

The Labour Governments 1964-1970 and the Other Equalities.

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Abstract

This thesis explores the idea that an equality state has evolved in Britain since the 1960s. The policies and institutions that make up the equality state are those that seek to ensure some forms of equality between its citizens. Its latest development has been through the 2010 Equality Act that promotes equality in relation to nine protected characteristics, but just two of these are considered here, race and sex.

The study will investigate the origins of the equality state under the 1964-1970 Labour governments through the formulation of policies that explicitly or implicitly promoted sex and racial equality. The main areas examined in relation to racial equality are the anti-discrimination provisions of the 1965 and 1968 Race Relations Acts; measures to promote the integration of immigrants, particularly in employment, education, housing and policing; the institutions which aided integration particularly the National Committee for Commonwealth Immigrants and Community Relations Commission; and the Urban Programme and other measures taken in response to Enoch Powell's 1968 'Rivers of Blood' speech.

With sex equality the areas considered are the 1970 Equal Pay Act; the development of policy to promote equal opportunity in employment; and the reform of law relating to abortion, divorce and the availability of contraceptive services through state agencies.

The primary focus of the thesis is on the policy making process and the research is based on government papers in The National Archives. Other influences on these policy areas have been researched through primary sources, particularly policies' origins in the Labour Party, the influence of the trade union movement, campaigning groups and, in the case of sex equality, the remaining first wave feminist organisations. Through this the thesis develops an understanding of the nature and limitations of the equality that the equality state promotes.

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Other archivists too deserve my thanks, those at The National Archives: Public Record Office in Kew; the Modern Records Centre at the University of Warwick; the Labour Party Archive and Study Centre in Manchester; the TUC Library Collection at London Metropolitan University; the Wellcome Trust Library, London; the Archives Study Room at the LSE; and the archivists at SOAS Library. Additionally, I am most grateful to the library staff at Senate House and the Queen Mary, University of London

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Chapter 1. Introduction: the rise of the equality state.

1.1: Nature and scope of the research.

In July 1943 the former West Indies cricketer Learie Constantine¹ was preparing to play for the Dominions against England in a charity match at Lord's, a game that would draw a record wartime crowd of 25,000.² He was working for the Ministry of Labour and National Service as a welfare officer seeing to the needs of temporary wartime workers from the Caribbean and made broadcasts for the BBC to the Caribbean in support of the war effort. Having arrived at the Imperial Hotel in Russell Square, London, where he had booked rooms for himself and his family, the manager told a colleague of Constantine's that 'we will not have any niggers in the hotel because of the Americans' and that if they stayed, in the morning they would find their bags put out on the street and their door locked. Constantine took the hotel to court where Justice Birkett,³ while clearly sympathetic to Constantine's action and stating that the language used was 'deeply offensive', ruled that damages of five guineas would be awarded only for failing to honour the common law duty to provide a room when one was available.⁴

¹ 1901-1971. Trinidadian and British cricketer, journalist, politician and diplomat. Created Baron Constantine of Maraval in Trinidad and Nelson in the County Palatine of Lancaster (1969).

² 'Cricket', *The Times* 3/8/1943.

³ Norman Birkett, 1883-1962. Politician, barrister and judge. Liberal MP, Nottingham (1923-1924, 1929-1931). High Court Judge from 1941, Created Baron Birkett (1958).

⁴ Learie Constantine, *Colour Bar* (Tiptree: Anchor Press, 1954), p137; Peter Mason, *Learie Constantine* (Oxford: Macmillan Education, 2008), pp94-97; Gerald Howat, *Learie Constantine* (London: George Allen and Unwin, 1975), pp135-137.

Twenty-three years later Constantine was appointed as one of the three members of the Race Relations Board (RRB),⁵ established under the 1965 Race Relations Act with responsibility for hearing complaints of discrimination. Between *Constantine vs. Imperial Hotels London Ltd* and the 1965 Act, racial discrimination was dragged from the realm of private opinion to being an actionable offence. Out of this grew an equality state, a public space characterised by equality, and people operating in that space are compelled to treat people without discriminating. So, when in October 2010 Susanne Wilkinson refused to let two gay men share a bed in her guest house the outcome was different to Constantine's case. Wilkinson presented this as a clash of her rights to her Christian beliefs and the couple's rights to their sexuality but the courts ruled that Wilkinson had put herself into a commercial relationship with the public and was no longer free to act on her personal preferences.⁶

It is the origins of this equality that this thesis will explore. They are to be found in the policies on racial⁷ and women's equality pursued by the Labour governments 1964-1970. There is a longer history of laws removing inequalities, such as those that had advanced women's equality in the late nineteenth and early twentieth century by giving women the same legal and political rights as men. Although racial minorities (unless they were unlucky enough to be merchant seamen)⁸ had formal equality under the law, they had little protection from discrimination under either statute

⁵ The National Archives: Public Record Office HO376/161 Cunningham to Jenkins, 17/1/1966. [Henceforth TNA: PRO].

⁶ Black-Wilkinson Judgement, <<http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/black-wilkinson-judgment-18102012.pdf>> (Accessed 21/03/2013).

⁷ For the use of 'race' and other value-laden terms, see the annex at the end of this thesis.

⁸ Peter Fryer, *Staying Power* (London: Pluto, 1984), pp356-357; Humayun Ansari, *The Infidel Within* (London: Hurst, 2004), pp42-44, 97, 110-111, 118.

or case law.⁹ These existing forms of equality were different to what Labour enacted after 1964 in three ways. First, the previous equality was negative in character, it consisted of the absence (or removal) of legal obstacles. Although only weakly, some of the reforms of the 1960s had a positive character in that they required some action from either the state or a private body, to use their resources for purposes, such as building new housing, to create greater equality. This understanding of equalities policy is developed in section 1.3 of this introduction. Second, these earlier forms of equality were confined to a narrowly defined public sphere of the state, for example the right to vote. The reforms of the 1960s trespassed into what many considered the private sphere, such as the right of an employer to set wages as they pleased or the right of a publican to serve whom they wished. Third, unlike previous reforms, the measures in the 1960s sought to change behaviour in wider society. These two features will be examined in section 1.4.

The measures to promote the equality of women and racial minorities grew into what is now called equalities and diversity policy. This has been legislated for, particularly in the Equality Acts of 2006 and 2010, and has been institutionalised in the creation of the Equality and Human Rights Commission (EHRC) and the Government Equalities Office in 2007. I would argue that Britain has developed an equality state, analogous to the welfare state. As the welfare state seeks to guarantee a degree of welfare for its citizens, so the equality state attempts to ensure certain kinds of equality exists between the citizenry. As with the welfare state, there is a debate about the necessity and efficacy of the equality state, and this is reflected in the historiography in section 1.5. The task here is not to judge the equality state but to understand how and why these equalities policies were developed in the 1960s.

⁹ Anthony Lester and Geoffrey Bindman, *Race and Law* (Harmondsworth: Penguin, 1972), pp23-72.

In order to study the emergence of the equality state, this thesis is primarily a history of the policy making process. It examines how the ideas that the equality state incorporated emerged through the 1950s, particularly through the Labour Party. Government papers are drawn on to uncover how these ideas were developed and then implemented by the Labour governments of 1964-1970. Where they exist, the papers of campaigning groups for racial minorities' and women's rights are considered to understand the degree to which these influenced government policy. The development of policy in the trade union movement, particularly the TUC, is considered too. The trade unions were important not only because they were linked to the Labour Party both organisationally and ideologically, but also because they were gatekeepers to the entry of both minorities and women to greater equality in employment.

The focus on Labour Party and labour movement bodies is important. The creation of the equality state has been by Labour governments. The Conservatives have contributed little more than the 1995 Disability Discrimination Act. The Race Relations Acts of 1965, 1968 and 1976 were all Labour governments' measures, as were the 1970 Equal Pay Act and the 1975 Sex Discrimination Act. The Equality Acts of 2006 and 2010 too were passed by a Labour government, and in this at least the Blair and Brown administrations showed continuity between old and new Labour. This continuity is personified in Anthony Lester¹⁰ who played a key role in framing anti-discrimination legislation in the 1960s, and again between 1974 and 1976 as adviser to Roy Jenkins¹¹ at the Home Office.¹² By the time of the 1997 election, the now Lord Lester had long decamped from Labour's

¹⁰ b.1936. Lawyer and political adviser. Created Lord Lester of Herne Hill (1993).

¹¹ 1920-2003. Labour MP, Southwark/Birmingham Stechford (1948-1997), SDP MP Glasgow Hillhead (1983-1987). Home Secretary (1965-1967, 1974-1976), Chancellor of the Exchequer (1967-1970).

¹² Roy Jenkins, *A Life at the Centre* (London: Macmillan, 1991), p375.

ranks, sitting as a Liberal Democrat in the Lords. Nonetheless, his impact continued as he met with others under the auspices of the Runnymede Trust to restart the programme for equality legislation, a process that ended with the 2010 Equality Act.¹³

Although the equality state was only developed under Labour governments it became a permanent institution, continuing in colder climates under Conservative administrations. After their election victory in 1970, the Conservatives did not abolish the Community Relations Commission or Race Relations Board. In 1979 Margaret Thatcher did not abolish the Commission for Racial Equality or the Equal Opportunities Commission, even though they found their roles circumscribed by a belief that the market would solve most problems.¹⁴ Most recently, the Conservative-Liberal Democratic coalition, which has been in power since 2010, has continued handing a portfolio for Women and Equalities to a Cabinet minister¹⁵ and has allowed the EHRC to continue its work even if on a reduced budget and without its powers expanded as planned.¹⁶

To a degree, therefore, this thesis is also about Labour's ideology. Crudely put, in the 1950s a three way ideological divide had opened up in the Labour Party. The traditional right in the party was unencumbered with theory, but embodied what Geoffrey Foote (and many others) have called labourism. Foote's analysis is that the Labour right's *raison d'être* was not the

¹³ Bob Hepple , 'The New Single Equality Act in Britain', *Equal Rights Review* 5 (2010).

¹⁴ Zig Layton-Henry, *The Politics of Immigration* (Oxford: Blackwell, 1992), pp180-199; Ruth Lister, 'The Family and Women' in Dennis Kavanagh and Anthony Seldon (eds.), *The Major Effect* (London: Macmillan, 1994), p357.

¹⁵ 'Full list of new Cabinet ministers', *The Guardian*, 13/5/2010; 'Equalities minister: macho political culture deters women' ,*The Guardian* , 14/5/2010.

¹⁶ 'Equality and Human Rights Commission has workforce halved', *The Guardian*, 15/5/2012.

transformation of society but the distribution of an increased portion of the national wealth to the working class. There had been longstanding conflict in the party and the trade unions between these labourites, who dominated the leadership, and the left wing. Unlike the right, the left supported policies of social transformation, through nationalisation or more stringent regulation of the market. Revisionism emerged in the 1950s as a third current in the party clearly on the right aligned to the leadership and particularly Hugh Gaitskell¹⁷ as shadow chancellor in the early 1950s, and then as Labour Party leader from 1955 until his death in 1963. The central tenet of revisionism was an acceptance of the market economy, while combating the worst forms of class inequality through a welfare state that both redistributed wealth and offered equality of opportunity most notably through tackling class inequalities in education. Unlike the labourite right, the revisionists were liberal on social issues, and many supporters of the liberal measures pursued under the Labour governments of 1964-1970 were drawn from their ranks. Many on the left were liberal in their views too, creating an unlikely alliance against the traditional right in the party.¹⁸

This thesis examines the origins of the equality state in the 1964-1970 Labour governments in the 1965 and 1968 Race Relations Acts (chapter 2) and the 1970 Equal Pay Act (chapter 4). Chapter 3 considers the policies that the government formulated to integrate immigrants into British society and the emergence of a multiculturalist policy. Although immigration policy is not the subject

¹⁷ 1906-1963. Labour MP, Leeds S (1945-1953). Minister of Fuel and Power (1947-1950), Minister for Economic Affairs (1950), Chancellor of the Exchequer (1950-1951), leader of the Labour Party (1955-1963).

¹⁸ Geoffrey Foote, *The Labour Party's Political Thought* (Second Edition, London: Croom Helm, 1986), pp3-16, 193-199., 206-233.

here, it cannot be ignored since, in the words of Lester and his ally Geoffrey Bindman,¹⁹ 'the most obvious conclusion that has generally been drawn is that if coloured immigration poses a threat to Britain's well-being so does the coloured minority living in Britain.'²⁰ The Labour government combined measures to promote racial equality with immigration controls that were clearly racially discriminatory in the 1965 White Paper *Immigration from the Commonwealth* and the 1968 Commonwealth Immigration Act. The impact of such immigration policy is part of the analysis here, as is Labour's response to Enoch Powell's²¹ 'Rivers of Blood' speech.

Chapter 5 considers the policies that affected women's position in society beyond their equality in the public sphere, specifically those that reflected (and perhaps affected) women's changing role in the domestic/private sphere. Here the relevance to the emergence of the equality state is at its least obvious, but the changing in nature of the moral content of the law affecting women's position in the private sphere is central to the changing nature of the British state. On a practical level, abortion and the wider availability of contraception helped women avoid large and early families. Although both had been the subject of first wave feminist and labour movement campaigns in the 1920s and 1930s, the degree to which it was thought of in terms of women's equality by the 1960s cannot be assumed. Divorce is more complicated. It is included here not least because, with the rise of second wave feminism, the family and marriage came to be considered central limitations to the equality of women. Thus, loosening the ties that bind women to men might be considered a move toward equality. It is certainly the case that after the 1969

¹⁹ b.1933. Human rights lawyer.

²⁰ Lester and Bindman, *Race and the Law*, p13.

²¹ 1912-1998. Conservative MP, Wolverhampton SW (1950-1974), Ulster Unionist MP, South Down (1974-1987). First Secretary to the Treasury (1957-1958), Minister of Health (1960-1963).

Divorce Law (Reform) Act came into force, women outnumbered men two-to-one in petitioning for divorce,²² but these reforms were opposed by many first wave feminists.

The distinction between first and second wave feminism is important. The main focus of first wave feminists was reforming the political and legal status of women, not in their role as wives and mothers. First wave feminism declined even before complete equality in voting was won in 1928, but some organisations continued into the 1960s. As explained in chapter 4, most of these groups pursued reforms in the public sphere, such as equal pay. A minority of first wave feminists, grouped around Eleanor Rathbone²³ in the National Union of Society for Equal Citizenship (NUSEC), argued primarily for changes in the private sphere, such as NUSEC's immediate demands of 1926 for family allowance and greater access to contraception.²⁴ It was not until the arrival of second wave feminism, which had no clear organisational structure until the first Women's Liberation Movement Conference of April 1970, that the goal of transforming women's position in the private/domestic sphere as mothers and wives was asserted, in part in the effort to gain greater equality in the public sphere of employment and politics. Nonetheless, care has been taken in this thesis to search for emergent thinking which could have affected policy making in the 1960s.

There are some areas of equality that are not examined here. Under the 2010 Equality Act there are now nine 'protected characteristics', age; disability; gender assignment; marriage and civil

²² David Coleman, 'Population and Family' in Halsey and Webb (eds), *Twentieth Century British Social Trends* (Basingstoke: Palgrave, 2000), p62.

²³ 1872-1946. Feminist. Independent MP, Combined Universities (1929-1946).

²⁴ Susan Pedersen, *Eleanor Rathbone and the Politics of Conscience* (Newhaven CT: Yale UP, 2004), p194.

partnership; pregnancy and maternity; religion or belief; race; sex; and sexual orientation.²⁵ Under the 1960s Labour administrations four of these were the subject of reform. In addition to race and sex, disability and sexual orientation were the subjects of backbench Private Members' Bills in this period. Leo Abse's²⁶ 1967 Sexual Offences Act might be considered to have offered gay men the most basic of equalities, although it has frequently been interpreted as a remodulation rather than a relaxation of control.²⁷ Alf Morris'²⁸ 1970 Chronically Sick and Disabled Persons Act is seen more favourably as the first step towards legal protection for people with disabilities.²⁹ Neither will be considered here since both make much more sense as part of a story that continues through the 1970s than one that stops with the dissolution of Parliament in May 1970. Another area left unexamined is hate crime, first enacted under the provisions to criminalise incitement to racial hatred contained in the 1965 Race Relations Act. Although to a degree these fit with the themes of this thesis, limiting free speech in the name of public order, the separateness of these measures from other race equality provisions has led to the decision for their exclusion. Additionally, where separate laws applied to Scotland and Northern Ireland these have not been considered, except where it casts light on the development of the law in England and Wales.

1.2: Originality of the research.

There has been a great deal of research carried out on the areas covered in this thesis, although none focusing on equality in a historical perspective. Beyond this, the originality of this thesis

²⁵ Bob Hepple, *Equality: The New Legal Framework* (Oxford: Hart, 2011), p25-28.

²⁶ 1917-2008. Labour MP, Pontypool/Torfaen (1958-1987).

²⁷ Jeffrey Weeks, *Sex, Politics and Society* (3rd edition, Harlow: Pearson, 2012), p346.

²⁸ 1928-2012. Labour MP, Manchester Wythenshawe (1964-1997).

²⁹ Alf Morris and Arthur Butler, *No Feet to Drag* (London: Sidgwick and Jackson, 1972), pp8-11, 111-124.

consists in four elements. First, it is based on a comprehensive reading of government papers in The National Archives. Some histories have incorporated top level papers from the Cabinet and Prime Ministers' Offices, but here the approach is to delve into lesser departments, particularly searching for conflicts which may indicate competing concepts of equality. Second, linkages are sought to policy making in the Labour Party and the wider labour movement. These were specifically reforms of Labour governments, so it is pertinent to examine the degree to which these were rooted in the Labour Party's policy making process.³⁰ Third, the impact of campaigns for reform is examined, including the surviving elements of first wave feminism and the impact that this had on equality legislation. Lastly, this will be used to understand the form of equality that was created and how the creation of new areas of state activity related to divisions between the public and private spheres.

There are two notable works on race based sources in The National Archives: Public Record Office (PRO), those by Zig Layton-Henry³¹ and Shamit Saggar,³² but both stop short of 1964 in their use of government papers. Randall Hansen's *Immigration and Citizenship in Post-war Britain* (2000) uses PRO sources (and, as here, Labour Party and TUC papers) across the period but is focused mainly on immigration and the main overlap here is on the 1965 Race Relations Act and 1965 White Paper. Kathleen Paul's *Whitewashing Britain*³³ uses PRO sources up to 1965 and also has a focus on migration policy. Paul does not look beyond the top level papers of the Cabinet and Prime Minister's Office, and Hansen does not look much further with some Home Office papers from this

³⁰ An outline of the Labour Party and TUC policy making process can be found in annex 1 at the end of the thesis.

³¹ Layton-Henry, *The Politics of Immigration*.

³² Shamit Saggar, *Race and Politics in Britain* (London, Harvester Wheatsheaf, 1992).

³³ Kathleen Paul, *Whitewashing Britain* (Ithaca: Cornell University Press, 1997).

period. Erick Bleich in his study of integration policy in Britain and France does have some very slight use of PRO sources.³⁴ In addition there is a full insider history of the Urban Programme with access to government papers, and this research has been drawn on rather than replicated here.³⁵ In all cases this thesis incorporates research based on government papers in greater depth and across the period.

Much history relating to women in this period is written in a 'from below' perspective (see methodology, section 1.6). There are, however, some histories that draw on PRO sources. Dolly Wilson Smith's unpublished 2005 PhD thesis on equal pay is based on government, union and campaigning group papers and there is some inevitable replication here.³⁶ The issues of abortion and contraception have been subject to some study based on PRO sources, notably by Andrew Holden. Again, this is mainly at Cabinet and Prime Minister's Office level. This is both relatively brief and in relation to changing morality not women's equality and there is limited overlap with the current research.³⁷

There is also some work that draws on labour movement archives. Steven Fielding's volume on cultural change under the 1964-1970 Labour governments contains chapters on race and women but these draw more on Labour Party sources and only slightly on PRO material. The focus in Fielding is on culture and the idea of non-economic forms of equality falls between the cracks of Fielding's volume and Jim Tomlinson's book in the same series on the Labour governments'

³⁴ Erick Bleich, *Race Politics in Britain and France* (Cambridge: CUP, 2003).

³⁵ John Edwards and Richard Batley, *The Politics of Positive Discrimination* (London: Tavistock, 1978).

³⁶ Dolly Wilson Smith, *'The True Sphere of Women'?* (Boston MA College, 2005), pp281, 310-321.

³⁷ Andrew Holden, *Makers and Manners* (London: Politicos, 2004).

economic policy.³⁸ Stephen Brooke's recent *Sexual Politics*³⁹ uses some Labour Party archival material, and emphasises that abortion and contraception reform both had deep roots in the Labour Party and socialist radicalism, and there is some limited overlap here. On the trade unions, Annie Phizacklea and Robert Miles examine the attitudes of the trade unions to racial minorities in the unions, but draw only on TUC Congress Reports.⁴⁰ On equal pay, Sarah Boston in her analysis of the campaign for equal pay relies on published sources by the TUC and other trade unions⁴¹ whereas a full range of material from the TUC archive is used here.

Many of the campaigning groups considered in this thesis are subjects of sustained studies. The impact on government policy of the Campaign Against Racial Discrimination (CARD) is examined by Benjamin Heinemann. Since he uses the now lost archive of CARD I have drawn on this.⁴² The Abortion Law Reform Association's (ALRA) archive is well frequented, with Barbara Brookes⁴³ particularly basing her work on it as do Keith Hindell and Madeline Simms⁴⁴ insider history of ALRA.⁴⁵ I have used material from these books but have returned to the ALRA archive since the catalogues suggested that there was new light to be cast, particularly on how ALRA related to the political parties, Parliament and government. Audrey Leathard has produced an account based on

³⁸ Steven Fielding, *Labour and Cultural Change* (Manchester: MUP, 2001), p23; Jim Tomlinson, *Economic Policy* (Manchester: MUP, 2004), chapter 9.

³⁹ Brooke, Stephen, *Sexual Politics* (Oxford: OUP, 2011).

⁴⁰ Annie Phizacklea and Robert Miles, *Labour and Racism* (London: RKP, 1980).

⁴¹ Sarah Boston, *Women Workers and the Trade Unions* (London: Lawrence and Wishart, 1987).

⁴² Benjamin Heineman, *The Politics of the Powerless* (London: OUP/IRR, 1972).

⁴³ Barbara Brookes, *Abortion in England* (London: Croom Held, 1988).

⁴⁴ 1930-2011. Abortion rights campaigner.

⁴⁵ Keith Hindell and Madeleine Simms, *Abortion Law Reformed* (London: Peter Owen, 1971).

the Family Planning Association (FPA) archive,⁴⁶ and here too it appeared that there was material in the archives that could add to the specific purposes of the current research. BH Lee's study of divorce law reform looks at the impact of the Divorce Law Reform Union (DLRU) on the policy making process leading to 1960s reform.⁴⁷ In the absence of an extant archive for the DLRU this has been incorporated into this research. The impact of the Society of Labour Lawyers and the Movement for Colonial Freedom is considered here. These archives have not been previously used in relation to the development of policy on racial equality. A focus on first wave feminist groups is unusual too, although these are included in Smith Wilson's study.

What is more unusual here is the focus on equality. Eric Bleich⁴⁸ and Adrian Favell⁴⁹ both look at the idea of the integration of immigrants (both comparatively with France), a different focus to that developed here. Some rightist critics⁵⁰ have looked at the rise of the 'equalities industry' or 'race relations industry' which they view as a self-serving bureaucracy, but these studies are based on secondary sources alone. Similarly, radical critics develop an analysis that no equality was delivered, and the current research is, in part, intended as a revision of this major element of the historiography (see section 1.5).

⁴⁶ Audrey Leathard, *The Fight for Family Planning* (London: Macmillan, 1980).

⁴⁷ BH Lee, *Divorce Law Reform in England* (London: Peter Owen, 1974).

⁴⁸ Erick Bleich, *Race relation in Britain and France* (Cambridge: CUP, 2003).

⁴⁹ Adrian Favell, *Philosophies of integration* (2nd edition, Basingstoke: Palgrave, 2001).

⁵⁰ See historiography, section 1.5.

1.3: Equality of what?

In order to understand the nature of the equality promoted by policies developed in the 1960s, it is necessary to establish what equality means. For Amartya Sen the first question to ask is 'equality of what?'⁵¹ The most commonly made distinction being that between equality of opportunity to access various social resources, and equality in terms of the various outcomes. The anti-discrimination measures originating in the 1960s are often referred to as equal opportunities policies, an imprecise term for what could more accurately be called access equality. The point is frequently made that equal access to jobs and education will do nothing to change inequality in outcomes. Equal access to housing will lead to outcomes reflecting unequal economic resources. The point was understood closer to the heart of Labour's policy making in Michael Young's⁵² dystopian satire *The Rise of the Meritocracy* (1958) which presents social mobility leading not to a more equal society but merely changing those benefiting from inequality.⁵³ Nonetheless, when applied to women and racial minorities, the term equal opportunities has an important meaning that no additional inequalities are suffered by these groups as a result of discrimination.

