1).

² International Press Release – Civil Liberties in Britain: Full text of a talk by the NCCL's General Secretary, Tony Smythe, extracts of which were broadcast by the BBC's World Service on September 1, 1971, U DCL 106/6.

³ A. Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy and The United States* (Oxford: OUP, 1998), pp. 17-20.

the Thatcher Government.⁴ Indeed, many political theorists and social scientists expressed concerns over the state of civil liberties within Britain during this decade.⁵ The most detailed examination of this process was conducted by Stuart Hall's Centre for Contemporary Cultural Studies' (CCS) and resulted in the publication of *Policing the Crisis* (1978), which charted a series of moral panics culminating in the emergence of a 'law and order society' that was accompanied by a 'striking erosion of liberties'.⁶ This chapter will consider the work of the NCCL in a period in which civil liberties appeared under considerable strain.

Firstly, it will argue that the NCCL's work during this decade continued to follow the model established within the 1960s. It also continued to draw on a similar support base. In the main, it remained a centralized, professional body relying on expert activists, professionals and academics for much of its authority rather than any wider movement base.⁷ The continuation and development of the progressive professional organizations discussed at the end of the previous chapter appeared to mark the emergence of the modern NGO, in which a range of activists, identifiable as a type of 'expert citizen' were able to promote dialogue before antagonism or opposition, and use skill, expertise and judgement to influence others.⁸ However, unlike many of the single issue groups taking up this form of politics, the NCCL's work embraced multiple issues and it built up supportive networks from across the left to support one or more aspect of its rights work.

⁴ K. Ewing & C. Gearty, *Freedom Under Thatcher: Civil Liberties in Modern Britain* (Oxford: Clarendon, 1990), p. v.

⁵ See M. Lippman, 'The Debate of a Bill of Rights in Great Britain: The View from Parliament', *Universal Human Rights*, 2:4 (1980), pp. 26-27; C. Ackroyd, K. Margolis, J. Rosenhead, & T. Shallis, *The Technology of Political Control* (Harmondsworth: Penguin, 1977); T. Bunyan, *The History and Practice of the Political Police in Britain* (London: Quartet Books, 1977); J. Griffith, *The Politics of the Judiciary* (Manchester: MUP, 1977); Institute of Race Relations, *Police Against Black People* (London, 1979); E.P. Thompson, 'The State of the Nation' in E.P. Thompson, *Writing By Candlelight* (London: Merlin, 1980), p. 254.

⁶ S. Hall, C. Crichton, T. Jefferson, J. Clarke & B. Roberts, *Policing the Crisis* (London: Macmillan, 1978), pp. 322-323, 312.

⁷ S. Hall, 'The Life and Times of the First New Left', *New Left Review*, 61, Jan-Feb 2010, p. 192.

⁸ Y. Li & D. Marsh, 'New Forms of Political Participation: Searching for Expert Citizens and Everyday Makers', *British Journal of Political Science*, 38 (2008), pp. 247-272.

Secondly, it will demonstrate that, despite this professionalism, the NCCL appeared to be a far more controversial and radical organization throughout the 1970s. It will argue that this reflected changes in the context in which the organization operated. The NCCL's apparent radicalization was linked to the association of civil liberties issues with many of the numerous points of conflict that appeared to mark out the 1970s as a decade of 'crisis'. Indeed, the NCCL tackled numerous issues that symbolized the polarization and discord of the era.⁹ It is unsurprising to discover a sense of unease about civil liberties given that crisis narratives were so strong that they have pervaded studies of the economy, society, politics, nationality and culture within the 1970s.¹⁰ Manifestations of the assertion of 'law and order', difficulties in industrial relations, the re-politicization of race, and most importantly Northern Ireland's return to significance, meant that long-standing NCCL concerns appeared more radical and controversial during this decade. In addition, the increased resonance of criticisms directed towards permissiveness, women's liberation, and trade union militancy that would eventually mark the new hegemony of Thatcherism, impacted on the NCCL as its interests appeared contrary to mainstream sentiment.¹¹ That part of this process involved the work of the National Association For Freedom (NAFF), covered within the previous chapter, that explicitly challenged the NCCL's work, showed the divisive nature of civil liberties within the 1970s.

⁹ See N. Ferguson, 'Introduction: Crisis, What Crisis? The 1970s and the Shock of the Global', in N. Ferguson, C. S. Maier, E. Manela, & D. J. Sargent (eds), *The Shock of the Global: The 1970s in Perspective* (London: Harvard University Press, 2010), p. 1.

¹⁰ There are many examples of this, see P. Whitehead, *The Writing on the Wall: Britain in the Seventies* (London: Joseph, 1985); K. Middlemass, *Power, Competition and the State: Volume 3: The End of the Postwar era: Britain since 1974* (Basingstoke: Macmillan, 1991), D. Renton examines it in relation to the rise and fight against the National Front, D. Renton, *When We Touched the Sky: The Anti-Nazi League 1977-1981* (Cheltenham: New Clarion, 2006), p. 2; D. Marquand, *The Unprincipled Society: New Demands and Old Politics* (London: Fontana, 1988), for racial violence see Z. Layton-Henry, *The Politics of Race in Britain* (London: Allen & Unwin, 1984), p. 101, for the left see E. Hobsbawm, M. Jacques & F. Mulhern (eds), *The Forward March of Labour Halted* (London: New Left Books, 1981).

¹¹ M. Jacques, 'Breaking out of the Impasse', in S. Hall & M. Jacques (eds), *The Politics of Thatcherism* (London: Lawrence & Wishart), p. 51.

Thirdly, and linked to this apparent radicalization, was an increased emphasis on rights work within the NCCL. The relationship between the old and new political issues, identified within Chapter 3, further improved through the NCCL's focus on group rights, or minority rights through the 1970s. Indeed, at this time a wide range of organizations, that had links to forms of new left thinking, were advocating a politics of rights. Rights appeared to be a crucial framework through which multiple organizations and movements came to phrase their activities. In the same manner that civil liberties appeared to stand at the confluence of liberal and socialist thought during the 1930s, rights appeared a language on which a broad set of groups could find agreement in the 1970s. What is remarkable about the NCCL during the 1970s is the range of movements, organizations and issues that were incorporated within its programme.

Fourthly, both the emphasis on rights, and a sense of crisis about the state of civil liberties brought the NCCL into a closer relationship with the new left. Whilst in the previous decade it had acted as a form of permissive parent to more radical political constituencies, in the 1970s it appeared as more radically engaged organization, hoping to act as umbrella for new left concerns. Certainly, some sections of the new left felt civil liberties may provide a framework for the creation of a coherent national mobilization. Within his collection of essays considering civil liberties during the 1960s and 1970s, E.P. Thompson suggested that such issues might allow the integration of a post-1968 alternative culture with a democratic form of national politics.¹² He explicitly linked this idea to an appeal for the left to move, as one of the more prominent works of the time put it, *Beyond the Fragments*, and build up a national, multi-issue agenda at the close of the decade.¹³ As shall be demonstrated, the NCCL's politics encompassed a broad agenda of activities incorporating much from the range of ideas identified within strands of new left politics. Issues associated with this were civil

¹² Thompson, 'Introduction', p. xii.

¹³ H. Wainwright, 'Introduction', in S. Rowbotham, L. Segal and H. Wainwright (eds), *Beyond the Fragments* (London: Merlin, 1979), p. 11; Thompson, 'Introduction', p. xiii.

rights, feminist and sexual questions, ecological and environmental issues, community politics, welfare rights and anti-racist struggles. All of these, according to Stuart Hall, had proved difficult to develop within the organizational agendas of the traditional left.¹⁴ There was then an element of truth in *The Times*' claim in 1984 that the NCCL was 'swamped' in the language of 'New Left fashion'.¹⁵

Finally, this chapter will demonstrate that there was a failure to turn this interest into a coherent human rights movement. In emphasising sets of minority, group or collective rights claims, the NCCL failed to articulate a clear, broad and inclusive human rights programme. In the end, the group ended up confirming a wider collapse of 'master narratives' associated with the cultural turn, and demonstrative of the need 'to address people through their multiple identities' within the 1970s.¹⁶ As John Griffith, a left wing legal academic associated with the NCCL commented, 'there is not, and has never been, a civil liberties movement. Instead there have many civil liberties movements, promoting the merits and values of this cause and that'.¹⁷

In suggesting this, it is worth returning to E.P. Thompson's hope that the politics of civil liberties could provide an ideological issue to unite the left. In a sense, the range of issues, and associations built up by the NCCL would confirm this suggestion. However, there was clearly a limit to such developments. Whilst Thompson identified civil liberties as a subject on which much of the left *might* be able to unite, his point was that this *had not* been the case by the end of the 1970s.¹⁸ To a certain degree then, the politics of civil liberties provided a more coherent ideological point of unity than CND, in that it embraced a large

¹⁴ Hall, 'Life and Times of the First New Left', p. 191.

¹⁵ *The Times*, 30 April 1984, p. 17.

¹⁶ S. Hall, 'Old and New Identities, Old and New Ethnicities', in A. D. King (ed.), *Culture, Globalization, and the World System: Contemporary Conditions for the Representation of Identity* (Basingstoke: Palgrave Macmillan 1991), p. 59.

¹⁷ J. Griffith, 'The Democratic Process', in P. Wallington (ed.), *Civil Liberty 1984* (London: Martin Robinson, 1984), pp. 86-87.

¹⁸ Thompson, 'Introduction', p. xiii.

amount of the myriad of interests of those on the left, but this was not turned into any mass movement.¹⁹ The NCCL's minority rights agenda ultimately led to fragmentation and specialization. With this, it was unable and unwilling to respond to movements from the late 1960s calling for the establishment of a broad politics of human rights and advocating Constitutional Reform.

Continued Professionalism

The NCCL remained a professional organization through the 1970s. As Chapter 3 discussed, the expansion of the organization in the late 1960s, hinted at the possibility of developing into a broader nation-wide movement with supportive local groups active within the community. There had been some efforts by Smythe along with Pete Burns, the organization's Promotions Secretary, to expand the NCCL into a civil rights movement. They hoped to gather a membership of 10,000 individuals.²⁰ This was never achieved. Whilst the position of Field Secretary was created to deal with the local branches in the early 1970s, the officer appointed resigned in 1972 suggesting that the role had not been developed as expected.²¹ The number and activities of the Council's branches varied throughout the period, but in keeping with experience of the 1960s, they were fairly limited. In 1975, the NCCL listed thirty-one branches but, after checking on the activities of these, it reported having only sixteen local groups in 1976.²² By 1972, it had given up its aspiration to become a nationwide civil rights movement. Two internal reviews taking into account the NCCL's expansion in the late 1960s concluded that it should focus on formal pressure group activism.²³ A further internal memo

¹⁹ See J. Burkett, 'Redefining British Morality: 'Britishness' and the Campaign for Nuclear Disarmament 1958-1968', *Twentieth Century British History*, 21:2 (2010), p. 187, 201-205 for a discussion on opposition to widening the scope of CND in the late 1960s.

²⁰ *The Times*, 24 August 1968, p. 10.

²¹ General Purposes Meeting, 13 July 1972, U DCL 488/3; Minutes of the Executive Committee, 27 July 1972, U DCL 488/2.

²² *Civil Liberty*, Vol. 41, No. 1, February 1974, p. 6; *Rights!*, Vol. 1, No. 3, February 1977, pp. 5-6.

²³ Note from Larry [Grant – former Legal officer] for meeting, [undated although it refers to 'Tony's resignation'], U DCL 488/6.

from the same period concluded that the NCCL could never become a movement, and it would be a waste of resources to attempt such a development.²⁴

Although the organization had increased its membership at the end of the 1960s from around 2,000 individual members in 1968 to 4,000 in 1972, it failed to expand significantly beyond this figure.²⁵ It continued to have around 5,000 members throughout the 1970s.²⁶ However, as Chapter Three demonstrated, growth of membership was not the crucial development of the NCCL's work within that period. Smythe, in his final year as the organization's General Secretary in 1972, observed that the Council was bigger than ever before, but he stated that the key characteristic of his tenure was growing professionalization.²⁷ At his appointment in 1966, the organization had four members of staff; by 1975, it employed nineteen individuals.²⁸ When Smythe left in 1972, the NCCL confirmed its role as a formal organization targeting the legislature and the executive.²⁹ In keeping with the centralized, organizational structure, a survey of the distribution of NCCL membership revealed that large proportion of these came from London. Furthermore, it abandoned plans to establish a Field Officer based in the West Midlands, thus ending the aspiration to become a nationwide movement and confirmed its centralized presence.³⁰

²⁴ Notes for Staff Memorandum, Undated (1973), UDCL 488/6.

²⁵ *The Times*, 24 August 1968, p. 10; General Secretary's Report, 14 February 1980, U DCL 670/2.

²⁶ 7th National Meeting of NCCL Liaison Groups, 27 November [1971], U DCL 106/1.

²⁷ Annual General Meeting Address by the General Secretary, 29 April 1972, U DCL 107/A (2); *The Times*, 31 July 1972, p. 12.

²⁸ *Civil Liberty*, December 1972, U DCL 107/B (1); Annual General Meeting Address by the General Secretary, 29 April 1972, U DCL 107/A (2); *Rights!*, Vol. 1, No. 1, September 1976, p. 1.

²⁹ Note from Larry [Grant – former Legal officer] for meeting, [undated although it refers to 'Tony's resignation'], U DCL 488/6.

³⁰ 6th National Meeting of NCCL Liaison Groups, 12 June 1971, U DCL 106/1.

Table 5:1: Distribution of NCCL Membership and Affiliation 1972.

Location	Number	%
West Country (Devon, Cornwall, Somerset, Bristol, Gloucester)	290	5.2
South Coast (Hampshire)	290	5.2
Home Counties South (Kent + Surrey)	290	5.2
London (SW + SE)	540	9.7
London (North) & Middlesex	1,450	26.1
Thames Valley (Berks, Bucks, Oxford)	290	5.2
Home Counties North and East (Beds, Essex)	370	6.7
East Anglia/Cambridge	210	3.8
East Midlands/East Coast	170	3.1
West Midlands	320	5.8
South Lancashire/Cheshire	330	5.9
The North (North Lancashire, Cumberland, Durham)	170	3.1
Yorkshire	310	5.7
Wales	160	2.9
Scotland	270	4.9
EIRE/Northern Ireland/Isle of Man	40	0.7
Total	5,550	

Note: Each Figure represents an approximate number of members in each area plus affiliates (each affiliate is counted as one vote)

Source: NCCL Distribution of Membership and Affiliates, 1972, U DCL 107/A

In the 1960s, professionalism helped restore the NCCL's reputation but in the 1970s it also helped fundraising as progressive professional groups were increasingly able to look outside their own membership to raise funds. Roughly half the NCCL's financing came from membership and affiliated bodies. The selling of publications, sponsorship by trusts and legal aid funds supplemented this income.³¹ Some complications relating to charity rules that set down that activity judged to be political, defined as that attempting to change political structures or policies by pressure of propaganda, should not be considered for charitable status, remained.³² However, the establishment of the Cobden Trust in 1963 helped the NCCL gain charitable status for the research, education and training aspects of its work.³³ By the 1970s, the Trust employed a Secretary, Assistant Secretary, Research Officer and Education

³¹ *Rights!*, Vol. 1, No. 1, September 1976, p. 2.

