

the Socialist League in Bradford and Leeds, Labour Union clubs as well as more 'cultural' aspects of life such as socialist Sunday schools, the Clarion cycling clubs, and support from some Anglicans and nonconformists. In this way organised labour began to arise as a genuinely independent movement from the Liberal Party and to break the hegemony of Liberals as the 'best representatives of the working class'. What had been the hope of John Stuart Mill in the 1850s was being utterly refuted by locally organised labour groups developing outside the Liberal Party giving organised labour the opportunity to develop their own interests and increasingly to see themselves as the best guarantors of their fulfilment.

Laybourn finished by arguing that the Liberal Party had neglected the needs of workers at their cost. It was a pity that he had not focused more on *how* the Liberal Party had failed to articulate the needs of workers in its programmes, rather than simply describing the failure and Labour's rise to fill the vacuum. At times it seemed to him as if it were self-evident that the Labour Party should represent organised labour best, and that it was merely a matter of workers coming to realise this truth rather than of anything more complex. Nonetheless, it is important to remember that the trade unions had often been suspicious of Liberal reforms (as in 1906–14) and the failure of the Liberal Party to involve workers in decision-making processes could have only exacerbated this. The Liberal Party, by assuming that it knew what the workers needed better than they did themselves, only served to drive itself further away from organised labour movements that sought actually to involve working people in the decisions that affected their lives.

Dr Powell and Professor Laybourn provided interesting and challenging discussions on the collapse of relations between the Liberal Party and organised labour in the nineteenth and early

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twentieth century. Whilst both brought differing perspectives to bear on the question of this relationship, it was interesting how both presentations brought out the problem of the Liberal Party's assumption that it was the 'natural' home of the working class and the effect that that had on attitudes towards organised labour and socialist movements. After all, if you are their 'natural home' any challenge to that is likely to be seen as misguided, rather than as

necessarily dangerous. Is the idea that the Labour Party is the 'natural' home of the working class an idea that has come to an end? Is the Labour Party aware of this? Is now a time for new possibilities of articulating alliances between Liberals and organised labour groups on issues of mutual concern? Who knows, but what seems clear is that it cannot get worse than Liberal-labour relations in the early and mid-twentieth century.

Civil liberties in war and peace

Evening meeting, January 2005, with Professor Clive

Emsley and Julian Dee

Report by **Neil Stockley**

Since the events of 11 September 2001 and the so-called 'war on terror' began, the question of balancing the need to protect the state against the desire to promote individual freedom has been at top of the political agenda. Liberal Democrats take considerable pride in our steadfast commitment to civil liberties. We roundly condemned the detention of foreign nationals for an indefinite period without trial in Belmarsh prison. We were against the government's proposals to detain terror suspects without trial and its plans to place them under house arrest and to apply other restrictions on liberty, with only limited appeal to judges. We oppose Labour's plans to bring in compulsory identity cards. In his personal introduction to *Freedom, Fairness and Trust*, the party's 'pre-manifesto' document before the 2005 general election, Charles Kennedy declared that 'our Liberal background makes us wary of an over-mighty state and dedicated to civil liberties'.

But is there really a Liberal heritage on matters of personal freedom; if so, how can we describe it? Did our political

antecedents really champion civil liberties, even when the state perceived itself to be under threat? This meeting gave answers that were different to what many Liberals might expect, or, indeed, be comfortable with.

Professor Clive Emsley explained how the Whig Charles James Fox had 'kept the flame of liberty alive' during the 'reign of terror' of William Pitt the Younger during the 1790s. When the French Revolution happened, it was initially viewed sympathetically in this country. However, as Professor Emsley put it, 'things went a bit nasty' after English and Irish radicals took inspiration from events over the channel. They wanted to reform Parliament and create a true democracy. Some spoke of overthrowing King George III. In 1793, war broke out with revolutionary France as the Pitt ministry, which had been formed four years earlier and supported by the majority of Whigs, sought to save the King and the state.