Equal opportunity need not imply a different distribution of inequality, but rather more egalitarian outcomes. Ronald Dworkin argues persuasively in *Sovereign Virtue* (2001) that if equality of opportunity is thoroughgoing, it will not merely remove external barriers to equal opportunity such as discrimination, but also tackle the impact of social disadvantage and more intrinsic obstacles to equality of opportunity. These include biological, societal or cultural factors that can

⁵¹ Amartya Sen, *Inequality Reexamined* (Oxford: Clarendon, 1992), p12.

⁵² 1915-2002. Sociologist and social reformer.

⁵³ Michael Young, *The Rise of the Meritocracy* (Harmondsworth: Penguin, 1961 [1958]), pp97-99, 174-183.

affect the life chances of an individual. Someone born poor or blind will have their opportunities limited by this and not simply, or even mainly, by discrimination. It is just as unfair that someone born poor will have fewer opportunities than someone born into a group that suffers discrimination. A true equality of opportunity will tackle both discrimination and the bad luck of birth and background. To create a genuine equality of opportunity requires intervention to counteract these sources of unequal opportunity and will tend to create more equal outcomes mediated only by individual preference.⁵⁴ Michael Young anticipated Dworkin's point and in his *The Rise of the Meritocracy* speaks through a new socialist-feminist movement, the 2009 Chelsea Manifesto in seeking:

to give a new meaning to equality of opportunity. Thus, they should not mean equal opportunity to rise up the social scale, but equal opportunity for all people, irrespective of their 'intelligence', to develop the virtues and talents with which they are endowed ... schools should have enough good teachers so that all children should have individual care and stimulus ... by promoting diversity within unity.⁵⁵

Thus, there are two forms of equality of opportunity. One, access equality, targeting external barriers, legal bars and discrimination by those in positions of power. The other seeks to overcome the effects of accidents of birth and other differences determining an individual's life-chances. To develop this further I will follow the terminology developed by Isaiah Berlin's⁵⁶ categorisation of liberal ideas of freedom into negative (the freedom that comes from being left alone) and positive (the freedom that comes from a society that makes sure that an individual is

⁵⁴ Ronald Dworkin, *Sovereign Virtue* (Cambridge Mass: Harvard University Press, 2000), pp90-4.

⁵⁵ Young, *The Rise of the Meritocracy*, p170.

⁵⁶ 1909-1997. Political theorist.

healthy, educated and secure).⁵⁷ There are obvious parallels between these freedoms and the two forms of equality of opportunity. Thus I will call the equality of removing barriers to individual choice but leaving the distribution of resources to the resulting competition, negative equality. Positive equality requires some actor, most likely the state, to make some positive intervention that changes something to allow the individual not only choice but a more equal share of resources resulting from their choice. An example of negative equality is the removal of bans on women carrying out certain types of work, such as night work in industry. Positive equality would include giving someone struggling because English is their second language extra support to improve their progress.

There has always been an element of positive equality in the Labour Party's thinking. RH Tawney⁵⁸ in his *Equality* (first published 1931) attacked the idea of 'equal opportunities of becoming unequal' whereby 'a thousand donkeys could be induced to sweat by the prospect of a carrot that could be eaten by but one'. Unlike some further to the left who took this as an argument against capitalism, Tawney proposed not an end to the private ownership of carrots or the employment of donkeys by the owners of those carrots, but a social-liberal concept of positive equality leading to the more equal sharing of carrots. This led to a policy of using welfare not to simply redistribute resources, but to equip people to compete for those resources on a more equal basis by being educated, healthy, sheltered and secure.⁵⁹ Such social-liberalism was a common element in

⁵⁷ Isaiah Berlin, *Liberty* (Oxford: OUP, 2002), p166ff.

⁵⁸ 1880-1962. Historian and ethical socialist.

⁵⁹ RH Tawney, *Equality* (6th edition, London: George Allen and Unwin, 1964), pp103, 111, 168-88.

Labour policy, being substituted for the socialisation of private property demanded by clause IV of Labour's constitution long before the rise of Gaitskellite revisionism.⁶⁰

In Britain, in the first decade of the twenty-first century there has been a notable return to equalities legislation. Labour governments from the 1940s to the 1970s sought legitimacy with combining claims to economic efficiency with greater equality through the redistributive policies of welfare.⁶¹ The process that started in the 1960s has created a state that seeks legitimacy not only in welfare and economic efficiency, but in some forms of equality between its citizens.⁶² To this, diversity and multiculturalism have been added. As a description, diversity can simply describe the situation after access equality policies have worked their magic. So, where there is gender balance on a company's board, or when a housing estate has a mix of people from different backgrounds, one might say diversity has been achieved, but diversity is often given meaning in a deeper, normative sense. This focuses on the idea of difference, not between infinitely variegated individuals but rather between finite social groups. Diversity now becomes a policy prescription the goal of which is not the elimination of inequality, but the recognition of group (or collective) identities against their marginalisation and oppression. It asserts that group identity is sacrosanct and respected.⁶³ Thus the difference between groups is certainly not tolerated (one tolerates something which one disdains), not accepted (which suggests neutrality) but positively valued and celebrated.

⁶⁰ Patrick Diamond, *New Labour's Old Roots* (Exeter: Imprint, 2004), pp1-4.

⁶¹ Patrick Diamond and Anthony Giddens, *The New Egalitarianism* (Cambridge: Polity, 2005), pp102-109.

⁶² Stephen Driver and Luke Martel, *New Labour* (Cambridge: Polity, 2006), pp206-9.

⁶³ Gill Kirton and Anne-marie Greene, *The Dynamics of Managing Diversity* (London: Elsevier), 2005, pp1-7.

This thesis cannot answer the question of 'what kind of equality state are we in?' It will, however, look at the forms of equality that emerged in the 1960s in relation to women and racial minorities. The above analysis suggests the lines of inquiry that should be pursued. First, there needs to be an answer to Sen's question 'equality of what?' Second, the degrees to which policies pursued were of a negative or a positive character. Third, whether policy makers adopted notions of difference and diversity, and the impact this had on the pursuit of equalities policy.

1.4: The public and the private spheres.

One of the objections that critics of anti-discrimination legislation made in the 1950s and 1960s was that it encroached upon personal choices. For example, the right-wing Conservative MP, Ronald Bell,⁶⁴ speaking in the Commons in opposition to the 1965 Race Relations Bill argued, 'it is not within the proper function of the State in ordering the affairs of those who live within it'.⁶⁵ To be consistent Bell also opposed the Equal Pay Bill in 1970 arguing that the state was wrong to interfere in the private sphere, where women's labour was worth less than that of men and 'the market mirrors the truth'.⁶⁶ Bell was proposing the classical liberal view that the state was best advised not to interfere in the naturally harmonious workings of private relationships.

Those who favoured greater equality needed a different view of the state. Labour's revisionist right theorised a middle way between accepting the operation of a privately owned economy and

⁶⁴ 1914-1982. Conservative MP, Newport/S Buckingham/Beaconsfield (1945, 1950-1982).

⁶⁵ *Parliamentary Debates (Hansard). House of Commons Official Report*, 16/7/1965 vol716 c1064. (Henceforth, *HC Deb* and *HL Deb*).

⁶⁶ *HC Deb*, 9/2/1970, vol795 cc960-961.

the demands of the left who sought to abolish the private sector.⁶⁷ Anthony Crosland's⁶⁸ *The Future of Socialism* (1956) developed the idea that the state can regulate the economy and use welfare to create greater social justice, but it was Anthony Lester who sought to push this idea further into the realm of non-economic forms of equality. In a *Socialist Commentary* article of 1965 Lester argued:

Once we admit the private sector is here to stay, and that a socialist government properly delegates rights, powers, and privileges to private institutions, we have to be sure that those rights, powers and privileges are exercised in the public interest. By 'public interest' I mean to refer to broad socialist concerns with equal opportunities, individual choice, planned environment, and increased national wealth increasingly widely distributed ... One searches in vain current traditionalist and revisionist literature for guidance about specific ways of regulating the activities of private institutions in the public interest.

Lester proposed to use the state to regulate more areas of private conduct. Governments had, however, been hesitant to do this 'not only because of an inhibition about intervening in the private sector on this subject, but also because of an inadequate analysis of the means of intervention at its disposal.' Lester looked to institutions in North America as his models.⁶⁹ Like Crosland's regulatory state, this implied a state different to both that of left wing socialists who sought to abolish the distinction between the public and the private, and classical liberals who believed that the state should be kept out of private affairs.

⁶⁷ Foote, *The Labour Party's Political Thought*, pp206-233.

⁶⁸ 1918-1977. Labour MP, South Gloucestershire/Great Grimsby (1950-1955, 1959-1977). Secretary of State for Education (1965-1967), President of the Board of Trade (1967-1969), Local Government and Regional Planning (1969-1970).

⁶⁹ Anthony Lester, 'In the public interest', *Socialist Commentary*, June 1965.

Thus, in order to understand the progress towards women's and racial equality, it is necessary to analyse the relationship between the public and private spheres. There are many problems such as public/private split, not least that the state has often taken a very keen interest in what is supposedly private and the role of morality in imposing public standards on private behaviour, particularly in relation to gender. This is further complicated by the idea of civil society. Civil society has been used as a synonym for the private sphere,⁷⁰ but here it is taken to mean an area of public life outside of the state where a private persona is maintained in the public realm.⁷¹ Civil society thus could be considered to include economic activity by employers, workers and the trade unions representing them and professional bodies exercising quasi-state power. In this thesis I will refer to the narrowly defined public sphere of the state, a more broadly defined public sphere that includes civil society particularly employment, and a narrowly defined private or domestic sphere.

Legislation that made women more equal from 1870 focused on equality in a narrowly defined public sphere of the state. It was legal and political rights that were won in the nineteenth and early twentieth centuries. But it was the broader public sphere, civil society, that became the focus of feminist campaigns from the 1920s, particularly women's unequal pay and employment opportunities (see section 4.1). With race, Cedric Thornberry,⁷² an academic lawyer and ally of Lester, argued in 1964 that while the law could straightforwardly deal with discrimination by public bodies, the private realm was more difficult to deal with. He therefore suggested that the

⁷⁰ Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (2nd Edition, Oxford: OUP, 2002), pp388-389.

⁷¹ Michael Edwards, *Civil Society* (Cambridge: Polity, 2004), chapter 4.

⁷² b.c.1938. Human rights lawyer, academic and later Assistant-Secretary General United Nations.

next target should be the quasi-public sphere of shops and financial services.⁷³ Thus, the object of campaigners was to create more equality in civil society, and this required defining it as a public space.

Local government, while clearly part of the state, had a civil aura too. Its original powers were not derived from the central state and this was expressed in an acceptance of its autonomy from the centre and its association with voluntary work carried by socially minded citizens. Such voluntary efforts are important to this thesis, constituting a liminal area between the private sphere and the state. Voluntary sector activities delivered public welfare services that the state declined to provide, often because they intruded into the private sphere or upon individual morality. In so doing voluntary organisations could act as transporters taking areas of private life into the public sphere. There has been a resurgence over the last twenty years of interest in the history of the voluntary sector,⁷⁴ and particularly the role of voluntary work in bringing women into the public sphere,⁷⁵ but this focus has faded from the historiography on race.⁷⁶ The salience of the voluntary sector in this period can be seen in the formation under the Conservative government in 1964 of the National Advisory Council for Commonwealth Immigrants specifically to liaise between central government and local voluntary groups concerned with the welfare of immigrants.

⁷³ Cedric Thornberry, 'Race prejudice and the law', *Socialist Commentary*, November 1964.

⁷⁴ Melanie Oppenheimer and Nicholas Deakin (eds.), *Beveridge and Voluntary Action in Britain and the Wider World* (Manchester: MUP, 2011).

⁷⁵ Jane Lewis, *Women and Social Action in Victorian and Edwardian England* (Aldershot: Edward Elgar, 1991).

⁷⁶ For example, compare Hannan Rose and Margot Levy, 'The Local Committees' in Simon Abbott (ed.), *The Prevention of Racial Discrimination in Britain* (London: OUP, 1971) with Randall Hansen, *Citizenship and Immigration in Post-war Britain* (Oxford: OUP, 2000), pp150, 164.

The boundaries between the public and private are not fixed. They move not only over time but in other contexts such as class and gender. What is public at any moment is thus an empirical question. An outline of what is public in the 1960s (including the more clearly public areas of civil society) would include the state, politics and commerce, employment and public entertainments. All housing, not just council provision, also had the character of a public transaction mediated through an impersonal public market, although this was differentiated by race and gender.⁷⁷ The purely private sphere was increasingly behind people's front doors although some business and workplaces maintained much more the character of a private relationship than a public space, and some pubs serving defined communities had the feel of down-market private clubs.⁷⁸

The division between the public and the private sphere has often been used in analysing women's equality (see section 4.1). Women's move into paid employment, education and politics was not necessarily associated with a change in relations in the private sphere, where for much of the twentieth century the idea of women's different role as mother and housewife dominated over any notion of gender equality in the home. Feminist writers have developed the analysis that liberalism underpinned this inequality since it is based on a distinction between the public sphere of political action and a private sphere of individual choice. This placed women's unequal domestic position outside of political discourse. In this light the second wave of feminism can be understood as an attempt to overcome this division by insisting 'the personal is political'.⁷⁹ While this is a powerful analysis, it underestimates the degree to which the boundaries between the

⁷⁷ Patricia Kennett, 'Differentiated citizenship and housing experience' in Alex Marsh and David Mullins (eds.), *Housing and Public Policy* (Buckingham: Open University Press, 1998), pp33,39-40, 44-46.

⁷⁸ Daniel Vasey, *The Pub and English Social Change* (New York: AMS, 1990), p171.

⁷⁹ Carole Pateman, *The Disorder of Women* (Cambridge: Polity, 1989), chapter 6.

public and private can move within a liberal polity, as shown by the post-war welfare state.

William Beveridge, who was no feminist, supported the established social role of women, financially dependent on men and responsible for domestic labour.⁸⁰ Nonetheless, as care of the sick and elderly was taken out of the hands of the women in the family, the boundary between the public and private moved. Furthermore, the principle of the welfare state allowed for its boundaries to be expanded. What had been personal was drawn into the public sphere of state policy.

Thus, the existence of the welfare state helped to raise questions about women's roles and showed that policies for freeing women from some of their domestic burdens were possible.

Michael Young, for example, wrote in 1952 that while full employment and the benefits system had put more money into the pockets of husbands, many failed to share this with their wives. He believed this to be the concern of the state which could remedy the problem by paying benefits directly to women.⁸¹ In the same year Richard Titmuss⁸² gently berated the first wave feminists of the Fawcett Society for not having given prominence to the demand for 'the social freedom of working-class women to control their own fertility' and went on to suggest that opening up employment opportunities and creating more equal family roles was the concern of social policy.⁸³

Boundaries were more fixed when it came to race. Young noted at the time of the 1958 Notting Hill Riots (essentially a white riot that attacked black people), 'here was a new strand in politics

⁸⁰ Jane Lewis, *Women in Britain since 1945* (Oxford: Blackwell, 1992), chapter 4; Elizabeth Wilson, *Only Halfway to Paradise* (London: Tavistock, 1980), p19.

⁸¹ Michael Young, 'The distribution of income within the family', *British Journal of Sociology*, 3:4 (1952).

⁸² 1907-1973. Social policy theorist.

⁸³ Richard Titmuss, 'The position on women' in *Essays on 'the Welfare State'*, (London: Unwin University Books, 1963 [1952]), pp97-103.

that had not been prepared for by Beveridge. Not one of the "Five Giants" is "racial prejudice".⁸⁴ That state action could shift the public-private boundary is one of the foci of the current research alongside underlying concepts of equality that this demonstrated.⁸⁵

The division between the public and private spheres has not previously been used to explore racial equality. In this thesis such an analysis will be developed. In the early 1960s Sheila Patterson wrote about the *laissez faire* period of immigration when there was neither control of Commonwealth immigrants entering Britain nor any policy for meeting their needs or dealing with the tensions their arrival triggered.⁸⁶ Ambalavaner Sivanandan has added that this was also a period of *laissez faire* racism where society was restructured by an un-coordinated racist response to immigration.⁸⁷ The 1960s saw both coming under a degree of state regulation. The dominant aspect of this was the introduction of controls of black and Asian immigration in the Conservatives' 1962 Commonwealth Immigrants Act. More positively, particularly under the Labour governments after 1964, attempts were made to integrate immigrants into society and lessen racism through some co-ordinated policy. The idea of the equality state was germinating.

Political theory reflected this state of affairs. In Britain the theoretical underpinning to state intervention was provided by TH Marshall's⁸⁸ view of social rights. In 1950 Marshall predicated a social liberal theory of citizenship on three categories of rights: civil rights such as religious and political freedom; political rights of access to representation; and social rights ensuring 'a

⁸⁴ Peter Hennessy, *Having It So Good: Britain in the Fifties* (London: Allen Lane, 2006), p501.

⁸⁵ Elizabeth Wilson, *Women and the Welfare State* (London: Tavistock, 1987).

⁸⁶ Sheila Patterson, *Dark Strangers* (Harmondsworth: Pelican, 1965), p9.

⁸⁷ A Sivanandan, *Race, class and the state* (London: IRR, 1976), p352.

⁸⁸ 1893-1981. Sociologist.

modicum of economic welfare and security ... the right to share in full the social heritage, and to live the life of a civilised being according to the standards prevailing in the society.⁸⁹ While civil and political rights require mainly negative equality by applying the same legal and political standards to all without discrimination (the only positive measure Marshall thought necessary was payment of MPs to allow working class political representation), social rights require a more positive approach and some redistribution of wealth, although Marshall's goal was not egalitarian. Rather, his aim was a society unfractured by class realising a liberal goal stretching back to JS Mill, who argued that equal political rights for the working class depended on 'the degree to which they can be made rational beings' through other liberal reforms.⁹⁰ These social rights had been implemented in the welfare state. The question in 1964 was the degree to which they be stretched further, to create a society that was not fractured by divisions of sex and race.

1.5: Historiography.

There is too huge a range of secondary material touching on this thesis to adequately review here. One work which cannot go unmentioned is Arthur Marwick's *The Sixties*, one of the motivations for this research. His argument is that the ideas that changed social life in the 1960s started in small minorities and moved through popular movements to the general population (the permeation thesis). Marwick includes a few Delphic comments about the importance of 'secular Anglicanism in high places', but he does not analyse how these minority movements became

⁸⁹ TH Marshall, 'Citizenship and Social Class' in Tom Bottomore and TH Marshall, *Citizenship and Social Class* (London :Pluto, 1992 [1950]), p8.

⁹⁰ JS Mill, *Principles of Political Economy* (Harmondsworth: Pelican, 1970[1848]) [originally 1848], p123.

realised in government policy.⁹¹ This research is intended to fill that gap and, in part at least, to test that thesis.

Everything else I will categorise into three broad currents. These are, naturally, over-generalisations and many works combine features of more than one current while others do not easily fit in any. Nonetheless, these categories do reflect the historiography and are a useful guide to navigating the terrain.⁹² The first current is of *rightist critics* who see the reforms of the 1960s as an unnecessary imposition on society by elitist politicians whose actions undermined the moral fabric of society. Second, *liberal optimists*, for whom the reforms were in some degree a successful liberalisation and created a more equal society. The third and dominant current, *radical critics*, suggest that the reforms were either illusory or entirely undermined by other policies. Often applying Foucauldian or structuralist methodology, the radicals suggest that while overt state power was relaxed, a more covert and dispersed form of regulation of private life was implemented. Stuart Hall, for example, argues that the reforms of the 1960s in reality saw regulatory authority dispersed to a decentred 'micropolitics of power'.⁹³

The rightist critics are a weak current in the historiography, and tend not to be academic histories but popularist polemics. Peter Hitchens' *The Abolition of Britain* (1999) fits this mould well, seeing Roy Jenkins as a lynchpin to Britain's moral and thus existential decline.⁹⁴ A more academic

⁹¹ Arthur Marwick, *The Sixties* (Oxford: OUP, 1998).

⁹² I do not claim any great originality here. Michael Banton uses something similar in *Promoting Racial Harmony* (Cambridge: CUP, 1985), p106.

⁹³ Stuart Hall, 'Reformism and the Legislation of consent' in National Deviancy Conference, *Permission and Control* (London: Macmillan, 1980), p17.

⁹⁴ Peter Hitchens, *The Abolition of Britain* (London: Quartet, 1999).

version of the same thesis is presented in the work of Christie Davies.⁹⁵ It is possible to construct what a rightist view on racial equality might look like. First, policy on race reflected misplaced liberal guilt after Nazism and colonialism alongside political pressure from ungrateful immigrants. Second, this led to the creation of a 'race relations industry', a self-justifying bureaucracy that caused the racism that it purported to eliminate. Third, the political establishment were unwilling to represent the views of the white majority. Last, the effect of this was to undermine British culture and the historical continuity of stable communities.⁹⁶ Rightist critical work on women is almost entirely absent, save a few scattered remarks about contraception leading to moral decline and some religiously inspired works against abortion.⁹⁷

Liberal optimists are only a little stronger in the historiography. Peter Richards⁹⁸ and Andrew Holden⁹⁹ have both offered positive accounts of change in the period related to changing morality. In the area of racial equality, the account contained in EJB Rose et al's *Colour and Citizenship* commissioned by the Institute of Race Relations in 1962 fits the liberal optimist mould, and does not simply contain a history of the reform process but is part of it.¹⁰⁰ Similarly, Michael Banton,¹⁰¹

⁹⁵ Christie Davies, *Permissive Britain* (London: Pitman, 1975) and *The Strange Death of Moral Britain* (London: Transaction, 2004); Peter Saunders, *The Rise of the Equalities Industry* (London: Civitas, 2011).

⁹⁶ Based on Russell Lewis, *Anti-racism: a Mania Exposed*, (London: Quartet, 1988); Ray Honeyford, *The Commission for Racial Equality* (New Brunswick: Transaction, 1998); Anthony Browne, *The Retreat of Reason* (2nd edition, London, Civitas 2006); and *The Salisbury Review 1982-2002*.

⁹⁷ Ann Farmer, *By Their Fruits* (Washington: Catholic University of America Press, 2008) and *Prophets and Priests* (London: Saint Austin Press, 2002).

⁹⁸ Peter Richards, *Parliament and Conscience* (London: Allen and Unwin, 1970), chapter 7.

⁹⁹ Holden, *Makers and Manners*, pp157-166.

¹⁰⁰ EJB Rose et al, *Colour and Citizenship* (London: OUP/IRR, 1969).

¹⁰¹ b.1923. Sociologist of race relations. Studied under Kenneth Little at Edinburgh University.

an actor in this story from the time of his 1954 proposal for the Labour Party,¹⁰² argues that immigration controls were economically motivated and integrationist policy a separate realisation of loftier ideals. He believes Roy Jenkins addressed the anti-immigrant climate, making use of 'sentiments of common citizenship and human equality which had been subordinate to short-term interests.'¹⁰³

More common are liberal optimists' analyses of women's changing position in society. Hera Cook has offered an insightful history of contraception and women's sexual autonomy. She rejects the radicals' 'grim narrative of shifting control', seeing instead in the 1960s 'well intentioned progress towards the light.'¹⁰⁴ Audrey Leathard, studying the campaign for the wider availability of contraception, sees progress driven by a humanist and less class-oriented left which ultimately carried on 'the tremendous undercurrent of social change which gathered force in the sixties [which] dramatically jolted traditional ideas and transformed public outlook'.¹⁰⁵ Hindell and Simms' history of abortion law reform supports Marwick's permeation thesis, suggesting that the values of a small layer of committed reformers can, by degrees, become those of society when accommodated by liberal tolerance in government.¹⁰⁶ BH Lee's *Divorce Law Reform in England* professes neutrality but exudes an aroma of liberal progress.

¹⁰² See sections 2.1.2, 3.1.1.

¹⁰³ Banton, *Promoting Racial Harmony*, pp35, 45. 69-70.

¹⁰⁴ Hera Cook, *The Long Sexual Revolution* (Oxford: OUP, 2004), p296.

¹⁰⁵ Audrey Leathard, *The Fight for Family Planning* (London: Macmillan, 1980), pp134, 221-228.

¹⁰⁶ Keith Hindell and Madeleine Simms, *Abortion Law Reformed* (London: Peter Owen, 1971), pp242-3; Arthur Marwick, *A History of the Modern British Isles 1914-1999* (Oxford: Blackwell, 2000), p239; Marwick, *The Sixties*, p265.

The bulk of the historical accounts of racial equality come from radical critics. Although this school encompasses a diverse set of views, a composite picture of their views on race may be reconstructed. First, the motivation of immigration control was racist and possibly a deliberate attempt by the political elite to divide and rule.¹⁰⁷ Thus, second, racism was constructed by the government¹⁰⁸ or, at best, it reinforced existing popular perceptions.¹⁰⁹ Third, this racism tended to neutralise any positive anti-discrimination and integration measures¹¹⁰ or, alternatively, such policy was too weak to be effective. Fourth, the organisations that government created ostensibly to promote equality were 'buffers' which dispersed political pressure for change.¹¹¹ Fifth, race relations policy was a continuation of Britain's colonial policy. An imported colonial workforce was controlled by colonial methods.¹¹²

The radical critics have particular strengths. One is the consideration they give to the process of racialisation. Since race is a social construct it makes little sense to leave unanalysed the process of its social construction. Radical critics highlight the role of state actors in this process, and

¹⁰⁷ A Sivanandan, *A Different Hunger* (London: Pluto, 1982), pp113-14.