³² G. B. Finlayson, *Citizen, State and Welfare* (Oxford: OUP, 1994), p. 32.

³³ M. Hurwitt, 'The Cobden Trust', in M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (London, 1984), pp. 155-158.

Officer.³⁴ This allowed the production of reports for bodies like the Law Commission, detailed guides to rights, and material for use in schools and colleges.³⁵ To an academic involved with the Council, the Trust's research was characterised by a great degree of professionalism.³⁶

In addition, professionalism aided appeals for funding from bodies like the Cadbury Trust and Equal Opportunities Commission, both of whom sponsored NCCL work on specific issues.³⁷ Trust grants were generally related to individual projects, such as schemes for advocacy training, or a pilot programme aimed to trial affirmative action schemes for women.³⁸ The Commission on Racial Equality and the Gulbenkian Foundation provided vital funds for the NCCL's race relations work.³⁹ Indeed, there is some evidence that Tony Smythe's resignation was prompted, in part, by disagreement over the use of state funding associated with Voluntary Aid Grants to support NCCL Activities. It appears that he believed that taking money from the state compromised the group's independent watchdog role.⁴⁰ The importance of such money also fed into the decision to dismiss Martin Loney, Smythe's successor as NCCL General Secretary between 1972 and 1974. The Joseph Rowntree Social Service Trust's decision to reduce an annual grant awarded to the NCCL from £10,500 to £2,000 in 1973 apparently contributed to a sense of dissatisfaction with Loney's leadership that led to his eventual removal, which will be discussed below.⁴¹

³⁴ *Cobden Trust: Report for 1974* (London: Cobden Trust, 1974), p. 3.

³⁵ *Cobden Trust: Report for 1973* (London: Cobden Trust, 1973).

³⁶ P. Wallington, 'Introduction' in Wallington (ed.), *Civil Liberties 1984*, p. 3, 26

³⁷ J. Coussins to C. Woodroffe, 22 November 1979, U DCL 652/1; Minutes of Meeting of Women's Rights Sub-Committee, 23 March 1977, U DCL 498/1; Minutes of a Meeting of the General Purposes Committee, 21 January 1981, U DCL 670/2; D. Robson to A. Sedley, 20 October 1980, U DCL 650/7.

³⁸ E. Ball to M. Sykes, 9 July 1980, U DCL 652/1.

³⁹ Minutes of the Race Relations Sub-Committee, 1 June 1978, U DCL 805/1; Minutes of the Race Relations Sub-Committee, 27 September 1978, U DCL 805/1.

⁴⁰ Minutes of the Executive Committee of the South West London Group, 26 November 1974, U DCL 480/2.

⁴¹ B. Dyson, *Liberty in Britain: A Diamond Jubilee History of the National Council for Civil Liberties* (London: Civil Liberties Trust, 1994), p. 47; South West London Group, 16 November 1975, U DCL 480/2; *Civil Liberty*, Vol. 4, No. 7. December 1974, p. 4.

Professionalism also continued to allow the NCCL to influence and engage with Parliament. In the aftermath of the publication of a pamphlet on domestic violence, a member of its women's rights group, Tess Gill, served as the legal advisor in the Parliamentary Select Committee on Violence in Marriage.⁴² The NCCL also worked alongside the drugs welfare organization RELEASE and the Howard League for Penal Reform, in lobbying for changes in bail law.⁴³ It gave evidence to Parliamentary inquiries and remained in contact with MPs offering to draw up draft Private Members Bills on civil liberties and rights issues.⁴⁴ The NCCL also continued its legal work representing individuals in court, researching, and investigating individual cases all of which was marked by a sense of expert activism.⁴⁵

Publicly, the NCCL stressed the increasing relevance of membership. Indeed, its membership remained crucial to fundraising, especially at times of crisis. Members responding to appeals propped up the organization when it lost the Rowntree Social Service funding in 1973, again during a financial crises in 1976, and once more when the abolition of the Greater London Council (GLC) left a substantial hole in the NCCL's budget during the 1980s.⁴⁶ Furthermore, the NCCL continued to encourage members to act as observers at events such as National Front marches, mental health tribunals and industrial disputes.⁴⁷ However, a constitutional committee review in 1973 concluded that the membership had very little to do with policy or electing committees, and mainly provided an income and a mailing list.⁴⁸ Indeed, there was some antagonism between those working in the organization's centre and those on the periphery. The sociologist Michael Schofield, an Executive Committee

⁴² *Cobden Trust Annual Report 1975* (London: Cobden Trust, 1975), p. 4; *Civil Liberty*, Vol. 41, No. 1, February/March 1975, p. 7.

⁴³ *Civil Liberty*, Vol. 40, No. 5, September 1972, p. 3.

⁴⁴ *Civil Liberty*, Vol. 41, No. 3, March 1973, p. 3; P. Hewitt to J. Richardson, 15 December 1975, U DCL 805/2.

⁴⁵ P. Hewitt, *The Abuse of Power: Civil Liberties in the United Kingdom* (Oxford: Robertson, 1982), pp. 8-9.

⁴⁶ *Rights*, Vol. 1, No. 1, September 1976, p. 2; Dyson, *Liberty in Britain*, pp. 80-86.

⁴⁷ *Civil Liberty*, Vol. 40, No. 7, p. 1; *Rights!*, Vol. 1, No. 20, p. 3. One observer for the NCCL's inquiry into the policing of the miner's dispute included future York and Selby MP John Grogan. L. Gostin to J. Daly, 3 August 1984, J. Grogan to NCCL, 2 July 1984, U DCL 721/1.

⁴⁸ Constitutional Committee Meeting, 29 July 1971, U DCL 806/1.

member, commented that inter-regional rivalries had permeated Annual General Meetings.⁴⁹ Certainly, the branches felt some grievance about their treatment by the NCCL's Executive. The West Midlands Branch suggested in 1973 that too much power lay within the hands of the centre of the organization.⁵⁰ By 1971, the NCCL refused to offer financial support to branches as the Executive prioritized funding other areas.⁵¹ Local schemes such as the Southwest London Groups' attempt to set up an advice centre ended when the NCCL's Executive refused to pay for insurance cover for the project.⁵²

The NCCL continued to be largely determined by its staff and Executive Committee. This was not without problems. Such a system was most effective when the Executive, General Secretary and membership operated in tandem. When this was not the case, it could lead to bitter disagreement. Martin Loney, who lasted only 17 months as Smythe's successor between 1972 and 1974, was dismissed in controversial circumstances.⁵³ Despite strong objections from the staff and membership, the Executive Committee removed Loney from his post.⁵⁴ Although a Special General Meeting was held following the objections of over seventy members to Loney's dismissal, this ended endorsing the decision of the Executive.⁵⁵ To some members though, the incident demonstrated the insensitivity in communicating more than the barest details beyond the organization's core.⁵⁶

⁴⁹ *Civil Liberty*, Vol. 40, No. 3, March 1974, p. 5.

⁵⁰ NCCL West Midlands Group Newsletter, 22 January 1973, U DCL 480/9.

⁵¹ 7th National Meeting of NCCL Liaison Groups, 27 November [1971], U DCL 106/1.

⁵² The Council cited that they were not prepared to pay for work 'on the fringes of work', Minutes of the SW London Group, 1 July 1975, U DCL 480/2.

⁵³ Dyson, *Liberty in Britain*, p. 47.

⁵⁴ *Civil Liberty*, Vol. 40, No. 4, June 1974, p. 1,

⁵⁵ M. A. Dixon to P. Watson, 2 July 1974, U DCL 265/1. For the collection of members protests see Members who have requested a Special General Meeting, U DCL 265/1. It remains difficult to assess exactly why Loney left the Council. Officially, it was stated that he had failed to give due weight to the financial state of the NCCL, that he had responded to events rather than promoted campaigns. In addition he was also accused of having supported the policy of internment in Northern Ireland. Minutes of the South West Group, 1 July 1974, Minutes of the Executive Committee, U DCL 480/2; South West London Group, 16 November 1975, U DCL 480/2; *Civil Liberty*, Vol. 4, No. 7. December 1974, p. 4. Loney complained that it had been said that he supported internment in Northern Ireland whilst his position was actually much more complex than that.

⁵⁶ Special General Meeting – Report on the elections committee, U DCL 265/1.

The social composition of the NCCL's membership also continued to resemble the progressive professionals that had been involved in its work from the 1960s. Its Legal Panel had fifteen qualified volunteers in 1980.⁵⁷ The Cobden Trust had a panel of volunteer teachers, social workers and lawyers to cope with enquiries about the rights of young people.⁵⁸ The NCCL's Abortion Law Reform Committee included a member of the Birth Control Campaign, a doctor, a press officer for the Women's Institute, a former nurse, a councillor, a solicitor's clerk, a law student, a solicitor and a journalist.⁵⁹ As with the 1960s, active members and staff continued to include many left wing, university educated individuals working in established professions.⁶⁰

These included journalists like Martin Kettle (as Research Officer for the NCCL and the Cobden Trust), Anna Coote (as a member of its Women's Rights Committee) and Michael White (a sponsor of the Cobden Trust).⁶¹ Also prominent were those from legal fields including solicitors and barristers, like Tess Gill, Bill Birtles, Benedict Birnberg, Harriet Harman, Henry Hodge, and Paul Boateng. In addition, there were those from other similar progressive professional organizations such as Michael Schofield from RELEASE, Ruth Lister the Assistance Director of the CPAG, Tony Smythe who continued his association with the NCCL whilst running the mental health organization MIND, and Ben Whitaker from the Minority Rights Group. In addition, there was a union presence in the form of Jack Dromey, who served for eleven years on the NCCL's Executive and periodically acted as its Chairman.⁶²

⁵⁷ NCCL Legal Officer's Report, April 1980, U DCL 670/2.

⁵⁸ *Cobden Trust: Report for 1973*, p. 15.

⁵⁹ *Civil Liberty*, Vol. 41, No. 1, February/March 1975, p. 5.

⁶⁰ For the importance of educational experience and social movements see C. Rootes, 'A New Class? The Higher Educated and the New Politics' in L. Maheu (ed.), *Social Movements and Social Classes: The Future of Collective Action* (London: Sage, 1995), pp. 220-235.

⁶¹ *Civil Liberty*, Vol. 40, No. 4, June 1974, p. 7.

⁶² *Rights!*, Vol. 4, No. 4, March/April 1980, p. 6.

Table 5.2: Members of the NCCL Executive Committee, Known Professions and Associated Organizations, 1974-1981.

Name	Profession	Associated Organizations
Benedict Birnberg	Solicitor	War on Want, Article 19
Bill Birtles	Barrister	Communist Party, Abortion Law Reform Agency
Grace Berger	Voluntary Campaigner	Anti-Apartheid Movement
Ted Berrow	*	*
Paul Boateng	Barrister, Councillor GLC	Labour Party, Scrap the Sus Campaign, Paddington Law Centre
Irene Brennan	Lecturer	*
Tony Casson	Solicitor	*
Roger Cornwall	Computer Technician	*
Anna Coote	Journalist	Women's liberation movement
Francis Deutsch	*	Amnesty International
Bernard Dix	Union official	National Union of Public Employers
John Downing	*	*
Jack Dromey	Union official	Brent Trades Council, Brent Federation of Tenants Association, Brent Community Law Centre, Labour Party
Paul Foot	Journalist	Socialist Workers Party
Bill Forrester	Trainee Solicitor	Gypsy Council
Harry Francis	Union official	Hounslow Trade Union
Ivan Geffen	Solicitor	Walsall Committee for Human Rights
Tess Gill	Barrister	Women's Movement, ALRA,
Paul Gordon	Journalist/Academic	Runnymede Trust, Searchlight
Patricia Hewitt	Employed Activist	Age Concern, Labour Party,
Henry Hodge	Solicitor	Child Poverty Action Group, Labour Party
Anton Howard	*	*
Malcolm Hurwitt	Solicitor	*
Clive Landa	*	Conservative Party (Tory Reform Group)
Ivan Limmer	Councillor	*
Ruth Lister	Employed Activist	Child Poverty Action Group
Roberta MacDonald	Solicitor	*
George McGillivray	*	*
Martin Prior	Computer programmer	*
Brian Richardson	Architect	Committee of 100
Jo Richardson	MP	Labour Party, CND, ALRA.
Geoffrey Robertson	Barrister	*
Michael Schofield	Psychologist	RELEASE, MIND.
Cash Scorer	NCCL Staff	Northern Ireland Civil Rights Association
Vishnu Sharma	Union official	Indian Workers Association, Communist Party, Campaign Against Racial Discrimination, Joint Council for the Welfare of Immigrants, Commission for Racial Equality.
Sue Slipman	Public Sector	NUS, NUPE, Women for Social Democracy, National Council for One Parent Families, Communist Party (until 1980), Social Democratic Party
Pat Smith	*	*
Tony Smythe	Employed Activist	MIND, Campaign for Homeless Single People, War Resisters' International, National Advisory Council for Mentally Handicapped People, Peace Council.
Michael Thomas	Student Union Administrator	*
Robert Thomson	*	*
Guy Thornton	Journalist	*
Peter Thornton	Barrister	*
John Tuchfeld	Trade Union Official	*
Baker Vashee	Academic	*
Rhys Vaughan	Solicitor	*
Ben Whitaker	Barrister (Labour MP 1966-1970)	Oxfam, Minority Rights Group.
John Whitby	*	*
Teresa Woodcraft	NCCL Local Group Representative	*
Jock Young	Criminologist	*

* No information available

The work of the branches also featured those from legal professions. The NCCL South West Branch had two solicitors on duty every Wednesday during 1973.⁶³ A solicitor, then a teacher and member of the women's liberation movement chaired the Nottingham group.⁶⁴ An attempt to increase the engagement of individual members in 1981 ran with the headline 'No Expertise Required'. Whilst this aimed to demonstrate that anyone could contribute, it actually asserted the importance of expertise. It commented: 'if you are a tame solicitor, or know a tame solicitor, this helps a lot' adding 'so long as you pick an expert speaker you don't have to know anything yourself', and concluded that, 'with this sort of help you will soon become an expert'.⁶⁵ Indeed, in 1974 the NCCL advised those wishing to have greater involvement to specialise and acquire expertise to help prepare staff on a single issue.⁶⁶ Furthermore, the NCCL's stable membership of around 5,000 individuals indicated that the desire, as expressed in 1976, to go 'outside middle-class liberals who are usually thought of as NCCL material' had little success.⁶⁷

In part, then, this fits the analysis of the 1970s as a moment of 'post-populist' politics. According to a study of human rights activism within the United States, NGOs had established a model of politics able to transcend mass-membership through targeting politicians and providing information.⁶⁸ A dominant Executive, a professional staff, and experts producing detailed research typified these groups. The modern NGO was symbolic of the shift to a post-populist age of information politics. However appealing the idea of a post-populist era might be in explaining the persistence, scope and power of NGOs within the late twentieth century, such an analysis is not without problems. Generally, the organizations

⁶³ NCCL Southwest London Group, May 1973 Newsletter, U DCL 480/2.