Professor Emsley gave a grim summary of the steps taken by Pitt's government. These included: the suspension of habeas corpus in 1794 and 1795;

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the 'gagging acts' of 1795 that forbade criticism of the government; the extension of the laws of treason and sedition; the Seditious Meetings Act that required any public meeting of more than fifty persons to be authorised by a magistrate; the Incitement to Mutiny Act 1797 that followed naval uprisings; the legislation against the administration of unlawful oaths and the Suppression of Treasonable and Seditious Societies Act, both of which were aimed primarily at secret societies in Ireland; the 'ferocious' suppression of the Irish rebellion in 1798; and the Combination Acts of 1799 and 1800 that forbade societies or amalgamations of persons for the purpose of political reform. Pitt's justification for these measures was that they were necessary to preserve English liberties and the rights of free Englishmen that had been so hard won in 1688. Similar arguments have been many heard many times as governments of different political measures have tried to justify the suppression of personal freedoms.

For his part, Fox continued strongly to support the Revolution and, with a small minority of Whigs, vehemently opposed Pitt's measures as excessive infringements of personal liberties. He even went as far as perjuring himself when supporting one United Irishman who was put on trial for treason. In 1797, Fox became so frustrated with opposing the government in Parliament that he led around fifty followers in seceding from Parliament.

Fox's actions are often treated as a model of a Whig taking a principled stance, however lonely, against Tory excesses. But Professor Emsley seemed gently to counsel the audience against applying simplistic or anachronistic thinking to the 1790s. He stressed that the war with revolutionary France was different from those that had gone before. To those in power at the time, the future of the crown itself appeared to be stake. The war was fought by mass, national armies that had

been conscripted. Above all, the war was ideological in character, against the French Revolution and spurred by the threat of a similar insurrection in Britain. By the late 1790s, Fox was not merely a democratic reformer. He was inclined to use the language of 'revolution and insurrection' and had even come to believe that if such momentous events came to pass in this country, he and his supporters could head a revolutionary regime.

Fox accused the Pitt government of 'treading on our liberties'. Professor Emsley then explained how before, during and just after the First World War, 'it was Liberals who were doing the treading'. After the Liberal Party won power in 1906, tensions between Britain and Germany became more acute. The two countries were engaged in a naval arms race. The Liberal government became more concerned about German spies in this country and, in 1911, passed the Official Secrets Act, making the disclosure of any official information without lawful authority a criminal offence. The Act was introduced into Parliament late on a Friday afternoon and passed into law in just one hour but was to provide the legislative bulwark against open government for some eighty years.

Even more draconian measures were to follow. In the days after war was declared in 1914, the Prime Minister, Herbert Asquith, persuaded Parliament to pass the Defence of the Realm Act (DORA). This legislation and its successive amendments, along with the regulations promulgated under it, placed a wide variety of restrictions on freedom of movement and assembly. DORA gave the government powers to control labour, requisition buildings or land needed for the war effort and, in time, to take control of industry and food production. Professor Emsley might also have mentioned the Munitions of War Act of June 1915, which made strikes and lockouts illegal, reduced factory pay and working conditions and

altered the routing of supplies so that munitions factories and related industries had priority over non-essential enterprises. Once again, the government had a bold justification: the notion that the country was embroiled in 'a new kind of war'.

Many Liberals were horrified at this turn of events and there were protests outside Parliament. Although Professor Emsley did not mention it, the conventional wisdom is that most prosecutions under DORA arose from accidental breaches of the comprehensive legislation rather than protests against infringements of civil or industrial liberties. But DORA was also used after the war ended, most notably to deal with communist agitators, who seemed to be the new threat to the state in the wake of the Russian Revolution of 1917. Lloyd George's coalition replaced DORA with the Emergency Powers Act of 1920, which gave the government (through the sovereign) powers to declare a national emergency by proclamation.

Professor Emsley concluded that the way a party balances the protection of civil liberties with the imperatives of war depends on the situation in which it finds itself. In short, there is plenty of room for principle in opposition but 'if you're in power, you think you need to preserve government, the state and society as we know it'. In this respect, he argued that Asquith, Lloyd George and their Liberal colleagues were no different to members of the other parties. I believe that, as with the example of Fox, we should be careful before drawing too many definitive conclusions about the true nature of Liberalism. No political value system is frozen in time and Liberal attitudes towards many of the challenges that faced Asquith and Lloyd George have developed considerably since that time. For instance, I have great doubts whether a Liberal Democrat government led by Charles Kennedy, even if it found itself

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in similar circumstances, would immediately pass an Official Secrets Act or a DORA. It would be even less likely to be responsible for a Belmarsh or the type of anti-terrorism legislation that Labour produced earlier this year.