¹⁰⁸ Bob Carter, Clive Harris and Shirley Joshi, 'The 1951-1955 Conservative Government and the Racialisation of Black Immigration' in Winston James and Clive Harris (eds.), *Inside Babylon* (London: Verso, 1993), pp55-56.

¹⁰⁹ Bob Carter, Marci Green and Rick Halpern, 'Immigration Policy and the Racialisation of Migrant Labour', *Ethnic and Racial Studies*, 19:1 (1996), p136.

¹¹⁰ Keenan Malik, *The Meaning of Race* (New York: New York University Press, 1994), pp16-25.

¹¹¹ Ira Katznelson, *Black Men, White Cities* (Chicago: University of Chicago Press, 1976), pp123, 171-194; Annie Phizacklea and Robert Miles, *Labour and Racism* (London: RKP, 1980), pp27-29.

¹¹² Paul Rich, *Race and Empire in British Politics* (Cambridge: CUP, 1989), p11; Frank Furedi, *The Silent War: Imperialism and the Changing Perception of Race* (London : Pluto Press, 1998), p238.; Malik, *The Meaning of Race*, chapter 6.

particularly the ideological impact of immigration controls.¹¹³ However, as Robert Miles highlights, such processes 'cannot be determined abstractly ... but are a matter for historical investigation'.¹¹⁴ There are no convincing historical accounts of this process. Instead, there is a tendency to emphasise the negative actions of government as if public opinion were an automatic reflection of these¹¹⁵ with scant regard being given to the views of those who framed anti-discrimination legislation that this would offer public opinion a positive lead. In this thesis the working hypothesis is that there was a two-way relationship of government action and public opinion at times conflicting with each other, at times mutually reinforcing. Policies for racial equality may have been an attempt to create a more liberal climate, although both the sincerity and success of such attempts are the subject of this research, not an assumption behind it.

On policy relating to women, too, the radical critics tend to dismiss the 1960s reforms as neither liberalising nor the result of changed underlying attitudes. Jane Lewis sees them as a change in the regulation of women's lives away from traditional morality towards control by professionals.¹¹⁶ Works on abortion law reform are dominated by radical critics with analyses of overt state regulation being replaced by new and pernicious forms of regulation, so what was once illegal became pathologised. Barbara Brookes suggests that the weakness of the feminist voice and strength of medical opinion led to abortion being transformed by the 1967 Act 'from an important female-centred form of fertility control into a medical event, closely monitored by the State.'¹¹⁷

¹¹³ Originally argued in these terms by Robert Miles, *Racism and Migrant Labour*, (London: RKP, 1982); Frank Reeves, *British Racial Discourse*, (Cambridge: CUP, 1983).

¹¹⁴ Robert Miles and Malcolm Brown, *Racism*, (London: Routledge, 2003), p103.

¹¹⁵ Paul, *Whitewashing Britain*, pp175-6.

¹¹⁶ Lewis, *Women in Britain since 1945*, pp40-1.

¹¹⁷ Barbara Brookes, *Abortion in England* (London: Croom Helm, 1988), p163.

On divorce, Carole Smart is another who draws on Foucault to suggest that the reforms in divorce law 'legitimated an increased surveillance over families'.¹¹⁸

Not all analyses can be easily shoehorned into these categories. On race, the work of Zig Layton-Henry and Shamit Sagar, while accepting the reality of the reforms on racial equality, uses some of the material generated by radical critics to develop a highly critical view of its limits. Tim Newburn and Jeffrey Weeks, while firmly grounded in the radical critics' camp, suggest a moral pluralism increasingly developed through the 1960s in some areas.¹¹⁹ Lewis too (in her more recent work) sees divorce reform representing one step towards treating partners in marriage more equally.¹²⁰

A further feature of the historiography on women relevant here is a division between *discontinuists*, who see a hiatus in the feminist movement between the final victory of the suffrage movement in 1928 and the rise of the second wave of feminism at the end of the 1960s, and *continuists*, who highlight some developments spanning those forty years. As a discontinuist, Sheila Rowbotham ends her history of the battle for women's equality in the early 1930s when 'the last great feminist wave of the late nineteenth century finally faded'.¹²¹ The discontinuists' case is strong and dominates the historiography. Even continuists recognise that post-1928 was a fallow period but they view the emergence of the second wave as not entirely *sui generis*. Amongst the continuists Olive Banks points to first wave feminists having an impact on the equal

¹¹⁸ Carol Smart, *The Ties that Bind* (London: RKP, 1984), p56.

¹¹⁹ Tim Newburn, *Permission and Regulation* (London: Routledge, 1992); Weeks, *Sex, Politics and Society*, p272.

¹²⁰ Jane Lewis, *The End of Marriage?* (Cheltenham: Edward Elgar, 2001), p113 and *passim*.

¹²¹ Sheila Rowbotham, *Hidden from History* (London: Pluto, 1973), px.

pay campaign in the 1960s,¹²² and Martin Pugh highlights the role of female Labour MPs who never considered themselves feminist but bridged the divide between the first and second waves of feminism.¹²³ Elizabeth Wilson similarly points to the labour movement as the repository of a strand of welfare oriented feminism, for example Leah Manning's¹²⁴ campaign for women's freer access to contraception.¹²⁵

This debate on continuity raises a number of issues. Particularly, if the discontinuists are right and there was not feminist pressure from below on the 1960s reforms affecting women. As, Jeffrey Weeks has argued, this might imply that such policies were less focused on promoting women's equality and instead tend to a self-contained solutions to specific problems such as large families or the dangers of backstreet abortionists.¹²⁶ Thus, the archives of first wave feminists' organisations will be studied in detail.

1.6: Methodology and sources.

Britain is not unique in having developed equality and diversity policies, they are a common feature of modern liberal democratic states. These policies take different forms. In Canada the existence of English and French speaking groups alongside first nation peoples has led to policies some describe as being communitarian¹²⁷ while France's policy is viewed as assimilationist.¹²⁸

¹²² Olive Banks, *The Faces of Feminism* (Oxford: Basil Blackwell, 1986).

¹²³ Pugh, *Women and the Women's Movement*, p309-12.

¹²⁴ 1886-1977. Social reformer and Labour MP, Islington E/Epping (1931, 1945-1950).

¹²⁵ Wilson, *Only Halfway to Paradise*, pp34-71, 201.

¹²⁶ Weeks, *Sex, Politics and Society* (2nd edition), p266-267.

¹²⁷ Will Kymlicka, *Finding Our Way* (Don Mills, Ontario: OUP (Canada), 1998), pp15-24.

There is a case for looking at these policies in a comparative perspective to understand why equality and diversity have emerged at different times and in different forms in various states. This thesis, however, looks at the UK alone and to understand how these equality policies emerged, shaped by the choices of the actors involved.

The approaches to women and race within the historiography has differed. With race much of the writing is within the bounds of political history, focusing on government action. The writing on women has centred on women's experience.¹²⁹ Sheila Rowbotham's *A Century of Women* (1999) is typical in eschewing the use of official documentation in favour of women's voices. The reasons for the dominance of such an approach are not only important for the historiographical context of this thesis, they are in some part, its subject. Women's increased, although by no means equal, access to university education in the 1960s was one factor leading to the second wave of feminism¹³⁰ and the academic positions that some feminists achieved¹³¹ have been one way in which women have been able to write their own history. There was no opening up of higher education for black and Asian immigrants or their children in the 1960s. Their history (at least until recently) has been written by sympathetic white radicals, although there are exceptions such as Ron Ramdin and A Sivanandan working outside of academia. The focus of writing on racial equality has been minorities' treatment by the white political establishment, so standard political history exposing that has served this purpose well. Thus there is far less emphasis on subjective experience in the writing on race. In distinction to this, second wave feminists of the late 1960s

¹²⁸ Favell, *Philosophies of Integration*, pp70-79.

¹²⁹ Gregor McLennan, *Pluralism* (Buckingham: OUP, 1995), p12.

¹³⁰ David Bouchier, *The Feminist Challenge* (London: Macmillan, 1983), pp32-34.

¹³¹ Angela Holdsworth, *Out of the Doll's House* (London: BBC, 1988), pp195-197.

were less interested in government policy and more concerned with raising the consciousness of women about their position in society.

What unites the writing on race and women is that it is politically engaged. The three perspectives in the historiography, rightist, radical and liberal, are divided by their normative approaches. The radicals' writing dominates the historiography, and feminist writers in particular have been purposefully polemical¹³² focused on identifying the historical *us* in opposition to *them*.¹³³ There is a danger here of history falling into relativism, only reporting the experiences of its subjects. Such an approach is supported by the postmodernist historian Keith Jenkins, asserting that history is 'a discursive practice that enables present minded people(s) to go to the past, therein to delve around and reorganize it appropriately to their needs', with the purpose of making 'emancipatory material differences to and within the present.'¹³⁴ This approach is rejected here, instead this thesis is based on the idea that there is an historical truth based on a unity of diverse experiences which is, in some degree, knowable.

Of course, history from below is a valuable approach, but not the only approach. If political, social and economic power is monopolised by men drawn from the upper stratum of society, it is quite right to ask about other lives. Nonetheless, a bottom up approach cannot be assumed to have greater explanatory power. It is not necessarily the case that, in Rowbotham's words, women's

¹³² June Hannam, 'Women, history and protest' in Victoria Robinson and Diana Richardson (eds) *Women's Studies* (Basingstoke: Palgrave, 1997), pp79-80.

¹³³ Peter Burke, 'People's history or total history' in Samuel Raphael, *People's History and Social Theory* (London: RKP, 1981), p8.

¹³⁴ Keith Jenkins, *Re-thinking History* (London: Routledge, 1991), p68.

activity was like 'yeast that rose through culture before it reached politics.'¹³⁵ As all brewers know, top-fermentation with the yeast acting from the top of the liquid, is possible too. Elite-centred approaches cannot be dismissed *a priori* since it is possible that a section of the political class may have been in advance of public opinion and the pressure from below largely illiberal. Factions within the political class may have canalised and ridden the pressure from a minority in society to win reforms. In other words, causes may be more complex than a choice between 'above' and 'below'. Ultimately, my methodology is that of Fernand Braudel's total history. Although it has been argued this is an unobtainable ideal,¹³⁶ history is not the work of one person but a synthesising, collective and ongoing effort. Here, I am doing only part of the job in analysing (from above) the policy making process.

Although this thesis is fundamentally about policy making and thus focuses on those involved in that process, this includes pressure bubbling up from below in some organised way, via interest groups. So, the most important archives that are used are government papers deposited in the PRO. Those histories that have looked at this have tended to concentrate only on papers from the Prime Ministers' and Cabinet offices. Here there will be particular focus on the greater quantity of papers from those departments concerned with these areas of policy making. The purpose of this is not only to approach as closely as possible the immediate impetuses of these policies, but to examine the conflict between ministers and ministries as a gauge of different understandings of equality and to examine where departments were bearers of outside pressure, notably with the Ministry of Labour closely reflecting the interests of the TUC.

¹³⁵ Rowbotham, *A Century of Women*, p338.

¹³⁶ John Tosh, *The Pursuit of History* (Harlow: Longman, 2000), pp88-9.

The second group of archives considered are those of the Labour Party. Again, it is important to dig below the top level documents of party conference reports, the Labour Party's National Executive Committee, the Parliamentary Labour Party and the Parliamentary Committee (the shadow cabinet), to include the papers of the party's research department and the full range of files of the national party held in the Labour History Archive and Study Centre. Some papers of the Communist Party archive have been considered too since the Communists were influential in the unions, and supported both equal pay and racial equality. Along with this a limited range of labour movement related press has been considered, particularly *Tribune*, *New Statesman*, Fabian publications, the revisionist journal *Socialist Commentary* and the Communist Party's journals, *Labour Monthly* and *Marxism Today* and a selection of its daily press *The Daily Worker* and later *The Morning Star*. Space has not allowed consideration of the important dimension of local parties and of Labour controlled local councils which probably constitute the biggest limitation to the current research.

The trade unions play an important role here particularly in relation to the formation of policy by the government. Although in the 1960s the shift to the left in the unions was not often expressed in Labour Party structures, the Trade Union Congress (TUC) was willing to assert the collective interests of trade unions to the government.¹³⁷ Most studies of the TUC have looked largely at only top level documents, General Council minutes and annual Congress reports. Here, papers down to the office level have been studied, a rich and underused resource since the office staff displayed assiduous memo-writing matched only by an ethos of filing everything down to the

¹³⁷ Lewis Minkin, *The Contentious Alliance* (Edinburgh: Edinburgh University Press, 1992), pp3-118.

wildest of green-inked letters. The TUC is a very useful secondary archive, containing a rich seam of documents of organisations whose own archives are lost, such as CARD.

The last major source used is the papers of campaigning bodies. Papers of those arguing for greater equality have been considered, including many first wave feminist groups operating in the period, particularly the Six Point Group and the Status of Women Committee. The Equal Pay Campaign Committee in the 1950s have also been considered. Archival material of non-feminist women's groups have not been considered, although some did attempt to represent women's interest, none expressed a clear conception of women's equality as such. The Abortion Law Reform Association's and the Family Planning Association's archives are also considered. The papers of the campaigns for equal pay and divorce reform in the 1960s have not been preserved, nor have many of the organisations concerned with racial equality, including the Campaign Against Racial Discrimination, the West Indian Standing Conference and the Institute of Race Relations. The Movement for Colonial Freedom along with the closely allied Fox-Pitt papers have been considered and through this some of the work of the other campaigning groups can be understood. Archives of the quasi-governmental bodies, the National Committee for Commonwealth Immigrants, the Community Relations Commission and the Race Relations Board have also been considered.

Most of the press considered here is the press of record, particularly *The Times* and *The Guardian* mainly as a context for reading campaigning groups archives and government papers. The popular press, which possibly shaped and was shaped by public opinion, is only considered episodically. Although a study of the opinions of the popular press would be interesting, it is not part of the current research.

Chapter 2: Racial equality and anti-discrimination legislation.

The 1964 to 1970 Labour governments are remembered for many things. There are excoriating histories of the unfulfilled promise to forge Britain in the white heat of scientific revolution which led only to a humiliating devaluation of the pound in 1967, and failure to reform industrial relations with the withdrawal of the proposals in the White Paper *In Place of Strife* in the summer of 1969.¹ Some histories are more generous, adding that these governments also oversaw liberalisation in censorship, abortion, criminal justice and sexuality² and a time of liberation and greater personal freedom.³ Few histories dwell on Labour's innovative policies on racial equality, and with good reason. The two pieces of anti-discrimination legislation passed by these Labour governments, the 1965 and 1968 Race Relations Acts, were flawed and limited, but were nonetheless the genesis of the equality state.

This chapter will first examine the ideas on which these policies were based developing through the Labour Party and campaigning groups from 1945 to 1964. These created, in some part, the basis for the 1965 Race Relations Act passed while Sir Frank Soskice⁴ was Home Secretary. This looked set to be a very limited and even tokenistic reform before campaigners succeeded in its amendment. After Roy Jenkins became Home Secretary at the end of 1965, a campaign for a new

¹ David Marquand, *The Progressive Dilemma* (2nd edition, London: Phoenix Grant, 1999), pp155-157.

² David Childs, *Britain Since 1945* (6th edition, London: Routledge, 2006), p155.

³ Mark Donnelly, *Sixties Britain* (Harlow: Pearson, 2005), pp10-13.

⁴ 1902-1979. Labour MP, Birkenhead E/Sheffield Neepsend/Newport (1945-55, 1956-66). Solicitor General (1945-1951), Attorney General (1951), Home Secretary (1964-1965). Created Baron Stow Hill (1966).

Race Relations Bill was launched. This eventually led to the 1968 Race Relations Act, offering legislation of greater scope, although this too had its limitations.

2.1: The development of policy 1948-1964.

2.1.1: Campaigning groups.

It is only with somewhat arbitrary hindsight that the point of mass black and Asian immigration to Britain is pinpointed to when 492 black Jamaican immigrants disembarked from the *Empire Windrush* at Tilbury Dock in the summer of 1948.⁵ There was already a small population of visible racial minorities in Britain, although its numbers are hard to gauge,⁶ and governments of all stripes were keen that it did not grow. As early as April 1945 under the wartime coalition, the Ministry of Labour was making efforts to persuade demobilised black servicemen and wartime workers to return to their countries of origin. Although the 1948 Nationality Act gave all Commonwealth citizens the right to live in Britain, it was not intended to encourage black and Asian immigration. By 1950 the Cabinet was already considering if anything could be done about immigration, but relations with the Commonwealth came first.⁷ The government did as little as it could to cater for the welfare of the new arrivals, and by 1950 had closed down the remaining welfare provision which had survived since it was created to support immigrant labour during the war.⁸

⁵ 'Jamaican Emigrants Arrive', *The Guardian*, 22/6/1948.

⁶ Colin Holmes, *John Bull's Island* (Basingstoke: Macmillan, 1988), pp152-160.

⁷ Edward Pilkington, *Beyond the Mother Country* (London: IB Taurus, 1988), p18-21; Peter Hennessy, *Never Again* (London: Jonathan Cape, 1992), pp439-443.

⁸ Shelia Patterson, *Immigration and Race Relations in Britain 1960-1967* (London: OUP, 1969), p114.

It was thus fitting that the first post-war campaign for racial equality in Britain, Racial Unity, was founded in 1951 by the Prime Ministers' sister, Mary Attlee,⁹ who had spent a lifetime in South Africa as a missionary. Peggy Cripps,¹⁰ daughter of Labour's recent Chancellor, was co-secretary.¹¹ Professing a 'Christian ethic', the organisation aimed to use education to reduce feelings of racial superiority and bitterness.¹² The group struggled to develop a role, carrying out limited work in Brixton on discrimination with the local MP¹³ but when the Labour Party forwarded a case of discrimination to the campaign in 1953 they did nothing to follow it up. By 1954 Racial Unity was reduced to discussing issues of Christian concern loosely grouped around racism and colonialism¹⁴ and it limped on to 1960 doing little more than organising English classes for immigrants in Oxford.¹⁵

Thomas Fox-Pitt¹⁶ was Racial Unity's Secretary in 1953.¹⁷ He was a retired colonial administrator who had exasperated the Colonial Office, in one instance organising a unionisation drive in the Northern Rhodesian Copperbelt. In response to the UN Conference of Non-Governmental

⁹ 1875-1956. Missionary.

¹⁰ 1921-2005.

¹¹ Racial unity progress report no. 5, [c.12/1952], University of Warwick, Modern Record Centre, TUC Archive, MSS.292/805.7/1. (Henceforth MRC/TUC).

¹² 'Racial unity movement: objects and purposes', and, 'Racial unity movement: statement of aims', MRC/TUCA, MSS.292/805.7/1; MRC/TUCA, MSS.292/805.7/1.

¹³ Colin Turnbull to Thomas Fox-Pitt, n.d., Thomas Fox-Pitt Papers, SOAS, Box3/file PP.MS 6/2/1. [Henceforth TFP/SOAS/box number].

¹⁴ EG Framer to Fox-Pitt, 14/07/1953, and, 'Racial Unity Bulletin July 1954', TFP/SOAS, Box3/file.PP/MS6/2/1.

¹⁵ Racial Unity to MCF, n.d., Movement for Colonial Freedom Archive, SOAS Box21/aff6 [Henceforth MCF/SOAS/box number].

¹⁶ 1897-1989.

¹⁷ Turnbull to Fox-Pitt, n.d., TFP/SOAS,/Box3/PP.MS 6/2/1.

Organisations' call to voluntary groups to co-ordinate pressure on governments to end discrimination, in early 1956 in conjunction with the Quakers and the Women's International League for Peace and Freedom Fox-Pitt organised a meeting proposing the establishment of a National Council of Race Relations, but that initiative left little trace.¹⁸

A third and more durable campaigning group was the Movement for Colonial Freedom (MCF), formed in 1954 with Fenner Brockway¹⁹ as the active chair. Although Brockway was far from being a Communist fellow-traveller, the Labour Party's hesitancy in supporting national liberation movements drew him and the Communist Party together to form the MCF primarily to support independence struggles in the British colonies. The MCF London Area Committee called the first conference dedicated to issues of racial discrimination in Britain in 1955 but apart from hoping for better treatment of immigrants little policy emerged. The only upshot of the conference was a delegation of trade unionists and community leaders to the London County Council.²⁰ On this foundation the MCF called a national conference²¹ out of which came the National Council Against Racial Discrimination in 1957. Chaired by the Labour MP Maurice Orbach,²² the campaign declared that it was to push for comprehensive legislation and to co-operate with bodies helping the

¹⁸ Circular letter from Fox-Pitt and others, 3/4/56, MRC/TUCA, MSS.292/805.9/1.

¹⁹ 1888-1988. Labour MP, E Leyton/Slough and Eton (1929-1931, 1950-1964). Created Lord Brockway of Slough and Eton (1964).

²⁰ Minutes MCF LAC, 30/01/1955, Labour History Archive and Study Centre, Labour Party Archive, Box 'Research Dept: Race Relations'. (Henceforth LHASC/LPA).

²¹ MCF EC, 18/09/1956, MCF/SOAS/Box1/EC3.

²² 1902-1979. Labour MP, Willesden E/Stockport S (1945-1959, 1964-1979).

settlement of immigrants. The campaign failed to gain any independent existence beyond the MCF and by January 1958 had ceased to function.²³

The 1945-1951 Labour governments' concern over black and Asian immigration was continued by the Conservative administration when returned to power in 1951. With the levels of immigration rising, a bill to restrict immigration was drafted in 1955, but the over-riding concern in the Cabinet was to maintain good relations with the Commonwealth and the bill was never brought forward.²⁴ Although not taking steps to control immigration, the Conservatives, as with Labour before them, did nothing to promote the welfare of immigrants who arrived in Britain. There had been several riotous attacks on black and Asian people in Britain since 1948,²⁵ but the clearest signs that there were some sections of the public hostile to immigrants were the riots in St. Ann's, Nottingham, and Notting Hill, West London, in August and September 1958. As Edward Pilkington has shown in his history of the riots, immigrants had been drawn into inner city areas by the demand for their labour, and forced by discrimination into the worst housing. In both St Ann's and Notting Hill high concentrations of black immigrants abutted deprived white working class areas. The results were explosive. In both cases the riots were essentially racist attacks by elements of the less respectable local white working class on black people, and, to a degree, of black people defending themselves.²⁶

²³ National Council Against Racial Discrimination, 04/03/1957, LHASC/LPA, Box 'Research Dept: Race Relations'; MCF LAC EC, 15/10/58, MCF/SOAS/Box10/AC3.

²⁴ Hennessy, *Having It So Good*, pp223-224.

²⁵ Layton-Henry, *The Politics of Immigration*, p37.

²⁶ Pilkington, *Beyond the Mother Country*, pp106-123.

In the wake of the riots, the MCF sought to build its anti-racist campaign afresh through a series of meetings with local Labour parties and trades councils around London. In September 1958 the MCF held a public meeting with Paddington South Labour Party, and its MP, Ben Parkin.²⁷ (The Labour MP whose constituency included much of Notting Hill, George Rogers,²⁸ had responded to the riots by calling for immigration control.)²⁹ Other similar meetings in London followed,³⁰ raising the profile of the issue of racial discrimination in the London labour movement at least. Building on this, in early 1959 the MCF started working with the exiled US Communist Claudia Jones³¹ who was active in Notting Hill.³² The murder of Kelso Cochrane, an Antiguan immigrant, in Notting Hill in May 1959, pushed the issue of race back into the political arena. The police publicly stated that they believed the murder to be unconnected to race, contrary to the widely held view of local black people.³³ In response to the murder, immigrant and non-immigrant based groups formed the Inter-Racial Friendship Co-ordinating Committee which paid for Cochrane's funeral. This became a demonstration of solidarity.³⁴ Attempts by the MCF to use this as a springboard for a national campaign failed³⁵ and by the end of 1960 the MCF was again left with no campaign for racial equality.³⁶

²⁷ 1906-1969. Labour MP, Stroud/Paddington North (1945-1950, 1953-1969).

²⁸ 1906-1983. Labour MP, Kensington N (1945-1970).

²⁹ See section 3.1.1

³⁰ MCF LAC EC, 18/12/1958, MCF/SOAS/Box 10/AC3.

³¹ 1915-1964. Political activist, founder of the *West Indian Gazette* and the Notting Hill Carnival.

³² MCF LAC EC, 18/12/1958, MCF/SOAS, Box10/AC3; Melika Sherwood, *Claudia Jones*, (London: Lawrence and Wishart, 1999).

³³ Mark Olden, *Murder in Notting Hill* (Winchester: Zero, 2011), pp4-11, 45-53.

³⁴ Sherwood, *Claudia Jones*, pp96-97.

³⁵ MCF LAC EC, 28/11/1959, MCF/SOAS/Box10/AC3.

³⁶ The West London Committee of Inter-Racial Unity, minutes, 1/3/60, TFP/SOAS, Box10/file.pp.MS.6/7/7.

