

The National Council for Civil Liberties and the British State during the First World War, 1916–1919*

In an article published in 1919, the legal scholar Sydney W. Clarke reflected on the nature of the ‘bloodless revolution’ that had taken place in British politics during the Great War. He wrote: ‘Such fundamental principles of the constitution as those expressed by the phrases Government by Parliament, the Responsibility of the Legislature, the Liberty of the Subject, Trial by Jury, Open Law Courts, Freedom of Speech, the Freedom of the Press, and An Englishman’s House is his Castle, were attacked, whittled down, and in some cases reduced to mere shreds of their former consequence’.¹ Furthermore, ‘an almost moribund Parliament, with an exhausted mandate, was allowed to prolong its existence from year to year in order that it might register and give semblance of law to the decrees of what was to all intents and purposes military dictatorship’.² Clarke was referring to the system of emergency government that developed in Britain under the Defence of the Realm Acts of 1914 and 1915 (DORA).³ The acts granted military authorities and the government emergency powers that allowed them to rule by decree, mostly removing their activities from direct parliamentary control. The longer the war dragged on, the more harshly were these powers exercised, not only to manage the war effort but also to suppress dissent and labour unrest.⁴ It was this repressive

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¹ S.W. Clarke, ‘The Rule of DORA’, *Journal of Comparative Legislation and International Law*, i, no. 1 (1919), p. 36.

² Ibid., pp. 36–7.

³ For a discussion of the emergence of DORA, see C. Townshend, ‘Martial Law: Legal and Administrative Problems of Civil Emergency in Britain and the Empire, 1800–1940’, *Historical Journal*, xxv (1982), pp. 167–95; id., *Making the Peace: Public Order and Public Security in Modern Britain* (Oxford, 1993), pp. 56–79.

⁴ For the escalation of the repressive handling of anti-war dissent by the British government, see B. Millman, *Managing Domestic Dissent in First World War Britain* (London, 2000).

dimension of DORA that Clarke emphasised in his essay as the most striking rupture in British politics during the war. Yet what Clarke regretted the most was ‘the docility with which the people of this country submitted to the abrogation of many of their most cherished rights. Restrictions which must have been a torment to the restless spirits of Hampden and Wilkes, and even led the more ancient shades of King John’s barons to contemplate another expedition to Runnymede, were received and obeyed almost without question’.⁵ Clarke’s lament certainly reflected the radical transformation of British politics during the Great War that DORA represented. But the implementation and enforcement of the new emergency laws were not as smooth as Clarke pessimistically suggested. Considerable parts of British society opposed the rapid expansion of the wartime state and its ever-growing control over its citizens. The repressive use of emergency powers by military authorities and government triggered the formation of protest groups that began to organise the defence of civil liberties against the encroachments of the British state.

This article discusses the short history of the most significant of these groups, the National Council for Civil Liberties (NCCL), which operated between January 1916 and early 1919.⁶ Despite its comparatively short lifespan, the NCCL had a notable impact on discourses about civil liberties and the state in Britain. It was founded by leading members of the anti-conscription movement as the National Council against Conscription (NCAC), and soon developed into an effective campaigning body whose activities were closely monitored by MI5 and the Special Branch of the Metropolitan Police. A co-ordinated series of police raids in June 1916, targeting groups such as the No-Conscription Fellowship, the Union of Democratic Control and the NCCL itself, transformed the NCCL’s campaigning

⁵ Clarke, ‘Rule of DORA’, p. 36.

⁶ This organisation should not be confused with a similar organisation of the same name, which was founded in 1934 and operates in Britain today as ‘Liberty’: J. Clark, *The National Council for Civil Liberties and the Policing of Interwar Politics* (Manchester, 2012); C. Moores, ‘The Progressive Professionals: The National Council for Civil Liberties and the Politics of Activism in the 1960s’, *Twentieth Century British History*, xx (2009), pp. 538–60; M. Lilly, *The National Council for Civil Liberties: The First Fifty Years* (Basingstoke, 1984).

agenda. Although the NCCL continued to protest against conscription, it also began to organise campaigns against the increasingly aggressive suppression of anti-war dissent, the steady extension of postal and press censorship, detention without trial, restrictions on the freedom of assembly and speech, and later also against secret policing and the state surveillance of trade unions and left-wing groups.

The campaigns of the NCCL shed light on three distinctive developments: first, they show how the increasingly intrusive use of emergency powers facilitated the emergence of a new discourse about the relationship between the state and the individual in Britain. A.J.P. Taylor famously stated that '[u]ntil 1914, a sensible, law-abiding Englishman could pass through life and hardly notice the existence of the state, beyond the post-office and the policemen'.⁷ By 1918, the British state controlled and regulated almost all aspects of daily life.⁸ This development provoked debates about the legitimate boundaries of the state in times of crisis—a fundamental question for modern democracies. Secondly, the NCCL's activities illustrate a profound shift in the British political landscape during the war. The gradual rapprochement in organisations such as the NCCL between the left wing of British liberalism and the organised labour movement offers a fresh perspective on the rise of the Labour Party, as well as the decline of the Liberal Party after 1918.⁹ It highlights how

⁷ A.J.P. Taylor, *English History, 1914–1945* (Oxford, 1965), p. 1.

⁸ D. Englander, 'Military Intelligence and the Defence of the Realm: The Surveillance of Soldiers and Civilians in Britain during the First World War', *Bulletin of the Society for the Study of Labour History*, lii (1987), pp. 24–32; J. Horne, 'Remobilising for "Total War": France and Britain, 1917–1918', in id., ed., *State, Society and Mobilization in Europe during the First World War* (Cambridge, 1997), pp. 195–211. K. Hunt, 'The Politics of Food and Women's Neighbourhood Activism in First World War Britain', *International Labor and Working-Class History*, lxxvii (2008), pp. 8–26. See also K. Burke, ed., *War and State: The Transformation of British Government, 1914–1999* (Abingdon, 1982); A. Marwick, *The Deluge: British Society and the First World War* (Basingstoke, 2006).

⁹ For a discussion of the decline of the Liberal Party, see, for example, P. Adelman, *The Decline of the Liberal Party, 1910–1931* (Abingdon, 1981); T. Wilson, *The Downfall of the Liberal Party, 1914–1935* (London, 1966); J.A. Thompson, 'The Historians and the Decline of the Liberal Party', *Albion*, xxii (1990), pp. 65–83; K. Laybourn, 'The Rise of Labour and the Decline of Liberalism: The State of the Debate', *History*, lxxx (1995), pp. 207–26; G.J. Freeman, 'The Decline of the Liberal Party in the Heart of England: The Liberals in Leicestershire, 1914–1924', *Historical Research*, lxxxix (2016), pp. 531–49; M. Hart, 'The Liberals, the War, and the Franchise', *English Historical Review*, xcvi (1982), pp. 820–32. The rise of the Labour Party is, *inter alia*, discussed in P. Adelman, *The Rise of the Labour Party, 1880–1945* (Abingdon, 1972); D. Tanner, *Political Change and the Rise of the Labour Party* (Cambridge, 1990); M. Worley, *Labour Inside the Gate: A History of the British Labour Party between the Wars* (London, 2005); id., ed., *The Foundations of the Labour Party: Identities, Culture and Perspectives, 1900–39* (Farnham,

traditional liberal concerns, such as the protection of the individual against the incursions of the state, were appropriated and reinterpreted by the left. Thirdly, the NCCL represents a significant innovation in the field of activism. From its very beginning, the NCCL operated as a highly professional pressure group, led by experienced activists who efficiently co-ordinated public campaigns and established new fields of activism, such as the provision of legal aid and the monitoring and documentation of violations of civil liberties. Furthermore, the NCCL and the emergence of a new discourse about civil liberties in Britain exemplify similar developments in other belligerent states.¹⁰

The NCCL has hitherto largely escaped thorough scholarly attention, primarily because its archives appear to have been lost. However, the constant state surveillance of the organisation produced a remarkable amount of documentation which allows us to reconstruct almost all of its activities, including detailed financial accounts and membership lists.¹¹ In addition, individual activists such as the suffragist and pacifist Catherine Marshall kept personal archives, supplementing the documents preserved in MI5 files.¹² Another explanation for the NCCL's neglect in the historiography may be the fact that the organisation was regarded primarily as a front for the No Conscription Fellowship (NCF). The NCF was founded in November 1914 on the initiative of the Labour activists Fenner Brockway and Clifford Allen, and soon developed into the main campaigning body against the introduction of conscription in Britain. By the end of 1915 it was increasingly being

2009); M. Pugh, *Speak for Britain! A New History of the Labour Party* (London, 2011), pp. 1–13; R. McKibbin, *The Evolution of the Labour Party, 1910–1924* (Oxford, 1974).