⁶⁴ Nottingham and District Group Annual Report, U DCL 480/7, J. Wood to M. Kettle, 2 February 1978, DCL 480/9.

⁶⁵ *Rights!*, Vol. 4, No. 4, March/April 1980, p. 12.

⁶⁶ *Civil Liberty*, Vol. 40, No. 3, March 1974, p. 5.

⁶⁷ *Rights!*, Vol. 1, No. 1, September 1976, p. 2.

⁶⁸ K. Cmiel, 'The Emergence of Human Rights Politics in the United States', *Journal of American History*, 86:3 (1999), pp. 1241-1242.

discussed in the previous chapter had never relied on mass-membership. Furthermore, there is a rich and long history of volunteerism stressing the importance of activism outside of mass-membership bodies, and the theorists of social movement organizations have consistently sought to demonstrate the need to factor non mass-membership bodies into political models describing movement politics.⁶⁹ Nonetheless, there did appear to be a growth of similar progressive professional bodies from the 1960s within Britain.⁷⁰

For all the radicalism of the NCCL, which will be discussed later, it still required an engagement with the political establishment. As such, it was necessary to operate in an organized, expert manner. Indeed, this was typical of the progressive professional organizations discussed at the end of Chapter 3. For the NCCL, the politics of civil liberties required involvement with the state institutions. This was also the case with groups engaged in the politics of welfare or those taking up service provision roles such as the CPAG, the homeless organization Shelter, or the drug users group RELEASE.⁷¹ It was vital for these organizations to engage with the state, as the principal provider of welfare provision.⁷² As with welfare groups, the NCCL's interests meant it needed to be taken seriously, as it required a certain amount of institutional respect, even if this was grudgingly admitted.

The Radicalization of Civil Liberties during the 1970s

Despite all of this professionalism, and NGO style activism, the NCCL appeared a more radical organization during the 1970s. In part, this was because civil liberties came to be

⁶⁹ See F. Prochaska, *The Voluntary Impulse: Philanthropy in Modern Britain* (London: Faber, 1988).

⁷⁰ J. McKay & M. Hilton, 'Introduction', in Crowson, Hilton & McKay (eds), N. Crowson, M. Hilton & J. McKay (eds), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics Since 1945* (Basingstoke: Palgrave Macmillan, 2009), pp. 12-15.

⁷¹ F. Field, *Poverty and Politics: The Inside Story of the Child Poverty Action Group's Campaigns in the 1970s* (London: Heimann, 1982), pp. 51-74; A. Mold & V. Berridge, *Voluntary Action and Illegal Drugs: Health and Society since the 1960s* (Basingstoke: Palgrave Macmillan, 2010), pp. 52-53, 72-77; T. Evans, 'Stopping the Poor Getting Poorer: The Establishment and Professionalization of Poverty NGOs, 1945-95', in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, p. 148.

⁷² H. Perkin, *The Rise of the Professional Society: England Since 1880* (3rd Edition: London: Routledge, 2002), p. 10, 317.

associated with numerous highly controversial issues. In 1971, the NCCL's Executive debated whether it should define civil liberties with 'a broad consensus' or 'narrow radical base' in mind.⁷³ With the NCCL at the height of its progressive professional phase, in a time when the general culture was infused with a sense of left wing individualism, liberalization and a new interest in the politics of rights, members felt that it could choose between these approaches.⁷⁴ However, in the later 1970s and the early 1980s, the context in which it operated had shifted. Now commentators were not concerned with supposed permissiveness, but had turned their attention to the emergence of a 'law and order' society.⁷⁵ This shift meant that it was difficult for the NCCL to hold the 'in-between' position or 'no-man's' land that it had tried to occupy through the 1960s.

In part, this reflected a sense of crisis that pervaded British politics through the 1970s. It is a little surprising that Niall Ferguson uses an analysis of civil liberties and political rights as part of his suggestion that the crisis narratives of the 1970s may be overstated.⁷⁶ Citing the reports of Freedom House, an American NGO, Ferguson suggests that democracy did not retreat or expand through the decade. According to this evidence, Britain consistently scored the highest possible marks in relation to political rights and civil liberties.⁷⁷ Globally speaking, civil liberties within Britain may have been of a comparatively high standard. However, the quality of civil liberties did not seem high enough to those confronted daily by the types of issues tackled by the NCCL. That Britain provided more successful appeals under the European Convention of Human Rights than any other country suggested that

⁷³ NCCL Constitutional Committee, 29 July 1971, U DCL 806/1.

⁷⁴ Marwick, *The Sixties*, pp. 17-20.

⁷⁵ See S. Hall, 'The Great Moving Right Show'; M. Jacques, 'Thatcherism – Breaking Out of the Impasse', and M. Kettle, 'The Drift to Law and Order' all in S. Hall & M. Jacques (eds), *The Politics of Thatcherism* (London: Lawrence & Wishart, 1983), pp. 19-39, pp. 40-62, pp. 216-234.

⁷⁶ Ferguson, 'Crisis? What Crisis', p. 6.

⁷⁷ *Ibid.*, p. 6.

difficulties remained.⁷⁸ It seemed that whilst theoretically and legally, political and civil liberty existed within the United Kingdom, the quality of this had dropped.

Patricia Hewitt, the NCCL's General Secretary from 1974 until 1983, made clear the problems with British liberty in her 1982 work, *The Abuse of Power: Civil Liberties in the United Kingdom*. Hewitt launched an attack on the civil liberties records of the various governments in the 1970s. She wrote:

It is still widely believed that Britain leads the world in civil liberties. 'It's a free country' people say, sceptical about evidence to the contrary. This book explores the gulf between this myth – the myth that this is a tolerant country, respectful of the rights of minorities, watchful of the principles of justice, ever-ready to challenge and restrict the growth of state power – and the reality.⁷⁹

As one reviewer commented, 'Patricia Hewitt's Britain is a wretched place... this is an angry book'.⁸⁰ As Hewitt saw it, Parliament and courts were not guardians of freedom, the police destroyed liberty and were accountable only to themselves, racism and sexism were institutionalized and dominated everyday life, and fundamental freedoms were under siege.

The depiction of the 1970s as a decade of crisis cannot be easily be dismissed. Ferguson's rather glib suggestion that distressed academics and intellectuals concerned with radical students, inflation and a reduced esteem, stressed the crisis narrative requires scrutiny. Academics, including the likes of E. P. Thompson, who was by this stage independent from the financial strain of University life, were often more concerned about the liberties and freedoms that appeared to be under strain within a society seemingly centring around the themes of 'law and order'. The collection of academics whose critiques of society reflected the NCCL's concerns, were certainly more anxious about the direction in which society was moving, rather than the effect of inflation on their bank balances.

⁷⁸ Perkin, *The Rise of the Professional Society*, p. 476; Hewitt, *The Abuse of Power* p. 234, J. McBride, 'The European Convention and the UK' in Wallington, *Civil Liberties 1984*, p. 205.

⁷⁹ Hewitt, *The Abuse of Power*, p. xi.

⁸⁰ R. Wacks, 'Review of the Abuse of Power', *The Modern Law Review*, 46:1 (1983), pp. 111-115.

There is, of course, a risk in identifying a period as one of crisis. Tom Nairn's observation during the Winter of Discontent that 'in Great Britain 'crisis' has long been a permanent state of affairs which, inexplicably, never seems to change anything' is demonstrative of the danger of perpetual attention given to such a concept.⁸¹ Yet, in spite of this observation, Nairn went on to explain that he shared E. P. Thompson's concerns about the state of civil liberties detailed above.⁸²

Two incidents were symbolic of the 1970s as an increasingly confrontational period in the NCCL's history. Firstly, Larry Grant, the Council's Legal Officer, and Martin Loney received death threats following the organization's intervention on behalf of an Irishman who claimed to have been informing Special Branch about IRA activities.⁸³ Secondly, a NCCL meeting held in Manchester in 1975 to discuss prevention of terror legislation was attacked by members of the National Front and Ulster Volunteer Force. At this event, eight NCCL members were hospitalized.⁸⁴ Both of these incidents demonstrate that the areas of concern for the NCCL overlapped with some of the most contentious points of anxiety that signposted the sense of crisis during the 1970s. Unsurprisingly, it was in this period that the organization returned to the gaze of the Security Services for the first times since the 1950s.⁸⁵

⁸¹ T. Nairn, 'The Future of Britain's Crisis', *New Left Review*, 113, Jan-April 1979, p. 43.

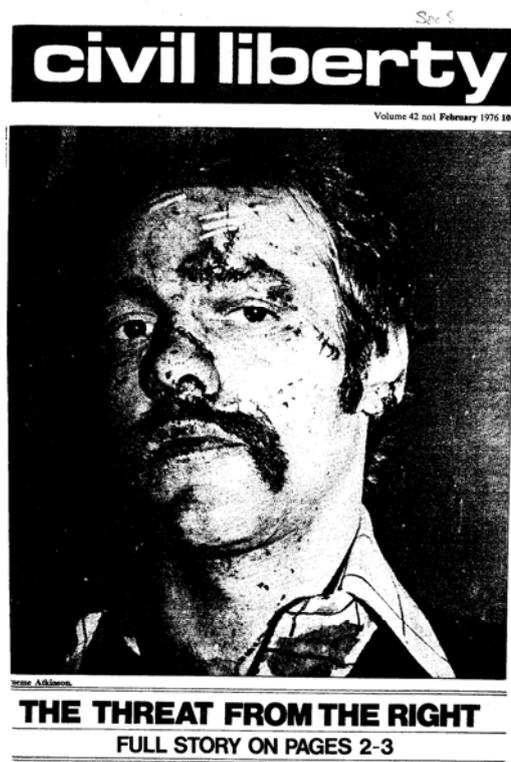
⁸² *Ibid.*, p. 61.

⁸³ The story of the case is told by Geoffrey Robertson in G. Robertson *Reluctant Judas: the Life and Death of the Special Branch Informer Keith Lennon* (London: Temple Smith, 1976), Lawrence Grant had conducted a five hour interview with Lennon at which he alleged being appointed by Special Branch to pass on information about the IRA. He claimed that subsequently he had been offered no protection. Lennon was shot twice in the head. Home Office documents denied that he had been an informant with the officer reporting a meeting with Lennon that his reasons for contacting the police were 'selfish...he is unemployed and needs money to take his wife on holiday when she leaves hospital'. The Home Office concluded that special branch had no involvement directly or indirectly in Lennon's death and there was 'no evidence of blackmail, impropriety, [or] pressure of blackmail'. See Martin Loney to Roy Jenkins, 16 April 1974, Report to the Home Secretary on the Police Involvement with Kenneth Joseph Lennon, 26 April 1974; R. Mark to A. Peterson, 26 April 1974 all at Kew, The National Archives (hereafter NA), Home Office Files (Hereafter HO), HO 325/40. For Council death threats see *The Times*, 19 April 1974, p. 2.

⁸⁴ *Civil Liberty*, Vol. 42, No. 1, February 1976, p. 6.

⁸⁵ C. Andrews, *The Defence of the Realm: The Authorized History of MI5* (London: Penguin, 2009), pp. 558-559, 776-767.

Image 5.1: Cover of *Civil Liberty* displaying member following attack on Manchester Meeting on 30 November 1975.



Source: *Civil Liberty*, Vol. 32, No. 1, February 1976, p. 1.

The re-emergence of political violence in Northern Ireland and its expansion onto mainland Britain brought with it controversial civil liberties issues. The NCCL thought that it was providing a lone voice within Britain objecting to the Prevention of Terrorism Act in 1974 and the renewal of this legislation in 1976.⁸⁶ It launched an inquiry with the International League for Human Rights on Bloody Sunday. The NCCL obtained evidence from sixty

⁸⁶ *Civil Liberty*, Vol. 41, No. 1, February/March 1975, p. 6; C. Scorer, *The Prevention of Terrorism Acts 1974 and 1976: A Report on the Operation of the Law* (London: National Council for Civil Liberties, 1976); National Council for Civil Liberties, *The Prevention of Terrorism (temporary evasions) Act: Memorandum of Evidence to Lord Shackleton* (London: National Council for Civil Liberties, 1978).

witnesses in producing a report.⁸⁷ Through the 1970s, members of its executive visited Ireland with greater frequency and NCCL reports on the situation became much more anxious.⁸⁸ In addition, the NCCL objected to raids on Irish immigrants on the mainland, protested against the policy of internment, and questioned the suspension of trial by jury through the use of the Diplock courts.⁸⁹ Subsequent rulings in the European Court in 1978 against internment and the British army's use of wall-standing, hooding, continuous noise, and deprivation of food and sleep, along with the revelations of miscarriages of justice in the cases of the 'Birmingham Six', the 'Guildford Four' and the 'Maguire Seven' demonstrate not only that the NCCL's increased focus on Northern Ireland and the policing of terrorism within Britain were legitimate, but also demonstrate a sense of crisis that was manifesting itself in attacks on the civil liberties of those suspected of terrorism.⁹⁰

Attempting to offer a sustained and reasonable critique of the government's policies in Northern Ireland also led to division amongst the NCCL's leadership. Although his suggestion was rejected, the sociologist Michael Schofield argued to the Executive Committee that the situation had deteriorated so badly in Ulster that the NCCL could not play a role there.⁹¹ One of the factors that led to the dismissal of Martin Loney in 1974 was his attitude to civil liberties issues in Northern Ireland.⁹² Although there is some confusion over the exact reasons for his departure, which also included his lack of regard for the financial

⁸⁷ Report can be found on International League for Human Rights web site, <http://www.ilhr.org/ilhr/reports/bsunday/index.html> (Consulted February 2010).

⁸⁸ See M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (London: Macmillan, 1984), p. 107.

⁸⁹ National Council for Civil Liberties, *Representations of the National Council for Civil Liberties to H.M. Government* (London: NCCL, 1971); National Council for Civil Liberties, *The Royal Ulster Constabulary: Report on the Complaints Procedure* (London: NCCL, 1975); S. C. Greer & A. White, *Abolishing the Diplock Courts* (London: Cobden Trust, 1985); D. Walsh, *Use and Abuse of Emergency Legislation in Northern Ireland* (London: Cobden Trust, 1983).