The second speaker, Julian Dee, explored Britain's experience with identity cards and national registration during the Second World War and the post-war controversies that eventually led to their abolition. As researcher to the Convenor of the Crossbench Peers in the House of Lords, Mr Dee has studied this country's experience with ID cards between 1939 and 1952 in some detail. But he was very careful neither to endorse nor condemn what took place.

Within days of declaring war on Germany in September 1939, the Chamberlain government persuaded Parliament to pass the National Registration Act, which established the compulsory national registration regime and required all citizens to carry identity cards. Ministers argued that such measures were needed for three purposes: facilitating conscription for the armed forces, protecting national security and enabling rationing to work. Mr Dee suggested that national registration had enabled the wartime authorities to collect manpower data, to enforce night-time curfews in parts of the UK, to identify air raid victims and, after the war, to round up some deserters and avert a possible crime wave. In an interesting observation, he speculated that ID cards may have provided something of an icebreaker or a prompt whereby British reserve or politeness could be put aside, allowing everyday life and transactions potentially to be put into the framework of state officialdom. Perhaps ID cards put both sides of any given transaction on notice that there was a duty of identification and accountability of which the ID cards were a significant part. Still, other powers of identification such as common sense, the usualness of an activity, intuition and community lines

of accountability may have been expected to assume a greater significance.

However, the subsequent discussion showed that the cards did not altogether prevent crime and black marketeering, as they were quite easy to forge and, as Robert Ingham has noted, thousands of deserters remained at large once hostilities ended.

The rationale for identity cards would have seemed to have disappeared when the war was over. But the Attlee Labour government kept the identity card regime in place for its entire six years in office. Julian Dee explained that, by the early 1950s, officials had thirty-nine official reasons for retaining the cards, including the prevention of bigamous marriages! Ministers argued that identity cards were required for the successful administration of the NHS as well as to maintain conscription and rationing on a viable basis. However, as Mr Dee was quick to point out, none of these were adversely affected once identity cards were no longer used. He mentioned that pre-war plans for wartime rationing did not reportedly include an identity card regime.

In February 1952, Mr Crookshank, the new Conservative Health Secretary, finally announced that the public no longer needed to carry identity cards. This decision was spun as a cost-cutting measure: £1 million was saved and 1,500 civil servants were either redeployed or made redundant. Julian Dee suggested that the Prime Minister, Winston Churchill, may have provided the real impetus for the change. Indeed, not long before Germany surrendered, he had made an eloquent speech against using identity cards during peacetime.

The Liberal Party did not play a direct role in the ending of identity cards. After all, the Liberals were not simply out of office – the party was now reduced to a tiny rump of MPs and fighting for its very survival. Still, Julian Dee showed that several Liberals,

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and one in particular, certainly helped to bring the issue to a head. He told the story of Harry Willcock, a former Liberal councillor and parliamentary candidate, who, in December 1950, was stopped by police for speeding and then refused to produce his identity card. He was duly prosecuted for the latter offence, convicted in the magistrate's court and fined 30/-. For refusing to produce his identity card, the court felt bound to convict him of an offence, but he was granted an absolute discharge.

Willcock opted to challenge the National Registration Act in the High Court. When his case was heard in June 1951, he was represented by a formidable team of Liberal lawyers. The Attorney-General, Sir Frank Soskice, successfully argued that Parliament had legislated in 1939 not to deal with one emergency but with several, undefined emergencies and therefore, legislation requiring the carrying of identity cards remained valid. Despite ruling against Willcock, Lord Chief Justice Goddard concluded that the statute's definition of 'emergency' was ambiguous. He called on the government to ask Parliament to grant special powers to require the cards to be carried in peacetime. Police officers were soon told that they could only require the cards to be produced in exceptional circumstances.