¹⁰ Another case in point is the emergence of the American Civil Liberties Union in the United States during the war; see J.F. Witt, 'Crystal Eastman and the Internationalist Beginnings of the American Civil Liberties', *Duke Law Journal*, liv (2004), pp. 705–63.

¹¹ MI5 compiled an extensive file on the activities of the NCCL during the war. The main files, KV 2/663 to KV 2/667, contain over 900 pages of surveillance protocols, seized files, reports by police spies and publications. See The National Archives [hereafter TNA], KV 663–7, National Council for Civil Liberties, 1916–1922.

¹² For the relevant documents in the Catherine Marshall Papers covering the First World War, see Carlisle Archives Centre, D/MAR/94–101, 1914–1919.

targeted by the British state and leading activists anticipated a ban on its activities, which led to discussions about possible substitute groups. In this context, the NCCL was often perceived as an auxiliary branch of the NCF.¹³ This article will, however, demonstrate that, while there was an anti-conscription dimension to the NCCL, the organisation's activities extended far more widely. The material presented here helps us to understand the ways in which the activities of the NCCL helped to transform wartime society, contributed to the emergence of civil liberties activism in Britain in the first half of the twentieth century, and had a lasting impact on political culture in Britain and beyond.¹⁴

I

The formation of the NCCL was undoubtedly inextricably entwined with the struggle against the introduction of conscription in Britain. Despite the initial reluctance of the Asquith Liberal government to introduce national service at the beginning of the war in August 1914, it had become obvious by the end of 1915 that volunteers alone would not suffice to compensate for the growing number of casualties. After the failure of the so-called Derby Scheme for increasing recruitment in December 1915, both proponents and opponents were convinced that the introduction of full-blown conscription was imminent.¹⁵ In reaction to the growing number of calls for conscription in press and parliament, the Quaker Friends Service Committee (FSC) and the NCF resolved in late 1915 to organise jointly a public

¹³ For an early example of this view, see Bernard Noël Langdon Davies, 'Alternative Service', in J. Bell, ed., *We Did Not Fight: 1914–18 Experiences of War Resisters* (London, 1935), p. 186. See also T.C. Kennedy, *The Hound of Conscience: The No-Conscription Fellowship, 1914–1919* (Fayetteville, AR, 1981), pp. 80–81.

¹⁴ For discussion of the issue and the second NCCL in the 1930s, see, for example, C. Moores, 'From Civil Liberties to Human Rights? British Civil Liberties Activism and Universal Human Rights', *Contemporary European History*, xxi (2012), pp. 169–92; J. Clark, 'Sincere and Reasonable Men? The Origins of the National Council for Civil Liberties', *Twentieth-Century British History*, xx (2009), pp. 513–37; K.D. Ewing and C.A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain, 1914–1945* (Oxford, 2000).

¹⁵ K. Grievies, *The Politics of Manpower, 1914–18* (Manchester, 1988), pp. 1–39; R.J.Q. Adams, 'Asquith's Choice: The May Coalition and the Coming of Conscription, 1915–1916', *Journal of British Studies*, xxv (1986), pp. 243–63; id. and P.P. Poirier, *The Conscription Controversy in Great Britain, 1900–18* (London, 1987), pp. 119–43.

campaign against the proposed Military Service Bill.¹⁶ Among the first steps of this *ad hoc* campaign was an appeal to trade unions, local Labour Party branches and other sympathetic organisations to oppose the bill. This concerted effort yielded tangible results. On 6 January 1916, the Trades Union Congress (TUC) and the Labour Party met for a specially organised conference and passed a resolution against any form of compulsory service—military or industrial—with an overwhelming majority.¹⁷ The Parliamentary Labour Party, however, was almost evenly split on the issue of conscription. Many representatives of ‘patriotic’ Labour rejected the libertarian case against conscription, emphasising the collectivist ethos of the labour movement. Apart from ideological motives, the support of conscription can also be seen as an attempt by some MPs to demonstrate the reliability and capability of Labour as a potential party of government.

In addition to mustering the support of large parts of the organised labour movement, the FSC and the NCF also decided to lobby members of parliament and government ministers whom they deemed sympathetic to their cause. Indeed, on 3 November 1915 a group of well-respected figures from the Liberal and Labour parties as well as the trade unions had been formed in order to lobby parliament.¹⁸ At the same time, the chairman of the NCF, Clifford Allen, worked alongside members of the FSC on detailed amendments to the proposed Military Service Bill that included provisions for conscientious objections to military service on religious, ethical and political grounds.¹⁹

However, the FSC was concerned that if Allen’s activities became public they would compromise the absolutist anti-conscription stance of the joint campaign and undermine the

¹⁶ Kennedy, *Hound of Conscience*, pp. 80–81.

¹⁷ M.I. Thomis, ‘Conscription and Consent: British Labour and the Resignation Threat of January 1916’, *Australian Journal of Politics and History*, xxiii (1977), pp. 10–18; R. Moore, *The Emergence of the Labour Party, 1880–1924* (London, 1978), pp. 139–40; C. Wrigley, *Arthur Henderson* (Cardiff, 1990), pp. 97–9.

¹⁸ Kennedy, *Hound of Conscience*, p. 80.

¹⁹ *Ibid.*

credibility of both organisations within the anti-conscription movement.²⁰ In order to preserve the integrity of the anti-conscription campaign, a new organisation was set up to lobby parliament and government in favour of the insertion of a 'conscience clause' into the Military Service Bill.²¹ On 10 January 1916, a delegation of seventy well-known anti-conscriptionists met with a group of MPs, led by the former Home Secretary and outspoken critic of conscription John Simon, to present them with a petition against the bill.²² Immediately after that meeting, the delegates convened and decided to establish a new organisation under the name National Council against Conscription (NCAC).²³ At the same time, it was agreed that the chairmanship should be offered to the president of the powerful Miners' Federation of Great Britain (MFGB), Robert 'Bob' Smillie, who accepted it on 14 January 1916.²⁴ The NCAC immediately began a frantic campaign that involved public meetings in the big industrial centres as well as the distribution of more than eight million leaflets and pamphlets between January and May 1916 alone.²⁵

After the passage of the Military Service Bill into law on 27 January 1916—which, as a compromise, contained most of the amendments regarding conscientious objection—the NCAC could well have ceased its activities. This option was indeed discussed within the executive committee. Yet a meeting on 3 February decided that the NCAC should continue its activities in order to monitor the implementation of the Military Service Act and to control the local Military Service Tribunals that were now set up across the country to adjudicate on conscientious objections to military service.²⁶ This, obviously, duplicated the work of the

²⁰ Ibid.

²¹ Ibid.

²² TNA, KV 2/665, Report of the Executive Committee, Feb. 1916.

²³ Ibid.

²⁴ Ibid.

²⁵ TNA, KV 2/665, circular letter by Bernard Noël Langdon Davies, May 1916.

²⁶ TNA, KV 2/665, minutes of the meeting of the Executive Committee, 10 Feb. 1916.

NCF, and particularly its support for conscientious objectors. A possible explanation for the NCAC's continuation in these circumstances is the fact that, within the short time of its existence, it had managed to gain a foothold within the organised labour movement as well as support from anti-war liberals and religious war resisters.

Before the creation of the NCAC, organisations such as the NCF, the FSC and the religious Fellowship of Reconciliation were not well integrated into British politics and had struggled to muster significant interest from large parts of the organised labour movement. Moreover, hyper-patriotic papers such as the *Morning Post* or the *Daily Express* depicted and disparaged pacifists almost daily as idealistic 'peace cranks'.²⁷ The combination of these factors and the organisational divisions among dissenters significantly limited the effectiveness of campaigns that were critical of the war. This changed dramatically with the introduction of conscription in January 1916, which met with hostile reactions within the organised labour movement. This was less the case because of its moral implications for individual citizens. Rather, it was seen as a step towards the introduction of other forms of compulsory service, especially industrial conscription in a similar manner to France and Italy.²⁸ Since the introduction of the Munitions of War Act in July 1915, trade unionists had become increasingly concerned that the British state would use the opportunity provided by the war to suppress the organised labour movement in its entirety. In their view, conscription and the possible militarisation of the workplace were just another step in this direction. Against this backdrop, the major trade unions—including the powerful Triple Alliance of the Miners' Federation of Great Britain, the National Union of Railwaymen and the National

²⁷ For an exhaustive collection of anti-pacifist articles predominantly from the *Morning Post* and *Daily Express*, see TNA, HO 45/10741/263275 to HO 45/10744/263275. For an overview of the politics of the *Morning Post*, see K.M. Wilson, *A Study in the History and Politics of the Morning Post, 1905–1926* (Lewiston, NY, 1990).