⁹⁰ For accounts of those arrested see G. Conlon, *Proved Innocent* (London: Penguin, 1991); P. Hill, *Stolen Years: Before and After Guildford* (London: Corgi, 1990); Hewitt, *The Abuse of Power*, pp. 157-158. For the verdict on the use of the 'five techniques' of torture practice see *Ireland vs. The United Kingdom* (1978), <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=695383&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> (Consulted March 2010).

⁹¹ NCCL Staff to the Executive Committee, 23 July 1973, U DCL 488/6.

⁹² M. A. Dixon to P. Watson, 2 July 1974, U DCL 265/1. For the collection of members protests see Members who have requested a Special General Meeting, U DCL 265/1.

state of the NCCL and his reduced engagement with its Parliamentary contacts, it was also suggested that he supported the policy of internment.⁹³ Loney denied this, claiming that he felt the NCCL policy on that subject was insufficiently developed and required a more nuanced consideration that his Executive would not allow.⁹⁴ Tellingly, it was following his dismissal that Loney commented that the NCCL's internal difficulties stemmed from the strains of inflammation and political uncertainty in an organization campaigning on controversial issues in a difficult period.⁹⁵

The importance of this was that in reiterating the value of civil liberties in a time of terrorism, the NCCL appeared to be acting against the forces stressing national security.⁹⁶ There are parallels here with the organization's approach to the Second World War, where it was repeatedly accused of ignoring the existence of a wartime situation. Indeed, Gearty has suggested that there is a very strong 'subversive power of the counter-terrorism narrative' against civil liberties.⁹⁷ The NCCL therefore had to demonstrate that Prevention of Terrorism legislation was ill-thought out and rushed through without enough safety checks, whilst also showing that such measures were counterproductive, causing alienation and fear amongst law-abiding citizens.⁹⁸ This was often a difficult case to make following the terrorist activities on the mainland and the violence associated with Northern Ireland.

In addition, the issue of race was radicalized during the 1970s.⁹⁹ Both the re-emergence of overt racism and a sense of unease about institutional racism within establishments like the police, courts and prisons were features of the period. To

⁹³ Minutes of the South West Group, 1 July 1974, U DCL 480; Minutes of the Executive Committee, South West London Group, 16 November 1975, U DCL 480; *Civil Liberty*, Vol. 4, No. 7. December 1974, p. 4.

⁹⁴ *Ibid.*, p. 4.

⁹⁵ *The Times*, 7 June 1974, p. 1.

⁹⁶ *Civil Liberties*, Vol. 39, No. 7, November 1973, p. 3.

⁹⁷ C. Gearty, *Civil Liberties* (Oxford: University Press, 2007), p. 42; See also M. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (London: University of California Press, 2005), p. 282; K. Ewing, *The Bonfire of the Liberties: New Labour, Human Rights and the Rule of Law* (Oxford: OUP, 2010), pp. 9-10 for a discussion of such dilemma in more contemporary Britain.

⁹⁸ C. Scorer, S. Spender, & P. Hewitt, *The New Prevention of Terrorism Act: The Case for Repeal* (London: National Council for Civil Liberties, 1985), pp. 8-9.

⁹⁹ A. W. Turner, *Crisis? What Crisis? Britain in the Seventies* (London: Arum, 2008), p. 220.

organizations like the Indian Workers Association (IWA) and the Asian Youth Movement, the 1970s was a period of re-politicization as younger generations became even less tolerant of racism.¹⁰⁰ This led to an increased resistance conducted by new leadership within the black community.¹⁰¹ Such developments were partly a response to the presence of the National Front, and its ability to latch on to anxieties over the economic crisis, the permissiveness of cultural life, industrial relations, inflation and a general doubt and the capacity of politicians to manage such difficulties.¹⁰²

The National Front presented difficulties to the NCCL. Whilst the latter organization supported the former's right to hold meetings on freedom of speech grounds, and even encouraged student unions and local council's to provide platforms, the NCCL also objected to the Front as a fundamental threat to civil liberties on race relations grounds.¹⁰³ The NCCL suggested that it lost support amongst the immigrant community for adopting this 'purist liberal attitude'.¹⁰⁴ However, NCCL concerns about racism went beyond the politics of a right wing populist movement. Within its collection of evidence submitted to the Scarman Enquiry following the Brixton riots in 1981, the NCCL stressed that the riots were related to a wider context of racist trends in government immigration policy, discrimination in employment, and a fractured relationship between the police and ethnic minority communities.¹⁰⁵

Furthermore, it was in this decade that the image of the police and public being in accord, which may well have always been a fallacy based on nostalgia rather than reality,

¹⁰⁰ See A. Deol, 'The Myth of Black Consciousness': Asian NGOs and the politics of race during the 1970s, MA Dissertation, University of Birmingham (2006), pp. 5-6, 28-39, Renton, *When We Touched the Sky*, p. 14.

¹⁰¹ A. Sivanandan, *A Different Hunger: Writings on Black Resistance* (London: Pluto Press, 1982), p. 46.

¹⁰² M. Walker, *The National Front* (Glasgow: Fontana, 1977), p. 207, 217, Renton, *When We Touched the Sky*, pp. 1-12.

¹⁰³ *Civil Liberties*, Vol. 42, No. 1, February 1976, p. 3.

¹⁰⁴ *Ibid.*, p. 3.

¹⁰⁵ National Council for Civil Liberties, *Civil Disorder and Civil Liberties: Evidence to the Scarman* (London: National Council for Civil Liberties 1981), pp. 9-28.

collapsed.¹⁰⁶ The NCCL's observations on the police were in keeping with publications from the Race Relations lobby that detailed a sharp lack of trust between communities and the police, especially in London.¹⁰⁷ This perception was not improved with the development of 'reactive', or 'fire brigade', policing in the 1970s breaking up the *Dixon of Dock Green* image and 'the idea of the policeman being merely a public spirited citizen in uniform'.¹⁰⁸

If race and Northern Ireland marked the areas of crisis most profoundly felt, they were not the sole areas. Discussion over Industrial Relations and the role of the trade unions was played out as the NCCL and the NAFF took opposite sides of the pickets at Grunwick.¹⁰⁹ Divisive social issues such as proposals for the chemical castration of Paedophiles, and lowering the age of consent were also on the NCCL's agenda during the 1970s.¹¹⁰ Such issues were especially controversial with the rise of the attacks on permissiveness that were a feature of the emerging 'law and order' society. As the previous chapter has demonstrated, the NAFF took up such themes and attempted to portray the NCCL as an organization acting in the interests of obscure minorities over the nation as a whole.¹¹¹ As stated in the previous chapter, these organizations became manifestations of each other's sense of crisis during the 1970s.¹¹²

The NCCL was not alone in seeing the 1970s as a period of tension and crisis of civil liberties. Its work was in keeping with large amounts of literature detailing an increased authoritarianism throughout the decade. The most obvious example is its reflection of the

¹⁰⁶ B. Weinberger, *The Best Police in the World: An Oral History of English Policing from the 1930s to the 1960s* (Aldershot: Scotch Press, 1993), p. 205, C. Emsley, 'An Indulgent Tradition: The English Bobby' in R. Porter (ed.), *Myths of the English* (Cambridge: Polity Press, 1992), pp. 114-135.

¹⁰⁷ See J. Whitfield, *Unhappy Dialogue: The Metropolitan Police and Black Londoners in Post-war Britain* (Devon: William Publishing, 2004), p. 1; J. White, *London in the Twentieth Century* (Harmondsworth: Viking, 2001), p. 295; P. Gordon, *White Law: Racism in the Police, Courts and Prisons* (London: Pluto, 1983), p. 24.

¹⁰⁸ J. Lambert, 'The Policing Crisis', in P. Norton (ed.), *Law, Order and British Politics* (Aldershot: Gower, 1984), p. 65; Emsley, 'An Indulgent Tradition: The English Bobby', p. 130.

¹⁰⁹ J. McGowan, "'Dispute', 'Battle', 'Siege', 'Farce'? – Grunwick 30 Years On', *Contemporary British History*, 22:3 (2008), pp. 383-406.

¹¹⁰ *Rights!*, Vol. 1, No. 1, September 1976, p. 4; *Rights!*, Vol. 1, No. 3, November 1976, p. 5.

¹¹¹ *The Free Nation*, Vol. 1, No. 1, 19 March 1976, p. 9

¹¹² See above, p. 168.

themes detected by the authors of *Policing the Crisis*.¹¹³ In addition, members of the British Society for Social Responsibility of Science, published *The Technology of Political Control* (1977) which described the emergence of the strong state, supported by law against picketing, new police technology, and military police-interface.¹¹⁴ Although this publication had less resonance than that of the CCCS, it echoed the worries that the ‘strong state’ could lead to a triumph of authoritarianism under a facade of liberal democracy and was in keeping with 1970s concerns.

The NCCL, Rights Activism and the Left and Specialization during the 1970s

The NCCL also placed a greater emphasis on the new issues that had played a role in its renewal during the 1960s. This expansion was met with increased specialization and an emphasis on rights based work. Such work allowed the NCCL to perform an umbrella role incorporating numerous left wing interests through the decade, as the rhetoric of rights became a more appealing discourse through which activists could frame their activities. Symbolically, the NCCL discussed changing its name to ‘Rights’ in June 1980, following the re-launch of its newsletter under the same title in 1979.¹¹⁵ Featuring short articles and cartoons, *Rights!* was slightly less formal, a stylistic shift that aimed to build a more relevant and important regular publication.¹¹⁶ Fittingly, the hope that the magazine *Rights!* would reach more people than *Civil Liberty* (its previous publication) mirrored the theory that it was rights, not liberties that were a more dynamic concept that would reach more people in the 1970s.¹¹⁷

The NCCL’s rights activism was conducted in Sub-Committees, often incorporating members of other organizations working on associated issues. A Women’s Rights Committee

¹¹³ Hall, Crichter, Jefferson, Clarke & Roberts, *Policing the Crisis*, pp. 322-323, 312.

¹¹⁴ Ackroyd, Margolis, Rosenhead, & Shallis, *The Technology of Political Control*, pp. 1-5.

¹¹⁵ Changing the NCCL’s Name: Discussion Document (1980), U DCL 670/2.

¹¹⁶ *Rights!*, Vol. 1, No. 1, p. 1.

¹¹⁷ *Ibid.*, p. 1.

was set up in 1973 with Patricia Hewitt as Women's Rights Officer, which had its own newsletter.¹¹⁸ A Race Relations Committee was created in 1976 and a Gay Rights Committee was formed in 1975.¹¹⁹ By 1976, the NCCL had Sub-Committees on Women's Rights, Northern Ireland, Gay Rights, Privacy, Children's Rights, Trade Union legislation, Traveller's Rights, Prisons, an Education Committee, as well as a Promotions Committee.¹²⁰ The NCCL's Race Relations Sub-Committee aimed to work with minority groups and included representatives of community relations councils and ethnic minority organizations alongside the lawyers of the NCCL.¹²¹ Organizations like the Joint Council for the Welfare of Immigrants (JCWI), Hackney Community Relations Council, the Runnymede Trust, the National Association of Community Relations Councils, and the Race Relations Board were all involved.¹²²

Individuals from homosexual organizations, and the women's liberation movement acted within these groups.¹²³ Affiliations to its Gay Rights Committee came from numerous branches of the Campaign for Homosexual Equality and advertisements and funding appeals were placed in *Gay News*.¹²⁴ Certainly, the NCCL's programme reflected the demand for equal rights for such sections of society.¹²⁵ However, the NCCL's activism was not a form of identity politics. As Hewitt commented on moving from her job as Women's Rights officer to General Secretary, 'I did not wish to simply be involved in consciousness raising. I am a very

¹¹⁸ Minutes of Women's Rights Committee, 18 July 1973, U DCL 650/1.

¹¹⁹ Minutes of the NCCL Race Relations Sub-Committee, 27 July 1977, U DCL 805/1; Gay Rights Committee: response to Executive Committee, 21 November 1975, U DCL 687/9.

¹²⁰ Minutes of the Executive Meeting, 25 June 1976, U DCL 488/1.

¹²¹ H. Kitchin to Groups Representatives, undated letter, U DCL 805/1; Minutes of the Executive Committee, 22 July 1976, U DCL 488/2.

¹²² Report of the Race Relations Meeting Held at the NCCL, 2 March 1977, U DCL 805/1

¹²³ A. Coote & T. Gill, *Women's Rights: A Practical Guide* (Harmondsworth: Penguin, 1974), p. 13

¹²⁴ For this correspondence see U DCL 683/1.

¹²⁵ See Gay Liberation Front manifesto reprinted in L. Power, *No Bath But Plenty of Bubbles: The Oral History of Gay Liberation Front, 1970-1973* (London: Cassell, 1995), p. 321.

practical person'.¹²⁶ The focus of the NCCL's work in such fields was highly pragmatic, focussing on instrumental, rather than expressive forms of politics.¹²⁷

However, the NCCL's specialization on single issues was also a response to the fragmentation of the left through the 1970s. Specifically, such a development was related to the rise of single issue pressure groups and the increasing association of political mobilization with identity politics. The NCCL did not think that it gained the equivalent support as groups and campaigns working on single areas such as homosexuality, law reform, gypsies, race relations and community action projects. By focussing on numerous issues, it could not deal directly with as many people and, unlike single issue groups, it strove for more general political solutions.¹²⁸ Through establishing sub-groups, the NCCL could put out direct appeals for funding a particular project to a wider movement associated with a sector of society. Thus, the Women's Rights Committee issued direct appeals to the women's movement in *Spare Rib*, and the Gay Rights Committee targeted *Gay News* and both attempted to persuade wealthy individuals with interests in these issues to fund specific projects, rather than the NCCL's wider work.¹²⁹

With this, separate women's rights and gay rights collection funds were specifically established to appeal to such constituencies.¹³⁰ These groups then provided an opportunity to tap a constituency in the way that the alternative single issue pressure groups like Shelter or RELEASE had been able to do. That the NCCL recruited individuals who primarily wished

¹²⁶ *The Guardian*, 11 December 1974, p. 13.

¹²⁷ Eley, *Forging Democracy*, p. 472; N. Stammers, *Human Rights and Social Movements* (London: Pluto, 2009), pp. 34-36.

¹²⁸ *Civil Liberty*, December 1972, U DCL 107/A (2).

¹²⁹ Gay Rights Committee, 21 November 1975, U DCL 687/9, Minutes of the General Purposes Committee, 3 December 1979, U DCL 687/9, *Civil Liberty*, Vol. 42, No. 1, p. 3, Minutes of Women's Committee, 18 July 1973, U DCL 650/1.