While the campaigns against racism and to promote the interests of black and Asian immigrants faltered, those for the restriction of immigration had some success. The Conservative MP Cyril Osborne³⁷ had been campaigning for the restriction of immigration since 1952 and was joined by a small band of Conservative backbenchers with some support in their party, and a smaller group of Labour MPs who had little support in theirs. After the 1958 riots, their cause gained support. The Birmingham Immigration Control Association, formed in 1960, showed that the issue could win popular support.³⁸ By mid-1961 it became clear that there would be legislation restricting Commonwealth immigration,³⁹ leading the MCF and the National Campaign for Civil Liberties to launch a campaign against control with a meeting in Central Hall Westminster in November 1961.⁴⁰ The Conservatives' Commonwealth Immigrants Bill was published in November 1961 to limit primary immigration from the Commonwealth to those with Ministry of Labour issued vouchers related to potential employment. The MCF sought the backing of unions and the Labour Party for its campaign against controls, but with little response.⁴¹ So, seeking to emulate the peace movement, they embarked on a grandiose plan to distribute a million leaflets⁴² and march from Hyde Park to Trafalgar Square. Their resources allowed only a print run of 50,000 leaflets and they struggled to distribute even these and the demonstration attracted only 2,000 people.⁴³ In the Autumn of 1962, the emphasis of the campaign shifted focus to Brockway's Commons anti-

³⁷ 1898-1969. Conservative MP, Louth (1945-1969).

³⁸ Layton-Henry, *The Politics of Immigration*, pp71-74.

³⁹ 'Immigration Hint By Mr. Butler', *The Times*, 19/6/1961.

⁴⁰ MCF EC, 15/10/1959, MCF/SOAS/Box1/EC6..

⁴¹ MCF LAC EC, 12/10/1961, MCF/SOAS/Box10/AC3.

⁴² John Eber and Helen Bastable, 'No colour bar on immigration', [c.11/1961], MCF/SOAS/Box75/Act25.

⁴³ MCF Executive Report November 30/11/1961-27/1/1962, MCF/SOAS/Box1/EC9.

discrimination bills⁴⁴ with half-a-million signatures being collected in support of his 1962 bill⁴⁵ although this might have reflected the greater reach of the Jewish Board of Deputies which was also involved.⁴⁶ Despite further plans little else was done before the 1964 election.⁴⁷

There has been a long history of black and Asian people organising in Britain. In the interwar years, Harold Moody's⁴⁸ League of Coloured People had sought to speak for racial minorities in Britain and campaigned for racial equality in the 1930s but did not long survive its founder's death in 1947.⁴⁹ In most cases such organisations offered little to new immigrants. The discrimination and marginalisation that they faced led to the establishment of community based organisations, which in the first instance tended to be localised and oriented to self help. From 1958 there was a burgeoning of local political organisations such as the Notting Hill based Coloured People's Progressive Organisation.⁵⁰ In the same year the West Indian Federation's office in London helped establish the West Indian Standing Conference to provide some national leadership for Caribbean immigrants. None of these had an impact on national politics in this period.⁵¹

⁴⁴ MCF LAC EC, 08/10/1962, MCF/SOAS/Box10/AC3.

⁴⁵ MCF CC, 15/12/1962, MCF/SOAS/Box3/CC9.

⁴⁶ '420,000 Seek Law On Race Hate', *The Times*, 27/11/1962.

⁴⁷ MCF LAC EC report, 29/1/1963-9/4/1963, MCF/SOAS/Box10/AC2.

⁴⁸ 1882-1947. GP and political activist.

⁴⁹ Ron Ramdin *The Making of the Black Working Class in Britain* (Aldershot: Wildwood, 1987), chapter. 5. Anne Spry Rush, 'Imperial Identity in colonial minds', *Twentieth Century British History* 13:4 (2002).

⁵⁰ A Sivanandan, *From Resistance to Rebellion* (London: IRR, 1986), p113-119.

⁵¹ Rose et al, *Colour and Citizenship*, pp492-506.

2.1.2: Development of policy in the Labour Party.

From the very earliest days of mass immigration in 1948 some in the Civil Service had recognised the extent of discrimination, believing legislation should be considered for housing and discussion with the TUC for employment. The idea received scant support from ministers in Clement Attlee's⁵² government.⁵³ Beyond government, the Labour Party first started to formulate anti-discrimination policy in 1949 with an NEC paper by the pioneering academic Kenneth Little (who ran the academic programme on race relations in the UK),⁵⁴ although at this stage he rejected legislation as impracticable and undesirable.⁵⁵ There was support for legislation on Labour's backbenches from where Reg Sorensen⁵⁶ introduced his 1950 Colour Bar Bill which sought to create a summary criminal offence of racial discrimination in hotels, eateries and places of entertainment with a fine of £5 for the first and £25 for subsequent offences.⁵⁷ It progressed no further than a first reading since the Labour government, not wishing the embarrassment of calling for a vote against it, ensured the bill received no more time.⁵⁸

⁵² 1883-1967. Labour MP, Limehouse/Walthamstow W (1922-1955). Leader, Labour Party (1935-1955), Prime Minister (1945-1951). Created Earl Attlee (1955).

⁵³ TNA: PRO HO344/11 'A report to sub-committee appointed to examine the possibility of legislating against restrictive covenants in leases', 12/10/1948.

⁵⁴ 1908-1991. Anthropologist, then at Edinburgh University.

⁵⁵ 'The colour problem in Britain and its treatment', Labour Party (Great Britain) (n.d.), *National Executive Committee Minutes*, Brighton: Harvester Press, Fiche 372/ Sheet 248. (Henceforth as *LPNEC/Fiche number/sheet number*).

⁵⁶ 1891-1971. Labour MP, Leyton West/Leyton (1929-1931, 1935-1964). Created Lord Sorensen of Leyton (1964).

⁵⁷ *HC Deb*, 17/11/1950, vol480 c2044; 'Private Member Bills', *The Times*, 17/11/1950.

⁵⁸ TNA: PRO HO45/25245 HPC(51)11th, 3/4/1951.

The Labour Party did not consider the issue again until 1954 when Labour's NEC Commonwealth Sub-committee considered papers from Little and the Labour MP and former Solicitor General, Sir Lynn Ungoed-Thomas.⁵⁹ Little reversed his previous opposition to anti-discrimination legislation although what he suggested was legislation with only declaratory effect. He reasoned that since most discrimination was by private individuals criminal sanctions were needed with the goal of 'stirring the national conscience and of creating a new standard of *public* behaviour in relation to coloured people.' Ungoed-Thomas rejected this approach as unfocused, arguing that immigrants needed enforceable individual redress if they were to feel that they were equal citizens, implying legislation with limited but enforceable scope. Labour's NEC Commonwealth Sub-committee took Little's declaratory line.⁶⁰ More focused policy would have been difficult to develop since the TUC were unwilling to discuss employment, and claimed that any problems of discrimination were being solved by immigrant workers joining unions,⁶¹ a position which blocked Labour Party developing policy on discrimination in employment for the next thirteen years.

With an election looming, the issue was considered again in 1955 by John Hatch⁶² in the Labour Party's research department. Hatch argued for a cautious approach including negotiations with the Jamaican government (which had commissioned a report on discrimination against its émigrés to the UK) on lessening racialism, talks with the TUC (they declined again) and a conference of local authorities and representatives of immigrants to discuss their problems (which appears not

⁵⁹ 1904-1972. Labour MP, Llandaff and Barry/Leicester NE (1945-1962). Solicitor General (1951).

⁶⁰ International dept, Commonwealth sub-committee, Colour Bar Legislation, Memorandum by Sir Lynn Ungoed-Thomas, [c.1/1954], and, Colour Bar legislation, [c.1/1954], and, minutes, 19/1/1954, LPNEC/487/26, LPNEC/487/27, LPNEC/487/34.

⁶¹ Tewson to Phillips, 21/04/1954. MRC/TUCA, MSS.292/805.9/1.

⁶² 1917-1992. Secretary of the Commonwealth Department of the Labour Party (1954-1961).

to have been called).⁶³ Although the issue was absent from the party's 1955 manifesto,⁶⁴ Hatch's paper was circulated to candidates as speakers' notes on the issue.⁶⁵ After the election the NEC planned a pamphlet, *A Multi-racial Society*,⁶⁶ but there were insufficient resources to produce it. When Brockway announced his 1956 Private Members' Bill (the bill was similar to Sorensen's 1950 bill but also covered employment) the NEC Commonwealth Sub-committee did no more than note it.⁶⁷ Thus, without any countervailing pressure from the Labour Party, union leaders met with the Ministry of Labour and agreed to oppose the bill's provisions against racial discrimination in employment.⁶⁸ As a contentious Ten Minute Rule Bill it made little parliamentary progress. Brockway's second, 1957, bill was also short-lived.⁶⁹

Labour's Assistant Commonwealth Officer, Eric Whittle,⁷⁰ produced a research paper in 1957 highlighting discrimination in housing and employment. Whittle developed a policy based on American institutions promoting civil rights, particularly the New York State Commission Against Discrimination,⁷¹ created in 1945 as an administrative agency to enforce civil legislation against

⁶³ 'Problems of colour prejudice in Britain' 1/3/1955, *LPNEC/518/432*.

⁶⁴ '1955 Labour Party Election Manifesto' <<http://www.labour-party.org.uk/manifestos/1955/1955-labour-manifesto.shtml>> [accessed 15/12/2012]; 'Report on the general Election 1955', June 1955, *LPNEC/521/680ff*.

⁶⁵ Commonwealth sub-committee, 19/4/1955, *LPNEC/520/582*.

⁶⁶ Commonwealth sub-committee, 12/1955, *LPNEC/539/1654*.

⁶⁷ Commonwealth sub-committee, 6/1956, *LPNEC/559/1096*.

⁶⁸ 'Discrimination', *The Times* 13/6/1956; *HC Deb* 12/6/1956 vol554 cc247-50; Tewson to Stewart, 'Private members bill - racial discrimination', 28/03/1957, MRC/TUCA, MSS 292/805.9/1.

⁶⁹ *HC Deb* 10/5/1957 vol569 cc1425-38 and 24/5/1957 vol570 cc1602-8.

⁷⁰ No biographical information.

⁷¹ 'Racial Prejudice in the United Kingdom', LHASC/LPA, Box 'Research Dept: Race Relations'.

discrimination in employment.⁷² In opposition to this, Hatch reasserted his limited proposals of only outlawing discrimination in public places⁷³ and it was this which formed the basis of the final policy paper in 1958,⁷⁴ issued after the Notting Hill riots as a policy statement by the party's NEC.⁷⁵ Brockway's bills continued on the 1956 template through 1958 and 1959.⁷⁶ The unwillingness of the TUC to engage in any dialogue led to Brockway's sixth, 1960 bill being shorn of its employment clause,⁷⁷ while his seventh included a new clause outlawing incitement to racial hatred.⁷⁸ Although a figure of standing in the party would occasionally publicly back Brockway, the parliamentary leadership remained neutral⁷⁹ until 1962 when, for the first time, members of the front bench were allowed to support Brockway's bill.⁸⁰

The Labour Party's opposition to the Conservatives' 1962 Commonwealth Immigrants Act (see chapter 3) led them to refocus on developing a positive policy on prejudice and discrimination. Labour's NEC Home Policy Sub-committee meeting of April 1962 adopted a policy based on

⁷² 'The New York State Commission against Discrimination', *The Yale Law Journal*, 56/5 (1947).

⁷³ St Johnston [IRR] to Wicken, 22/04/1958; 'Working party on racial discrimination: extracts form colour and conscience'; 'Recent incidents of Colour discrimination in hotels and public places'; Alternative draft statement on racial prejudice, [c.09/1958] LHASC/LPA, Box 'Research Dept: Race Relations'.

⁷⁴ Commonwealth Sub-committee: Final draft statement on racial prejudice, [c.09/1958], LHASC/LPA, Box 'Research Dept: Race Relations'.

⁷⁵ 'Labour Party Call For Law On Colour Bar', *The Times*, 29/9/1958.

⁷⁶ 'Women MPs Unlucky', *The Times*, 07/11/1958; *HC Deb* 30/4/1958 vol587 cc387-8; [Unknown news article dated 1/5/58] MRC/TUCA, MSS.292/805.9/1; *HC Deb*, 12/04/1960 vol621 cc1088-90; 'Immigrants Put Out New Roots', *The Times*, 3/06/1960.

⁷⁷ 'House of Commons', *The Times*, 08/12/1960; *HC Deb*, 07/12/1960, vol631 cc1270-2; Bob Hepple, *Race, Jobs and the Law* (Harmondsworth: Penguin, 1970), p159.

⁷⁸ 'More Back Bill To Stop Colour Bar', *The Times*, 09/12/1961.

⁷⁹ Minutes of the Parliamentary Committee, 7/11/1960, LHASC/PC.

⁸⁰ Fenner Brockway, *Outside the Right* (London: George Allen & Unwin), p165.

Whittle's 1958 proposals for comprehensive anti-discrimination measures⁸¹ and called on the Conservative government to outlaw incitement to racial hatred and discrimination.⁸² From becoming Labour's leader in early 1963, Harold Wilson⁸³ was to prove to be sympathetic to legislation with a wider scope than just public places, and when he took over the leadership of the party there was more progress towards the party accepting comprehensive legislation. As Brockway's ninth and final bill was sucked into the parliamentary quagmire in February 1964,⁸⁴ Harold Wilson promised that a Labour government would take over the bill with only 'minor amendment'.⁸⁵ Tony Benn⁸⁶ reported that Wilson had been convinced of the need for legislation after a community boycott of buses in Bristol after white workers blocked the recruitment of a black conductor the previous year.⁸⁷

The promise of legislation led to a much greater focus on what form it might take. Reflecting the view of Labour's home affairs spokesperson, Soskice, who was noncommittal on legislation, two academic pro-legislation lawyers, Cedric Thornberry and Andrew Martin,⁸⁸ prepared a draft bill limited to creating a new criminal offence of racial hatred and anti-discrimination measures only

⁸¹ RD.238: 'The integration of immigrants', April 1962, *LPNEC/728/599*.

⁸² 'Ban Racial Discrimination', *The Guardian*, 1/10/1962.

⁸³ 1916-1995. Labour MP, Ormskirk/Huyton (1945-1983). President of the Board of Trade (1947-1950) Prime Minister (1964-1970. 1974-1976). Shadow Chancellor (1955-1961), Shadow Foreign Secretary (1961-1963), Leader of the Labour Party (1963-1976).

⁸⁴ *HC Deb* 14/01/1964 vol687 cc42-5, and 24/04/1964 vol693 c1794.

⁸⁵ 'Wilson Pledge On Racial Bill', *The Times*, 17/02/1964.

⁸⁶ b.1925. Labour MP, Bristol SE/Chesterfield (1950-1960, 1963-1983, 1984-2001). Paymaster General (1964-1966), Minister of Technology (1966-1970).

⁸⁷ Mason, *Learie Constantine*, p156; Madge Dresser, *Black and White on the Buses* (Bristol: BroadSides, 1986), p26.

⁸⁸ 1906-1985. Academic lawyer and Law Commissioner (1965-1970).

applying to public places with prosecution resting with the Attorney General.⁸⁹ This attenuated proposal was included in Labour's manifesto.⁹⁰

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Both Labour and Conservative governments had seen mass immigration from its earliest years as a problem. Their considerations of this had been kept firmly behind closed doors where the need for good Commonwealth relations did not allow them to solve their perceived problems with immigration controls. Neither Labour nor Conservative governments gave much thought to either the welfare of immigrants or measures to lessen racial prejudice and discrimination. The Labour Party beyond the government and, after 1951, the opposition front bench, had a more positive attitude. Following the Notting Hill riots of 1958 there was a divergence between the Conservative government, which moved towards controlling immigration, and the Labour opposition, which was willing to consider measures to combat discrimination.

There was conflict within the Labour Party over how racial equality should be promoted. This was not simply between those who were concerned about the electoral implications of being seen to be pro-immigration, but was tied up with other issues. First, those who were more cautious tended to favour declaratory legislation which would make some forms of discrimination a criminal offence but mainly as a statement of public policy. Against this, the position favoured by Whittle was that there should be meaningful and swift redress of the kind that would be supplied

⁸⁹ TNA: PRO PREM13/2314, Note for Labour Party study group on commonwealth immigrants from Professor Andrew Martin, 7/7/1964; RD 809 notes, September 1964, *LPNEC/793/1164*; 'A bill to make it an offence to discriminate ...', 01/07/1964, LSE, SLL Archive, , File 1/55 (Henceforth LSE/SLL/[File number]).

⁹⁰ 'The Labour Party's manifesto for the 1964 general election' <<http://www.labour-party.org.uk/manifestos/1966/1966-labour-manifesto.shtml>> [Accessed 15/12/2012].

by administrative agencies and civil law. Second, the more cautious line was to outlaw only those forms of discrimination that were already in the public sphere. In his 1954 paper Kenneth Little was clear that legislation should relate only to what was public, but it was hoped that such declaratory legislation would carry all before it. The more radical approach suggested by Whittle would push the state into what were previously considered private relationships with an administrative agency acting free from political control and armed with civil powers. In both cases the Labour Party leadership tended to the more cautious line. Unsurprisingly, for an initial move, both policies were confined to negative measures of equality, focusing on removing barriers to access. Thus Labour came into power with only a weak programme of measures. Those who were more concerned about the future shape of society looked for civil measures to drive changes further into the private sphere, examining forms of market-based interactions in employment and housing. These reformers still needed to win the party to their position.

2.2: Labour in power: Soskice and the first Race Relations Act 1965-1966.

Those who believed that caution needed to be exercised on issues of race only had their views strengthened by the defeat of Labour Foreign Secretary presumptive, Patrick Gordon Walker,⁹¹ in his Smethwick seat in the 1964 general election.⁹² This came after a long campaign by local Conservatives focusing on his alleged culpability for mass immigration led by their leader on the

⁹¹ 1907-1980. Labour MP, Smethwick/Leyton (1945-1964, 1966-1974). Secretary of State for Commonwealth Relations (1950-1951), Secretary of State for Foreign Affairs (1964-1965), Secretary of State for Education (1967-1968).

⁹² See chapter 3.

local council, Peter Griffiths,⁹³ who went on to become the Conservative candidate.⁹⁴ This was encapsulated in the slogan 'If you want a nigger for a neighbour, vote Labour' which was used as early as March 1964 with Griffiths' tacit support.⁹⁵ The tensions that underlay the Smethwick vote were not unique although Labour did not suffer damage beyond Smethwick.⁹⁶

Some on the right of the party, including the new Home Secretary, Soskice, believed Smethwick showed that the party should act to neutralise the perception that they favoured uncontrolled immigration.⁹⁷ Wilson did not show such caution when in the Queen's Speech debate he branded Griffiths a 'parliamentary leper'.⁹⁸ Nonetheless, Wilson did go on to show more regard to illiberal public opinion when he drove a three-pronged approach consisting of immigration control, the integration of the immigrants (considered in the next chapter) and anti-discrimination measures of the more cautious type.

2.2.1: The 'package deal'.

There was a pressing need for policy to create greater racial equality and to reduce the tensions that were expressed in the racism seen in Smethwick, but Soskice was very cautious in his approach. He should have been a colourful politician. His father, a Russian Menshevik, fled from

⁹³ b.1928. Conservative MP, Smethwick/Portsmouth S (1964-1966, 1979-1997).

⁹⁴ Paul Foot, *Race and Politics in British Politics* (Harmondsworth: Penguin, 1965), pp9-52.

⁹⁵ 'Immigrants Main Election Issue At Smethwick', *The Times*, 9/3/1964.

⁹⁶ DE Butler and Anthony King, *The British General Election of 1964* (London: Macmillan, 1965), p224.

⁹⁷ Gerald Kaufman, 'Drawing the race poison', *New Statesman* 13/11/64; OV/1965/1 'The Labour Party and Commonwealth immigrants', 3/2/1965, LPNEC/798/277-8.

⁹⁸ *HC Deb* 3/11/1964 vol701 cc71-72.

the October Revolution; Soskice worked for the Special Operations Executive in the Second World War;⁹⁹ and he was a descendent of the painter Ford Maddox Brown. That he was a lawyer specialising in hire purchase agreements paints a drabber, but more accurate, picture. Although loyal to Gaitskell, he was no revisionist, but was, as Tony Benn recorded in 1965, 'impossibly reactionary'.¹⁰⁰ In February 1965 the *New Statesman* labelled Soskice the most unpopular man in government whose chronic indecision was exacerbated by his 'tendency to express himself at length'.¹⁰¹

Although in November 1964 Soskice told the Commons there would be anti-discrimination legislation,¹⁰² in Whitehall he sought to meet what he perceived as the demands of post-Smethwick public opinion by limiting immigration. Soskice thought any positive moves 'would only tend to provoke indignation and resistance' and thus anti-discrimination measures should be narrow.¹⁰³ A Home Office official committee took its lead from Soskice, reporting that law was the wrong instrument to educate public opinion, and minorities might take advantage of it. Thus, they suggested, the law should be limited, and perhaps avoided altogether, since it would open up pressure for greater measures into areas that the officials viewed as those of private morality.¹⁰⁴

⁹⁹ Christopher Murphy, *Security and Special Operations* (Basingstoke: Macmillan, 2006), p201.

¹⁰⁰ Obituary, *The Times*, 19/11/1979; Tony Benn, *Out of the Wilderness*, (London: Hutchinson, 1987), p284.

¹⁰¹ 'Parfit Gentle knight', *New Statesman*, 19/2/1965.

¹⁰² *HC Deb*, 17/11/1964, vol702 cc288-90.

¹⁰³ TNA: PRO HO325/165, 'Race Relations Act 1965'; 'Soskice, Instruction to parliamentary council re. incitement in 1965 Race Relations Act', 9/12/1964.

¹⁰⁴ TNA: PRO HO325/165, Cunningham to Guppy 19/10/1964; [Instruction to parliamentary council, undated/unheaded document].

The Labour leadership took no peremptory action on immigration and, in line with their policy since 1962, Cabinet agreed to seek bilateral agreements with Commonwealth states in November 1964.¹⁰⁵ The following January Soskice complained to the Prime Minister that this would be too time consuming, instead proposing a 'package deal' combining greater immigration controls with measures 'to integrate the coloured immigrants in a genuine sense into the community as first and not second-class citizens'¹⁰⁶ although he never advanced any integrationist policies. Wilson refused to be rushed¹⁰⁷ and pushed the policy back to the Cabinet's Commonwealth Immigration Committee (CIC), which demanded of Soskice some firm anti-discrimination proposals and measures to help local authorities.¹⁰⁸ Soskice brought forward only the existing limited Labour Party proposals, a criminal offence of discrimination in places of public resort, and equally moderate proposals on written incitement to racial hatred.¹⁰⁹ The Cabinet discussed whether housing should be included and there was some unsuccessful pressure for action on employment.¹¹⁰ It was agreed that the bill would be announced in conjunction with the Commonwealth mission,¹¹¹ although by this time Wilson was already formulating his own plans for a fuller package of measures.¹¹²

¹⁰⁵ TNA: PRO CAB128/39, CC(64)6(3), 5/11/1964.

¹⁰⁶ TNA: PRO CAB21/5290, Cabinet Office Memo , 5/1/1965.

¹⁰⁷ TNA: PRO PREM13/382, Minute of meeting between Home Secretary and Wilson [c 4/1/1965].

¹⁰⁸ TNA: PRO CAB134/1504, CI(65)1st, 6/1/1965.

¹⁰⁹ TNA: PRO HO325/165 [draft] Memo for the Home Affairs committee, [c.9/2/1965]; PREM13/2314, Soskice to Wilson, 19/3/1965.

¹¹⁰ See section 2.3.2.

¹¹¹ TNA: PRO CAB128/39, CC(65)11(5), 22/2/1965.

¹¹² TNA: PRO PREM13/382, Mitchell to Lord President, 8/2/1965.

Law based on criminal sanctions and with limited scope would have been a statement of the governments' disapproval of discrimination, but would otherwise have been ineffective. That this was not the Act that was passed was due to campaigners outside of government. Lester and Thornberry were working through the Society of Labour Lawyers (SLL), arguing that housing and employment were the most pernicious forms of discrimination, but not ones that would be effectively tackled with criminal sanctions. Instead, looking to North American institutions, they proposed a Citizen's Council with investigatory power, the right to subpoena witnesses and to use civil sanctions to aid enforcement. Such a council would also promote women's equality in a wider scheme of equal treatment that would apply to all.¹¹³ Such a unitary equality framework was not enacted until the passing of the 2010 Equality Act.¹¹⁴

Having sent his proposals to the uninterested Soskice,¹¹⁵ Lester took the opportunity of hitching his proposals to the Campaign Against Racial Discrimination (CARD). CARD had been founded in December 1964 by Marian Glean¹¹⁶ who was involved in the Quakers' race discrimination committee but sought a more politically engaged body. She had set up a meeting with Martin Luther King,¹¹⁷ who was passing through London to collect his Nobel Peace Prize, attended by

¹¹³ Martin to Hall, 10/11/1964, LSE/SLL/Box 118-125/File123; Cedric Thornberry, 'Law and race relations in Britain', *Institute of Race Relations Newsletter* [henceforth *IRRN*], February 1965; TNA: PRO HO376/3, Lester to Soskice, 3/11/1965.

¹¹⁴ Hepple, *Equality*, pp13-14.

¹¹⁵ TNA: PRO HO376/3, Lester to Soskice, 3/11/1964. There is no reply on file.

¹¹⁶ c.1932-?. Emigrated to the UK c.1960. Quaker and peace activist.