²⁸ For a collection of materials from trade unions and Labour Party warning of the dangers of conscription, see Manchester, Labour History Archive and Study Centre, WNC 5/2, Conscription, 1914–1918. See also A. Prost, 'Workers', in J.M. Winter, ed., *The Cambridge History of the First World War* (Cambridge, 2014), pp. 325–57; J.M. Winter, *Socialism and the Challenge of War: Ideas and Politics in Britain, 1912–18* (Abingdon, 1974), pp. 208–10; D. French, *British Strategy and War Aims, 1914–1916* (London, 1986), pp. 116–35.

Transport Workers' Federation—put their full weight behind the anti-conscription campaign organised by the NCAC. They had been reluctant to associate officially with existing organisations such as the FSC and NCF; the creation of a new body seemingly provided a solution to this problem.

The NCAC was in fact a broad coalition of those sections in British society that had become increasingly critical of the war and the way it was waged. This was reflected in the composition of its executive committee. Robert Smillie, characterised by the *Daily Mail* as Britain's most powerful labour leader, acted as the president and was succeeded in this position in 1917 by William Crawford Anderson, who had served as the chairman of the Independent Labour Party (ILP) before the war.²⁹ The day-to-day activities of the council were co-ordinated by Bernard Noël Langdon Davies, a former literary scholar at the University of Cambridge who had worked for the influential liberal pacifist Norman Angell, and who since October 1914 had also been the secretary of the Union of Democratic Control.³⁰ Other members of the executive committee included the suffragist and barrister Frederick Pethick Lawrence, who acted as the honorary treasurer (later succeeded by the psychoanalyst and member of the Bloomsbury Group, Adrian Stephen), and Catherine Marshall, who was also an activist for the Women's International League for Peace and Freedom and the NCF.³¹ The labour movement was represented by, among others, George Lansbury, editor of the *Daily Herald*, Charles George Ammon, the militant general secretary of the Furnishing Trades Association, and W.B. Cheesman, secretary of the Fawcett Association (the postal workers' union). The list of the ordinary members of the Council also contained many prominent labour and liberal activists such as W.H. Massingham, editor of

²⁹ 'Robert Smillie: The Most Powerful Labour Leader', *Daily Mail*, 18 May 1917.

³⁰ Langdon Davies, 'Alternative Service', pp. 180–85.

³¹ J. Vellacott Newberry, 'Women and War in England: The Case of Catherine E. Marshall and World War I', *Peace and Change*, iv, no. 3 (1977), pp. 13–17; id., *From Liberal to Labour with Women's Suffrage: The Story of Catherine Marshall* (Montreal, ON, 1993).

the liberal magazine *The Nation*, the young Ernest Bevin, the radical liberal Charles Roden Buxton, the Quaker philanthropists Barrow Cadbury and Joseph Rowntree, the theorist of imperialism J.A. Hobson, the humanitarian campaigner Emily Hobhouse, the militant suffragette Sylvia Pankhurst, the philosopher Bertrand Russell and the economist John Maynard Keynes.³²

The NCAC took the whole of February 1916 to establish its new structures and to deliberate about the scope of its activities after the Military Service Act had been passed in parliament. The result was a reorientation towards the issue of civil liberties in wartime. On 10 March 1916, Charles George Ammon proposed a new constitution for the NCAC that included as a new objective ‘such other action for the defence of civil liberty as the Council may from time to time decide’.³³ In addition, the name of the organisation was officially changed to ‘National Council against Conscription and for the Defence of Civil Liberties’,³⁴ although the Council continued to operate publicly as the NCAC for another three months. The shift towards the issue of civil liberties can be explained as an attempt to avoid further duplication of the work of the NCF, but it also helped to present the anti-conscriptionist case to wider audiences that had hitherto not been reached. It connected to existing discourses in the newspapers of the dissident labour press (notably *Labour Leader*, *Forward* and *The Herald*) that presented the anti-conscription campaign primarily as a political struggle to preserve the hard-won rights of the organised labour movement against the encroachments of the wartime state.³⁵ The ideological and political framework of civil liberties was more helpful than anti-conscription for the wider agenda of the organised labour

³² TNA, KV 2/665, National Council of Liberties list of subscribers, 20 Nov. 1917.

³³ TNA, KV 2/665, proposed constitution of the National Council against Conscription, 10 Mar. 1916.

³⁴ Ibid.

³⁵ See, for example, War Emergency Workers’ National Committee, *Compulsory Military Service and Industrial Conscription: What They Mean to the Workers* (London, 1915); ‘Industrial Conscription: The Sinister Attempt to Militarise the Workshops’, *Labour Leader*, 11 Jan. 1916; George Lansbury, ‘Labour Can Yet Kill Conscription’, *The Herald*, 7 Jan. 1916; id., ‘Why Labour Fights Conscription’, *The Herald*, 29 Jan. 1916.

movement. It did not exclude the traditional ethical and religious arguments against compulsory military service; rather, it embedded them in the wider context of the debates about the relationship between the wartime state and individual citizens.³⁶ The emphasis on civil liberties also provided ammunition for public attacks on a government that continued to emphasise the notion of a war that was being waged to protect British liberties against Prussian militarism.³⁷ The suppression of dissenting organisations and publications was presented by the dissenters themselves as the adoption of exactly the same oppressive measures against which Britain was allegedly fighting. The accusation that the government and industrialists were conspiring to use the war to introduce 'Prussianism at home' was a prominent trope in the dissenting press.³⁸

The turn towards the issue of civil liberties activism initially had little effect on the actual activities of the Council. In the months up to July 1916, the NCAC dedicated its resources primarily to monitoring the implementation of the Military Service Act. For this purpose, the Council provided legal training for so-called 'watchers', who attended hearings of the local Military Service Tribunals. These watchers then reported their observations back to headquarters, where the information was collected and evaluated. From March 1916 onwards, the NCAC also published a series of pamphlets entitled 'Notes for Claimants', in which the legal position of conscientious objectors was explained.³⁹ Most of the legal advice

³⁶ TNA, KV 2/663, National Council for Civil Liberties, 1916, contains numerous verbatim reports of speeches held at NCCL meetings and examples of pamphlets in which these arguments featured prominently. For representative examples from the dissident Labour press, see 'Democracy and War', *The Herald*, 22 Jan. 1916; John Scurr, 'The Defeat of Democracy', *The Herald*, 18 Apr. 1916.

³⁷ See, for example, H.G. Wells, *The War That Will End All Wars* (London, 1914). For an overview of the British discourse on militarism, see M. Johnson, *Militarism and the British Left, 1902–1914* (Basingstoke, 2013), pp. 1–19.

³⁸ See, for example, C.H. Norman, *British Militarism: A Response to Robert Blatchford* (Manchester, 1915); Thomas Johnston, *The Hun at Home During Three Years of the Great War* (Glasgow, 1917); Norman Angell, *The Prussian in Our Midst* (Manchester, 1916); 'More "Prussianism" at Glasgow', *The Herald*, 8 Jan. 1916; P.J.D., 'Still More Prussianism', *The Herald*, 15 Jan. 1916.

³⁹ TNA, KV 2/664 and KV 2/665 contain all issues of the 'Notes to Claimants'.

was compiled by the legal counsel of the Labour Party, Henry H. Slessor, and the activist barrister Frederick Pethick Lawrence.⁴⁰

The trigger for the public reinvention of the NCAC as a full-blown civil liberties organisation appears to have been the raid by MI5 and Special Branch on the offices of the NCF and NCAC on 6 June 1916. Since January 1916, the authorities had established a tightly knit surveillance operation which monitored every activity of the NCAC. During the raid in June, officers seized account books and membership lists, and confiscated almost 1.5 tons of pamphlets and other literature.⁴¹ The case was raised by Arthur Ponsonby in the House of Commons, and this forced the Home Secretary, Herbert Samuel, to return most of the seized publications.⁴² It was probably in response to this escalating repression, that six weeks later, on 21 July 1916, a meeting of the executive committee was held at which W.C. Anderson proposed a restructuring of the Council as a dedicated campaigning body for defence of civil liberties. During the meeting the name of the organisation was changed to the National Council for Civil Liberties.⁴³ The constitution was also amended to emphasise the new objectives of the council. It now explicitly committed the Council to campaigning for the defence of civil liberties that were threatened by censorship, political policing and coercive national service.⁴⁴ Consequently, the issue of conscription was increasingly replaced by campaigns against the excessive use of emergency measures under DORA, press censorship, the use of secret informers and police spies, and the erosion of British democracy.

⁴⁰ Most of the expert legal opinions formulated by Slessor were also used by the War Emergency Workers' National Committee in whose files they have been archived; see Labour History Archive and Study Centre, WNC 15/4, Legal, 1914–1918.

⁴¹ TNA, KV 2/664, memorandum of MI5G, 24 July 1916.

⁴² Hansard, *The Official Report: House of Commons*, 5th ser., 26 June 1916, vol. 83, cols. 510–12.

⁴³ TNA, KV 2/665, memorandum by Scotland Yard for MI5 on NCCL, 5 Dec. 1917.