¹³⁰ *Civil Liberty*, Vol. 42, No. 1, p. 3.

to support its women's rights work suggested that donations were easier to secure when advocating a cause with which people could identify.¹³¹

Furthermore, it was via rights based activism that the NCCL appeared to take these new issues into older sections of the left. For example, the NCCL argued it would be able to move issues associated with women's rights beyond the middle class association of the women's movement, and the women's liberation movement in particular, through its links with the working class built up in its association with the trade union movement.¹³² Its Group Rights Officers' roles included legal casework, taking up issues with sympathetic MPs, writing leaflets and pamphlets, press releases and attending conferences, seminars and speaking to trade unions, and liaising with relevant single issue pressure groups such as the CPAG or Abortion Law Reform Association (ALRA).¹³³ Indeed, the NCCL claimed that its Conference on 'A Fair Deal for Homosexuals' in May 1977 was the first to be organized on the subject by a group not solely concerned with gay rights. It hoped that in taking up these measures, gay rights issues would filter into the agenda of the trade union movement.¹³⁴

Nettie Pollard, the NCCL's Gay Rights Officer in the late 1970s, commented that 'the battle for gay rights is a long and often boring one'.¹³⁵ This seems to contrast with the accounts of the activities of more radical organizations and movements mobilizing on these issues such as the Gay Liberation Front (GLF).¹³⁶ However, this 'boring battle' also appealed to members of the gay community. Indeed, many of the letters sent to the NCCL included brief stories explaining why members felt particularly moved to sponsor such work. In

¹³¹ Proposals for a new women's organisation under NCCL auspices, May 1974, U DCL 650/2, P. Hewitt, Report to the women's rights committee, 8 July 1974, DCL 650/1.

¹³² This was a recurring critique of the women's liberation politics. P. Byrne, *Social Movements in Britain* (London: Routledge, 1998), pp. 72-74; A. Coote & B. Campbell, *Sweet Freedom: The Struggle for Women's Liberation* (London: Pan Books, 1982), p. 143-145.

¹³³ Breakdown of Jean's work, undated internal Memorandum, U DCL 650/6.

¹³⁴ *Rights*, Vol. 1, No. 6, July/August 1977, p. 2.

¹³⁵ Nettie Pollard letter, 21 November 1978, U DCL 683/1

¹³⁶ See L. Robinson, *Gay Men and the Left in Post-War Britain: How the Personal got Political* (Manchester: MUP, 2007); Power, *No Bath But Plenty of Bubbles*; M. Waites, 'Lesbian, Gay, and Bisexual NGOs in Britain: Past, Present and Future' in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, pp. 95-112.

addition, the organization was able to recruit volunteers to aid with issues associated with rights work.¹³⁷

The point here is that civil liberties advocated by the NCCL was not confined to the university educated, professional cohort that made up its membership. The NCCL was not entirely an organization of any of the movements whose rights it fought for and engaged with. At times, it connected, co-ordinated and worked with new social movements, but it was not defined by their presence. Rather, it was an organization ‘spinning off’ these concerns by drawing inspiration and ideas from various wider movements.¹³⁸ In the 1970s, its programme even expanded beyond the ‘the politics of social identity’, including issues associated with movements of minorities and women’s rights that had been a feature of its work from the 1960s, and started to also engage with the new concerns of the environmental movement, taking on concerns about the civil liberties implications of Nuclear Power, and advertising in the newsletters of Friends of the Earth.¹³⁹

Central to this was the continued negotiation between the old forms of civil liberties and the forms of new politics identified within new social movement scholarship. The NCCL’s Women’s Rights Committee took on issues associated with ‘the politics of social identity’ including abortion, anti-pornography, sexual harassment and marital abuse, but combined this with a politics focussing on the distribution of wealth, such as equal pay and discrimination at work.¹⁴⁰ It also provided practical advice and guidance by providing

¹³⁷ Such correspondence is included in the NCCL papers on donations to the Gay Rights Committee, these have been omitted out of the respect for the privacy of individual cases, that can be found in U DCL 683/1. The letter quoted comes from X (Anonymous) to Nettie Pollard, 20 October 1979, U DCL 683/1.

¹³⁸ For this concept see D. McAdam, ‘“Initiator and Spin Off” Movements: Diffusion Processes and Protest Cycles’ in M. Traugott (ed.), *Repertoires and Cycles of Collective Action* (London: Duke University Press, 1995), pp. 217-240.

¹³⁹ General Secretary’s Report, 26 June 1980, U DCL 670/2.

¹⁴⁰ For this division see H. Kitschelt, ‘Social Movements, Political Parties, and Democratic Theory’, *Annals of the American Academy of Political and Social Science*, 52 (1993), p. 14; J. Coussins, *What’s in a Name?* (London: NCCL, 1978); J. Coussins, *Maternity Rights for Working Women* (2nd Edition: London: NCCL, 1980); A. Sedley, *Part-time Women Need Full-Time Rights* (London: NCCL, 1980); National Council for Civil Liberties, *Working Mothers Must Know their Rights* (London: NCCL, 1980); A. Coote & T. Gill, *Battered Women: How To Use The Law* (London: NCCL, 1975), this was revised in 1977 and 1979.

Advocacy Training schemes on women's issues, producing guides to women's rights which aimed to equip women with the information and skills needed to use the law on their behalf or on behalf of family, friends, colleagues or the community.¹⁴¹ Similarly, the NCCL's gay rights work stemmed from a concern about privacy, alongside the many aspects of the law that contributed to the unfair treatment of homosexuals.¹⁴²

This period therefore marked a moment in which rights became a compelling language for the left in framing its many and varied concerns. By the 1970s, the NCCL used the concepts of rights and liberties fairly loosely.¹⁴³ Rights provided a conceptual framework in which 'new' and 'old' issues could be framed and which social claims could be articulated with a legal legitimacy. Most obviously, this can be found in the rights claims associated with the women's movement or abortion politics.¹⁴⁴ In the health sector, this contributed to a shift from doctor led groups to patient led initiatives.¹⁴⁵ For instance, the National Association for Mental Health, under the leadership of Tony Smythe, became MIND, which advocated a civil rights approach towards mental health issues.¹⁴⁶ Activists associated with disability politics published rights handbooks and the Voluntary Organization for Anti-Discrimination Legislation eventually adopted the name Rights Now!¹⁴⁷ Groups associated with poverty and welfare rights were determined to assert various rights claims throughout this period.¹⁴⁸ In addition, stressing rights was a vital aspect of the repertoire of the consumer movement on

¹⁴¹ Outline Proposals for a Women's Rights and Advocacy Training proposal, undated, U DCL 650/2; Proposals for a new women's organisation under NCCL auspices, May 1974, U DCL 650/2.

¹⁴² *Rights!*, Vol. 1, No. 6, July/August 1976, p. 2.

¹⁴³ Annual General Meeting, Opening Address by the General Secretary, 29 April 1972, U DCL 650/2.

¹⁴⁴ S. Brooke, 'The Sphere of Sexual Politics: The Abortion Law Reform Association, 1930s to 1960s' in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics Since 1945*, p. 90.

¹⁴⁵ Mold & Berridge, *Voluntary Action and Illegal Drugs*, p. 22; N. Toms, 'The Patient Factor as a Policy Factor: A Historical Case Study of the Consumer/Survivor Movement in Mental Health', *Health Affairs*, 25:3 (2006), pp. 720-729.

¹⁴⁶ N. Crossley, *Contesting Psychology: Social Movements in Mental Health* (London: Routledge, 2003), pp. 135-139; L. O. Gostin, 'From a Civil Libertarian to a Sanitarian', *Journal of Law and Society*, 34:4 (2007), p. 600, 606.

¹⁴⁷ S. Miller, 'Disability' in P. Thane (ed.), *Equalities in Great Britain, 1946-2006* (London: Communities and Local Government Publications, 2007), pp. 152-157.

¹⁴⁸ Evans, 'Stopping the Poor Getting Poorer: The Establishment of and Professionalization of Poverty NGOs, 1945-95', p. 154.

national and transnational levels in the 1970s.¹⁴⁹ The emergence of Law Centres in the late 1960s and early 1970s took up such themes, whilst rights issues were increasingly being tackled by elements within the Citizens Advice Bureau.¹⁵⁰ Even Age Concern, under the influence of Patricia Hewitt, in the early 1970s sought to stress the rights of the elderly from the 1970s.¹⁵¹ Indeed, rights had become a crucial part of British life and a crucial part of the politics of NGOs. As the NCCL suggested, an ignorance of rights could lead to difficulties for individuals in need of welfare, legal advice, or those threatened with eviction.¹⁵² As such, this politics aimed to pass out expertise and provide those outside legal professions with power to assert their rights claims in everyday life.

A rights discourse evidently appealed to the type of progressive professional organization that emerged during the 1960s. Like the NCCL, these groups often appeared more radical during the 1970s. This was in keeping with accounts stressing the importance of the decade for post-war history.¹⁵³ As Lowe points out, the period was one witnessing a generational shift presenting a ‘highly charged and malleable situation’ in which attempts were being made to rationally direct change.¹⁵⁴ For groups concerned with welfare rights, this meant asserting the rights claims of new actors and responding to the emerging free market critique that had been ignored whilst the professional welfare society had ‘delivered the goods’.¹⁵⁵ Others appeared to be radicalizing in response to organizations and activists citing traditional ideological themes of family, the nation, patriotism, and the nation as a backlash

¹⁴⁹ M. Hilton, *Consumerism in the Twentieth Century Britain* (Cambridge: CUP, 2003), pp. 242-297, M. Hilton, *Prosperity for all: Consumer Activism in an era of Globalization* (New York: Cornell, 2009), pp. 185-213.

¹⁵⁰ See G. Bindman, ‘What Made Me a Legal Aid Lawyer’, *Journal of Law and Society*, 29:3 (2002), pp. 510-520, T. Goriely, ‘Law for the Poor: The Relationship Between Advice Agencies and Solicitors in the Development of Poverty Law’, *International Journal of the Legal Profession*, 3: 1/2 (1996), pp. 216-217, 230-234, O. Blaiklock, ‘Campaigns and Social Movements: The Citizen’s Advice Bureau in the 1970s’, Unpublished Paper presented at the Voluntary Action History Society Conference, July 2010, p. 1.

¹⁵¹ P. Hewitt, *Your Rights* (London: Age Concern, 1973).

¹⁵² L. Grant, P. Hewitt, C. Jackson & H. Levenson, *Civil Liberty: The NCCL Guide to Your Rights* (3rd Edition: Harmondsworth: Penguin, 1978), p. 14.

¹⁵³ H. Pemberton, ‘Strange Days Indeed: British Politics in the 1970s’, *Contemporary British History*, 23:4 (2009), p. 594.

¹⁵⁴ R. Lowe, ‘Life Begins in the Seventies’, *Journal of Contemporary History*, 42: 1 (2007), p. 163.

¹⁵⁵ Perkin, *The Rise of the Professional Society*, p. 506.

against the supposed permissiveness of the 1960s.¹⁵⁶ As the previous chapter has made clear, this backlash, in the form of the NAFF specifically challenged the left's vision of rights and liberties, and the work of the NCCL specifically. However, this also filtered down to more specific areas. For example, the NCCL recommenced activities relating to abortion law were in response to the campaigns of the Society for the Protection of the Unborn Child (SPUC) in 1974.¹⁵⁷

It was in the areas of rights, specifically women's rights, that some developments during the 1970s challenged narratives of crisis. NCCL lawyers helped write the Domestic Violence Act 1976, and its recommendations on rape that were made to the Heilbron Committee were enacted in the same year.¹⁵⁸ It made use of the Equal Opportunities Commission set up in 1975, and the Commission for Racial Equality to fund its work in women's rights and race relations. It also approved of the Sex Discrimination Act 1975, and the Right of Privacy Act of 1974.¹⁵⁹ The rise of radical feminism, equal opportunities legislation, the outlawing of racial discrimination, and the emergence of an anti-racist movement should not be forgotten as progressive developments within an age in which crisis narratives dominate and 'law and order' appeared to prevail.¹⁶⁰ Whilst crisis may have set a tone for depictions of the decade, it must be remembered that it also provided a hook on which activists could hang their political agendas. Indeed, that numerous progressive professional groups expanded their activities and continued to mobilise support and resources through the economic crisis of the 1970s is a significant achievement, and one to which the Labour Party took note of in its attempts to renew itself during the 1980s.¹⁶¹

¹⁵⁶ See Jacques, 'Thatcherism: Breaking out of the Impasse', p. 51.

¹⁵⁷ Report to the Women's Rights Sub-Committee, 8 July 1974, U DCL 650/1.

¹⁵⁸ *Rights*, Vol. 1, No. 2, November 1976, p. 2.

¹⁵⁹ *Civil Liberty*, Vol. 41, No. 3, pp. 6-7.

¹⁶⁰ Pemberton, 'Strange Days Indeed: British Politics in the 1970s', p. 583.

¹⁶¹ P. Seyd, *The Rise and Fall of the Labour Left* (Basingstoke: Macmillan, 1987), pp. 43-44, 91.

The National Council for Civil Liberties and the New Left in the 1970s

The promotion of new civil liberties issues and the apparent radicalization of older ones, brought the NCCL into a closer relationship with the new left during the 1970s. Through the 1960s, it held a position that was clearly distinct from social movements and related, but detached, from new left impulses. In the 1970s, however, this distinction became less obvious. New left writers articulated many of the themes of the NCCL during this period. Furthermore, it was an important resource for various academics. The authors of *Policing the Crisis* relied on NCCL reports, cuttings and evidence in compiling their work.¹⁶² Derek Humphrey, who published *Police Power and Black People* (1973), and whose work was frequently cited within *Policing the Crisis*, was a member of the NCCL's staff in the 1970s, and he used its material for evidence within his work.¹⁶³ Anna Coote and Beatrix Campbell's account of the struggle for women's liberation was informed by Coote's experience working for the NCCL. Indeed, the idea of producing their work *Sweet Freedom* originated from discussion within the NCCL's Women's Rights group.¹⁶⁴ In addition, Martin Kettle, a member of the NCCL and Cobden Trust staff, latched on to the concerns of the CCCS in describing the emergence of 'law and order' society in *Marxism Today* in 1980.¹⁶⁵

Whilst concerns about the 'law and order society' would really take off from the late 1970s, these were built on an anxiety that was being felt throughout the 1970s. The NCCL expressed fears over such developments from start of the 1970s, whilst the journalist, and sometime NCCL Executive Committee member, Paul Foot questioned politicians' obsession with crime statistics and policing of minorities, and sub-cultures, along with Northern Ireland, within his journalism from the start of the decade.¹⁶⁶ The issues of anti-fascism,

¹⁶² *Policing the Crisis*, p. x. This work also relied on NCCL reports or works associated with them such as B. Cox's, *Civil Liberties in Britain* (Harmondsworth: Penguin, 1974).