Between Willcock's conviction and his High Court hearing, the government began to come under pressure to get rid of ID cards. Julian Dee described how members of the Freedom Defence Association (formed by Willcock) demonstrated on the steps of the National Liberal Club and tore up their cards. Later, members of the British Housewives League made a similar protest outside Parliament. After the Willcock case was determined, the Liberal Party leader, Clement Davies, urged the government to repeal the 1939 emergency legislation. Still, there was no mention of identity cards in the party's manifesto for the 1951 general election. Mr Dee

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also explained that after the war a number of Labour and Conservative MPs had also called for identity cards to be scrapped. But he noted that whereas Tories tended to use arguments based on efficiency, Liberals objected because they believed that identity cards infringing basic freedoms of the individual.

I am sure that the actions of Harry Willcock provided the audience with a great deal of reassurance about the nature of the Liberal heritage. It may be

difficult to apply the principles followed by Liberals in the early twenty-first century to our counterparts in the 1790s and the First World War, or vice versa. But the instinctive attitude of modern Liberals to being forced to carry identity cards are, surely, beyond argument. As Harry Willcock said on refusing to produce his ID card when stopped by police on that fateful evening in December 1950, 'I am a Liberal and I am against this sort of thing.'

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while the Conservative government was beginning to recover. What alternative strategy would have worked?

Bill Rodgers

Local pacts

Robert Ingham's article 'Battle of ideas or absence of leadership?' (*Journal of Liberal History* 47) embarks on the tortuous story of Liberal electoral survival at the municipal level after 1945. From a later perspective it is difficult to accommodate the idea of Liberal–Conservative electoral pacts but, having known a number of those involved at the time, I am somewhat more sympathetic.

In many cases Liberal aldermen and councillors had run these boroughs for many years and the – relative – electoral debacle of 1945 left them stranded. Unwilling to see the local Liberal heritage of their earlier hegemony swept aside by a mere national trend, they made whatever local 'dispositions' they could to retain office.

By 1960 it was clear that any residual political argument for local electoral pacts had disappeared and that even the electoral case was no longer sustainable; Liberal candidates were polling better in three-cornered fights than in straight fights in the same wards.

The Bolton East by-election of November 1960 signalled the formal end of the party's national tolerance of such pacts. Pratap Chitnis had become Liberal Party Local Government Officer in the same year and, among many other things, embarked on building a national database of local election results. With this it was eventually possible to identify where there were electoral pacts and to demonstrate what arrangements had been made for which local wards. For instance, in addition to the places mentioned by Robert Ingham, a number of smaller boroughs such as Eccles and Dukinfield had electoral arrangements with the local Conservatives.

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SDP strategy

In issue 45 of the *Journal*, Stephen Barber gave an account of what he called the SDP strategy. He concluded that in the 1983 election the SDP was 'never clear if it wanted substantially to replace the Labour Party or the Tories'. That is not the case.

Shirley Williams, David Owen and I had been deeply involved in the Labour Party right up to the general election of 1979. We were members of the Cabinet but increasingly concerned about the militant left and the influence of Tony Benn. As we approached the painful break towards the end of the following year, we believed that Labour was in terminal decline. Only a new social democratic party could fill the gap.

When we put together the Limehouse Declaration in January 1981, it grew from our ideas and values, an instinctive response to Labour's failure. We were not calculating how best to write a programme that would win.

I had earlier written to Roy Jenkins that the 'Conservative Party will always be with us ... if a fourth party were to be launched, I would want it to be firmly social democratic'. This approach was never in dispute at the time of Limehouse.

As for our relations with the Liberals, the Gang of Four had no internal discussions or discussions with David Steel about Parliamentary seats before the launch of the SDP. But given that Liberals were well entrenched in a number of marginal Tory seats, it was certainly my view that the SDP should particularly challenge Labour seats.

The division of seats became a dispute between me – supported by Shirley Williams and Roy Jenkins – and David Owen. Owen soon took the view that the SDP should have contested all or most seats, to try to squeeze out the Liberals. But his purpose was to make the SDP top dog, not just to seize promising Tory seats. All the Gang of Four hoped to get a fair share of 'silver,' and 'gold' seats and this included some Tory seats. But that does not mean that we were equivocal about our primary aim.

Stephen Barber says that even before the Falklands War, there had been a decline of support since the SDP peak of 1981. That is correct. But I do not understand how the leadership could have adapted 'this more realistic situation'. Our wish was to replace the Labour Party which had not yet reached its nadir,