⁴⁴ TNA, KV 2/665, pamphlet issued by the National Council for Civil Liberties, Aug. 1916.

II

The concerted raids on the NCF and NCCL headquarters in June 1916 were not the first of their kind. Since June 1915 at the latest, MI5 and Special Branch had regularly searched the offices of dissenting groups, seized dissenting literature and tried to obtain information about individual activists as well as the organisations in which they were active. The first, and also most controversial, of these cases was a series of raids in July and August 1915, authorised by the Attorney General, Edward Carson, on the premises of the National Labour Press in Manchester, the head offices of the ILP, and the editorial offices of the militant papers *Glasgow Forward* and *Daily Herald*.⁴⁵ These raids caused a public outcry and were intensely debated in parliament, such that the then Home Secretary, John Simon, was eventually forced to back down on the issue.⁴⁶ By mid-1916, however, raids were not being publicly scrutinised in the same way. It might seem as if the British public had become used to the harsher treatment of dissenters.

There were other factors that help to explain why state repression and the protection of civil liberties became a key issue for many activists at this point. After the formation of the coalition government in May 1915, Asquith's 'business as usual' approach had been finally abandoned and replaced by an unprecedented programme of societal and economic mobilisation.⁴⁷ A first sign of this dramatic change was the introduction of the Munitions of War Act in August 1915. This emergency law met with hostile protests from major trade unions and the radical left.⁴⁸ The fierce resistance to the Act facilitated a gradual

⁴⁵ Millman, *Managing Dissent*, pp. 64–6.

⁴⁶ Ewing and Gearty, *Struggle for Civil Liberties*, pp. 65–9.

⁴⁷ D. French, 'The Rise and Fall of "Business as Usual"', in K. Burk, ed., *War and the State: The Transformation of British Government, 1914–1919* (London, 1982), pp. 7–31.

⁴⁸ G.R. Rubin, *War, Law and Labour: The Munition Acts, State Regulation, and the Union, 1915–1921* (Oxford, 1987); id., 'Law, War and Economy: The Munitions Acts 1915–17 and Corporatism in Context', *Journal of Law and Society*, xi (1984), pp. 317–33.

rapprochement between the anti-war left and the more moderate parts of the labour movement, for example in bodies such as the War Emergency Workers' National Committee.⁴⁹ The potential for this combination of labour unrest and anti-war protest seriously to disturb the war effort became obvious during the large-scale miners' strike in the South Wales coalfield in July 1915 as well as during the struggles of the Clyde Workers' Committee in Glasgow.⁵⁰ These developments certainly contributed to changing policies towards dissenting groups on the part of the British state from mid-1915 onwards. Up to this point, they had largely been treated as a bothersome yet tolerated side effect of the war, but the government now became more hostile.

Activists noticed this change. The NCF, for example, anticipated a crackdown and devised emergency plans in case its chairman, Clifford Allen, and other leading members were arrested.⁵¹ This sense of imminent threat was also felt elsewhere in organised dissent. After a series of meetings were broken up violently in late 1915, the Union of Democratic Control urged its members to collect evidence for the growing number of encroachments on freedom of speech and assembly in the country.⁵² The introduction of conscription together with the increasingly hostile treatment of dissenters made the defence of civil liberties an ever more pressing issue for many activists. There existed, however, no clear strategy for addressing this problem. Organisations such as the NCF and the UDC relied primarily on the support of sympathetic MPs to raise cases of infringements of civil liberties in the House of Commons. In addition, from early 1916 onwards, activists from various

⁴⁹ R. Harrison, 'The War Emergency Workers National Committee, 1914–1920', in A. Briggs and J. Saville, eds., *Essays in Labour History, 1886–1923* (London, 1971); Winter, *Socialism and the Challenge of War*, pp. 184–232.

⁵⁰ A. Mór-O'Brien, 'Patriotism on Trial: The Strike of the South Wales Miners, July 1915', *Welsh History Review*, xii (1984), pp. 76–104; J. Hinton, 'The Clyde Workers' Committee and the Dilution Stuggle', in Saville and Briggs, *Essays in Labour History*, pp. 152–84; J. Hinton, *The First Shop Stewards' Movement* (London, 1973); R.K. Middlemas, *The Clydesiders: A Left Wing Struggle for Parliamentary Power* (London, 1965), pp. 58–83; N. Milton, *John Maclean* (London, 1973), pp. 109–15.

⁵¹ Carlisle Archives Centre, D/MAR/4/6, Chairman's arrest, June 1916.

⁵² Hull History Centre, U DDC/1/4, Minute Book, minutes of meeting, 7 Dec. 1915.

dissenting groups sought to co-ordinate their different initiatives and put them on a more permanent footing without creating an official coalition. The NCCL provided a perfect platform for such an undertaking since it was already a rather broad organisation with members from almost every branch of organised dissent.

The issue of civil liberties was not entirely uncharted territory for activism. The first organisation that can be described as a civil liberties group of sorts, the libertarian Personal Rights Association, had been founded in 1871.⁵³ Yet within the labour movement the topic was barely recognised as a field of activity in its own right. Issues such as attacks on the right to strike, the harsh policing of labour disputes, or the inequalities of the voting franchise were often discussed primarily as symptoms of capitalist class rule. The political movement that was most closely associated with the theme of civil liberties was, of course, the Liberal Party. The introduction of conscription and the implementation of intrusive emergency laws such as the Defence of the Realm Acts and the Munitions of War Act by a Liberal (and from May 1915 a Liberal-led coalition) cabinet did, however, substantially weaken this link. While the majority of Liberal MPs—just like the majority of their colleagues from the other parties—waived most of their scruples about the authoritarian wartime measures, a considerable number of progressive Liberals such as Charles Trevelyan, Charles Roden Buxton, Arnold Lupton and E.D. Morel shifted gradually to the political left. Organisations such as the NCCL and the UDC became forums in which labour activists, radical leftists and progressive liberals worked together on certain issues. In this context, the emergence of the NCCL as a dedicated civil liberties organisation represents what we can call a twofold ‘revolution in activism’. First, it opened up and established the question of civil liberties as a

⁵³ M. Wright, “‘The Perfect Equality of All Persons Before the Law’: The Personal Rights Association and the Discourse of Civil Rights in Britain, 1871–1885”, *Women’s History Review*, xxiv (2015), pp. 72–95; A. Johansen, ‘Defending the Individual: The Personal Rights Association and the Ligue des Droits de l’Homme, 1871–1916’, *European Review of History*, xx (2013), pp. 559–79; E. Bristow, ‘The Liberty and Property Defence League and Individualism’, *Historical Journal*, xviii (1978), pp. 761–98.

campaigning issue for the British left by appropriating for the labour movement the traditional liberal cause of the protection of individual freedoms. The second relevant dimension of this revolution in activism concerns the innovative way in which the NCCL organised and conducted its campaigns. Rather than trying to establish itself as a mass-membership organisation, the Council developed into an efficiently managed pressure group that foreshadowed a new era of professional activism.⁵⁴

From the very beginning, the NCCL could draw on the wealth of experience of its leading members from their various campaigning backgrounds such as the labour and trade union movement, suffragists and suffragettes, the Liberal Party and traditional pacifism. The Council operated from rather spacious offices near Fleet Street.⁵⁵ The head office was managed by Bernard Noël Langdon Davies, who was exempted from military service on the grounds that he was officially fulfilling war-relevant work as a baker at the Bermondsey Co-Operative Bakery.⁵⁶ The day-to-day running of the offices was, however, overseen by Catherine Marshall, who also supervised the eight full-time office clerks who were employed by the NCCL.⁵⁷ In addition to the head office in London there were eighteen full-time regional organisers.⁵⁸ Both Langdon Davies and Marshall reported to the executive committee, which was chaired by Robert Smillie and met on a regular basis at the head office to discuss the policies of the Council.

The actual political work was done by five different departments led by subcommittees of experienced activists. This included two departments which stemmed from the rather

⁵⁴ For a discussion of the historical origins of 'pressure groups' in British politics, see W.J.M. Mackenzie, 'Pressure Groups in British Government', *British Journal of Sociology*, vi (1955), pp. 133–48. See also R. Benewick, 'British Pressure Group Politics: The National Council for Civil Liberties', *Annals of the American Academy of Political and Social Science*, no. 413 (1974), pp. 145–57.

⁵⁵ The head office was first located at 22 Bride Lane, London EC, and was moved in September 1917 to 33 Henrietta Street, London WC2: TNA, KV 2/665, report on the accounts of the NCCL for MI5, 6 Dec. 1917.

⁵⁶ Langdon Davies, 'Alternative Service', pp. 192–4.

⁵⁷ TNA, KV 2/665, report on the accounts of the NCCL for MI5, 6 Dec. 1917.