¹⁶³ *NCCL Bulletin*, No. 2, March 1972, p. 7; D. Humphrey, *The Cricket Conspiracy* (London: NCCL, 1972).

¹⁶⁴ Coote & Campbell, *Sweet Freedom: The Struggle for Women's Liberation*, p. 8.

¹⁶⁵ M. Kettle, 'The Drift to Law and Order', *Marxism Today*, October 1980, pp. 20-27.

¹⁶⁶ P. Foot, 'Law and Order', *International Socialism*, April-May 1970, 43, pp. 13-14.

Northern Ireland, mass picketing, torture, confrontations like Grunwick and legal repression, to which Sheila Rowbotham felt the left was in a process of forming an appropriate response in 1979, were already being tackled by the NCCL under the banner of civil liberties from the start of the decade.¹⁶⁷ The NCCL also weighed in on the controversy of the ‘sus laws’, an issue which concerned many members of the new left, with the NCCL’s Legal committee drawing up a Private Member’s Bill for organizations, community groups and movements wishing for repeal, or amendment of the law.¹⁶⁸ It also worked alongside the Scrap the “Sus” Law Campaign and produced a ‘bust’ card offering legal advice to those stopped.¹⁶⁹ Given the prominence of such issues in the NCCL’s work, it is unsurprising that the likes of Stuart Hall and E. P. Thompson appeared on NCCL platforms during the 1970s.¹⁷⁰

The most obvious association with between the NCCL and new left figures was through the Council for Academic Freedom and Democracy (CAFD), established as an independent but component part of the NCCL in 1970.¹⁷¹ This group featured academic members of the new left, notably John Saville, Ralph Milliband, Anthony Arblaster, John Griffith, Rodney Hilton, Stephen Lukes and Dorothy Thompson.¹⁷² Like the NCCL, the group aimed to be a watchdog and campaigning body and sought to protect the rights of academics, freedom of thought and interpretation, the right of teachers to withdraw labour whilst also protecting against discrimination and the keeping of student records detailing political concerns and associations.¹⁷³ This was instigated following the dismissal, demotion or non-appointment of left wing academics in the Hornsea and Guildford Colleges of Arts, and at the

¹⁶⁷ S. Rowbotham, ‘The Women’s Movement and Organizing for Socialism’ in Rowbotham, Segal & Wainwright (eds), *Beyond the Fragments*, p. 44.

¹⁶⁸ P. Gilroy, *There Ain’t No Black in the Union Jack* (London: Hutchinson, 1987), pp. 97-99; Minutes of the Race Relations Committee, 1 June 1978, U DCL 805/1.

¹⁶⁹ NCCL Press Release, Undated [circa 1978], U DCL 805/1.

¹⁷⁰ *Civil Liberty*, Vol. 40, No. 3, March 1974, p. 3; S. Hall, *Drifting into a Law and Order Society* (London: The Cobden Trust, 1979).

¹⁷¹ J. Saville, ‘The Council for Academic Freedom and Democracy’, in M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (London, 1984), p. 152.

¹⁷² See A. Arblaster, *Academic Freedom* (London: CAFD, 1974), pp. 7-8, J. Saville, *Memoirs of the Left* (London: Merlin, 2003), pp. 161-162, 122.

¹⁷³ *Civil Liberties Bulletin*, September 1970, p. 1.

University of Birmingham.¹⁷⁴ Often the CAFD's work centred on the defence of academics from the left as it considered Marxists, socialists, anarchists and radical liberal academics to be under pressure.¹⁷⁵

Again, this appeared to be a response to a wider attack on leftist politics during the 1970s associated with the increased vigour of the organizations covered within the previous chapter.¹⁷⁶ The editors of the *History Workshop* journal linked the CAFD's actions to the intervention of groups like the NAFF into the sphere of education, following attacks by Julius Gould, writing for the Institute for the Study of Conflict in 1977.¹⁷⁷ The concerns of the editors of that journal were not about the fate of the subject of history, as they considered the left-wing radical tradition to be too strong within that discipline, more worrying was the potential for disruption in other fields like sociology, criminology, anthropology and cultural studies, where the journal's editors felt there was an attempt to stifle numerous academic works.¹⁷⁸ In the same way that the NAFF aimed to depict NCCL as a left wing radical organization, so Gould claimed that the CAFD represented a dangerous sect of 'fellow travellers'.¹⁷⁹ It is hardly surprising that John Griffith, the legal academic and founder of the CAFD, noted that there were numerous attempts to depict his organization as representative of the 'red hordes'.¹⁸⁰

This single issue was used to open up a wider debate about democracy in the 1970s. Anthony Arblaster linked the attack on the freedom of academics to the wider threat to civil

¹⁷⁴ See, Council for Academic Freedom, *The Arblaster Case* (London: CAFD, 1970); Council for Academic Freedom, *The Atkinson Affair* (London: CAFD, 1971); Council for Academic Freedom, *The Craig Affair* (London: CAFD, 1972).

¹⁷⁵ J. Griffith, R. Milliband, D. Page & J. Westergaard, *The Case for Academic Freedom* (London: CAFD 1972), p. 7.

¹⁷⁶ *Civil Liberty*, Vol. 40, No. 5, December 1974, p. 6.

¹⁷⁷ Editorial Collective, 'The Attack', *History Workshop Journal*, 4:1 (1977), p. 1; See J. Gould, *The Attack on Higher Education: Marxism and Penetration* (London: Institute for the Study of Conflict, 1977). This work was produced by the Institute for the Study of Conflict, and organization that was closely associated with Brian Crozier, who worked within the NAFF.

¹⁷⁸ Editorial Collective, 'The Attack', pp. 3-4.

¹⁷⁹ *Rights!*, Vol. 4, No. 3, January/February 1980, p. 6.

¹⁸⁰ J. Griffith, 'The Political Constitution', *Modern Law Review*, 42: 1 (1979), p. 2.

liberties in this period.¹⁸¹ He objected to the increasingly popular image of the unruly, ‘anti-social layabout’ student, suggesting this was an unfair reaction to student unrest of the late 1960s and 1970s and had led to an authoritarian emphasis on ‘order’ from the education authorities. Arblaster linked this with attempts to impose order in unions through the Industrial Relations Act 1972, in Northern Ireland through the Emergency Provisions and Special Powers Acts. He also linked it with concerns over the sentencing of the editors of *Oz*, the ‘Angry Brigade’, and the relaxing of a general rule that ensured that police officers remained unarmed.¹⁸² This was a familiar narrative. In the minds of its protagonists, the fight for academic freedom appeared to be part of a fight back against a series of illiberal developments at the start of the 1970s.

Again, the NCCL appeared to be a more left wing body than it had during the 1960s. This can be seen in its approach towards Parliament. During his tenure, Smythe had worked hard to establish an all-party Parliamentary group in the late 1960s. This was led by the Liberal MP, then Peer, Eric Lubbock (later Lord Avebury) and featured the Conservative MP, Joan Vickers. Attempts at maintaining the group were not entirely successful, but it was indicative of the NCCL’s aim to create a broad based support.¹⁸³ However, Loney’s lack of contact with associated MPs after Smythe’s exit caused some disgruntlement and Vickers resigned complaining that her name was included on NCCL material without her consent.¹⁸⁴ Attempts to set up an all-party group were resumed by Loney in 1974, and Conservative MPs

¹⁸¹ Arblaster, *Academic Freedom*, pp. 25-26.

¹⁸² *Ibid.*, pp. 31-33.

¹⁸³ As he put it much later, see his letter to *The Times*, 3 May 1985, p. 15; See T. Smythe to N Sanderson, 7 July 1972, U DCL 466/1.

¹⁸⁴ J. Vickers to M. Loney, 16 July 1973, U DCL 466/1; General Secretary’s Report, 26 July 1973, U DCL 488/2.

including Kenneth Clarke and the Liberal Party MP Cyril Smith were points of contact for this.¹⁸⁵

Following Patricia Hewitt's appointment as General Secretary in 1974, this strategy appeared to shift. Writing to the Labour MP Jo Richardson, Hewitt suggested the establishment of a 'new Labour backbench Civil Liberties group' adding that whilst the 'All-Party group would remain in existence... the real work will be done in the Party group'.¹⁸⁶ Indeed, this Labour group contained members from the left of the Party like Richardson, Stan Thorne, Arthur Latham, Millie Miller, Eddie Holden and Ron Thomas.¹⁸⁷ A Conservative Group was also proposed by the Tory MP William van Straubenzee and included some of those with liberal reputations on social issues like Mark Carlisle, Edward Gardner, David Lane, Kenneth Clarke, Lynda Chalkner, and Charles Irving. However, this did not develop, not least because Straubenzee himself launched a fierce rebuke of the NCCL's policies on Northern Ireland.¹⁸⁸

The NCCL did not encompass all aspect of the new left's agenda. Of course, the new left was far from monolithic, and was never culturally or politically homogenous.¹⁸⁹ The NCCL remained focussed on civil liberties, and did not take up the more radical, or international themes within new left works. Furthermore, those stressing the importance of civil liberties were keen to reject the more extreme left wing suggestions that these rights were 'bourgeois' or founded on 'liberal ideals' and thus not important.¹⁹⁰ Additionally, it maintained an involvement with existing political structures, seeking to improve them in the manner of a constitutional, reformist organization. However, accepting the new left as more

¹⁸⁵ P. Hewitt to K. Clarke, 9 August 1974, U DCL 466/1; M. Loney to C. Smith, 18 March 1974, U DCL 466/1; M. Loney to K. Clarke, 21 March 1974, U DCL 466/1. Clarke admitted interest in the Council's women's rights work but suggested that he would be unwilling to help the NCCL on a number of issues on which they fundamentally disagreed including Northern Ireland. See K. Clarke to M. Loney, 16 May 1974, U DCL 466/1.

¹⁸⁶ P. Hewitt to J. Richardson, 15 April 1975, U DCL 466/1.

¹⁸⁷ Notes on Meeting at the House of Commons, 27 January 1975, U DCL 805/2.

¹⁸⁸ Bill von Straubenzee to P. Hewitt, 19 June 1975, U DCL 805/2.

¹⁸⁹ Hall, 'The Life and Times of the First New Left', p. 185.

¹⁹⁰ As suggested by Hewitt, *The Abuse of Power*, p. xiii, Thompson, 'The Secret State', pp. 165-167.

a milieu than a movement, then the NCCL's activism was in keeping with this field during the 1970s.¹⁹¹ Additionally, through its rights work and the expansion of the meaning of civil liberty, it fulfilled Thompson's sense that the new left should appeal to people by 'rational argument and moral challenges', contrasting with 'the anti-intellectualism and materialism of the old left' and 'construct channels of communication between industrial workers and experts in the science and the arts'.¹⁹²

A Missed Moment for a Human Rights Movement?

It is clear that human rights politics was given greater attention in the 1970s than in previous decades. On a domestic setting, the politics of rights interested a range of groups in many fields. Rights issues brought the NCCL into a closer relationship with sections of the new left which had demonstrated a capacity to form wide movement politics in relation to nuclear arms, or women's liberation. Additionally, human rights had a newfound emphasis on the global stage.¹⁹³ Despite such developments, this was not manifested in the form of a coherent wider human rights movement operating in relation to domestic British politics. Indeed, it is worth reiterating at this stage that Amnesty's programme was centred on international issues, and focussed largely on the political rights of prisoners through this period. The radicalization and emphasis on minority or group rights within the NCCL, and the organizations associated with it, did not correspond well with a broader politics stressing the theme of human rights through the 1970s. With this, rights claims splintered into a series of categories of groups' rights associated, not completely, but partially with the identity politics of counter cultural

¹⁹¹ For this description see P. Sedgwick famously described the New Left as a 'milieu' in P Sedgwick, 'The Two New Lefts' in D. Widgery (ed.), *The Left in Britain: 1956-1968* (Harmondsworth: Penguin, 1976), p. 143.

¹⁹² E. P. Thompson, 'The New Left', *The New Reasoner*, 9, Summer 1959, pp. 16-17.

¹⁹³ Cmiel, 'The Emergence of Human Rights Politics in the United States', p. 1232; S. Moyn, *The Last Utopia: Human Rights in History* (London: Belknap, 2010), p. 7, 121; M. C. Morgan, 'The Seventies and the Rebirth of Human Rights' in N. Ferguson, C. Maier, E. Manela, D. Sargent (ed.), *The Shock of the Global* (London: Belknap, 2010), pp. 237-250.

movements.¹⁹⁴ The observation of former gay rights campaigner, and now human rights activist, Peter Thatchell in 1999 that ‘the time has come to abandon gay rights campaigning in favour of a broader human rights agenda’ is indicative of the manner in which radical rights based activism came in the form of many disparate collective rights groups, rather than a coherent human rights movement until the 1990s.¹⁹⁵ Indeed, it was in this period that academics particularly sought to stress that groups’ rights claims, such as women’s rights, required greater assertion within human rights frameworks.¹⁹⁶

The NCCL did not respond well to attempts to promote a broad politics of rights during the 1960s and 1970s. The British Institute for Human Rights (BIHR) was established out of the United Nations Association’s Campaign for a Human Rights Year in 1968.¹⁹⁷ It was hoped that this group could act as an umbrella organization overseeing various organizations working on civil liberties, minority rights and race relations within Britain.¹⁹⁸ The campaign featured many groups that were using, or would use, rights based strategies including Shelter, the National Association for Mental Health, the Gypsy Council, the Disablement Income Group, and the NCCL. In addition, a number of older women’s organization contributed, including the National Union of Townswomen’s Guild, the Catholic Women’s League, and the National Federation of Women’s Institutes.¹⁹⁹

However, both the UNA’s Human Rights Year Campaign and BIHR were out of synch with the NCCL’s rights agenda. To the NCCL, the campaign had not helped people unite behind the idea of human rights. Smythe wrote that it had demonstrated that ‘prejudice is not

¹⁹⁴ See Marwick, *The Sixties*, pp. 11-17

¹⁹⁵ Quoted in F. Klug, *Values for a Godless Age: The Story of the United Kingdom’s New Bill of Rights* (London, 2000), p. 9.

¹⁹⁶ C. Bunch, ‘Women’s Rights as Human Rights: Towards a Re-vision of Human Rights’, *Human Rights Quarterly*, 12:4 (1990), pp. 486-498, J. Oloka-Onyango and S. Tamale “‘The Personal is Political’ or Why Women’s Rights are Indeed Human Rights: An African Perspective on International feminism”, *Human Rights Quarterly*, 17: 4 (1995), pp. 691-731.