¹¹⁷ 1929-1968. US Civil Rights leader.

thirty interested activists. Out of this, CARD was born. Lester established a legal sub-committee which accepted his proposals in February 1965.¹¹⁸

CARD's formation coincided with developments in the machinery of government. There is no paper trail showing that they were linked, but circumstantial evidence suggests considerable choreography. The reform centred on the creation of a junior ministerial post to promote the integration of immigrants and a ministerial committee CIC (IN). The post was filled by Maurice Foley,¹¹⁹ a Labour revisionist who had won a 1963 by-election in the Midlands seat of West Bromwich running on a platform opposing the 1962 Commonwealth Immigrants Act. In 1965 Foley was already a minister in the Department of Economic Affairs (DEA) and, concurrently with CARD's formation, he submitted a memorandum to the CIC on the integration of immigrants.¹²⁰ This found itself under Wilson's nose surprisingly quickly for a memorandum from a junior minister and Wilson wrote to Soskice commending Foley's proposals to him.¹²¹ Two weeks later Clem Leslie,¹²² who had retired as head of the Treasury Information Service in 1959 and was involved in the Institute of Race Relations, wrote to Wilson's Principal Private Secretary, Derek Mitchell,¹²³ suggesting the appointment of a 'dynamic minister' to deal with the needs of immigrants.¹²⁴

¹¹⁸ Heineman, *The Politics of the Powerless*, pp16-24; MCF CC, 11/01/1965., MCF/SOAS/Box3/CC10; 'Immigrants form united front' *The Guardian*, 10/12/1964; 'Integrating Britain's anti-racialists', *The Observer* 24/1/1965.

¹¹⁹ 1925-2002. Labour MP, West Bromwich (1963-1973). Parliamentary Under-Sec. of State, Dept of Economic Affairs (1964-66) Home Office (1966-67), Royal Navy, MoD (1967-68) FCO (1968-70).

¹²⁰ TNA: PRO CAB134/1505 CI(IN)(65)3, 17/03/1965 [originally 27/01/1965].

¹²¹ TNA: PRO, PREM13/382, Wilson to Soskice, 27/1/1965.

¹²² 1898-1980. Academic philosopher and civil servant.

¹²³ 1922-2009. Civil servant.

¹²⁴ TNA: PRO PREM13/382, Leslie to Mitchell, 9/2/1965.

Mitchell recommended Leslie's letter to Herbert Bowden,¹²⁵ the Lord President of Council, presumably on Wilson's instruction, suggesting Foley for such a post. Foley was appointed but remained in the DEA and was viewed with disdain from the Home Office.¹²⁶ Soskice was keen to avoid 'any potentially embarrassing suggestion that he [Soskice] was the minister responsible for the broad subject of integration' but tolerated Foley so long as he was outside his bailiwick.¹²⁷ In early March Wilson announced in the Commons that there would be a Race Relations Bill to tackle discrimination, a mission to the Commonwealth to consult on immigration and Foley's new ministerial brief for integrating immigrants.¹²⁸ Wilson's retrospective judgement that he restarted the stalled process forming integrative policy without any new limitations on immigration¹²⁹ appears to have some truth in it.

The anti-discrimination legislation under consideration by the Home Office not only excluded the key areas of employment and housing but relied on criminal sanctions. This was a problem, Lester argued, since the onus of proof would be too high, the authorities unwilling to prosecute and juries unlikely to convict. In early March he proposed, through CARD, a statutory commission with power to investigate and conciliate complaints backed up with quasi-judicial hearings with subpoena power and courts enforcing the rulings, with the commission also having an educative

¹²⁵ 1905-1994. Labour MP, Leicester S/SW (1945-1967), Lord President of Council and Leader of the House (1964-1966), Secretary of State for Commonwealth Affairs (1966-1967). Created Baron Aylestone (1967).

¹²⁶ TNA: PRO HO344/181 'Measures to promote integration of immigrants in community'[George Thomas], 10/2/1965.

¹²⁷ TNA: PRO CAB165/262, 'Integration of Commonwealth Immigrants', 12/02 /1965 (codicil on 15th); TNA: PRO CAB134/1504, CI(65)4th, 1/3/1965.

¹²⁸ *HC Deb*, 9/3/1965, vol708 cc248-255.

¹²⁹ Harold Wilson, *The Labour Government 1964-1970* (Harmondsworth: Penguin, 1974), pp119-121.

function.¹³⁰ Initially, the SLL did not accept Lester's proposals, thinking that the grand gesture of a criminal offence would carry all before it, but reversed its position on the day that the Race Relations Bill was published in April 1965. This shift appears to have been eased by the desire to shoot the Conservatives' fox after they had announced their backing for conciliation¹³¹ (as Lester's package of proposals were often, somewhat inaccurately, summarised). The SLL duly released their support for Lester's proposals to the press, which highlighted the inadequacies of Soskice's bill¹³² that had been published earlier in April.¹³³

Within government it was not plain sailing for Lester's proposals. The Lord Chancellor, Gerald Gardiner,¹³⁴ was opposed to a commission having quasi-judicial powers and remained happier with the certainties of the criminal law. Unsurprisingly, the civil law approach had Foley's support but in line with Gardiner's wishes¹³⁵ Foley proposed to Soskice a statutory commission without quasi-judicial powers. Soskice turned the proposal into a mess of secondary problems, but was leaning towards legislation that would contain neither meaningful powers nor create accessible civil channels of redress.¹³⁶ CARD, on the other hand, pressed one clear demand, a conciliation commission with civil powers. A press release threatened that if criminal sanctions remained in a

¹³⁰ Proposals for legislation against discrimination, LSE/SLL/Box 9-53/51.

¹³¹ SLL Committee on Racial Discrimination, 31/03/1965 and 07/04/1965; Thornberry to Ascher, 07/04/1965, LSE/SLL/Box2/11-2/19:2/25.

¹³² 'First thoughts on the Race Relations Bill', *IRRN*, April 1965; 'The race bill', *Tribune*, 16/4/1965.

¹³³ 'Prison And Fines For Race Hatred Incitement', *The Times*, 08/4/1965.

¹³⁴ 1900-1990. Lawyer and politician. Lord Chancellor (1964-1970). Created Lord Gardiner (1964).

¹³⁵ TNA: PRO PREM 13/383, Soskice to Foley, 26/4/1965; TNA: PRO LAB8/3070, Keith to St. John Wilson, 22/4/1965.

¹³⁶ TNA: PRO HO376/5, Foley to Soskice, 23/4/1965; CAB134/1504, CI(65)16, 27/04/1965; HO376/5, 'Race Relations Bill 1965: House of Commons Second reading', 27/4/1965.

bill limited in scope they might oppose it,¹³⁷ important since Labour's slim majority meant a handful of rebels would sink the measure. The Prime Minister stepped in, and a few days before the second reading met with Soskice and instructed him to legislate for a conciliation commission.¹³⁸ At the second reading Soskice announced his willingness to revisit the idea of conciliation for the anti-discrimination measures in the bill, although he stressed that he remained unconvinced that this would work. The Labour rebels thus placated, the bill passed its second reading.¹³⁹

In mid-May Soskice brought an amended bill to the CIC allowing for the creation of a national Race Relations Board (RRB) which would establish local conciliation committees and seek agreed settlement in accordance with anti-discrimination measures in the Act. The bill also contained incitement to racial violence provisions which remained criminal with the decision to prosecute in the hands of the Attorney General. The powers proposed in the bill for what happened if conciliation did not succeed were weak. The case would be referred to the Attorney General who alone could instigate court action and then only if the respondent was engaged in a 'course of conduct' likely to continue and being in the public interest for the case going to court. Thus, there was no legal route for offering an individual redress of grievance.¹⁴⁰ The Cabinet maintained that the measures should only apply to 'places of public resort' and resisted pressures for housing and employment to be included. It was accepted that with council housing the principle of local democracy was paramount, it being 'objectionable in principle and unacceptable to local

¹³⁷ CARD press release, 28/4/1965, LHASC, CP/LON/Race/01/08.

¹³⁸ TNA: PRO CAB21/5290, 'Note of the meeting on commonwealth immigration held at 10 Downing St.', 30/4/1965.

¹³⁹ *HC Deb*, 3/5/1965, vol711 cc926-1059.

¹⁴⁰ Bob Hepple, *Race, Job and the Law In Britain* (2nd edition, Harmondsworth: Penguin, 1970), pp162-166.

authorities that non-elected bodies should be empowered to override the decisions of elected councils in the selection of council tenants.' In employment it was claimed that existing administrative measures used by Labour Exchanges sufficed.¹⁴¹ The amended bill became the Race Relations Act in July 1965. One sympathetic journalist saw the new Act as, 'a somewhat faltering step in the right direction, at least it's going about the wrong things in the right way.'¹⁴²

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To summarise: the path Soskice originally proposed was one based on criminal sanctions that were likely to have been declaratory but ineffective. Worse, it would have been a dead-end in that it would not have created a structure that was amendable. The reformers chose to attack only the nature of the powers, not their limitation to places of public resort. This made sense since it created a framework that could be extended to issues that were at that stage considered beyond the reach of the central state, housing and employment.

Civil law created a natural bridge for bringing the private into the public sphere. Civil torts already contained the idea that although the state did not dictate the standards of personal conduct, if one individual's action led to a loss by another private individual, the wronged party had the right to claim damages. Beyond creating a framework of civil law, the 1965 Act created the RRB, a state body given administrative powers to use these civil laws (which thus were really not civil laws in the hands of private individuals, but administrative laws in the hands of a state body). This was the prototype agency of the equality state in Britain, the germ of the Equality and Human Rights Commission. The reforms in themselves were inadequate both in terms of their scope and the

¹⁴¹ TNA: PRO CAB128/39, CC(65)31(3), 20/5/1965.

¹⁴² 'Rebels put bite in race hate bill', *The Observer*, 18/7/1965.

mechanism of enforcement but they created a framework centred on the RRB that could be both a catalyst for further reform and the framework for it.

The importance of these foundations would only become clear after 23rd December 1965 when Soskice was at last relieved of his duties at the Home Office by a Prime Minister who had long since seen him as part of the problem, not part of the solution.¹⁴³ His replacement, Roy Jenkins, was no more a socialist than Soskice, but a much more complete liberal.

2.3: Making the second Race Relations Act, 1966-1968.

2.3.1: Roy Jenkins at the Home Office.

Professor Harry Street¹⁴⁴ was not alone in his belief that Soskice had damaged the liberal fabric of the Home Office and hoped that Roy Jenkins would restore it.¹⁴⁵ It was clear the 1965 Race Relations Act was ineffective, as one early case showed. The complaint was against Peter Buchanan,¹⁴⁶ who had bought a Great Yarmouth hotel with the royalties from writing the lyrics to *My Old Man's a Dustman*. He refused to honour a booking when he discovered his putative guest was black. Buchanan declined to co-operate with the investigation and the Attorney General

¹⁴³ TNA: PRO PREM5/439, Autumn reshuffle, 1965, 3/10/1965.

¹⁴⁴ 1919-1994. Academic lawyer.

¹⁴⁵ Harry Street, 'Agenda for the new Home Sec', *New Society*, 6/1/1966.

¹⁴⁶ c.1924-2010. Comic writer, lyricist and Lonnie Donegan's manager (1958-1962).

decided not to allow the case to go to court for lack of evidence, not even being able to establish if the hotel was a place of public resort under the law.¹⁴⁷

The first stage in addressing the weakness of the law was to make the Home Office the department for dealing with racial equality by transferring Foley and his staff there. Additionally, the RRB, which had been legislated for in the 1965 Race Relations Act but not yet established, was to become an important adjunct of the Home Office machinery on race. When Jenkins came to office, the two members of the national board had been appointed. The selection of Learie Constantine was an indication of a desire to fight for minority rights. He had qualified as a barrister after the war and had taken up the case of Guy Baker, the refusal of whose application to be bus driver was the cause of the 1963 Bristol bus boycott.¹⁴⁸ The other appointment, a Manchester Conservative councillor, Bernard Langton,¹⁴⁹ appears to have been more for political balance than any skills he brought to the role. The chair had not been appointed. The Home Office was considering an appointment of a type that might suggest a worthy but low key committee; a suitable bishop was sought but none could be found.¹⁵⁰ Jenkins wished to find someone who would use the post politically and appointed his Balliol friend Mark Bonham Carter,¹⁵¹ Asquith's grandson and a former Liberal MP.¹⁵² Bonham Carter only accepted the position on the explicit understanding that he should be allowed to campaign for extended

¹⁴⁷ TNA: PRO CK2/13, RRB: presented papers 62-96 July -Oct 1966; 'West Indian told to leave hotel', *The Times*, 2/7/1966; 'M.P. Challenges Ban On Race Board', *The Times*, 18/2/1967.

¹⁴⁸ Mason, *Learie Constantine*, p156; Dresser, *Black and White on the Buses*, p15.

¹⁴⁹ 1914-?. Conservative Manchester City Councillor (1945-1974).

¹⁵⁰ TNA: PRO HO376/161, Guppy to Cunningham, 13/1/1966.

¹⁵¹ 1902-1974. Liberal MP, Torrington (1958-1959). Chair of the RRB (1966-1971) and the CRC (1971-1977).

¹⁵² TNA: PRO HO376/161, Cunningham to Jenkins 17/1/1966; John Campbell, *Roy Jenkins* (London: Weidenfeld and Nicolson, 1983), p10.

legislation.¹⁵³ He established a larger and more professionalised organisation than had been planned, opposed his post being part-time, brushed aside civil service claims that he would be a figurehead role for some time, and rejected the appointment of a 59 year-old principal to be the lead civil servant, demanding a younger appointee wishing to make their name.¹⁵⁴

Lester wrote to Jenkins soon after his appointment as Home Secretary describing the 1965 Race Relations Act as 'a shoddy job'. Lester encouraged Jenkins to draw a line under immigration control and focus on integration: 'the future of race relations in Britain depends not on what happens at the airport, but on how we treat people who are already here.' 'You cannot make a "We shall overcome" speech,' he also advised, referring to President Johnson's speech to the US Congress of March 1965, 'until the Ministers of Labour and Housing allow the necessary policy changes to be made. LBJ's speech was, after all, a promise of imminent civil rights legislation.' Thus, the main task was to win round other government departments.¹⁵⁵

The memory of Smethwick in 1964 meant that any open commitment to changing legislation had to wait until the next general election, which was held in March 1966. This not only provided Labour with a much more comfortable majority but the issue of race did not re-emerge. Andrew Faulds¹⁵⁶ regained Smethwick for Labour and Gordon Walker at last won Leyton (which he had stood for and lost in a by-election in January 1965).¹⁵⁷ The campaign for legislation shifted up a gear, two weeks after the general election when Bonham Carter agreed with the National

¹⁵³ TNA: PRO CK2/16, Bonham Carter to Jenkins, 25/4/1966.

¹⁵⁴ TNA: PRO HO376/161, Bonham Carter to Jenkins 7/2/1966 and 15/2/1966

¹⁵⁵ TNA: PRO HO376/158, Lester to Jenkins, 19/1/1966.

¹⁵⁶ 1923-2000. Actor and politician. Labour MP, Smethwick/Warley E (1966-1997).

¹⁵⁷ DE Butler and Anthony King, *The British General Election of 1966* (London: Macmillan, 1966), p8.

Committee for Commonwealth Immigrants (NCCI) that they should pool their efforts with the RRB to seek amendment of the 1965 Act with an independent research project showing the extent of discrimination.¹⁵⁸ Foley told the NCCI in late May that the sole reason for research was to pressure for new legislation and thus it must be carried out by an independent research body, specifically Political Economic Planning (PEP), and funded externally.¹⁵⁹ When the research project was announced, *Tribune* commented, 'when the results of this survey are known, pressure on the Government to amend the Act, already mounting, will reach a crescendo of discontent.'¹⁶⁰

The RRB and NCCI agreed to collaborate on another report into the form that the legislation would take. Again, this was an independent committee but one carefully chosen. It was chaired by Professor Harry Street who thought the government's 1965 White Paper *Immigration from the Commonwealth* (discussed in chapter 3) was grotesquely illiberal in its tightening of immigration controls and favoured the strongest possible anti-discrimination legislation.¹⁶¹ The other two members were lawyers, Geoffrey Bindman, legal adviser to the RRB, and Geoffrey Howe,¹⁶² who had then briefly been a Conservative MP and was involved in the Conservative Bow Group which was liberal on social issues and supportive of anti-discrimination legislation.¹⁶³

For Lester the object of the campaign was not so much to change public opinion or build a political consensus but to overcome the obstacles within government, particularly the Ministry of Labour

¹⁵⁸ TNA: PRO HO231/1, NCCI Minutes, 14/4/1966; CK2/9, RRB Minutes, 11/5/1966.

¹⁵⁹ TNA: PRO HO231/1, NCCI/66/32, 26/5/1966.

¹⁶⁰ 'Race: support from Foley', *Tribune*, 23/9/1966.

¹⁶¹ Harry Street, 'Agenda for the new Home Secretary', *New Society*, 6/1/1966.

¹⁶² b.1926. Conservative MP, Bebington/Reigate/E Surrey (1964-1966, 1970-1992).

¹⁶³ Geoffrey Howe, 'Foreword' in James Barr, *The Bow Group: A History* (London: Politico, 2001), ppvi-xi.

which in conjunction with the TUC opposed anti-discrimination legislation in employment. The government's own record as an employer was no model of inclusivity. In the summer of 1966 Foley started to investigate the employment of minorities in the Civil Service and nationalised industries and serious problems were uncovered including in the Royal Mint¹⁶⁴ and the military.¹⁶⁵ There was, in effect, a colour bar in the Cabinet Office, the Ministry of Technology and the Atomic Energy Authority. This was argued for on security grounds, an unsigned memo explaining the lack of minorities in many areas, there being:

special difficulties about the employment of coloured staff in the defence departments because of the difficulty of making appropriate vetting enquiries; the risk of dual loyalties; the risk that, as members of minority groups subjected to racial tensions, they may be open to pressure from those who would subvert them.¹⁶⁶

Thus to be white was a prerequisite for loyalty. The Treasury favoured a tokenistic recruitment of 'half a dozen thoroughly reliable coloured people' to show that there was no bar,¹⁶⁷ although there is no evidence that even this was pursued.

The campaign for legislation continued in the run up to the publication of the PEP report in April 1967. In December 1966 Maurice Orbach moved a Lester-drafted¹⁶⁸ Ten Minute Rule Bill to extend the 1965 Act to housing and employment. This was an inside job, Foley having told Orbach

¹⁶⁴ TNA: PRO HO376/103, Howard Drake to Waddell, 2/8/1966.

¹⁶⁵ TNA: PRO HO376/104, Reynolds to Ennals, 8/5/1967; HO376/103 [cover note to file] Howard Drake 24/10/1966.

¹⁶⁶ TNA PRO T 227/2534, [unheaded memo from the Treasury, c. April 1965].

¹⁶⁷ TNA: PRO T227/2534, Employment of Coloured staff by Defence Departments (Draft) [c.7/67].

¹⁶⁸ TNA: PRO HO376/13, [Cover note to file] Hornsby, 31/8/1966.

a few months previously to co-ordinate his action with the NCCI and other reformers.¹⁶⁹ Foley had been publicly committing to legislation since September 1966 when he had told a NCCI conference that the 1965 Race Relations Act was not adequate and that pressure was building for change.¹⁷⁰ In Parliament he responded to Orbach's bill by promising that if the PEP showed the need, the government would consider legislation.¹⁷¹

There were reports that resistance inside government was widespread,¹⁷² a view supported by David Ennals¹⁷³ (who had replaced Foley as Under-Secretary of State at the Home Office in early 1967¹⁷⁴) but little evidence in government papers can be found to support this view. The Ministry of Labour was clearly opposed to anti-discrimination legislation being extended to employment (see section 2.4 below) but there was little active opposition beyond that. Before the 1966 election the Ministry of Housing and Local Government (MHLG) under Richard Crossman,¹⁷⁵ who as a Midlands MP took a cautious approach to race especially in relation to housing,¹⁷⁶ adopted the position that there was no firm evidence of the need for legislation.¹⁷⁷ When Anthony

¹⁶⁹ TNA: PRO HO376/15, Note for the record of meeting between Foley and Orbach, 6/5/1966; Maurice Orbach, 'Putting teeth into the Race Relations Act', *Morning Star* 24/11/1966.

¹⁷⁰ 'Ministers say that Race Relations Act is inadequate', *The Guardian*, 19/6/1966; 'Slow going', *New Society*, 22/9/1966.

¹⁷¹ 'Need for strengthening racial law', *The Times*, 17/12/1966; *HC Deb*, 16/12/1966, vol738 cc897-952.

¹⁷² 'Crossman might fight Jenkins on race laws', *The Observer*, 18/12/1966.

¹⁷³ 1922-1995. Labour MP, Dover/Norwich (1964-1970, 1974-1983)

¹⁷⁴ 'Reshuffle to spur productivity', *The Guardian*, 7/01/1967.

¹⁷⁵ 1907-1974. Labour MP, Coventry East (1945-1974). Minister of Housing and Local Government (1964-1966), Leader of the Commons/Lord President of Council (1966-1968), Minister for Social Services (1968-1970).

¹⁷⁶ Richard Crossman, *Diaries of a Cabinet Minister: Volume I* (London: BCA, 1975), pp149-50.

¹⁷⁷ TNA: PRO HO376/15, Note of Discussion with Ennals, 25/1/1967; Note from MHLG, n.d.

Greenwood¹⁷⁸ took over the portfolio in August 1966, and particularly with the clear evidence in the PEP report published the following year, the MHLG became more co-operative.¹⁷⁹ The Department of Education and Science had a positive attitude (see chapter 3) while most other departments simply did not have the needs of immigrants on their radar.

Within Whitehall, in January 1967 Jenkins started to prepare the path for new legislation outlawing discrimination in employment, housing and the provision of goods and services by establishing formal consultations with the Board of Trade, the Ministry of Labour and the MHLG.¹⁸⁰ Now the Ministry of Labour was joined by the law officers in questioning the scope of the bill. The Lord Chancellor's Department argued in terms of there being a private sphere into which the law could not venture. They held that there could be no power to act in relation to private sales or estate agents acting under instruction, and in rentals, the law should only apply to self-contained units. The law officers were unhappy about blending civil powers with a state agency as suggested by the Street Report (which was with the Home Office but not published until November 1967¹⁸¹) proposing to give the RRB the power to subpoena witnesses and seek interim injunctions to cease discrimination.¹⁸²

¹⁷⁸ 1911-1982. Labour MP, Heywood and Radcliffe/Rosendale (1946-1970). Secretary of State for the Colonies (1964-1965), Minister of Overseas Development (1965-1966), Minister of Housing and Local Government (1966-1969). Created Baron Greenwood of Rosendale (1970).

¹⁷⁹ TNA: PRO T227/2534, Race Relations: Ministerial meeting, 8/2/1967; HLG118/115, Ministers' conference with local authorities on Commonwealth immigrants, 21/06/1967.

¹⁸⁰ TNA: PRO HO376/15, Dowler to Mackay, 26/1/1967.

¹⁸¹ TNA: PRO HO376/110, Howard Drake to Mackay, 7/6/1967.

¹⁸² TNA: PRO HO376/18, Draft report [c.4/1967], Memo from the Lord Chancellor's Department, 7/3/1967.

The publication of the PEP report in April 1967 was preceded by *entrées*. Two days earlier CARD reported a wide variety of examples of discrimination¹⁸³ and the day after that a pamphlet was released by the Bow Group which supported the case for extending legislation.¹⁸⁴ The day after the report's publication David Winnick¹⁸⁵ presented 100 signatures from his fellow Labour MPs calling for new legislation.¹⁸⁶ The report itself was an unequivocal case for legislation. It outlined the extent of discrimination in housing, employment and financial services in dispassionate but clear terms. The detail of the extent of discrimination was shocking¹⁸⁷ and the press response was everything that could be hoped for.¹⁸⁸

Jenkins took the last piece of the jigsaw, the still unpublished Street Report, to the July 1967 meeting of the Cabinet's Home Affairs Committee (HAC) seeking to commit it, and thus the Cabinet, to legislation. Although the HAC was enthusiastic, there remained three areas of reservation. First, the Treasury did not wish the Crown to be bound; second, the law officers maintained, despite the Street Report, their opposition to the RRB having quasi-judicial powers; and last, the Ministry of Labour was unhappy with the anti-discrimination measures in

¹⁸³ CARD, Report on racial discrimination, 26/4/1967, TUC Library Collections, London Metropolitan University [Henceforth, TUCLC] Marjorie Nicholson Archive, BoxHM51/Sociology/RR/1967-1970.

¹⁸⁴ Christopher Brocklebank-Fowler, *Race Relations - Legislation and Conciliation* (London: Bow Group, 1967); 'Change sought in "race" law', *The Times*, 18/4/1967.

¹⁸⁵ b.1933. Labour MP, S Croydon/Walsall (1966-1970, 1979-).

¹⁸⁶ 'MPs urge extended race Act', *The Guardian*, 20/4/1967.

¹⁸⁷ The PEP report was published as WW Daniels, *Racial Discrimination in Britain* (Harmondsworth: Penguin, 1968).