⁵⁸ Ibid.

short period of the anti-conscription struggle. The Documentation Department collected and evaluated reports on and evidence for civil liberties infringements. At first, this primarily concerned reports from observers at the local Military Service Tribunals on their treatment of conscientious objectors, but this was later extended to the documentation of other incidents such as police surveillance, censorship or public meetings that had been broken up. This information was then compiled and used to brief supportive MPs for their interventions in parliament. Moreover, the often very detailed case files were also made available to friendly journalists who reported on infringements of civil liberties. In 1918, the Council compiled and published a booklet entitled *Civil Liberties 1918*, edited by the head of the Record Office, Monica Ewer (who after the war became the *Daily Mirror's* principal film critic), which contained a review of the authorities' encroachments on civil liberties in 1917.⁵⁹ The actual dissemination of this report seems, however, to have been hampered by censorship and problems with its production. In the end, it was merely issued to newspapers and sympathetic politicians and political groups.⁶⁰ Nevertheless, the existence of this report and its intended uses are remarkably reminiscent of similar publications issued by civil liberties and human rights groups later in the twentieth century. The 1918 report on civil liberties was the first of its kind in Britain.

The work of another key department was also closely linked to the documentation of civil liberties violations. The Publications Department was responsible for the co-ordination of the Council's public campaigns and undertook two main tasks. First, it managed the production and dissemination of literature ranging from leaflets and posters to pamphlets and books. Many of these publications were written by prominent activists, such as Bertrand Russell, whose lecture series on political ideals was printed and distributed in tens of

⁵⁹ Carlisle Archives Centre, D/MAR/4/95, *Civil Liberties 1918*, Jan. 1918.

⁶⁰ Ibid.

thousands of copies.⁶¹ Secondly, the Publication Department also organised the public events of the NCCL throughout the country, which included public lectures on various aspects of democracy and civil liberties. The speakers and chairs of these lectures were often leading intellectuals, such as Bertrand Russell, Ernest Bevin, Beatrice Webb and Arnold Toynbee, as well as dissenting politicians, including the former Chair of the Parliamentary Labour Party Ramsay Macdonald and the Liberal MP Charles Trevelyan. Judging from police reports on these events, most of them were attended by audiences of between 200 and 1,000 people. From mid-1916, the NCCL organised at least one big event every week somewhere in the United Kingdom.⁶²

Given the generally hostile public reactions to dissenting activities during the war, these numbers are remarkable; they suggest that, within the organised labour movement and progressive liberal and pacifist circles, the topic of civil liberties had the potential to mobilise large audiences. One of the most controversial events organised by the NCCL took place in Cardiff on 11 November 1916. Arranged in conjunction with the local miners' unions—many of which were affiliated to the NCCL or the UDC—the 'Civil Liberties Conference' was intended as a clear demonstration of influence.⁶³ The invited speakers, among them Charles Trevelyan and Ramsay MacDonald as the keynote presenters, represented almost every branch of organised dissent, and the hired venue, Cory Hall, had a larger capacity than those used for other NCCL events. The plans for the event caused considerable alarm among the local Welsh authorities, which was swiftly transmitted to Whitehall. From October 1916, the local Chief Constable, military commanders and patriotic groups, such as the British

⁶¹ Between October 1916 and October 1917, the NCCL ordered 82,200 pamphlets including a large number of Russell's 'Political Ideals'; TNA, KV 2/665, report on the accounts of the NCCL for MI5, 6 Dec. 1917.

⁶² In 1917, the NCCL had organised 195 meetings, not including the meetings of the Trade Union and the Women's Committees: TNA, KV 2/666, intelligence precis on the Annual General Meeting of the NCCL, 3 Jan. 1918. The files in TNA, KV 2/663 to KV 2/666 contain numerous verbatim police reports, together with posters and pamphlets advertising NCCL meetings all over the country.

⁶³ B. Millman, 'The Battle of Cory Hall, 1916: Patriots Meet Dissenters in Wartime Cardiff', *Canadian Journal of History*, xxv (2000), pp. 57–83.

Empire League, bombarded the Home Office with gloomy warnings about the planned conference and urged the Home Secretary, Herbert Samuel, to ban it under the Defence of the Realm Act.⁶⁴ Samuel, however, advised them to find a local solution for the problem.⁶⁵ In response the British Empire League and the right-wing British National Workers' League organised a 'monster open-air demonstration' on the day of the conference, supposedly in order to 'protest against false peace agitators'.⁶⁶ The actual purpose of the demonstration was to break up the NCCL meeting in Cory Hall. This was co-ordinated with the local Competent Military Authority and Cardiff Police days in advance.⁶⁷ On the day, the demonstration was led by the sitting Labour MP for Merthyr Tydfil, Charles B. Stanton. The police constables who were supposed to protect the NCCL meeting deliberately let the demonstration pass and attack Cory Hall. What followed was a violent brawl that resulted in the storming of the hall and the seizing of the stage by Stanton and his followers. Ramsay MacDonald and the other speakers managed to escape from the mob but several attendees were injured. The 'Battle of Cory Hall', as the incident was soon called, was fiercely debated in parliament.⁶⁸ The fact that a sitting MP had led a violent attack against another high-profile parliamentarian caused particular controversy. Questioned in the House of Commons about why the local police forces did not intervene to protect freedom of assembly and speech, Herbert Samuel replied that while the government would not attack these liberties directly, it was also in no position to protect them for dissenters.⁶⁹ In the eyes of many NCCL activists, the events in Cardiff and particularly the clumsy reactions of the Home Office and the local police in its aftermath created further evidence for the steady erosion of civil liberties during the war.

⁶⁴ TNA, HO 45/10810/311932, Chief Constable D. Davies to Herbert Samuel, 20 Oct. 1916.

⁶⁵ TNA, HO 45/10810/311932, Samuel to Davies, 22 Oct. 1916.

⁶⁶ TNA, HO 45/10810/311932, leaflet, Nov. 1916.

⁶⁷ Millman, 'Battle of Cory Hall', pp. 73–6.

⁶⁸ Hansard, *Commons*, 5th ser., 14 Nov. 1916, vol. 87, cols. 711–50.

⁶⁹ *Ibid.*, cols. 744–5.

The NCCL's Publications Department used such instances for its propaganda by making sure that they were widely reported in the labour press and liberal newspapers and magazines, including *The Nation*, the *Labour Leader*, *The Herald* and the *Manchester Guardian*.

The work of the Publications Department highlights the notable degree of professionalism of the NCCL as a whole. It went beyond the organisation of events and the distribution of publications. The members of the department also devised the overall public relations strategy for the Council. This included briefs for sympathetic MPs and training for public speakers; for example, in late 1917 the head of the department, P.W. Howard, prepared a document that was circulated to local organisers in which he outlined the topics which agitators should mention at rallies and gave detailed descriptions of the examples they should use.⁷⁰ Howard urged the speakers to emphasise the uniquely British character of many civil liberties 'that were unknown to most other countries in the world'.⁷¹ These characteristics of British democracy, such as the popular control of parliament, the right to a civil trial, freedom of thought, the rejection of militarism, the right to asylum and industrial freedom were now under threat and needed the robust defence of the NCCL.⁷² Howard suggested that speakers should end their speeches with the warning that 'the history of other wars shows [that] reactionaries at home have taken advantage and filched from them [the people] the hard-won liberties of centuries. Let not history repeat itself!'⁷³ Emphasis was placed on transmitting a coherent and consistent message to broad audiences. As we shall see, the appeal to British patriotism and the history of political struggles was a recurring, dominant theme in the campaigns for civil liberties during the war.

⁷⁰ Carlisle Archive Centre, D/MAR/4/92, notes to NCCL speakers, 1917.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

The third key department of the NCCL dealt with a wide array of legal questions that arose during the work of the Council. Led by Henry H. Slesser and Frederick Pethick-Lawrence, the Legal Department was primarily concerned with formulating legal opinions on the various emergency decrees promulgated under the Defence of the Realm Acts. Slesser also provided these opinions for other organisations, including the Labour Party and the affiliated War Emergency Workers' National Committee.⁷⁴ These briefs were often used to inform MPs and also published as leaflets. With regard to the monitoring of the application of the Military Service Act, the NCCL also published a periodical titled 'Notes to Applicants' in which potential conscientious objectors were provided with information on their legal position and with summaries of the latest court decisions concerning the MSA. In some cases, the Legal Department also provided direct legal advice and financial support for defendants.⁷⁵

Legal aid and propaganda were closely entangled in the NCCL's work. Particularly from 1917 onwards, when a number of political trials against anti-war dissenters such as Bertrand Russell and the general secretary of the UDC, E.D. Morel, caused public debate, the question of political justice and prosecution became a key issue for the Council.⁷⁶ This also concerned some less well known cases such as that of the pacifist and suffragist Alice Wheeldon.⁷⁷ Being a member of the Socialist Labour Party and the NCF, Wheeldon actively opposed the war. She allegedly sheltered conscientious objectors in her home who were trying to hide from the authorities. In January 1917, Wheeldon was arrested in her house in

⁷⁴ Labour History Archive and Research Centre, WNC 15/4, Legal, 1914–1918.