¹⁹⁷ J. Alexander Sinclair to P. Kimber, 12 June 1968, London, King’s College London Archive and Special Collections, British Institute for Human Rights Archive [hereafter BIHR], BIHR 1992/KLF/F28.

¹⁹⁸ Draft Paper on UK Human Rights Institute, 1970, BIHR, 1992/KLF/F28.

¹⁹⁹ UN Human Rights Year Campaign 1968 (London: UNA, 1968).

only rife amongst dockers and right wing elements in the Conservative Party, but within local groups of the UNA and local human rights year committees'.²⁰⁰ Whilst the BIHR still exists and held conferences throughout the 1970s, it never took on the role it intended to have in becoming an umbrella organization providing a structure to support and co-ordinate the range of organizations that appeared willing to support the UNA's Human Rights Year Campaign. By 1983, it was almost destitute and its Secretary, who was working on no salary, was unsure that his organization would last the year.²⁰¹

The UNA faced similar difficulties in its human rights work. In 1974 at a Human Rights Seminar for NGOs, Pete Burns, formerly of the NCCL who was at this point working for War on Want, suggested that NGOs were partly responsible for the lack of coherent human rights movement. He put this down to the fragmentation and compartmentalization of issues associated with the subject.²⁰² It was not just the NCCL that advocated the rights of specific groups over a broader approach. The Minority Rights Group established by Ben Whitaker in 1969 also took such an agenda. Again, this was a progressive professional organization, focussing on producing expert reports, and lobbying decision makers and international bodies. Similarly, it also considered its work to be focussed on the interests of specific minorities, often based overseas, rather than taking broad human rights approach or considering human rights in relation to domestic politics.²⁰³

The NCCL's radicalism also contributed towards its difficulties responding to calls for a new Bill of Rights during the 1970s. Throughout the 1970s, the NCCL vacillated on the subject. Whilst a motion at its 1974 Annual General Meeting called for the Government to enact a Bill of Rights, by April 1976 it concluded any such legislation that it approved would

²⁰⁰ T. Smythe to G. Evans, Undated letter, BIHR, 1992/KLF/F29.

²⁰¹ A.B. McNulty to Don Nkading, 30 June 1983, BIHR, 1992/KLF/F30.

²⁰² United Nations Association Human Rights Committee: Suggestions made at Human Rights Day Seminar, 10 December, 1974, London, British Library of Political and Economic Science, United Nations Association Papers (hereafter UNA), UNA 14/4/1.

²⁰³ The Minority Rights Group, *Aims, Works, Reports* (London: The Minority Rights Group, 1978); see also B. Whitaker (ed.), *Minorities: A Question of Human Rights?* (Oxford: Permagon Press, 1984).

probably not be acceptable to any Government, and expressed concern that it could be used by a largely conservative judiciary, representing a narrow social base, to strike down various pieces of legislation.²⁰⁴ In this, it echoed John Griffith's assessment that proposals for a Bill of Rights sounded 'like the statement of a political conflict pretending to be a resolution of it'. Thus, the law should not be a substitute for politics, and political decisions should not pass from politicians to lawyers.²⁰⁵ Bills of Rights became a highly debated issue amongst the NCCL. Writing for the Cobden Trust, NCCL members Peter Wallington and Jeremy McBride offered tentative support for a Bill.²⁰⁶ However, the NCCL finally decided to oppose any support at its AGM of 1977.²⁰⁷ This decision was not based on any ontological disagreement over the concept of rights, rather it focussed on the more utilitarian objections that such legislation would not be as effective as a comprehensive programme of legislative reform, and that ratification of the Fourth Protocol of the European Convention on Human Rights would be a stronger and better guide to what should constitute the rights of a citizen.²⁰⁸

Conclusions

As with the 1930s, civil liberties issues were vitally important to the left through the 1970s. Like those trying to form a coherent popular front movement in the earlier decade, so those on the new left identified civil liberties as a crucial issue on which the left might unite. Indeed, the increased scope of the NCCL's work, and its activities in relation to issues associated with new left politics seemingly indicated that within the context of crisis it could provide a set of issues on which large sections of the left might find agreement. Certainly, E.P. Thompson hoped that this would be the case, and the politics of rights incorporated much that suggested the potential to create a form of popular front style politics in the 1970s.

²⁰⁴ *Civil Liberty*, Vol. 40, No. 4, June 1974, p. 6; *Civil Liberty*, April 1976, Vol. 42, No. 2, p. 2.

²⁰⁵ Griffith, 'The Political Constitution', p. 14, 16.

²⁰⁶ P. Wallington & J. McBride, *Civil Liberties and a Bill of Rights* (London: Cobden Trust, 1976), p. 76.

²⁰⁷ *Rights*, Vol. 1, No. 6, July/August 1977, p. 9.

²⁰⁸ *Ibid.*, p. 9.

However, the problems faced in articulating a clear politics of rights re-emerged. Firstly, the difficulty of definition is identifiable. Like the 1930s, the NCCL's programme of rights was informed by the concerns of sections of the left. However, in such a controversial period, this was problematic, as the NCCL appeared to emphasise liberty over security. For this reason, the NCCL sensed that its version of a Bill of Rights would be incompatible with one that would be acceptable to governments and political parties, that would be crucial in introducing such a piece of legislations. Secondly, there was a problem of fragmentation and proliferation of rights. Although numerous organizations and movements advocated various rights, these were compartmentalized and divided. Even a less overtly political organization than the NCCL, such as the UNA or the BIHR, found it difficult to turn these multiple interests into a coherent platform. With the increased complexity of twentieth century political systems, it was crucial that organizations were able to specialize on a specific aspect of rights work, in order to produce the most effective lobby on that single issue. Indeed, the category of human rights was so inclusive and broad, that it was impossible to create an umbrella organization big enough to accommodate all the concerns that would fall under such a category in any coherent manner. Furthermore, as the politics of the NAFF in the 1970s demonstrated what exactly constituted a politics of human rights was open to debate. Nonetheless, the increased blurring of a distinction between civil liberties and human rights issues within the 1970s demonstrated the convergence of the national tradition of liberty alongside the more international language of human rights.

For all its limitations, the NCCL did provide a sustainable politics responding to authoritarianism and attacks on the permissive society in a period when these issues were controversial and highly sensitive. Although the organizations never formalized their relationships, it is clear that a set of groups with overlapping memberships, and concerns did create a framework for promoting progressive politics during a decade marked by a sense of

crisis. These organizations continued to provide a location for those concerned with the professional ideal of social justice.²⁰⁹ Unlike its experience following the break-up of the popular front politics, the NCCL's expert activism meant that the radicalism of this period did not isolate it from mainstream institutions, in the same manner as it had been through the 1940s and 1950s.

It was in these organizations that ideas associated with the new left had a presence in politics away from the mass protests. Those on the far left such as Peter Sedgwick complained that the protest movements of the 1960s had not had sufficient transformative powers:

If the movements generated in these successive waves had possessed any capacity to educate in wider political horizons, the United Kingdom would now have a permanent cadre of several hundred thousand left-wing activists. In fact, most of the people whose middle-class manifestations are described in this book are now leading very quiet lives. And the apparently radical alignment of their actions and beliefs, from march to sitdown, college occupation to insurrectionary newspapers, was a temporary excitement within a liberalism whose subsequent career was to be indistinguishable from that evoked in the least militant of their generation.²¹⁰

In addition, those like the peace activist Peggy Duff speculated that the CND had swallowed up the new left as a political force.²¹¹ However, in organizations such as the NCCL, and those involved in rights based activism, Britain did have thousands, if not hundreds of thousands, of left wing activists working hard. As Seyd has observed, the work of these groups demonstrated models for the reinvigoration of the Labour Party, and sources for consultation on specific issues.²¹² These groups may not have had the radical credentials or tactics that the likes of Sedgwick hoped would be created from the 1960s movements, or established a

²⁰⁹ H. Perkin, *The Third Revolution: Professional Elites in the Modern World* (London: Routledge, 1996), p. 55.

²¹⁰ P. Sedgwick, 'Farewell, Grosvenor Square', in D. Widgery (ed.), *The Left in Britain* (London, 1976), p. 32.

²¹¹ P. Duff, *Left, Left, Left: A Personal Account of Six Protest Campaigns 1945-1965* (London: Allison & Busby, 1971), p. 128.

²¹² B. Harrison, *Finding a Role: The United Kingdom, 1970-1990* (Oxford: Clarendon Press, 2010), p. 317; Seyd, *The Rise and Fall of the Labour Left*, pp. 43-44.

clearly coherent movement, but their contributions were valid and important in allowing new left ideas to filter into wider political discourses.

Whilst this process had begun through the accommodation of old and new politics during the previous decade, such an amalgamation was confirmed and expanded during the 1970s. The NCCL acted in keeping with a host of organizations increasingly emphasising a rights politics within a set of diverse areas including welfare rights, minority rights groups, women's organizations and advice centres. These groups contained activists, academics and professionals resembling sections of the intellectual milieu associated with the new left that had felt isolated from formal politics.²¹³ Although often specialized in specific fields, and unable to command broad alliances of support, the existence and persistence of these groups demonstrates that there was some permeation of new left thought beyond the large protest movement during the 1970s.²¹⁴ In this process, it is apparent that new political actors including women, blacks, ethnic minorities, gays, and lesbians did have the capacity to, in the words of Eley, 'thicken' civil society; and this was achieved by 'thickening' older political issues like civil liberties.²¹⁵

²¹³ J. Saville, 'Britain: Prospects for the Seventies', *The Socialist Register*, 1970, p. 203.

²¹⁴ S. Rowbotham, 'Introduction' in H. Curtis & M. Sanderson (eds), *The Unsung Sixties: Memoirs of Social Innovation* (London: Whiting & Birch, 2004), pp ix-xii.

²¹⁵ Eley, *Forging Democracy*, p. 473.

Conclusions

Civil liberties organizations have consistently struggled to articulate a coherent and broad politics given the multiple issues and considerations that they have had to balance. Part of the difficulty has been negotiating between organizations' claims to represent a broad and indeterminate sense of British civil liberties that applied to all citizens, alongside the need to assert the rights of those who have been most likely to have had their freedoms infringed. Additionally, the range of roles that NGOs have been expected to take on, and level of expectation about their contributions have been substantial. They have been expected to appeal to a broad national politics, represent minorities, support democracy through expanding the political sphere, act as information sources, conduct detailed research, offer advice and guidance, provide forms of service, gain support and respect from the media, and represent the concerns of memberships and affiliated organizations. These are big expectations for any NGO in any sector. The subject of civil liberties has been particularly difficult on which to mobilize, owing to the conceptual problems that surround it. As this work has shown, the language of liberty, civil liberties and rights has been used, to represent very different political agendas at differing times. Finding agreement on the importance of civil liberties and human rights has been easy, but it has been less simple to find widespread support for organizations acting on the subject.

During the 1930s, there was clearly a large amount of potential for mobilizing a politics of agreement around the unifying theme of civil liberties. However, this proved unsustainable as the NCCL became associated with a more extremist politics and it ended the decade as an organization representing the disagreements of the period. The contrast between such a position and its attempts to portray itself as representative of a broad spectrum of interests alienated it from numerous political institutions. Such a development was

exacerbated by the lack of space available for non-party but highly political mobilizations within that era. This contrasted with the 1960s, at which point NGOs started to play multiple and varied roles in relation to the institutions of power that were outside of party politics.¹ Endemic of this lack of space during the 1930s, the Labour Party and the trade union movement treated the NCCL with suspicion as they saw themselves as the main protectors of civil liberties. The authorities showed a large amount of interest in the NCCL, but they viewed it as an agent of communist subversion, and so it was not taken as seriously as its founders hoped.

In the 1940s, the problems of definition made it difficult to create a coherent human rights movement despite the new found interests in this subject from the British left and the prominence of human rights within the new institutions of global governance. This was hindered by the start of the Cold War era and the further breakdown of the forms of popular front alliances that the NCCL had attempted to establish through the 1930s. The lack of persistence of alternative organizations to fill the gap left by the more extreme positioning of the NCCL within the immediate post-war era meant that the British left's conceptualization of human rights, incorporating a range of political, civil, social, and economic rights, did not find expression in the form of an international or domestic civil liberties organization.

From the 1960s, the NCCL worked more effectively. Its progressive professional ethos restored its reputation and credibility and allowed it to engage with formal political institutions and new social movements. Within the 1960s, civil liberties appeared very relevant as the NCCL incorporated forms of rights politics that were a feature of new social movements. Furthermore, the re-emergence of mass demonstrations brought protesters into conflict with the authorities, which meant that old civil liberties such as freedom of assembly and speech became more significant. Within this period, the NCCL was then able to fuse the

¹ J. McKay & M. Hilton, 'Introduction' in N. Crowson, M. Hilton & J. McKay (ed.), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics Since 1945* (Basingstoke, Palgrave Macmillan), pp. 12-15.

new with the old, in promoting forms of progressive politics. Additionally, a new social-political space had opened up that accommodated a range of comparable organizations with similar characteristics. At this point, the use of human rights, alongside traditional civil liberties started to play a more useful part in the organization's repertoire.

Yet, this expanded role, and newfound respect did not resolve the problem of definition. The existence of a set of non-left organizations that were able and willing to make use of a language of rights and liberties to promote an alternative vision of the subject are important reminders of this. Non-left civil liberties groups provided a framework for anti-statist, individualist doctrines of individual freedom to persist from the Victorian era to the time of the new right. That this politics was framed in the language of human rights, and had an activist model that resembled forms of mobilization associated with social movements by the 1970s, is a reminder that the changes in activism in the twentieth century have affected the right as well as the left. Such organizations' contributions also demonstrate the paradoxical nature of rights and liberties. Certainly, the right have been equally capable of promoting a politics of civil liberties as those on the left have been of limiting the freedoms of citizens when in power. These groups are reminders that whilst the politics of civil liberties can be expanded to include the rights of minorities and the underprivileged, as well as protecting the freedoms of those with more extreme viewpoints, it can also be expanded to promote economic liberties and limit the rights of those with alternative viewpoints. These groups also serve as reminders that the politics of civil liberties can shrink as well as thicken depending on the conceptualization of rights being advocated.

Through the 1970s, the NCCL's model of progressive professionalism was maintained. However, it appeared to be a more radical organization as civil liberties issues became more controversial, and as its relationship with the new left improved. By this stage, the NCCL's rights work had become a crucial part of its operation as a language of rights

became a major feature within the repertoires of the many progressive professional groups that formed or renewed during the 1960s. As with the 1930s, the sense of crisis during the 1970s made civil liberties and rights appear as issues on which a substantial level of agreement could be found from across the left. However, this failed to find expression with regard to a coherent movement owing to continued problems over definitions and the specialization of numerous organizations working within the broad field of human rights.