¹⁸⁸ 'Immigrants face a "filter" when seeking jobs', *The Times*, 18/4/1967; 'The British Kind of Colour Bar', *The Guardian*, 18/4/1967; Dipak Nandy, 'Discrimination, the ugly facts', *New Statesman*, 21/4/1967.

employment.¹⁸⁹ Thus, although in July 1967 Jenkins was able to announce to the Commons that a bill covering employment, housing and financial services would be brought forward,¹⁹⁰ there was still uncertainty about how effective these measures would be.

The official committee established to look at HAC's reservations was conservative in its approach, proposing that the decision to prosecute remain with the Attorney General, no extension of powers for the RRB and that damages be limited to provable loss. Worse still for supporters of reform, it argued that only a course of conduct be actionable, which would have left no means for individual redress against discrimination.¹⁹¹ Jenkins returned to the Street Report in an attempt to batter down the opposition to the proposals within government. He insisted to Elwyn Jones,¹⁹² the Attorney General, that damages should be allowed, 'there would undoubtedly be pressure to include such provisions in the Bill. Such pressure would be difficult to resist',¹⁹³ although in reality the reformers knew the weakness of their position, there was no mass movement behind the demand for their reforms. The reformers' case was that winning confidence of complainants required credible sanctions behind conciliation, which meant damages should be awardable.¹⁹⁴

¹⁸⁹ TNA: PRO CAB134/2854, HAC(67)23rd, 19/7/1967.

¹⁹⁰ *HC Deb*, 26/7/1967, vol751 cc744-748.

¹⁹¹ TNA: PRO HO376/19, Note of meeting between Allen and Bonham Carter, 18/10/1967.

¹⁹² 1909-1989. Labour MP, Plaistow/West Ham S/Newham S (1945-1974). Attorney General (1964-1970).

¹⁹³ TNA: PRO HO376/74, Note of meeting of the Home Secretary and Attorney General, 13/11/1967.

¹⁹⁴ TNA: PRO HO376/74, Statement of the Exec com of the SLL on the Enforcement of the new legislation, 11/1967.

Although the reformers won that case for a single act being actionable and damages being extended to loss of opportunities and hurt feelings,¹⁹⁵ the law officers proved less tractable on how the law would be enforced, believing the proposals conflated in the RRB the roles of investigator, prosecutor and judge.¹⁹⁶ The reformers argued for a specialist body to judge the cases, one with intimate knowledge of discriminatory behaviour.¹⁹⁷ Lester's solution was specialist tribunals which in the hands of the Home Office became the Race Relations Courts. These ideas were reported back to the Lord Chancellor, who had 'taken against Street and all his works'¹⁹⁸ and by mid-November proposed that the cases should be heard in county court sitting with two race relations specialists alongside the judge.¹⁹⁹ By this stage, Jenkins had left the Home Office (he and James Callaghan²⁰⁰ swapped roles at the end of November 1967 after the devaluation of sterling earlier that month) and resistance to the law officers faded. In January 1968 the Lord Chancellor's proposals for the RRB to have no power to enforce the law were accepted.²⁰¹

Up until November 1967 the opposition to the Crown being bound by the law was focused on the Treasury who argued the RRB should not investigate what the government did nor the courts regulate Crown employment, and offered to make an unenforceable undertaking to abide by the

¹⁹⁵ TNA: PRO HO 376/76, Weiler to Pile, 26/2/1968.

¹⁹⁶ TNA: PRO HO376/74, Pile to Allen, 21/11/1967.

¹⁹⁷ TNA: PRO HO376/72, Note of meeting, 21/9/1967.

¹⁹⁸ TNA PRO HO376/74 Note of a meeting, 10/11/1967; Hornesby to Howard Drake, 11/11/1967; Pile: Briefing for a meeting with the Lord Chancellor, 22/11/1967.

¹⁹⁹ TNA: PRO HO376/19, Note of meeting with Home Secretary, Attorney General and Officials on Race Relations, 13/11/1967.

²⁰⁰ 1912-2005. Labour MP, Cardiff S/Cardiff SE/ Cardiff S and Penrith (1945-1947). Chancellor (1964-1967), Home Secretary (1967-1970).

²⁰¹ TNA: PRO HO376/74, Minutes of meeting at the Home Office, 3/1/1968.

Act, which the Home Office rejected. The Ministry of Defence took the same position, wishing to have 'quotas' for minorities, in reality a maxima of 3%,²⁰² as did the Foreign Office, which claimed security grounds.²⁰³ The Treasury feared the 'wild men' of the RRB might undermine national security.²⁰⁴ Here at least, Jenkins becoming Chancellor had a positive effect, and he instructed that the objection to the Crown being bound be dropped, arguing that it would be impossible to sell the Race Relations Act to the public if the government did not take its own medicine.²⁰⁵ Nonetheless, this was one of the few issues in the Race Relations Bill to be discussed in full Cabinet,²⁰⁶ where in January 1968 the Prime Minister agreed that the bill should be binding on the Crown.²⁰⁷

2.3.2: Employment in 1968 Race Relations Bill.

One area of anti-discrimination legislation that was particularly problematic was employment. The Confederation of British Industry (CBI) opposed legislation on the straightforward grounds of the cost to employers and worried particularly that it would cause problems in negotiating with the unions.²⁰⁸ The CBI had no deep-seated opposition to the legislation, and when pushed, accepted it.²⁰⁹ The trade unions' opposition to the bill was both more entrenched and, from the point of

²⁰² TNA: PRO HO376/45, Background note no 18, [c.4/1968].

²⁰³ TNA: PRO HO376/25, Lever to Jenkins, 20/10/1967.

²⁰⁴ TNA: PRO HO376/83, Petch to Allen, 27/3[1968].

²⁰⁵ TNA: PRO T216/920 EOM(67)37, 28/11/1967; Hay to Osmond, 4/12/67; Note of meeting 28/11/67.

²⁰⁶ TNA: PRO CAB128/42 CC(67)74(2), 21/12/1967; CAB134/2859, H(68)1st, 5/1/1968; CAB128/43 CC(68)4(2), 11/1/1968.

²⁰⁷ TNA: PRO CAB128/43, CC(68)4(2), 11/1/1968.

²⁰⁸ TNA: PRO HO376/86, Higgins to Howard Drake, 24/10/1966.

²⁰⁹ TNA: PRO T227/2534, Note of a meeting, 10/5/1967.

view of a Labour government with its ideological and organisational relationship with the trade unions, more important to accommodate.

The relationship of the trade unions to the Labour Party and Labour governments on the issue of legislation is part of a larger story of the changing trade movement in the 1950s and 1960s. The TUC had, of course, been central in creating the Labour Party. The renaming of the TUC Parliamentary Committee as the General Council in 1921²¹⁰ and the settlement that saw Attlee become leader in 1935 created a settlement based on a division of labour between the industrial and political wings. The unions let Labour governments govern. In return the government guaranteed the unions could pursue the interests of their members through free collective bargaining in their relations with management, although from the 1950s this settlement was challenged by the revisionist right in the Labour Party,²¹¹ most notably leading to the abortive attempt to reform the trade unions by the Labour government with *In Place of Strife* in 1969. Lester's proposal on discrimination in employment challenged this settlement in its own small way too.

If the revisionists were challenging this settlement from the right, it was also under attack from the left that was emerging in the unions from the mid-1950s. Although this left started from a more militant attitude to action over pay and conditions and greater autonomy for local trade unionists to pursue these, it also led to the assertion of the trade unions' political demands in the Labour Party. The traditional right had, since the stabilisation of the party's leadership under

²¹⁰ Robert Taylor, *The TUC* (Basingstoke: Palgrave, 2000). pp8, 25-26.

²¹¹ John Kelly, *Ethical Socialism and the Trade Unions Allan Flanders and British Industrial Relations Reform* (Abingdon: Routledge, 2010), pp83-86.

Attlee, used its controlling vote at a Labour Party conference to support the leadership, but the new left felt no such constraint. The left were willing to make political demands on Labour governments to further their interests. This became most clear in the 1970s, but such an attitude was emerging in the 1960s. The Communist Party (CP), which had been influential on the new generation of new left trade union leaders who had passed through its ranks, strongly supported racial equality (and equal pay for women), although there is no evidence of the CP ever using its trade union base to promote the issue in the unions. The CP's influence may be surmised from the pro-equality sentiments coming from many local trades councils, where the CP was often influential.

It was the traditional right that dominated the TUC in post-war years and this faction showed little interest in racial equality. When in 1949 CWW Greenidge²¹² of the Anti-Slavery Society reported allegations of racial discrimination in the unions to the TUC, it was dismissed as a Liberal Party plot.²¹³ The same year the TUC's annual Congress saw its first motion on racial discrimination. Arthur Deakin,²¹⁴ traditional right-wing leader of the Transport and General Workers' Union (TGWU), denounced the motion as the 'Moscow policy line'.²¹⁵ When Racial Unity was established, the TUC General Secretary, Victor Tewson,²¹⁶ flatly refused to sponsor the campaign.²¹⁷ A steady trickle of complaints of racism received by the TUC throughout the 1950s led to no action. When Barry and District Trades Council wrote for advice on the local Labour

²¹² 1889-1971. Caribbean judge and politician.

²¹³ Kemis to Greenside, 26/01/1949, MRC/TUCA, MSS.292/805.9/1..

²¹⁴ 1890-1955. General Secretary, TGWU (1945-1955).

²¹⁵ *TUC Report 1949*, pp515-517.

²¹⁶ 1898-1981. General Secretary, TUC (1946-1960).

²¹⁷ Turnbull to Tewson, 12/12/1951, MRC/TUCA, MSS.292/805.9/1.

Exchange not sending black or Asian workers to a local company who operated a colour bar, the TUC suggested only contacting the shop stewards in the company.²¹⁸ Similarly, Marjorie Nicholson²¹⁹ (the TUC official responsible for race) made no response to complaints about a strike to exclude black workers at Glow Worm Boilers in Milford.²²⁰ Despite such correspondence being sufficient for there to be an office file marked 'colour bar',²²¹ the TUC repeatedly claimed there were no problems of discrimination in employment.²²²

The reason for this lack of concern over discrimination was that by the early 1950s the TUC had come to view immigration as a threat to workers' pay and conditions. A 1954 motion from the Ministry of Labour Staff Association was overtly negative about the impact of immigration on industry.²²³ Although the motion was withdrawn at the behest of the General Council, they accepted the motion's gist and asked the government to introduce controls on immigration to maintain full employment. This was only slightly mitigated by their making it clear that this was all immigration, not just black and Asian.²²⁴ Unsurprisingly, the TUC only grudgingly backed Labour's opposition to the 1961 Commonwealth Immigrants Bill²²⁵ with a statement that accepted both the need for control and that immigrants caused social problems.²²⁶

²¹⁸ Cole to TUC, 17/12/1951, MRC/TUCA, MSS.292/805.9/1.

²¹⁹ 1914-1997. TUC International Department (1955-1972).

²²⁰ Commission of the WI, British Guiana and British Honduras to Nicholson, 27/10/1959, MRC/TUCA, MSS.292/805.9/1.

²²¹ 'A West Indian' to TUC General Secretary, 21/11/1954, MRC/TUCA, MSS.292/805.9/1.

²²² Tewson to Stewart, 28/03/1957, MRC/TUCA, MSS.292/805.9/1.

²²³ *TUC Report, 1954*, p527.

²²⁴ *TUC Report, 1955*, p145.

²²⁵ CAC, 1/12/61, MRC/TUCA, MSS.2892B/932.9/2.

²²⁶ *TUC Report 1962*, p215.

The TUC's attitude to black and Asian people as established members of the workforce became more sympathetic through the 1950s. In 1955, Congress passed a motion without debate opposing racial discrimination, urging that the TUC 'give special attention to the problems emerging in this country from the influx of fellow workers of other races with a view to removing causes of friction and preventing exploitation'.²²⁷ Later in 1955 the health workers' union COSHE wrote to the TUC asking their advice, complaining, 'we are importing coloured nurses', leading to, 'the possibility of these coloured nurses being promoted to senior rank, when they could have charge of our own people.' The TUC were forthright that this was an unacceptable attitude, replying to COSHE that the nurses 'have won promotion by their personal merits and labours, and ... have overcome the additional handicap of colour prejudice', and thus, 'should be accepted equally with white nurses and should be accorded the same respect and receive the same conditions of employment'.²²⁸ Nonetheless, discrimination continued to be practised by some smaller and craft unions. While larger unions did not condone colour bars, many branches continued to operate them. As late as 1966, National Union of Railwaymen members at Euston, where the existing workforce had won particularly favourable working practices, refused to accept black guards.²²⁹

As outlined above, the TUC refused to discuss racial discrimination with the Labour Party from 1954, arguing that there was no problem. There was clear evidence that such discrimination existed. For example, in 1955 there was a strike by West Bromwich bus crews belonging to the

²²⁷ *TUC Report, 1955*, p456.

²²⁸ Waite to Tewson, 15/09/1955m and reply, 29/11/1955, MRC/TUCA, MSS.292/805.7/1

²²⁹ 'BR orders Euston colour bar inquiry', *The Guardian*, 12/7/1966.

TGWU against the employment of an Asian bus conductor. The TUC continued to assert that there was no racism in the trade union movement²³⁰ and the need for free collective bargaining in all areas of industrial relations.²³¹ The TUC's thinking was again demonstrated by their response to the Notting Hill riots which immediately preceded the 1958 Congress. A General Council statement condemned discrimination and prejudice but suggested only assimilation as a remedy.²³² Even this was undermined by Tewson in his General Secretary's address which suggested the statement was 'an assurance of our interest and deep concern in this matter to our brothers in ... overseas territories'. He identified the problem not as discrimination and racist attacks but of 'exploitation of the coloured people by their own folks.'²³³

The MCF attempted to win the TUC to a more liberal position, but with little success. The MCF's trade union committee was chaired by the union leader and Labour MP Bob Edwards²³⁴ who moved a motion at the 1959 Congress supporting legislation and calling for prejudice to be tackled through education and the media. The debate showed no detailed knowledge of discrimination, focusing on Africa, anti-Semitism in the 1900s and an inter-racial friendship evening hosted by Birmingham Trades Council²³⁵ but the motion was passed. The TUC acted on the education

²³⁰ Woodcock to Phillips, 05/05/1958, LHASC/LPA, Box 'Research Dept: Race Relations'.

²³¹ CAC7/6 15/07/1959, MRC/TUCA, MSS.292/805.9/1.

²³² TUC, Bournemouth 1958 'Statement on recent disturbances', TUCLC/HM51.

²³³ *TUC Report, 1958*, p458.

²³⁴ 1905-1990. Labour MP, Bilston/Wolverhampton SE (1955-1987). General Secretary of the Chemical Workers' Union (1947-1971).

²³⁵ *TUC Report 1959*, pp426-427.

elements of the motion, writing to the broadcasters²³⁶ but ignored the commitment to legislation by continuing to boycott the Labour Party's efforts to draft anti-discrimination proposals.

The TUC maintained its position of not discussing racial equality in employment until Labour won power in 1964. They were now joined in their obduracy by the new Minister of Labour, Ray Gunter,²³⁷ who had a background on the traditional right of the trade union movement and was one of those in Cabinet who unreservedly shared Soskice's views of the pressing need to placate Labour's white working class electorate. In February 1965 it was proposed at the CIC that the TUC be asked for a statement on those trade unions refusing to admit recent immigrants, but even this move was blocked by Gunter. His view was that patience was the best policy, 'in time, personal contacts with immigrants, at school or elsewhere, should lead to a different attitude [on the shop floor]; in the meantime it was an educational problem needing a local solution.'²³⁸ Thus, the 1965 Race Relations Bill proceeded with no provision on employment.

As a result there was pressure to include some administrative measures in the 1965 White Paper *Immigration from the Commonwealth*. Gunter's policy remained that minorities would have to wait for their white hosts to accept them, and this was manifested in his claim to the 'growing success' of the ministry's Labour Exchanges in dealing with discrimination. Since 1962 Labour Exchanges had outlawed the letters 'NCP' being written on vacancy cards, warning staff that an employer would accept 'no coloured people'. Exchanges were allowed to stop advertising posts

²³⁶ Carleton Greene to Tewson, 05/05/1960, MRC/TUCA, MSS. 292/805.9/1.

²³⁷ 1909-1977. Labour MP, SE Essex/Doncaster/Southwark (1945-1951, 1959-1972). Minister of Labour (1964-1968), Minister of Power (1968). President, Transport Salaried Staff Association (1956-64).

²³⁸ TNA: PRO CAB134/1504, CI(65)3rd, 09/02/1965.

where the employer, after being warned, continued discriminating. The weakness of this policy is demonstrated by the list produced in 1965 of the circumstances where discrimination was deemed acceptable, rendering the policy meaningless. This list included: the attitudes of the union or customer; the employer's judgement that 'the class discriminated against have been employed and found unsuitable'; 'the work concerned calls for a high degree of skill or specialised knowledge which the employer believes that members of a particular race are unlikely to possess'; and the 'belief that a particular job is not suitable for a coloured person'. The ministry did state that discrimination motivated 'simply by prejudice' was unacceptable²³⁹ although what might constitute this in the light of the foregoing list is unclear. It took some pressure on the Ministry of Labour to produce anything new for the White Paper, and they eventually offered up an initiative for 'collaboration between managers and trade unionists, especially at local level, in developing mutual understanding between immigrants and the host community in the work place.'²⁴⁰ The employment section in the white paper was therefore slight, comprising only two vague paragraphs.²⁴¹

It was only when Jenkins became Home Secretary at the end of 1965 that there was pressure for anti-discrimination measures to be extended to employment, although the Ministry of Labour remained an unwilling partner. In the summer of 1966 the Home Office proposed to Gunter that action was needed to create greater equality in access to employment, starting with a meeting

²³⁹ TNA: PRO, LAB8/3070 Keith to St. John Wilson, 22/4/1965, and, Vacancies involving discrimination, [c.05/1965].

²⁴⁰ TNA: PRO CAB134/1504, CI(65)33, 14/07/1965.

²⁴¹ *Immigration from the Commonwealth*, Paras 50-51.

with the TUC.²⁴² Gunter countered that the existing work of the Labour Exchanges was adequate and, 'unless we are faced with a growing and irresistible body of evidence to the contrary, it scarcely seems worthwhile at this stage to yield to the pressure for action which will be highly controversial and of doubtful practical value'.²⁴³

Without a firm proposal from the Ministry of Labour, the Home Office had nothing to discuss with the TUC. In late 1966 the NCCI kept the ball rolling by calling a conference on discrimination in employment which they believed was supported by the TUC's General Secretary, George Woodcock²⁴⁴ (who had taken over from Tewson in 1960).²⁴⁵ With detail emerging of the conference agenda focusing on the use of anti-discrimination legislation internationally, the TUC staff realised that they might be put under pressure in public²⁴⁶ and Woodcock withdrew his support. The TUC declared they would be sending no delegates²⁴⁷ before realising that this too might create bad publicity and so sent two General Council members,²⁴⁸ Sir Fred Hayday²⁴⁹ and George Smith.²⁵⁰

²⁴² TNA: PRO HO376/106, Bacon to Gunter. 19/8/66, and Waddell to Howard Drake.

²⁴³ TNA: PRO LAB8/3070, 'Race Relations in Employment' 23/9/1966.

²⁴⁴ 1904-1979. TUC General Secretary (1960-1969).

²⁴⁵ Cantuar to Woodcock 28/11/1966, MRC/TUCA, MSS.292B/805.9/1

²⁴⁶ Hargreaves to Woodcock, 04/11/1966, MRC/TUCA, MSS.292B/805.9/1.

²⁴⁷ Woodcock to Cantuar 12/12/1966, MRC/TUCA, MSS.292B/805.9/1.

²⁴⁸ 'TUC relents', *The Guardian*, 21/1/1967.

²⁴⁹ 1912-1990. Industrial Officer of National Union of General and Municipal Workers (1946-1971) and TUC General Council Member (1960-1972).

²⁵⁰ 1914-1978. General Secretary Amalgamated Society of Woodworkers (1959-1971) and Union of Construction and Allied Workers (1971-1978). TUC General Council (1959-1978).

Nicholson briefed Smith to adopt an assimilationist line at the conference, that immigrants must observe 'a measure of conformity' in industry, while condoning discrimination in declining industries, where 'no-one can now expect that new entrants will be received without question'.²⁵¹ Woodcock offered contrary advice to Smith not to burn bridges pre-emptively and to confine himself to neutral comments about the extent of discrimination being unknown while resisting any firm conclusions.²⁵² Smith, however, was part of the wave of more left wing trade union leaders. Although he had left the Communist Party before becoming the General Secretary of the Amalgamated Society of Woodworkers, was still on the left.²⁵³ He was emerging as one of the voices in the TUC willing to consider that discrimination was real and legislation necessary, although he was often hesitant and fumbling in this. At the NCCI conference he accepted that discriminatory behaviour existed among trade unionists at shop floor level and refused to rule out anti-discrimination legislation on principle.²⁵⁴ Although the unions were savaged in the press for their uncooperative attitude²⁵⁵ the NCCI's plans for a follow-up conference were scrapped after TUC opposition.²⁵⁶

Jenkins had sought to use the Labour NEC policy-making process as another source of pressure on the TUC from his earliest days at the Home Office,²⁵⁷ but a working party was only established in

²⁵¹ Notes for draft speech sent to G Smith, 16/02/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁵² Woodcock to Smith, 17/2/67 MRC/TUCA, MSS.292B/805.9/2.

²⁵³ Stephen Milligan, *The New Barons: Union Power in the 1970s* (London: Temple Smith, 1976), p150.

²⁵⁴ Conference on racial equality in employment 'Implementation by trade unions', 22/02/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁵⁵ 'Cousins pledge on colour bar in jobs', *The Observer*, 26/2/1967; Geoffrey Goodman, *The Sun*, 24/2/1967

²⁵⁶ Hargreaves to Woodcock, 03/03/1967, MRC/TUCA, MSS.292B/805.95/2.

²⁵⁷ Second meeting of the Social Policy Advisory Committee, 27/01/1966, LHASC/LPA, Box 'Research Dept: Race Relations'.

early 1967 under the maverick liberal-left Labour MP Tom Driberg.²⁵⁸ Its explicit purpose was to gain trade union support.²⁵⁹ For the first time the TUC agreed to discuss the issues inside the Labour Party with Nicholson and Smith representing the TUC alongside pro-legislation trade unionists.²⁶⁰ The working party emphasised the use of civil procedures on the North American model²⁶¹ but Nicholson, unimpressed, countered that voluntary methods based on union-management committees should be used. To tackle discrimination on appointment, she proposed pre-entry closed shop agreements, although she knew that where such agreements existed they led to total exclusion of immigrants.²⁶²

What lay behind Nicholson's views was that the benefits of trade union membership could not be given to everyone, rather they had to be earned by loyalty to the labour movement. She told the committee, 'it is difficult to see why any special benefits should be accorded to persons who have not met their full obligations.'²⁶³ The working party was keen to find a compromise and agreed that union-management committees could be fitted into a legal framework but by June, Nicholson felt that the TUC was being bounced into an agreement and refused to sign the report. Instead

²⁵⁸ 1905-1976. Independent and then Labour MP, Maldon (1942-1955) and Barking (1959-1974).

²⁵⁹ Home Policy Subcommittee, 6/2/67, *LPNEC/855/245*; Re.89, 'Further legislation on racial discrimination' Feb 1967, *LPNEC/855/253*.

²⁶⁰ Pitt to members of the race relations study group, 16/03/1967, LHASC/LPA, Box 'Research Dept: Race Relations'.

²⁶¹ Race relations working party, 12/4/1967, *LPNEC/860/558*; Re. 121: April 1967 Fair employment practices in the USA, *LPNEC/861/577*.

²⁶² [Untitled, Nicholson], 07/01/1968, MRC/TUCA, MSS.292B/805.9/5.

²⁶³ Re.130 Racial discrimination in employment: Existing machinery, 4/1967, *British Labour Party Research Department memoranda and information papers* [microfiche], 1941-1979, (Marlborough: Adam Matthew, 1993), Fiche 267. (Henceforth *LPRes*/Fiche number).

she submitted a note of dissent, arguing that minorities should not have any special institutional arrangements since this would retard assimilation.²⁶⁴ By this stage the TUC's discussions with government had progressed to a point where Nicholson was out of line. When she complained that her note of dissent was not appended to the final report, George Brown²⁶⁵ (as the Deputy Leader of the party) reported back to the NEC that he had spoken to the TUC at a high level and they did not want a minority report.²⁶⁶

A further front of pressure on the TUC was applied with a RRB seminar in April 1967 with the members of the Street Committee and representatives of the NCCI.²⁶⁷ As the lead civil servant on race in the Home Office, Jack Howard Drake²⁶⁸, put it, this was 'designed as something of a propaganda exercise' directed at the participants, the TUC, CBI and Ministry of Labour.²⁶⁹ Through this a compromise was beginning to emerge, initially with Frank Cousins,²⁷⁰ the leader of the TGWU, and the Midlands industrialist Oscar Hahn²⁷¹ proposing a system based on joint union-management committees in each workplace.²⁷² The TUC was willing to consider legislation if it

²⁶⁴ Nicholson to Green, 8/6/1967, MRC/TUCA, MSS.292B/805.95/3.

²⁶⁵ 1914-1985. Labour MP, Belper (1945-1970), First Secretary of State and Minister for Economic Affairs (1964-1966), Secretary of State for Foreign Affairs (1966-1968), Deputy Leader of the Labour Party (1960-1970).