⁷⁵ In 1916, for example, the council spent £120 on legal aid: TNA, KV 2/665, balance sheet of the National Council for Civil Liberties, 31 Dec. 1916.

⁷⁶ For the prosecution of E.D. Morel, see C. Cline, *E.D. Morel, 1873–1924: Strategies of Protest* (Belfast, 1981), pp. 112–15; Millman, *Managing Dissent*, pp. 179–84; S. Harris, *Out of Control: British Foreign Policy and the Union of Democratic Control, 1914–1918* (Hull, 1999), p. 159. For details of the prosecution of Bertrand Russell, see TNA, HO 45/11012/314670, WAR: Pacifist activities of Bertrand Russell, 1916–1921; J. Vellacott, *Bertrand Russell and the Pacifists in the First World War* (New York, 1980), pp. 298–302.

⁷⁷ S. Rowbotham, *Friends of Alice Wheeldon: The Anti-War Activist Accused of Plotting to Kill Lloyd George* (London, 1986); A. Hochschild, *To End All Wars: A Story of Loyalty and Rebellion, 1914–1918* (London, 2011), pp. 249–54.

Derby, alongside one of her daughters and her son-in-law, after a secret agent under the cover name Alex Gordon had, under the pretence of being a deserter on the run, stayed in Wheeldon's house. Gordon had planted a package with poisonous substances there, which was found during the arrest raid and was then used as evidence for an alleged assassination plot against the Prime Minister, David Lloyd George, and the Labour Party chairman, Arthur Henderson. The prosecution during the trial in March 1917 was conducted personally by the Attorney-General, Frederick E. Smith. He pushed the case through, denying the use of mitigating evidence and refusing to allow a cross-examination of Gordon. The trial ended with the sentencing of Wheeldon to ten years of penal servitude, with sentences of seven years for her son-in-law and five years for her daughter.⁷⁸ The NCCL supported the defendants and used the Wheeldon case widely to emphasise how far the erosion of civil liberties and democracy had progressed in Britain. In the sensational cases against Russell and Morel, the Council organised a public solidarity campaign for their release as political prisoners and published their defence speeches, as well as regular reports on their treatment in prison.⁷⁹ The cases of prominent political prisoners were used to expose the allegedly 'Prussian character' of the Lloyd George cabinet. Russell, Morel and Wheeldon were presented as martyrs for British freedom and 'prisoners of conscience' prosecuted by an increasingly authoritarian and undemocratic regime.

While the NCCL's principal activities focused on documentation, propaganda and legal aid, other committees were created to target specific groups. For example, in March 1916 a Women's Committee under the leadership of Catherine Marshall was set up to engage with 'women specific' civil liberties questions.⁸⁰ These primarily concerned resistance against

⁷⁸ D.N. Pritt, *Spies and Informers in the Witness Box* (London, 1958), pp. 38–40.

⁷⁹ See for example National Council for Civil Liberties, *Bertrand Russell and the War Office: A Personal Statement* (Manchester, 1916).

⁸⁰ Carlisle Archive Centre, D/MAR/4/94, Gwendoline Dixon to Catherine Marshall, 1 Mar. 1916.

the proposed Criminal Law Amendment Bill, which was seen as yet another extension of excessive police powers over women and which would lead to arbitrary prosecutions for poorly defined 'acts of indecency'.⁸¹ The Women's Committee was also supposed to liaise with the anti-war elements of the suffragist movement and to debate issues related to the reform of the voting franchise.⁸² In addition to Marshall, the committee co-opted a number of other feminist activists, such as the modernist writers Mary Butts and Edith Ellis, the labour organiser Marjorie Manus, Maude Royden, the vice-president of the Women's International League for Peace and Freedom, the activist lawyer Sophy Sanger and the feminist socialist Ethel Snowden.⁸³

In addition, a 'Trade Unions' Committee was established to liaise with the affiliated trade unions and to co-ordinate the campaigns of the NCCL with them. The committee was staffed by prominent trade union leaders, such as the MFGB's Robert Smillie and Charles G. Ammon. The committee was relatively successful in its task of ensuring national and local support from the trade union movement. Nationally, trade unions such as the National Union of Women Workers, the Fawcett Association and the Amalgamated Furnishing Trades Association were affiliated with the NCCL and supported it financially.⁸⁴ On the local level, trade councils and union secretaries helped with the organisation of public meetings and provided stewards, when needed, to protect such events against attacks by patriotic mobs.⁸⁵ At the same time, the 'Trade Unions' Committee also helped to develop propaganda materials that dealt with issues such as the policing of strikes or the state surveillance of union members.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ TNA, KV 2/665, bodies affiliated to the NCCL, Dec. 1916.

⁸⁵ By the end of 1916, about 160 local Trade and Labour Councils as well as trade union branches had officially affiliated with the NCCL: TNA, KV 2/665, local Joint Councils, Dec. 1916.

The combination of a highly professionalised division of labour within the NCCL, the use of paid full-time activists and of target-group-specific propaganda made the NCCL a strikingly innovative political organisation. Most of its campaigns were led by a comparatively small number of professional activists, while the majority of the members merely acted as supporters by paying a membership fee and by purchasing and distributing the NCCL's literature.⁸⁶ Apart from the Annual General Meeting, the actual involvement as activists was rather limited. The work of the NCCL and its professional activists are more reminiscent of the pressure groups and non-governmental organisations of the mid- and late twentieth century than of the political associations of the nineteenth century.⁸⁷

III

The historical significance of the NCCL goes beyond its innovations in political activism in Britain. The activities of the Council also marked a shift in political discourses about the relationship between the modern state and its individual citizens. This revived concept of civil liberties emerged primarily in reaction to the gradual expansion of the wartime state and the introduction of new emergency measures, yet the discourse went further to encompass notions of liberal democracy and democratic socialism. In parallel to the intensified prosecution of dissenters by the British state, the language of civil liberties began to change as well. The emphasis was now less on moral or political arguments, and more on a notion of progressive British patriotism in which the struggle for civil liberties was framed as a defence of British traditions and freedoms. In this context, the NCCL was part of the transformation of British political culture during the First World War. By opening up the

⁸⁶ TNA, KV 2/665, organisation notes: distribution of literature, 22 Jan. 1916.

⁸⁷ For an historical outline of the development of NGOs in Britain during the nineteenth and twentieth centuries, see M. Hilton, J. McKay, N. Crowson and J.-F. Mouhot, *The Politics of Expertise: How NGOs Shaped Modern Britain* (Oxford, 2013), pp. 1–27.

topic of civil liberties as a campaigning issue for the political left, it countered the tendency towards a radical anti-individualistic collectivism that emerged during the war among those on the extreme right and within parts of 'patriotic' Labour. The attitude of some of the most ardent supporters of the war effort in the Labour Party is exemplified in an article by the aforementioned MP for Merthyr Tydfil, Charles B. Stanton, in the *Daily Express* of 28 January 1916.⁸⁸ In the article, Stanton denounced the pacifist 'claptrap' of 'this horde of Quakers, cranks, Radicals, Little-Englanders, violent pacifists, vocal pro-Germans, and slobbery I.L.Peers'.⁸⁹ He then went on to emphasise that, for him, the principles of socialism and trade unionism meant the complete submission of the individual under the state. Those socialists in the peace movement who upheld the idea of 'the dignity of the human soul' and individual liberty were doing nothing less than 'their best to snatch away from British courage and British determination the immortal wreath of victory'.⁹⁰ The article's aggressive language and its rejection of individual liberties during wartime were by no means exceptional. It represented a radically collectivist and nationalist discourse which was broadly popularised at the time by patriotic publications such as the *Morning Post*, the *Daily Express* and *John Bull*.

In reaction, activists both within the NCCL and outside the association sought to reconcile their defence of personal rights with the idea of socialism. But the concept of civil liberties itself also began to change. Prior to the First World War, the notion of the rule of law as the protector of individual liberties was shared by most Liberals, Conservatives and also many Labour activists. The experiences of the First World War and the intrusions of the wartime state shattered these certainties. Civil liberties changed from being 'the birth-right of freeborn Englishmen' into something that needed to be defended by public campaigning

⁸⁸ Charles B. Stanton, 'The Enemies in our Midst', *Daily Express*, 28 Jan. 1916.

⁸⁹ Ibid.