Nonetheless, the distinctions between a national tradition of civil liberties and a newer language of human rights had become less significant to organizations and activists by this stage.² This was confirmed by the re-launch of the NCCL as Liberty in 1989. At this point, the organization was committed to the protection of civil liberties and the promotion of human rights. Sarah Spender, its General Secretary at that time, suggested that the re-launch would allow the organization to reach a larger public, make use of international human rights machinery, build a legal test case strategy and move onto the offensive in a period when civil liberties appeared to be endangered.³

However, this was not the end of the dialogue between rights and liberties. Indeed, the increased emphasis on human rights by the NCCL during the 1980s and Liberty from 1989 was not demonstrative of a broadening of approach. Rather, it was part of a shrinking of the organization's agenda from its apparent radicalization during the 1970s. The closer relationship built up between the NCCL and the new left during the 1970s proved less sustainable during the 1980s. Again, this reflected shifts in the political structures that it occupied. In 1983, Larry Gostin took over the NCCL and made clear his intention to broaden its image. Symbolic of this, he quickly set about re-establishing the all-party Parliamentary

² T. Buchanan, 'Human Rights Campaigns in Modern Britain' in N. Crowson, M. Hilton & J. McKay (ed.), *NGOs in Contemporary Britain* (Basingstoke, Palgrave Macmillan, 2009), p. 125.

³ *Civil Liberty*, Vol. 5, No. 1, February 1989, p. 1; K. Ewing & C. Gearty, 'Civil Liberties: Decline in the 1980s', *Contemporary Record*, 4:4 (1991), pp. 4-5.

civil liberties group that had vanished during the 1970s.⁴ The NCCL also issued a Charter of Rights articulating ten simple demands. *The Observer* newspaper reported that this was an effort to launch a broad based liberal campaign that contrasted with the more radical reputation that the NCCL had built up in the previous decade.⁵ Gostin stressed that whilst there were issues on which socialists and liberals would have divergences of opinion, a set of basic civil liberties spanned the interests of the political spectrum and were above party politics.⁶ It was to this audience he wished to appeal. In this, Gostin echoed the sentiments of many of his predecessors.

As with the many previous efforts to appeal to such a constituency, Gostin's work was hindered by internal division and dispute within his organization. Two issues around this time were particularly problematic. First, the NCCL Executive rejected the findings of an inquiry into the policing of the miner's dispute in 1984. The Executive objected to one sentence of the report, which stated that freedom not to take part in a strike was as much a fundamental freedom as the right to strike. The Executive claimed such an area fell out of the terms of reference of the inquiry.⁷ With this, the inquiry team including Gostin, resigned and continued with the publication of the report independently.⁸ They felt that ignoring any trade union infringement of civil liberties would discredit what was meant to be a broad report, which would gain support from across the political spectrum. The resignations and rejection of the report appeared to confirm that the NCCL's close association with parts of the trade union movement and sections of the left meant it was no longer an independent and impartial body. To some, this limited its credibility as a civil liberties organization.⁹

⁴ *The Times*, 8 November 1983, p. 2.

⁵ *The Observer*, 8 January 1984, p. 4; see also *The Guardian*, 22 February 1984, p. 4.

⁶ *Marxism Today*, May 1984, pp. 14-17.

⁷ *Civil Liberty*, Vol. 1, No. 4, June 1985, p. 1.

⁸ *Civil Liberty*, Vol. 1, No. 4, June 1985, p. 3.

⁹ *The Guardian*, 4 May 1985, p. 17.

Second, Gostin was upset by the decision not to represent any civil liberties interests of any members of the National Front (NF). During his leadership, the NCCL offered advice to NF members on two occasions. These were following the detention of NF member on the way to a protest against the IRA, and the searching of a NF member's house, which resulted in the confiscation of family photographs and personal address books. Gostin stated that these instances had direct comparisons with infringements on the movement of miners during the miners' strikes and the police searches on the left wing journalist Duncan Campbell and the offices of Friends of the Earth, which his organization tackled in the same period.¹⁰ However, the NCCL's Annual General Meeting in 1984 passed the motion that it should not aid bodies such as the NF whose politics limited civil liberties.¹¹ This tension between the NCCL's anti-fascist and civil liberties principles echoed the difficulties the group had with regard to fascist movements towards the end of the Second World War. As with that period, its anti-fascism appeared to compromise its commitment to civil liberty. Tony Smythe objected to the NCCL's new position and expressed annoyance that it appeared to be unravelling the years he spent restoring the organization's credibility following its association with communism. For him, the NCCL by the 1980s was characterised by self-destruction and blatant sectarianism, which contrasted widely with the broader based support that he achieved in the 1960s.¹²

Both these issues appeared to demonstrate an unwillingness to tackle issues not associated with the left.¹³ With this, the NCCL was attacked for being politically suspect, and rumours circulated of the formation of a new rival group featuring various members that had resigned from the NCCL following the divisions of 1984 and 1985.¹⁴ Writing about the experience much later, Gostin commented: 'I harboured the notion that the civil liberties

¹⁰ *Marxism Today*, May 1984, p. 15.

¹¹ *Rights!*, Vol. 8, No. 2, Winter 1984, p. 11.

¹² *The Times*, 3 May 1985, p. 15; *The Times*, 25 April 1984, p. 17.

¹³ Larry Gostin's comments on this can be found in *The Times*, 3 May 1985, p. 14.

¹⁴ For criticism see *The Times*, 25 July 1985, p. 4, *The Times*, 30 April 1985, p. 17, for the new group see *The Times*, 6 May 1985, p. 2 and *The Observer*, 5 May 1985, p. 3

movement was a politically neutral pursuit – an idea that was widely shared, but deeply divisive within the NCCL’s constituency that included Tony Benn, Paul Boateng, Michael Foot and Ken Livingstone’.¹⁵ Such dilemmas were not just a problem for the NCCL. War on Want’s reputation also suffered under the leadership of George Galloway and his close association with the unions during the 1980s, as he unbalanced the alliance of left of centre forces that made up that organization.¹⁶

As Martin Kettle, a former NCCL staff member, commented within *The Guardian*, the division between the NCCL’s attempts to build a broad, non-party political organization had once more come into conflict with the large amount of support that it received from the left.¹⁷ This was clearly a theme within the NCCL’s history as it attempted to locate itself between advocating the rights of those with extreme views, and the broad and often vague commitment to civil liberty supposedly upheld by liberal political institutions. During the 1980s, these divisions meant that it was not the NCCL and its Charter of Rights that captured the imagination and the vacant space for a broad left liberal movement promoting rights and liberties was filled by Charter 88.¹⁸ There were clearly some overlaps between the two groups’ charters. The NCCL’s Charter covered: freedom from ill treatment and punishment, equality before the law, anti-discrimination on the grounds of sex, race, religion or sexual orientation, protection from arbitrary arrest fair trials, freedom of thought, freedom of speech, freedom of assembly, free movement within the nation and privacy and the rights to official information.¹⁹ Charter 88’s programme included similar rights, but these were linked to the creation of a Bill of Rights, on which the NCCL had been unable to formulate a clear policy,

¹⁵ L. Gostin, ‘From a Civil Libertarian to a Sanitarian’, *Journal of Law and Society*, 34:4 (2007), p. 595.

¹⁶ M. Leutchford & P. Burns, *Waging the War on Want* (London: War on Want, 2003), p. 103.

¹⁷ *The Guardian*, 15 April 1985, p. 17.

¹⁸ *Ibid.*, p. 13, For these comments see F. Klug, *Values for a Godless Age: The Story of the United Kingdom’s New Bill of Rights* (London: Penguin 2000), p. 157, f. 21, p. 260.

¹⁹ *Guardian*, 22 February 1984, pp. 5-7.

and an appeal for electoral and constitutional reform.²⁰ Indeed, with this it was Charter 88 that managed to find the large areas of agreement that Gostin had hoped to build within the NCCL.²¹

Although Gostin resigned, and the Executive got its way over the inquiry into the miners' strike, the radicalism of the NCCL eventually diminished by the later 1980s. Under the leadership of Spender, the NCCL General Secretary from 1985 until 1989, it undertook a large systematic review and called in a team of management consultants. These found that the group was conducting too many campaigns, which had led to a lack of clarity in its work. Furthermore in 1988, the NCCL asked itself a more fundamental question that was concerning the whole of the British left, namely with the third term of the Conservative Government, 'is it time to change our strategy'?²² Like large sections of the left within this period, the NCCL was in the process of renewal.²³ An advertising agency was brought in to improve its image, and the internal workings became more systematic and focused on the introduction of a clearer management structure.²⁴

By the 1990s, it seemed that human rights had secured its place within the work of the civil liberties lobby.²⁵ It must, however, be acknowledged that this narrative requires further development. More recently, those on the left and the right have sought to reassert a discourse of civil liberties as opposed to human rights. In part, this reflects the numerous criticisms directed towards the New Labour Governments during the 2000s and a lack of comfort about the effectiveness of the Human Rights Act (1998). Although those Governments were keen to champion the discipline of human rights, their civil liberties record, which witnessed the

²⁰ D. Erdos, 'Charter 88 and the Constitutional Reform Movement: A Retrospective', *Parliamentary Affairs*, 62:4 (2009), p. 539.

²¹ See S. Howe, 'The Intellectual Origins of Charter 88', *Parliamentary Affairs*, 62:4 (2009), p. 552, 565; R. Blackburn, 'The Ruins of Westminster', *New Left Review*, 91, January/February 1992, p. 13.

²² NCCL Internal Review 1988, U DCL 656/8.

²³ See S. Hall, *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (London: Verson, 1988).

²⁴ NCCL Internal Planning, 1988, U DCL 656/8.

²⁵ Klug, *Values for a Godless Age*, p. 1.

expansion of state powers, limitations of individual freedom, and increased surveillance has been the subject of much criticism. From the left, Keith Ewing has recently argued that the New Labour human rights programme has eroded a culture of liberty and that constitutional reform, not rights legislation, would be a more effective curb on the power of the executive.²⁶ On the right, Dominic Raab, a former international lawyer, one time Chief of Staff to the Conservative MPs David Davies and Dominic Greive, and now Conservative MP, argues that the proliferation of rights has hindered, or indeed, contributed to an assault on liberties within Britain.²⁷ For all of the ascendancy on rights through the twentieth century, it appears that more traditional British civil liberties have also remained a crucial component of political thought in this area.²⁸

In terms of organizational history, the continued development of Liberty, as a media savvy, technically adept, expert organization, and its persistent negotiation of a politics of rights and liberties has continued after its renewal in 1989 and requires further discussion. In addition, it has been joined by a range of alternative organizations including watchdog bodies, such as Statewatch (1991), or single issue groups such as Article 19 (1987). The work of Charter 88 also requires greater historical investigation. Additionally, a host of organization have formed during the 2000s. These have included the Campaign against Criminalising Communities (2001), the European Civil Liberties Network (2005), the No2ID mobilisations (2004) and the People's Convention on Liberty (2009). As with earlier organizations, these groups reflect the political culture they have operated within. Those forming around the year 2000 were products of a widespread unease about the Labour Party's record on civil liberties following the terrorist attacks in the USA on 11 September 2001 and

²⁶ K. Ewing, *The Bonfire of Liberties: New Labour, Human Rights and the Rule of Law* (Oxford: OUP, 2010), pp. 7-16, 265-286.

²⁷ D. Raab, *The Assault on Liberty: What Went Wrong With Rights* (London: Harper Collins, 2009), p. 123; D. Raab, 'The Liberal Conservative Case for Human Rights' in R. Beuchler (ed.), *The Convention on Modern Liberty: The British Debate on Fundamental Rights and Freedoms* (Exeter: Imprint, 2010), p. 89.

²⁸ K. Nash, *The Cultural Politics of Human Rights: Comparing the US and the UK* (Cambridge: CUP, 2009), p. 66.

the London bombings of the 7 July 2005. It is necessary to acknowledge that the civil liberties lobby has continued to develop and change beyond the period covered within this thesis.

The NCCL's greater articulation of human rights from the 1980s actually came at a time in which it was scaling down its areas of interest. In part, this meant less emphasis was placed on groups' rights. Symbolic of a retreat from such a strategy, the NCCL's last remaining single issue post of Women's Rights Officer ended in 1990.²⁹ The tension between a radical concept of rights and a broad consensus did not disappear, and neither did the distinctions between the idea of group rights and human rights. What had shifted though, was the intense activism of social movements between the 1970s and late 1980s. By the late 1980s, many groups that had been manifestations of such forms of politics were hiring management consultants, professional fundraisers and concentrating more effort on financial stability.³⁰ In this process, the NGO form of activism had clearly become the model on which numerous political issues could be most effectively promoted.

Such developments were not surprising. The NCCL was sustained, whilst other organizations came and went, through its commitment to hard work, professionalism and expertise. Inevitably, the politics of the organization and its priorities shifted over the years; however, there were some consistencies in the characteristics of its membership throughout its existence. Although new issues emerged, and some of the old left links dwindled in the 1960s as a new generation of activists emerged, civil liberties organizations have largely been in composition, but not with regard to issues, somewhat elitist. In the 1930s, the NCCL and its associated organizations appealed to journalists, lawyers, politicians, writers and intellectuals. The alternative civil liberties and human rights groups that attempted to form

²⁹ Dyson, *Liberty in Britain*, p. 60.

³⁰ T. Evans, 'Stopping the Poor Getting Poorer: The Establishment and Professionalisation of Poverty NGOs, 1945-95' in Crowson, Hilton & McKay, *NGOs in Contemporary Britain: Non-State Actors in Society and Politics Since 1945*, p. 150.

during the 1940s had similar characteristics. Although the 1960s saw an expansion of the NCCL, this reflected the expansion of the professional sector within British society more generally, and not a dramatic shift in the social background of those most likely to be engaged with the politics of civil liberties. Even the thickening of civil liberties through the 1960s and 1970s, to include those sections that were underrepresented in British politics and society, did not have a transformative effect on the social composition of the NCCL's membership. It is hardly surprising that the civil liberties lobby has remained identified in such a manner as the protection and promotion of civil liberties has required specialist knowledge and technical expertise.

That the concept of civil liberties has remained vital to British politics is also unsurprising. For all of the ascendancy of human rights in the twentieth century it has been crucial to integrate this language with the politics, institutions and mechanisms of the nation state. As Moyn has recently demonstrated, for all the universalism of the language of human rights, these subjects have reaffirmed the persistence of the nation state in which ideas about rights and citizenships have been bound.³¹ It has therefore been vital to bind the subject alongside a traditional concept of civil liberties to provide an effective translation of human rights values into a national politics. As such, civil liberties have persisted as a vital component of the human rights lobby and a vital part of the work of NGOs within this sector.

³¹ S. Moyn, *The Last Utopia: Human Rights in History* (London: Belknap, 2010), p. 212

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