²⁶⁶ Lea to Hargreaves, 11/7/1967, MRC/TUCA, MSS.292B/805.95/3.

²⁶⁷ Bonham Carter to Woodcock, 21/3/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁶⁸ b.1919. Assistant Secretary Cabinet Office (1963-1965) and Home Office (1965-1972).

²⁶⁹ TNA: PRO HO376/18, Howard Drake to Mackay, 11/04/67.

²⁷⁰ 1904-1986. General Secretary TGWU (1956-1969), Labour MP, Nuneaton (1965-1966), Minister for Technology (1964-1966), Chair of the Commission for Racial Equality (1968-1971).

²⁷¹ (b.-d.?). Director, GKN.

²⁷² 'Race relations: time for legislation?', *New Society*, 2/3/1967.

incorporated such voluntary machinery²⁷³ with special tribunals for areas not covered by workplace grievance procedures.²⁷⁴ Hayday suggested an orderly retreat at the April 1967 General Council, arguing that legislation on employment was now inevitable and all that they could do was to ensure that it was in a form acceptable to the TUC.²⁷⁵ Thus, the TUC formulated a proposal for a two stage process, a joint trade union-management system to be implemented first and, only if this failed, to be replaced by a statutory system.²⁷⁶

This was unacceptable to Bonham Carter who supported the union-management system carrying out the first stage of a conciliation but insisted that this should be in a legal framework allowing oversight from, and appeals to, the RRB.²⁷⁷ He believed (accurately) that it would lead to more trade unionists taking an interest in anti-discrimination practice as had already proved the case with local conciliation committees, thus creating a societal force for reducing discrimination.²⁷⁸ This movement towards acceptance of legislation by trade unions was strengthened by the conference of the country's biggest union, the TGWU, voting to support it in July 1967. This was a surprise to Nicholson, who had to ask Michael Thomas of *The Times'* labour staff for details.²⁷⁹ As far as Jenkins was concerned, the battle with the TUC was over and on the morning of the announcement of legislation in Parliament in July 1967 Jenkins called on Woodcock with a *fait*

²⁷³ TNA: PRO CK2/16, Bonham Carter to Jenkins, 18/4/1967; 'Racial Prejudice in employment', *The Financial Times*, 26/4/1967.

²⁷⁴ Hargreaves to Woodcock, 17/04/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁷⁵ TUC GC minutes 26/4/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁷⁶ IC7/1, 8/5/1967, TUCLC, Marjorie Nicholson Papers/[901] International committee.

²⁷⁷ TNA: PRO CK2/2, 'Enforcement procedure' Bonham Carter, 7/6/1967.

²⁷⁸ TNA: PRO HO376/40, Note from Bonham Carter, 5/6/1967.

²⁷⁹ Integration in employment, 20/07/1967, MRC/TUCA, MSS.292B/805.9/2.

accompli that it would cover employment. Woodcock acquiesced.²⁸⁰ The proposal for union-management committees in a system overseen by the RRB was acceptable to the Ministry of Labour so long as the RRB had an employment committee with the appropriate corporatist character, which was encapsulated in the bill.²⁸¹

At the September 1967 TUC Congress two motions supporting legislation were debated.²⁸²

Although the negotiations with government were moving into the details of legislation, the General Council did not want their hands tied²⁸³ and attempted, unsuccessfully, to persuade the movers to remit.²⁸⁴ In the ensuing debate the General Council members looked weak and complacent, Fred Hayday telling Congress, 'work began many years ago on the shop floor, as well as at higher levels, and the difficult situations resolved by common sense run into thousands', whereas using the law would 'separate people out from the work force, and our emphasis is upon integrating people within the work force'. Supporters of legislation, for the first time, presented lucid arguments, a paper trail pointing to Bonham Carter's involvement.²⁸⁵ For the General Council, George Smith called for the composite to be remitted, and the Chair announced this had been done by acclamation,²⁸⁶ much to the chagrin of the movers who thought Congress had been denied the opportunity to vote on the motion by a bureaucratic manoeuvre.²⁸⁷

²⁸⁰ TUC GC 26/07/1967, MRC/TUCA, MSS.292B/805.9/2.

²⁸¹ TNA: PRO HO376/19, Gunter to Jenkins, [c.20/10/1967].

²⁸² Motion on the order paper for 1967 TUC conference, c.23/08/1967, MRC/TUCA, MSS.292B/805.9/5.

²⁸³ 'p.134 racial integration (draft)', c.23/08/1967, MRC/TUCA, MSS.292B/805.9/5.

²⁸⁴ TUC GC, 05/09/1967, MRC/TUCA, MSS.292B/805.9/5.

²⁸⁵ TNA: PRO CK2/2, Elvin to Bonham Carter 19/9/1967.

²⁸⁶ *TUC Report 1967*, pp582-583.

²⁸⁷ Kendall to Woodcock, 11/09/1967, MRC/TUCA, MSS.292B/805.9/5.

The TUC was sent a draft bill at the end of January 1968.²⁸⁸ Nicholson (along with the Head of the TUC international Department, John Hargreaves²⁸⁹) continued to oppose any legal framework, counterpoising the view that the unions should assimilate immigrants into a united working class,²⁹⁰ but for the leadership of the TUC it was enough that the government agreed that the voluntary machinery be used first, and that the RRB appeal panel be tripartite, with management and union nominees under the experienced independent chair,²⁹¹ Roy Wilson.²⁹² The April 1968 General Council meeting accepted the bill, albeit with no enthusiasm.²⁹³ The TUC attempted to amend the bill in committee, but with Barbara Castle²⁹⁴ having taken over Gunter's portfolio (and the Ministry of Labour being absorbed into the new Department of Employment and Productivity (DEP)) just before the bill's second reading in April 1968, legal regulation now had a willing advocate.²⁹⁵

There are a number of reasons why the TUC were opposed to legislation on discrimination in employment. There were certainly some who were straight-forwardly racist. For example in 1967

²⁸⁸ Gunter to Woodcock, 30/01/1968, MRC/TUCA, MSS.292B/805.9/5.

²⁸⁹ No biographical information.

²⁹⁰ Note on integration, 04/03/1968, MRC/TUCA, MSS.292B/805.9/5.

²⁹¹ TNA: PRO CK2/16, Bonham Carter to Callaghan, 21/3/1968.

²⁹² 1903-1982. President of the Industrial Court (1961-1971).

²⁹³ TUC GC, 24/04/1968, MRC/TUCA, MSS.292B/805.9/5.

²⁹⁴ 1910-2002. Labour MP, Blackburn (1945-1979). Minister of State for Overseas Development (1965-1965), Minister of State for Transport (1965-1966), First Secretary of State/Secretary of State for Employment and Productivity (1966-1970).

²⁹⁵ TNA: PRO CK2/7, Callaghan to Bonham Carter, 27/5/1968; HO376/82, Bonham Carter to Callaghan, 31/5/1968, and Note: Subpoena power for the Race Relations Board, 21/6/1968, Callaghan to Castle 30/5/1968 and reply 14/6/1968.

Bill Carron²⁹⁶ of the Amalgamated Engineering Union asked, 'how can the country afford what we are doing for those who are not British born and who are dipping their fingers into the social services?'²⁹⁷ Arguably, this represented what many others thought, but were too guarded to articulate. Many other unions' leaderships, particularly those on the left, were more robustly anti-racist. Most notably, the TGWU had a leadership which was willing to confront racism in some of their own branches and were amongst the advocates of legislation.²⁹⁸ The most developed pro-legislation position was that of Clive Jenkins²⁹⁹ of the white collar union the Association of Supervisory Staff, Executives and Technicians. Jenkins was unusual in supporting legislation to outlaw racial discrimination in employment as part of his wider view that legislation strengthened the unions' position, rather than relying solely on free collective bargaining.³⁰⁰ The move to the left in the union leaderships signalled a shift away from this reliance and increased demands on the Labour Party to act more in concert with the trade unions in meeting their demands.

The traditional right in the trade union movement continued to oppose anti-discrimination measures in employment. At its most basic their fear was that newly arrived immigrants would undercut the pay and conditions of existing workers. Thus the TUC did not wish to implement anti-discrimination measures since it would rule out what they viewed as the reasonable refusal to employ immigrants, and that, 'alleged cases of discrimination which might be attributed to colour,

²⁹⁶ 1902-1969. President, AEU (1956-1967), TUC General Council (1954-1968). Created Lord Carron of Hull (1967).

²⁹⁷ 'Racial Prejudice in employment', *Financial Times*, 26/4/1967.

²⁹⁸ Jack Jones, *Union Man* (London: Collins, 1986), p197.

²⁹⁹ 1926-1999. General Secretary ASSET/ASTMS/MSF (1961-1988).

³⁰⁰ Joseph Melling, 'Leading the White-Collar Union', *International Review of Social History*, 49 (2004), pp 71-102.

race, ethnic or national origin may be due to many causes' such as, 'a legitimate desire to maintain hard-won standards'.³⁰¹ Thus, equality could not simply be granted to immigrants, they had to be integrated. By integrated the TUC meant that they had to be members of unions and not undercut union rates. For example, it was suggested in a TUC meeting in 1966 that, 'even when the unions were involved it might be impossible for them to regard immigrants as having full equal rights in employment with other members at least for a probationary period after their entry into industry.' Thus immigrants' rights were entirely secondary to those of the established workforce which had a right to 'protection against an unwanted influx of recent immigrants or aliens.' This was only slightly leavened by the view that this was temporary since 'a man must not be regarded as an immigrant forever.'³⁰²

As Miles and Phizacklea have suggested, this fear of immigrants undercutting pay and conditions led to the TUC's view that immigrants needed to be integrated into a united working class. Further to this, the rate of that integration was dictated, in the TUC's view, by the needs of the existing organised working class.³⁰³ This was a demand that minorities take their place at the back of the queue. This was also expressed in the TUC's trenchant opposition to any form of affirmative action for immigrants. For example, when the DEP produced pamphlets introducing various aspects of employment in Britain to immigrants from the Indian sub-continent, the TUC questioned why they were not also issued in English for the benefit of the settled population.³⁰⁴ In

³⁰¹ Nicholson, 'Racial discrimination: government contracts', 08/10/1966, MRC/TUCA, MSS.292B/805.9/1.

³⁰² 'The areas which trade unions do not cover', 10/02/1967, MRC/TUCA, MSS.292B/805.92/5.

³⁰³ Miles and Phizacklea, *Labour and Racism*, p3.

³⁰⁴ Note on draft 'A brief guide to the newcomer to employment', 10/09/1969, MRC/TUCA, MSS.292B/805.91/3.

a similar vein the TUC representative on the Central Training Council opposed language classes for immigrants because they were not available to all.³⁰⁵

The same thinking led the TUC to complain that it was not fair that minorities should be protected from unfair dismissal on the grounds of race since the rest of the workforce had no similar protection for non-racially motivated dismissal.³⁰⁶ To this was added the concern that if minorities were protected by non-union bodies they might look to these, not the labour movement, to advance their interests:

As immigrants become settled and their children are born and grow up as part of the British population, their need for special services and machinery should wither away. But racial distinctions will still continue, and if special machinery of legislative measures were established for a section of the community on the basis of race, these will be permanent and their mere existence will emphasise and perpetuate the distinctions between citizens.³⁰⁷

The TUC also feared that 'there are some groups of immigrants who by reason of their own exclusiveness are in danger of setting themselves permanently apart'.³⁰⁸ Many immigrants were enthusiastic trade unionists, the India Workers' Association(s) actively recruited to trade unions.³⁰⁹ Nonetheless, it was the dominant view in the TUC that ceasing to be an 'immigrant' and becoming an assimilated worker worthy of protection, 'could only be established over a period by securing

³⁰⁵ CTC(69)1, [c. 17/10/1969], MRC/TUCA, MSS.292B/805.9/9.

³⁰⁶ IC2/4 Race Relations Act: complaints machinery, 17/11/1969, MRC/TUCA, MSS.292B/805.9/9.

³⁰⁷ Racial discrimination: government contracts, 08/10/1966. MRC/TUCA, MSS.292B/805.9/1.

³⁰⁸ IC2/3, Integration in employment, 14/12/1966, MRC/TUCA, MSS. 292B/805.9/1.

³⁰⁹ Rose et al, *Colour and Citizenship*, pp311-317.

the acceptance of immigrants as members of unions and the industrial community on the basis of their full participation and absorption.³¹⁰

Thus, two factors motivated the traditional right in the unions. First, that it was the right of trade unions alone to represent the interest of workers in relation to their employment. Second, the trade unions represented the existing working class, and immigrants could undermine those interests. Immigrants only gained rights over time as they became assimilated members of a unitary working class. The result was that the TUC opposed anyone else representing minorities, but would only represent them itself if they were assimilated members of a united working class. Ultimately, this was weakened by a shift to the left in unions such as the TGWU. This led to a section of the leadership being more sympathetic to the idea of racial equality.

2.3.3: The progress of the second Race Relations Bill after Jenkins.

In November 1967 the Labour government devalued the pound. This had no direct impact on anti-discrimination legislation which, unlike equal pay for women (see chapter 4), implied no great government spending and had no great repercussions for the costs of exporting industries. It did, however, lead to Jenkins moving to the Treasury, while James Callaghan moved in the opposite direction to the Home Office. Crossman recorded in his diary that Callaghan felt unencumbered by liberalism as Jenkins had been, and approached a Race Relations Bill with a 'heavy heart'.³¹¹

While Crossman's views should always be taken with a pinch of salt, Callaghan favoured only moderate legislation and in his memoirs he emphasises the value of not marching too far ahead of

³¹⁰ IC7, 23/05/1967, MRC/TUCA, MSS.292B/805.9/2.

³¹¹ Richard Crossman, *Diaries of a Cabinet Minister: Volume III* (London: BCA, 1977), pp636, 666.

public opinion.³¹² As Callaghan settled into his brief, his voice was more distinctly his own and he was noticeably cooler towards the legislation. He told *The Sunday Times* in January 1968 that the law 'will have less emphasis on the enforcement side than on the declaratory nature of the Act itself'.³¹³ Strengthening the enforcement machinery was one of the reformers' key demands, just as they might have been considering their end game to tighten legislation, the ground was cut from under their feet.

The chances of strengthening the bill were also weakened by events outside of Parliament. The bill was given its first reading on 8th April 1968. Four days earlier in the USA Martin Luther King had been assassinated. Rioting followed in Washington and Baltimore which affected the sensibilities of the Conservative right on race; Enoch Powell, for example, assiduously monitored racial politics in the USA.³¹⁴ The Conservative leadership had given the impression that they would be supporting new legislation, but after a meeting of backbenchers and reports from the whips that eighty of their number might break ranks on the issue, the leadership declared that they would be opposing the second reading with a reasoned amendment.³¹⁵ This only appears to have emboldened the Conservative right, most notably Powell attacked the bill in his 'Rivers of Blood' speech three days before its second reading on 23rd April³¹⁶ (see chapter 3). One effect of this was to put the Conservative leadership in a more uncomfortable position while not offering Labour any political openings.³¹⁷

³¹² James Callaghan, *Time and Chance* (London: Collins, 1987), p269.

³¹³ 'I have prejudices. I suppose Home Secretaries are allowed them', *Sunday Times* 28/1/1968.

³¹⁴ Camilla Schofield, 'Enoch Powell Against Empire', *Historical Studies*, 26 (2009), p156.

³¹⁵ David Wood, 'Tories to fight Race Relations Bill', *The Times*, 11/4/1968.

³¹⁶ *HC Deb*, 23/5/4/1968 vol763 cc53-198.

³¹⁷ 'An explosive rebuke', *The Guardian* 24/4/1968.

There are other reasons why the campaign to amend the bill was unsuccessful in 1968, unlike 1965. First, unlike Soskice's proposals of 1965, it already was the reformers' bill. Second, in 1965 Labour had a small majority, and the reformers had the good fortune to be supported by the Conservative leadership, making a positive amendment to Soskice's bill a real possibility. In 1968 the reformers stood for strengthening the bill, the Conservatives for weakening it, and anyhow Labour had a large enough majority to withstand a small rebellion. Third, in 1965 CARD was part of a clear united front in backing Lester's reforms, but since then the anti-racist forces had fragmented. CARD itself had been taken over by Maoists,³¹⁸ with Lester working through a new organisation Equal Rights,³¹⁹ while some minority groups were seeking to create more radical autonomous organisations.³²⁰

It was clear that by the time of the second reading debate the government had no desire for tougher measures. David Ennals thought that Callaghan should be pushing for improving the legislation, but Callaghan was uninterested in doing so.³²¹ The shortcomings of the bill were widely criticised from bodies ranging from the Church of England, through to the West Indian Standing Conference to the Communist Party. Amongst these bodies there was a degree of consensus that RRB needed the enforcement powers that Street had suggested, the compromise with the TUC weakened the bill and that the exceptions in the bill, for example for the police and merchant navy, should go.³²² Campaigning around these issues was limited, although Bonham

³¹⁸ Heineman, *Politics of the Powerless*, p197-204.

³¹⁹ Circular letter from Sandra Naidoo, Executive Officer, Equal Rights, 03/04/1968, MCF/SOAS/Box21/aff6.

³²⁰ 'Immigrant societies seek to form own "parliament"', *The Guardian* 22/4/1968.

³²¹ TNA: PRO HO376/74 Ennals to Pile 8/3/68.

³²² Louis Kushnick, 'Responsibility without power', *The Guardian*, 11/4/1968; 'TUC in reviews every six months', *The Guardian*, 10/4/1968; 'Miscellany', *The Guardian*, 10/4/1968.

Carter pushed at every opportunity as did the NCCI. With the broad alliance for strengthening the bill that existed in 1965 gone, it was largely the province of left wing Labour MPs such as Stan Orme³²³ and David Winnick.³²⁴ The campaign did stretch onto the Conservative front bench albeit in the form of the increasingly semi-detached Edward Boyle³²⁵ (shadow education spokesperson) who was in contact with Bindman and put the case for the RRB having subpoena powers to Quintin Hogg³²⁶ (the shadow home affairs spokesman) but without success.³²⁷ There were some important technical amendments to the bill in committee, particularly one ensuring that the Crown would be bound,³²⁸ but the underlying weakness in the legal powers remained. It received Royal Assent in the summer of 1968.

2.3.4: Beyond the 1968 Act.

As Bonham Carter later attested, Home Secretary Callaghan did not see the Act as the basis for further positive action.³²⁹ What the two Race Relations Acts had created was a framework of negative equality, at best dismantling barriers but doing little to positively assert greater access to

³²³ 1923-2005. Labour MP, Salford W/E (1964-1997).

³²⁴ 'Both Government and Opposition move to calm race hysteria', *The Guardian*, 26/4/1968; 'Race Bill amendment by Labour MP', *The Guardian*, 25/4/1968.

³²⁵ 1923-1981. Conservative MP, Handsworth (1950-1970), Financial Secretary to the Treasury (1959-1962), Secretary of State for Education (1962-1964).

³²⁶ 1907-2001. Conservative MP, Oxford/St. Marylebone (1938-1950, 1963-1970), 2nd Viscount Hailsham (1950-1963) (renounced), created Lord Hailsham of Marylebone (1970). A long career in Conservative Party, including Leader of the House of Lords (1960-1963), Secretary of State for Education and Science (1964).

³²⁷ TNA: PRO CK2/7, Boyle to Bindman 12/4/1968, and Whittaker to John Lyttle, 17/5/1968; 'How the Tories were led from behind in Race Bill somersault', *Sunday Times*, 14/4/1968; TNA: PRO CK2/7.

³²⁸ Hepple, *Race, Jobs and the Law*, p174.

³²⁹ Bonham Carter, 'Race: Where blame really lies', *The Observer*, 20/12/1981.

life chances. There were some successful results of these laws, for example it allowed the RRB to tackle discriminatory practice in public housing. Legal action (or the threat of it) was successful in ending Wolverhampton Council's policy of a longer waiting time for those born outside of the UK and Ealing Council's refusal to put an old but not fully naturalised Pole on to its waiting list at all.³³⁰ (The issue of housing will be dealt with in more detail in the next chapter.)

In employment, progress was more limited. After a year of the 1968 Act being in operation, 396 employment cases had been completed but only 2.5% had led to discrimination being found.³³¹ Unless one believes that the vast majority of complaints were vexatious, the Act was not offering redress. The DEP explained that in many cases no discrimination had been found on the basis that the employers concerned already had a large number of immigrants in their workforces,³³² an odd judgement since, other than in cases of engagement, it was only those companies that employed minorities that could discriminate. It was well known at this time that the problem of discrimination in employment was not simply a matter of finding a job, but treatment when appointed and the restriction of minorities to menial grades.

Positive measures were even more limited and there was little success in creating a culture of equal opportunity in the workplace. Although both the CBI and the TUC had trumpeted the need for voluntary agreement to promote fair treatment in employment instead of legislation, with the law on the statute book they lost all interest in discussing this. Both declined to become involved

³³⁰ 'Ealing seeks ruling on race question', *The Times*, 28/11/1969; 'Sharp eye on housing rule', *The Times*, 24/10/1970; 'Queen's Bench Division Council broke race law', *The Times*, 24/10/1970.

³³¹ IC5/2, 11/02/1970, MRC/TUCA, MSS.292B/805.9/10.

³³² TNA: PRO HO376/85, 'Race Relations In employment', n.d.

in the NCCI's initiatives to develop fair employment practices in June 1968. The NCCI worked instead with the British Institute of Management and the Institute of Personnel Management.³³³ The Community Relations Commission (which replaced the NCCI at the end of 1968) attempted to take this forward, and proposed a pamphlet to promote equal opportunity in employment. It was clear on its broad goal, 'the establishment of the concept of equal opportunity on merit, though, is not enough: positive steps to promote integration are required'. Policy to achieve this was absent.³³⁴ The draft was rejected as a disappointment.³³⁵ There were a few isolated initiatives in the DEP under Castle. For example, in late 1969 training courses were proposed for its Employment Exchange staff not only including awareness of the Race Relations Act and how to deal with discrimination, but also the cultural, religious and social background of immigrants.³³⁶ On the whole the issue of integration in employment was left to the entirely negative measures of the 1968 Race Relations Act, with little being pushed to create any positive focus for integration in employment.

Without any great pressure from the government, the TUC continued to reject the idea that there could be equal opportunities before full 'integration' (by which they meant assimilation). At a 1970 DEP meeting, Hargreaves argued for the TUC that an equal opportunities policy was not possible, 'there was no such thing as a culture free selection test ... this was a matter of

³³³ TNA: PRO HO231/5, NCCI/68/30 Report of the advisory panels, [c.20/6/1968], and NCCI/68/39, Proposals for voluntary action by industry and commerce, 26/6/1968.

³³⁴ CRC/EMP/69/4, Memorandum containing outline of proposed pamphlet on equal opportunity in employment, 08/10/1969, MRC/TUCA, MSS.292B 805.95 4.

³³⁵ TNA: PRO CK3/1, CRC minutes, 27/11/1969.

³³⁶ Howarth to Nicholson, 23/9/1969, MRC/TUCA, MSS.292B/805.91/3.

integration.³³⁷ The 1969 Select Committee on Race Relations' report on minority school leavers showed that a considerable amount of discrimination existed and that the Youth Employment Service was poorly equipped to deal with it.³³⁸ When presented with this, the TUC could find nothing better to criticise than the idea of equal opportunities. They rejected the idea that public employers let it be known that they would consider minority candidates on the basis of merit since this would, in the TUC's eyes, constitute preferential treatment.³³⁹

Many unions felt the imposition of a legal framework and oversight from the RRB would nullify hard won collective agreements and withdrew from the existing voluntary machineries. This included those in shipbuilding and engineering, construction, and mining.³⁴⁰ After a year, the voluntary machinery was being used in less than a quarter of cases, and these almost exclusively in the public sector.³⁴¹ Against this negative attitude from many unions, in 1968 the MCF again attempted to win the trade union movement to a more robust position in support of anti-discrimination measures. On this occasion, however, their focus was more on rank and file trade unionists. Fortnightly meetings were set up to start to build the nucleus of a cadre on the issue.³⁴² In late 1968 they worked with the London Co-operative Society³⁴³ to form a group focused on

³³⁷ Meeting on Select Committee Report and on Race Relations Act, 02/01/1970, MRC/TUCA, MSS.292B/805.91/3.

³³⁸ 'The second generation gap', *The Guardian*, 19/1/1969.

³³⁹ Nicholson to Feather, 26/09/1969, MRC/TUCA, MSS.292B/805.9/9.

³⁴⁰ Hargreaves to Murray, 17/01/1969, and, General Council, 26/2/1969, MRC/TUCA, MSS.292B/805.9/7.

³⁴¹ DEP, 'Review of the first year's working of the Employment provision of the Race Relations Act 1968', MRC/TUCA, MSS.292B/805.9/10.

³⁴² MCF CC, 20/05/1968, MCF/SOAS/Box3/CC15.

³⁴³ MCF EC 05/08/1968, MCF/SOAS/Box1/EC15; MCF CC 18/11/68, MCF/SOAS/Box3/CC15.

trade unions³⁴⁴ drawing in Keith Morrell,³⁴⁵ industrial officer for the CRC, and others who had been some of the isolated voices in the unions against racism in the sixties.³⁴⁶ The result was a conference, Trade Unionists for Race Relations, in October 1969.³⁴⁷ This was the first attempt to directly relate immigrants' organisations to the trade union movement, although many already had a positive attitude to immigrants joining unions. This was to grow into one of the forces that began to radically change the position of the trade unions in the 1970s, but had little influence in the period under study.