⁹⁰ Ibid.

and political mobilisation.⁹¹ The deep-rooted nature of notions about ‘British liberty’ is shown in the work of A.V. (Albert Venn) Dicey—the most influential British constitutional theorist of the late Victorian period. As Dicey argued in 1897, the peculiar nature of the British constitution guaranteed that the judiciary was able to defend individual liberties against the incursions of the state. Moreover, the centuries-old British tradition of the rule of law would ensure that every action of the state would be liable to legal review, or, as Dicey put it, that ‘no one was beyond the law’.⁹² However, with the enactment of DORA in August 1914, the government suspended vital elements of the rule of law, and whatever power of legal review was left to the judiciary was not exercised. In fact, the majority of the judges used their powers to advance the war effort rather than to protect the rights of individual citizens against the incursions of the state.⁹³ The supposed limitation of excessive executive powers through the checks and balances provided by judiciary and parliament failed the test of modern war almost entirely. This, in turn, facilitated the emergence of civil liberties as a new field of activism. Rather than being taken for granted as an inherent part of British political culture, civil liberties came to be seen as in need of advocacy and promotion. The instructions to public speakers of the NCCL discussed above illustrate this development. They contained a note at the beginning, stating that speakers should explain to their audiences that ‘Civil Liberty is a desirable thing—that it is good to have freedom of thought, speech and action’—something which might be thought to have been self-evident.⁹⁴

⁹¹ For a discussion of this notion, see E.P. Thompson, ‘The Free-Born Englishman’, in *E.P. Thompson and the Making of the New Left*, ed. C. Winslow (London, 2014), pp. 291–306.

⁹² A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (5th edn., London, 1897), p. 179.

⁹³ R. Vorspan, ‘Law and War: Individual Rights, Executive Authority, and Judicial Power in England during World War I’, *Vanderbilt Journal of Transnational Law*, xxxviii, no. 2 (2005), pp. 261–343; C. Townshend, *Making the Peace: Public Order and Public Security in Modern Britain* (Oxford, 1993), p. 65; Ewing and Gearty, *Struggle for Civil Liberties*, pp. 91–3.

⁹⁴ Carlisle Archive Centre, D/MAR/4/92, notes to NCCL speakers, 1917.

Statements such as this highlight how the campaigns of the NCCL were shaping a new discourse and popularising certain notions of specifically British freedoms.

The use of patriotic language was a characteristic feature of this discourse. All sides invoked notions of Britishness, tradition, history and freedoms in their literature and propaganda.⁹⁵ Although the general wartime discourse in all quarters was dominated by a burgeoning nationalism, the emphasis that left-wing activists put on presenting their campaigns as an expression of true patriotism is nevertheless remarkable.⁹⁶ This was clearly an attempt to counter allegations of being pro-German or of assisting the enemy, which were levelled against dissenters by the patriotic press. Prominent activists, such as the NCF chairman Clifford Allen and the leader of the anti-war opposition within the Labour Party, Ramsay MacDonald, were regularly singled out by the patriotic press as ‘enemies within’. By emphasising the essentially British nature of civil liberties and presenting the intrusive wartime measures as something entirely alien to the political culture of the country, activists in the NCCL tried to subvert the nationalistic discourse. The propaganda of the Council reverted to well-established images and tropes of Britishness to convey its message. For example, a leaflet from 1917, which denounced the use of secret police agents during recent strikes, ended with the boldly printed words ‘Britons never shall be slaves’—a direct reference to the unofficial imperial anthem ‘Rule Britannia’.⁹⁷ Other pamphlets caught the attention of potential readers with headings such as ‘British Worker! Are You Pro-

⁹⁵ For a detailed discussion of this issue, see D. Monger, *Patriotism and Propaganda in First World War Britain: The National War Aims Committee and Civilian Morale* (Liverpool, 2012); M.C. Hendley, *Organized Patriotism and the Crucible of War: Popular Imperialism in Britain, 1914–1932* (Montreal, QC, 2012); P. Ward, *Red Flag and Union Jack: Englishness, Patriotism and the British Left, 1881–1924* (London, 1998); S.E. Cooper, *Patriotic Pacifism: Waging War on War in Europe, 1815–1914* (Oxford, 1991); H. Brown, *‘The Truest Form of Patriotism’: Pacifist Feminism, 1870–1902* (Manchester, 2003), pp. 144–62.

⁹⁶ For an insightful discussion of the ambiguous historic relationship between patriotism and the British left, see H. Cunningham, ‘The Language of Patriotism, 1750–1914’, *History Workshop Journal*, no. 12 (1981), pp. 8–33; M. Taylor, ‘Patriotism, History and the Left in Twentieth-Century Britain’, *Historical Journal*, xxxiii (1990), pp. 971–87.

⁹⁷ Carlisle Archives Centre, D/MAR/4/95, ‘A Warning to Trade Unionists!’, leaflet issued by the Trade Unions’ Committee of the NCCL, late 1917.

Prussian?’⁹⁸ In other propaganda texts, Britishness, working-class identity and the defence of civil liberties were interwoven by the authors, who portrayed Magna Carta, the Civil War and the Bill of Rights as victories of the people against the oppressive elites. These hard-won liberties were now at stake and needed to be defended against capitalists and the state. Some activists even argued that the war was only brought about in order to deprive the working people of Britain of their civil liberties. In an article for the magazine of the Union of Democratic Control, *The UDC*, Frederick Seymour Cocks summarised these views by equating the actions of the government to those of Prussian militarists and tyrannical British monarchs; these entail:

...the exploitation of democracy by financial conspiracies and military juntas working through the medium of secret diplomacy instead of control of foreign affairs as well as of home affairs, by the people. It means the Government of the people by autocratic decree instead of the full democratic principle of government of the people, by the people, for the people for which the Union [the UDC] stands. It means the standard of autocracy, once planted by King Charles the First at Nottingham, and now again by Mr. Lloyd George at Downing Street, instead of the banner of the Commonwealth which once before triumphed over the demands of Privilege and Kings, and which will triumph again over the power of Press-gangers and of Premiers.⁹⁹

Most of these themes and tropes were far from new. They had been an essential part of the vocabulary of radicalism and social movements since the early nineteenth century.¹⁰⁰ Against the backdrop of the First World War, however, this notion of progressive patriotism was updated and adapted to the new political realities.

The relationship between the theme of Britishness and the struggle for civil liberties became more apparent after the introduction of conscription in 1916. This coincided with

⁹⁸ Labour History Archive and Study Centre, WNC 35/5/06, ‘British Worker! Are You Pro-Prussian?’, 1915.

⁹⁹ F.S. Cocks, ‘What is Prussianism?’, *The UDC*, ii, no. 13 (Nov. 1917).

¹⁰⁰ J. Parry, ‘Patriotism’, in D. Craig and J. Thompson, eds., *Languages of Politics in Nineteenth-Century Britain* (Basingstoke, 2013), pp. 69–92; J.A. Epstein, *Radical Expression: Political Language, Ritual and Symbol in England, 1790–1850* (Oxford, 1994).

the formation of the NCCL, which began to use the trope extensively. Before this point, organisations such as the UDC and NCF only reluctantly employed patriotic tropes in their publications, primarily because this could have been seen as contradictory to their internationalist and pacifist inclinations. This evolution of dissenting propaganda during the First World War needs to be considered as a reaction to official and semi-official propaganda, which became more intense and aggressive the longer the war went on. The greater the effort the patriotic press invested in exposing allegedly unpatriotic and pro-German activities, the greater the emphasis activists placed on declaring their patriotic motivation to oppose the wartime state. The struggle for civil liberties was in this context also a struggle over the power to define Britishness and patriotism.

Another aspect of the discourse about civil liberties during the First World War seems relevant in this context. In tandem with attempts to identify civil liberties with Britishness, a more universalist defence of individual rights emerged, placing the conscience of the individual at its core. Activists disputed the right of the state to command its citizens to engage in activities, such as military service, that were irreconcilable with the dictates of their conscience. This was, of course, also not an entirely new phenomenon. The ‘sacredness of conscience’ was a well-established justification for religious dissent, yet during the First World War it was to a degree secularised and extended to political convictions.¹⁰¹ This profoundly shaped the way in which activists’ publications depicted the confrontation between dissenters and the state: prosecuted and imprisoned activists were depicted not as political troublemakers but as prisoners of conscience.¹⁰² This evoked notions of martyrdom

¹⁰¹ The theme of the ‘sacredness of conscience’ can be traced across the dissident labour press. See for example ‘The Foundation of a Great Nation: Dr Clifford on the Liberty of Conscience’, *Labour Leader*, 19 Apr. 1916; George Lansbury, ‘The Crime of Conscience’, *The Herald*, 18 Mar. 1916; Philip Snowden, ‘The Penalising of Conscience’, *ibid.*; ‘Conscientious Objectors and Political Obligations’, *The Herald*, 27 May 1916; Bertrand Russell, ‘The Sanctity of Conscience’, *The Herald*, 1 Dec. 1917; George Lansbury, ‘The Triumph of Conscience’, *The Herald*, 1 June 1918.

¹⁰² See, for example, Walter H. Ayles, *My Higher Duty to Conscience, Humanity and God: Speech Delivered Before the Court in Bristol* (Manchester, 1916); *id.*, *Defence Before the Court Martial* (Manchester, 1917); Clifford Allen, *Why I Still Resist* (Manchester, 1917).

that also appealed to the Christian elements of the anti-war movement, such as the Quakers, who did not necessarily share the socialist beliefs of other activists. The universalist justification of civil liberties as founded in the individual's conscience also transcended rather narrow patriotic discourses. It can be interpreted as a link between older liberal natural-law traditions and the debates about human rights and civil liberties of the inter-war period. The NCCL as an organisation at the heart of these debates in Britain functioned as a catalyst for this discourse.

The importance of civil liberties within organised dissent went well beyond the issue of defending them against the encroachments of the wartime state. Under the pressure of the intrusive emergency measures, dissenting intellectuals such as Bertrand Russell also began to develop and discuss their own ideas of modern democracy. Organisations including the NCF and above all the NCCL became instrumental in disseminating these ideas among the wider public. The most prominent example of this is Bertrand Russell's lecture on political ideals, 'The World As It Can Be Made', which he delivered throughout Britain during several speaking tours in 1916 and 1917, which were organised by the NCCL.¹⁰³ In these lectures, Russell developed an ideal of democratic socialism in which the state was supposed to act to advance and protect individual liberties rather than coercing its citizens for its purposes.¹⁰⁴ This ideal of the state was also reflected in the propaganda of the NCCL. Themes such as the right to political asylum, international co-operation, industrial freedom, gender equality and anti-militarism were not only matters for protest, but also constituted positive political ideals that were promoted by the NCCL. In this way, the protests against individual violations of civil liberties were linked with each other and integrated into a wider concept of democratic socialism. This was a moment of transition in which traditional liberal themes,

¹⁰³ TNA, KV 2/665, pamphlet advertising 'Four Lectures on Political Freedom', 1916; see also *Bertrand Russell: Prophecy and Dissent, 1914–1916*, ed. R.A. Rempel (London, 1988), pp. 466–8. The lectures were also published as a booklet by the NCCL: Bertrand Russell, *Political Ideals* (Manchester, 1916).

¹⁰⁴ Russell, *Political Ideals*, ch. 4, 'Individual Liberty and Public Control'.

such as civil liberties, were now reframed within the concept of democratic socialism. This was, however, in many cases less the result of traditional socialists abandoning their still dominant collectivist beliefs, than the attempt of disillusioned liberals to reconcile their ideals of individual freedoms with socialist principles. That shift to the left was undoubtedly driven by their disenchantment with the Liberal Party and its apparent willingness to sacrifice some fundamental principles for the sake of the war effort. Organisations such as the NCCL and the NCF were crucial for this rapprochement between liberals and socialists. They provided a forum for the exchange of political ideas. Moreover, the shared experiences of state repression and prosecution also worked further to alienate many members of the Liberal Party from Lloyd George.

In November 1918, the NCCL's executive committee met for the last time. Although the organisation remained at least officially intact, it had ceased its activities almost entirely by the end of that year. Most of its activists returned to party politics, with many of them joining the Labour Party and standing as candidates in subsequent elections. Key figures such as Catherine Marshall dedicated themselves to internationalist causes and increasingly also to anti-imperialism.¹⁰⁵ Bernard Noël Langdon Davies remained in close contact with the American civil liberties activist and founder of the American Civil Liberties Union, Roger Nash Baldwin. He also became involved in the movement for Indian independence. MI5 maintained its surveillance of him until at least 1929.¹⁰⁶

Nevertheless, despite the lack of immediate political success during the war itself and the disappearance of the NCCL shortly afterwards, the long-term impact of the campaigns for civil liberties during the First World War in Britain should not be underestimated.

¹⁰⁵ Carlisle Archive Centre, D/MAR/4/101, Catherine Marshall Papers, 1918–1946.

¹⁰⁶ TNA, KV 2/667, National Council for Civil Liberties, 1919–1929.

Dissenting organisations such as the NCCL had become crucibles for the modernisation and transformation of political ideas such as civil liberties and democratic socialism.

V

This article has demonstrated that the history of civil liberties activism in Britain during the First World War in general, and the campaigns of the NCCL in particular, shed light on at least three distinctive historical problems. First, this history contributes to an understanding of the nature and extent of organised dissent in Britain during the First World War. In common with many other comparable organisations, such as the NCF and the UDC, the NCCL was a coalition of activists from various political and ideological backgrounds who rallied around a particular campaigning issue. The membership of these organisations in many cases intersected, particularly at the level of national leadership. Leading organisers of the NCCL, such as Bernard Noël Langdon Davies and Catherine Marshall, also held significant positions in the UDC and NCF respectively. This suggests that the phenomenon of anti-war dissent in Britain should primarily be considered as a network of individual activists. The involvement of these activists in different organisations differed depending on current political developments and the perceived requirements of various political campaigns. From 1916 onwards, many prominent activists intensified their campaigns for civil liberties in reaction to increasingly repressive state measures. The protection of political and individual rights became an issue shared by pacifists, trade unionists and socialist anti-war activists alike. There were, however, other factors which contributed to the continuous reconfiguration of this activist network. The work of dissenting organisations differed significantly in their strategies and their ability to reach beyond the remits of organised dissent. The NCCL, with its focus on civil liberties and its language of progressive patriotism, appealed to alienated liberals as well as to socialists and trade unionists. Moreover, its

efficiently organised campaigns attracted popular interest. In comparison, the NCF and UDC—despite huge nominal memberships—struggled to develop a similar public appeal. The NCCL also provided a forum in which activists from different political and ideological backgrounds worked together on concrete issues. This contributed to the rapprochement between many dissenting liberals and the Labour Party and thereby contributed to the decline of the Liberal Party after the war.

Secondly, the activities of the NCCL mark a distinctive moment of innovation in the field of activism. From its very beginnings, the Council was established as a professional pressure group rather than as a grass-roots mass-membership organisation. Its work was organised in specialised committees and departments according to criteria of efficiency and impact. The campaigns of the NCCL were managed from its headquarters in the heart of London by a group of not more than two dozen paid professional activists. This division of work ensured that the contacts and expertise of individual activists were used to the greatest possible effect. In addition, the NCCL employed regional organisers to co-ordinate its activities outside the capital. The majority of the ordinary members of the NCCL, on the other hand, acted primarily as paying supporters and were, apart from the annual general meetings, barely involved in the actual activist work. The professionalisation and specialisation of individual activists represent a significant step towards new ‘modernised’ forms of political activism.

Finally, the campaigns of the NCCL for the defence of civil liberties have to be understood as embedded in a wider discourse about the nature of the modern state and its relationship to its citizens. Against the backdrop of the introduction of conscription and the increasingly repressive handling of emergency powers by the British state, the NCCL became a forum for the development of ‘modern’ notions of democratic socialism in which individual freedom played a crucial role. Although by no means a new concept, civil liberties

in Britain lacked a positive legal definition and remained rather inchoate.¹⁰⁷ The First World War, however, saw their emergence as a field of political activism in their own right in Britain. Initially, the concept was often defined in response to intrusions of the wartime state. Yet, in the debates about democratic socialism, civil liberties were increasingly positively defined, transcending narrow national frameworks.

The example of the NCCL provides a key insight into the transformation of British—and in many respects also European—political culture during the First World War. On a practical level, it represented an innovation in the field of political activism. It was also important for the emerging discourse about modern democracy and the legitimate limits of state action in times of crisis. The short history of the NCCL between January 1916 and December 1918 sheds light on the reconfiguration of the relationship between state and individual during the war. The campaigns of the NCCL should be considered as a significant yet hitherto neglected link between the liberal ideas of the nineteenth century and the emergence of modern civil liberties and human rights activism in the later twentieth century. The history of the NCCL also opens up new avenues for future research on the problem of civil liberties in twentieth-century Britain. For instance, the shift towards professional activism was significant, yet not entirely unprecedented. Similar tendencies could be observed in earlier activist organisations, such as the Tariff Reform League and the National Education League, and the trade union movement. This seems to indicate a more fundamental change of associational culture in British politics in the early twentieth century. Furthermore, while the NCCL clearly denoted the beginnings of modern civil liberties activism in Britain, it also marked a distinct end-point for the liberal tradition of voluntarism. The emergence of notions of citizens' rights and liberties in Britain should thus not be understood in the framework of a rather simplistic left–right dichotomy. Rather, it should be seen as a specific

¹⁰⁷ Ewing and Gearty, *Struggle for Civil Liberties*, pp. 1–35.

reaction to radically changing conceptions of the state and notions of collectivism advanced by both the socialist and communist left as well as the authoritarian right. The new language of civil liberties, and later human rights, offered a way to articulate a libertarian-socialist response to these challenges.

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