*

The 1968 Race Relations Act was thus a limited success. The campaign run by Jenkins and Bonham Carter to reform the legislation was both a master-class in how to create pressure for change and a demonstration of the limitations of such a campaign. While the PEP Report in particular created an unanswerable case for reform in employment and housing, it proved difficult to establish an equal force for strengthening the powers for enforcing these rights where the arguments were too technical to be the subject of a high profile campaign. Thus, where there was pressure for lesser powers, from the government's law officers and the trade union movement, the reformers had no great countervailing force to deploy. The law did push negative equality further than before, into employment and housing. As discussed in the next section, this was an important development in the emergence of the equality state.

³⁴⁴ MCF EC 14/04/1969, MCF/SOAS/Box1/16.

³⁴⁵ No biographical information.

³⁴⁶ 'Trade unionists for race relations', 26/04/1969, MCF/SOAS/Box81/Act 84.

³⁴⁷ Resolution passed by the Conference of Trade unionists for race relations, 12/10/69, LHASC/CP Archive, CP/IND/KAYB/01/06.

2.4: The personal becomes political.

What one can lose if focusing on the limitations of the anti-discrimination legislation enacted in 1965 and 1968 is the fundamental shift it achieved. It pushed the state into new areas of policing behaviour that opponents of legislation thought should remain in the private sphere. The first debate on race discrimination in Parliament of any scale was on Brockway's bill in 1956 when the Conservative Ronald Bell, a consistent opponent of reform, argued that landlords and restaurateurs were private individuals with the right to take their own decisions since these were not public matters.³⁴⁸ Conversely, in moving his 1958 bill, Brockway told the Commons that the areas covered in the bill were based on 'a clear line between what may be regarded as personal relationships and public relationships'.³⁴⁹ Thus, one aspect of the argument for legislation was an attempt to redefine the boundaries between the private and the public.

The view that racial discrimination was a private matter was voiced by the Metropolitan Police Commissioner, Sir Joseph Simpson,³⁵⁰ who wrote to the Home Office in late 1964 to oppose legislation:

whatever the nature of the ensuing regulation, [it] will be widely resented by large sections of the public ... Long before the influx of coloured immigrants into this country discrimination on account of race, social standing and mode of dress had been established practices in clubs, licensed premises, hotels and boarding houses, and similar places. This has been accepted ... it has never caused a public outcry or serious unrest.

³⁴⁸ *HC Deb*, 10/5/1957, vol569 cc1428-1433.

³⁴⁹ *HC Deb*, 30/4/1958, vol587 cc387-388.

³⁵⁰ 1909-1968. Metropolitan Police Commissioner (1958-1968).

Simpson saw British society as one in which people knew their place and discrimination reflecting this was a matter of consensus:

The ordinary white citizen generally accepts his place in society and makes no attempt to gate crash places where he would not only feel out of place but is clearly unwelcome. Not all immigrants have the ability to do this and for the most part they are hypersensitive over race and colour.³⁵¹

Simpson's view was of a civil order in Britain structured by class, and even places that were superficially public were fundamentally part of this private ordering. Anti-discrimination legislation was an attempt to overturn this civil order.

Soskice's reluctance to legislate can also be seen in terms of his understanding of the boundaries of the public and private spheres. In the second reading of the 1965 Race Relations Bill his view of what was public included only public order (and note, he was specifically addressing the anti-discrimination measures in the bill, not the incitement provisions). He told the Commons:

the Bill is concerned with public order. Overt acts of discrimination in public places, intensely wounding to the feelings of those against whom these acts are practised, perhaps in the presence of many onlookers, breed the ill will which, as the accumulative result of several such actions over a period, may disturb the peace.³⁵²

For Soskice, the point was not to facilitate personal redress for discrimination from another private individual, but the consequence of this for order in the public sphere. Thus, the bill was limited to places of 'public resort', where discrimination was not only injurious to an individual, but open for others to see. It says something for the campaign to reform the bill that by the third

³⁵¹ TNA: PRO HO325/165, [Simpson] to Guppy, 7/12/1964.

³⁵² *HC Deb*, 03/5/1965, vol711 c927.

reading debate Soskice's understanding of what was public had expanded. Now he argued that if someone, such as a publican, was dealing with the public then 'he must not, as a matter of consistent conduct, exclude ... certain sections of the public because of their race, colour, and so on.'³⁵³ Those who wished for greater reform thus needed to extend the boundary of what was public. For example, in the debate on the 1965 bill, the Liberal MP Jeremy Thorpe³⁵⁴ argued:

I should like 'public resort' to mean public resort, without limitation, and one would rely on the findings of the courts and on the precedents to indicate what the particular places might be. We would then bring in shops and various other places which are equally places of public resort.

Similarly, he thought that the bill should be extended to employment but only in public sector and publicly owned enterprises.³⁵⁵

In 1968 Bell was again complaining that the new bill 'would make very deep and damaging encroachments into the proper sphere of personal decision.'³⁵⁶ Similar, if more moderated, arguments were heard from the front bench Conservatives in opposition to the 1968 Race Relations Bill. The Conservative deputy leader Reginald Maudling³⁵⁷ believed that it intruded too far into the private sphere and 'will lead to great troubles ... where it infringes on really deeply felt personal interests or personal matters.'³⁵⁸ It was clear that this private realm was shrinking.

³⁵³ *HC Deb*, 16/7/1965, vol716 c981.

³⁵⁴ b.1929. Liberal MP, North Devon (1959-1979). Leader of the Liberal Party (1967-1976).

³⁵⁵ *HC Deb* 03/5/1965 vol711 cc997, 1002.

³⁵⁶ *HC Deb* 23/4/1968 vol763 c102.

³⁵⁷ 1917-1979. Conservative MP, Barnet/Chipping Barnet (1950-1979). He held a long line of ministerial posts, notably as Chancellor of the Exchequer (1962-1964). At this point deputy leader and had taken over the shadow defence brief from Powell.

³⁵⁸ *HC Deb*, 23/4/1968, vol763 c155.

Another centrist Conservative, David Renton,³⁵⁹ moved an amendment that those offering services on a 'personal' one-to-one basis such as driving instructors should not be covered by the bill. These moves were unsuccessful, indeed a government amendment outlawed discrimination by organisations like trade unions, making it clear that this left only 'private' organisations such as clubs where discrimination was beyond the reasonable reach of the law.³⁶⁰ Thus, one of the successful processes that created the 1965 and the 1968 acts was shifting the border between what was considered to be the actions of a private individual and what was in the public sphere and thus the object of legitimate government action.

This began to establish one of the characteristics of the equality state, allowing the state to take sides in relation to an individual's behaviour in public in response to complaints from aggrieved individuals. This parallels the expansion of rights suggested by TH Marshall with civil and political rights being joined by social rights. Prior to the 1960s reforms equality meant civil and political equality, the same rights to vote, to hold property and have a legal persona. The anti-discrimination legislation of the 1960s asserted that the public sphere included further areas, fundamentally economic transactions including employment; the selling and letting of housing; and the provision of goods and services. These were no longer seen as transactions between private individuals but something pursued in a public market place. Just as the state assumed the right to regulate the market, as Anthony Lester put it, in the public interest,³⁶¹ so it assumed the right to make people act in a non-discriminatory way.

³⁵⁹ 1908-2007. Liberal National/Conservative MP, Huntington (1945-1979). A junior Home Office minister (1958-1962).

³⁶⁰ *HC Deb*, 09/7/1968, vol768 cc275, 322.

³⁶¹ See section 1.4.

2.5: Conclusion.

Campaigning for racial equality in Britain always had a Labour accent, although not a working class one. From 1948, years before the earliest campaigning groups formed, the policy-making machinery under Labour's NEC gave anti-discrimination measures consideration, and support for limited legislation was party policy from 1958. The campaigns formed from the 1950s were closely associated with the Labour Party although they had limited impact on the trade union movement, where the traditional right had an agenda dominated by working class unity and free collective bargaining. The creation of the equality state remained a Labour issue. The campaign for reform leading to the 1960s legislation was of Labour Party and left-aligned intellectuals.

Despite some imaginative thinking in the party's research department in the 1950s, policy in the minds of the party's parliamentary leadership and the NEC was dominated by a cautious approach of declaratory legislation limited to clearly public manifestations of discriminatory behaviour. The development of policy was also stymied in opposition by Soskice, and his belief in doing little was only strengthened by the result in Smethwick in the 1964 general election. Against this, campaigners for change were few in number and carried little social weight. What is perhaps surprising is not that the reform they won was limited but, given the obvious electoral dangers of pursuing such measures and the opposition of the TUC, that it happened at all.

The form of legislation that the reformers won based on civil, not criminal, law was in no sense a defeat.³⁶² The campaigners' focus on conciliation backed by civil sanctions was drawn from North America and was a tool for creating a situation where the state was able to regulate areas of

³⁶² Layton-Henry, *The Politics of Immigration*, p50; Saggar, *Race and Politics in Britain*, p79.

conduct previously considered private and beyond legitimate state action. The use of civil law was the key to this, which is why the reformers concentrated on this aspect of the 1965 Bill rather than its highly limited scope,³⁶³ and its weakness lay in the failure of the government to enact adequate civil sanctions. As one key CARD campaigner, Dipak Nandy³⁶⁴ (who went on to found the Runnymede Trust), wrote at the time, 'sanctions without conciliation are undesirable; conciliation without sanctions is impossible.'³⁶⁵

Roy Jenkins' arrival at the Home Office marked a sea-change in the campaign. The RRB was not allowed to become a government body filled with standard figures. Rather, through the appointment of Bonham Carter, it became an activist and highly political agent for change. A campaign to extend the law was organised by Bonham Carter, the main elements of which were the PEP and Street reports, but which reached into the Labour Party and the Bow Group (analogous to the revisionists in the Labour Party, this was a rather thin layer of intellectuals in the party without roots).³⁶⁶ The object of the campaign was to extend the law to cover employment, housing and goods and services, and to create stronger civil sanctions with which to enforce these. Its success in achieving the first aim of extending the scope was undermined in the legal machinery of enforcement which had neither sufficient investigatory powers nor legal sanctions. The campaign was directed much more at winning over others in government than public opinion.

³⁶³ Hepple, *Race, Job and the Law*, pp169-170.

³⁶⁴ b.1936. Lecturer, CARD activist, founder-Director Runnymede Trust (1968-1973).

³⁶⁵ Dipak Nandy, 'The Race Relations Bill: does it go far enough?', *New Statesman*, 19/4/1968.

³⁶⁶ Barr, *The Bow Group*, pp108-109.

One notable feature of the creation of these anti-discrimination measures is that it brought into the public arena a number of behaviours that had previously been considered private. The actions of publicans, private employers or housing landlords were previously regarded as personal preferences. By being subject to the law these actions were brought into a broader public realm in which the state took the right to shape with the goal of lessening inequality. Maybe for this reason the measures remained negative. Private individuals were told what they could not do, not what they should do. Not even the mildest of positive steps, for example developing fair employment policy, were taken.

It is possible to see the 1968 Act as a castle suspended in the air, created through the will of determined campaigners but ultimately without foundations in the wider state or civil society and thus having limited impact. Perhaps more accurately, the legislation should be viewed not as an event but part of a process of the creation of an equality state.

Chapter 3: Creating an integrated society?

If we do not have strict immigration rules, our people will soon all be coffee coloured¹

(Sir Frank Soskice, Home Secretary 1964-1965)

Coloured people have been held responsible for the defects in society which their presence has exposed. So every manifestation of prejudice has been met by a call for restricting coloured immigration; and every restriction by a call for more. At every step, prejudice has been encouraged. Though there is immigration control there is still no immigration policy ... The issue of coloured immigration has usually been presented out of context - and with the illusion that ours is a unified society, without habit of social segregation. Hence the rejection of coloured people as intruders. Hence also the pious exhortation for integration. Integration into what? A whole industry of race relations has developed so that, apparently, far more concern is shown for the colour problem per se than for the much greater and indeed related problems of deprivation in Britain.²

(Ruth Glass,³ May 1968)

The previous chapter examined how the Labour governments 1964-1970 developed a limited range of anti-discrimination measures, enforced by conciliation backed up with inadequate civil sanctions. The campaign to win these reforms succeeded in moving the frontier of what the state

¹ George Thomas, *Mr. Speaker* (London: Guild Publishing, 1985), p91.

² Letter, *The Times*, 4/5/1968.

³ 1912-1990. Sociologist.

would police to include some forms of racial discrimination which had previously been considered matters of private conduct. These were now matters seen as being in the public realm, thus legitimising state action in a new space referred to here as the equality state.

If politicians had given little thought to the idea of anti-discrimination legislation before 1964, there was even less thinking directed at what integrating immigrants into British society might mean. Even as immigration increased in the early 1950s, no government developed even practical measures to ensure adequate housing and welfare services in the areas where immigrants settled.⁴ If this lack of policy was based on anything other than apathy tinged with antipathy to new arrivals, it was an assumption that newcomers would assimilate with little intervention and adopt the culture of the host community.⁵ Those who cared to look, and from the 1940s some did, could see that there were visible minorities, many of whom had settled after the First World War in towns around major ports, particularly London, Bristol, Cardiff and Liverpool, eking out a precarious existence beset by discrimination and poverty.⁶

With what was to become mass immigration to Britain beginning shortly after the Second World War, any limited efforts at offering immigrants help coping with and adapting to their new lives were made by the voluntary sector and to a degree by local authorities.⁷ Despite increasing unease inside Whitehall, the state's *laissez faire* policy towards both immigration and immigrants

⁴ Anthony Richmond, 'Applied Social Science and public policy concerning race relations in Britain', *Race*, 1/2 (1960), p22.

⁵ Michael Baton, *The Coloured Quarter* (London: Jonathan Cape, 1955), pp234-237.

⁶ *Ibid.*, 33-38; Kenneth Little, *Negroes in Britain* (revised edition, London: RKP, 1948/1972), pp89-107; Anthony Richmond, *Colour Prejudice in Britain* (London: RKP, 1954), pp256-279.

⁷ Michael Banton, *Promoting Racial Harmony* (Cambs: CUP, 1985), p99.

only changed when the Conservative government moved to limit immigration with the 1962 Commonwealth Immigrants Act. While the Act's overriding object was to reduce black and Asian immigration, it was accompanied by smaller more hopeful policy with the establishment of the Commonwealth Immigrants Advisory Committee. This drew on the existing work in the voluntary sector on immigrant welfare, an alliance continued in the National Committee for Commonwealth Immigrants (NCCI), established just before Labour came to power in 1964.⁸

Little policy followed from this process, and when in the spring of 1965 the Labour government created Maurice Foley's ministerial portfolio to integrate immigrants, there was still no clear understanding of what integration meant. The term covered a hotchpotch of unquestioned assumptions, ingrained attitudes and sometimes prejudices. Only rarely did any grounded sociological thought surface in policy making. Nonetheless, this thesis argues that the emerging integration policy had two elements. The first sought to integrate immigrants into the existing public sphere, including granting the same political rights as the general population and granting them access to state services. That immigrants had political rights might seem obvious, but was no means inevitable, as the exclusion from these rights of Turkish and other *Gastarbeiter* in Germany shows.⁹ In education ideas of integration focused on the acquisition of culture and language sometimes accompanied by a policy of dispersal that was attuned more to the concerns by white parents about the impact of immigrants on their children's progress in school. Such assimilation was usually assumed to be unproblematic. Only slowly through the 1960s did an understanding of the obstacles to minorities accessing state services, particularly housing and

⁸ See section 3.1.2.

⁹ Wolfgang Zank, *The German Melting Pot* (Basingstoke: Macmillan, 1998), pp208-213; Ruth Mandel, *Cosmopolitan Anxieties* (Durham, NC: Duke University Press, 2008), pp55-58.

education, begin to emerge. This began to become embedded in a culture of teaching, social work and other liberal professions to give the equality state a greater reach.¹⁰

This first sense of integration into the public realm of political and social citizenship will be examined through policy on housing, education and policing. The 1967 Plowden Report¹¹ into primary education was seminal, not only in arguing that the children of immigrants were among those who suffered from deprivation which needed to be tackled with targeted resources, but through offering a model for targeting resources in a positive programme to meet minorities' specific needs in other state services. The development of the representation of minorities' interests through the NCCI, and the retreat from this marked by its supersession by the Community Relations Commission (CRC) in late 1968 will also be examined.

A second use of the term integration describes policies to create what would now be called a cohesive society. However imprecisely, this implied a change in private individuals' beliefs and practices to create a private sphere characterised by acceptance rather than prejudice and division. It is a tenet of much liberal thought (and the Labour government policy here was guided by liberal ideas) that such sociability is the natural order of civil society, but there was a current in liberalism dating at least back to JS Mill that saw the state as the promoter of such a civil order.¹² The Labour governments after 1964 struggled to develop the policy tools for creating such a

¹⁰ See section 3.3.2.

¹¹ *Children and their Primary School: A Report of the Central Advisory Council for Education* (London: HMSO, 1967).

¹² John Plamenatz, *Man and Society volume II* (New edition, Harlow: Longman, 1992), pp260-270.

society, but in as far as they did they again extended the frontier of the state into what previously was considered a private sphere beyond rightful state influence.

Although immigration policy is not the subject of this thesis, it is impossible to understand the state's attempts to change public attitudes towards race without considering who it was willing to admit to citizenship. Whatever the surrounding rhetoric, laws to restrict immigration from the Commonwealth were racially discriminatory in motivation and effect.¹³ The impact of immigration controls on the white public's view of racial minorities is much discussed in the historiography. Some radical critics see white racism being perpetuated, if not created, by actions of the state, particularly immigration controls.¹⁴ While most reforming optimists share the view that immigration policy disrupted moves to create greater racial equality, they stop short of seeing this as totally negating of these positive moves.¹⁵ That debate will not be resolved here, but the analysis of policy making will shed some light on it. This chapter will examine Labour's hopes to draw a line under the issue of immigration when they accepted the Conservatives' 1962 Commonwealth Immigrants Act with their White Paper *Immigration from the Commonwealth* in 1965, and particularly the vituperative reassertion of anti-immigrant sentiment in Powell's 'Rivers of Blood' speech in April 1968. The Labour government's response to this, particularly the Urban Programme, will also be considered. Although this was a limited policy, it showed that the government was beginning to struggle with the need for a positive intervention to create the integrated society of their declaratory rhetoric.

¹³ See section 3.2.1.

¹⁴ For example, Bob Carter, Marci Green and Rick Halpern, 'Immigration policy and the racialisation of migrant labour', *Ethnic and Racial studies*, 19/1 (1996); Paul, *Whitewashing Britain*, p112.

¹⁵ Banton, *Promoting Racial Harmony*, p45.

These policy developments can be understood in terms of the negative and positive understandings of equality developed in this thesis. As shown in the previous chapter, actions in the public sphere were subject to legal measures to promote negative equality. Thus discrimination was outlawed in public places and in the provision of goods and services without further, positive, state effort to change the social structure, although the framers of the legislation hoped that this might change social attitudes. Nonetheless, the integration of immigrants into society could not be legislated for in the same sense since no law can effectively demand that people love their neighbours. It is a reasonable supposition that much of what the state might do to promote such attitudinal change requires an interventionist approach and positive measures.

Positive moves to integrate immigrants into society not only raised the question of how they would be integrated, but what the end result of that integration would be. The *laissez faire* attitude towards integration of 1948-1965 was premised on the idea that immigrants would assimilate, adopting the culture of the host population. It did not require that the government have any view on the kind of society that would result. It was more unusual for the process of integration to be seen as one where the host population accepted the cultural differences of their new fellow citizens. This chapter will demonstrate how this latter view, beginning to be known as multiculturalism, became more widely held in the 1960s. Multiculturalism has been defined in many ways, but at heart it implies group rights to maintain a culture with equal institutional protection and respect, and the recognition of diversity. The question of how these ideas emerged, which has seldom been analysed in a historical context,¹⁶ will be one of the subjects of this chapter.

¹⁶ One of the few exceptions is Rich, *Race and Empire in British Politics*.

3.1: *Laissez Faire* 1945-1964.

3.1.1: Labour Party policy on integration.

When in 1948 the Labour Party considered anti-discrimination measures, it also considered the broader integration of immigrants into society. In his 1948 paper to the party, the sociologist Kenneth Little argued that minorities were left as outsiders in a society characterised by 'shyness, aloofness and snobbishness, which the coloured person often has to encounter in nearly every walk of English life', and that barriers of education and culture made swift assimilation unlikely. Little subscribed to the Weberian view of status, suggesting that black and Asian immigrants were seen as low status by white people,¹⁷ and thus he proposed a remedy of raising their status by validating their cultural difference, for example through the school curriculum and less patronising textbooks 'incorporating modern anthropological ideas' as well as better reception and welfare for immigrants.¹⁸ There was no indication that the Labour government at that time had any interest in such ideas.

In the absence of government provision, voluntary bodies began to offer such services. This was reflected in a further paper from Little for Labour's NEC in 1954. He commended the proposals of one of his students, Michael Banton, that such voluntary groups should be state aided, 'a central department of the government should be given a specific responsibility for furthering by positive action the integration of the various coloured groups in British cities in the social life of the local

¹⁷ Little, *Negroes in Britain*, pp31-34.

¹⁸ Labour Party: International Dept: Advisory Committee on Imperial Questions, 'The colour problem in Britain and its treatment', *LPNEC/372/248*.

community.¹⁹ It was not simply the case that voluntary groups were used to fill gaps in government provision, but that many believed by being part of civil society they were more suited to influence the relationship between private individuals. As William Beveridge had written in his third report in 1948, *Voluntary Action*, 'there are some things – not goods but services – which often cannot be bought with money, but may be rendered from a sense of duty'.²⁰

Policy development continued slowly in the Labour Party and unsurprisingly ended up being driven by events. In the aftermath of the St Ann's, Nottingham, and Notting Hill riots of August and September 1958, there was concern amongst Labour's officials that the local Labour MPs, George Gale in West London and James Harrison²¹ in Nottingham, had set the tone of the debate by issuing statements calling for immigration control.²² The Labour Party did attempt to send out a more positive message. Immediately after the riots, Tom Driberg, as the Labour Party's fraternal delegate to the TUC, stated that this was a problem of white prejudice²³ and the party trailed a yet unfinished NEC statement calling for greater efforts for integration and the enactment of anti-discrimination legislation to be released at the time of their conference in mid-September 1958.²⁴

¹⁹ 'Colour Bar legislation', *LPNEC/487/27*.

²⁰ William Beveridge, *Voluntary Action* (London: Unwin & Allen: 1948), p320.

²¹ James Harrison 1899-1959. Labour MP, Nottingham N/Nottingham E (1945-1959).

²² Wicken to Phillips, 02/09/1958, LHASC/LPA, Box 'Research Dept: Race Relations'; 'Impetus to call for immigration limit', *The Guardian*, 3/9/1958.

²³ *TUC Report 1958*, p326.

²⁴ 'Labour party's draft policy on colour bar', *The Guardian*, 4/9/1958.

Meanwhile, the party's general secretary, Morgan Phillips,²⁵ wrote to the party's district organisers for their views on Gale and Harrison's position. The London organiser supported the local MP, arguing that 'gaining ... additional coloured votes could be secured only at the expense of many more white votes' and suggested immigration controls and the dispersal of existing immigrants,²⁶ policies supported by the local party in Notting Hill.²⁷ Labour's NEC did not concur with these views and adopted a draft policy drawn up by John Hatch of the party's Commonwealth Department, which was nonetheless the more moderate of the two on offer.²⁸ As with Little's 1948 paper, Hatch's policy included an inchoate multiculturalism. It viewed immigrants as culturally distinct, arguing that there was 'a national responsibility to introduce an educational campaign which will widen knowledge of our fellow Commonwealth citizens amongst British people'. Further, local voluntary groups should be encouraged 'in order to develop positive understanding between different minority and immigrant groups and the British people'. The language of assimilation was notably lacking.²⁹

Unlike the Labour MPs representing St. Ann's and Notting Hill, the party's policy making machinery did not support immigration controls. In 1954 Labour NEC's Commonwealth Sub-committee

²⁵ 1902-1963. Labour Party GS (1944-1961).

²⁶ 'Racial Disturbances in London, a report by the London District organiser of the LP', 11/09/1958, LHASC/LPA, Box 'Research Dept: Race Relations'.

²⁷ Statement issued by the Executive Committee on behalf of the North Kensington Labour Party, 11/09/1958, LHASC/LPA, Box 'Research Dept: Race Relations'.

²⁸ See section 2.1.2

²⁹ 'Racial Discrimination and the colour bar: Speakers' notes.', LHASC/LPA, Box 'Research Dept: Race Relations'.

dismissed fears about immigration as being disproportionate to its real rate³⁰ and opposed to the unilateral imposition of controls as disruptive to Commonwealth relations.³¹ Even after the 1958 riots there was very limited support in the wider party for introducing Commonwealth immigration controls.³² Nor did Labour's front bench in Parliament support control. Speaking for the party in a debate in the Lords later in 1958, Lord Pakenham³³ suggested only bilateral controls should be considered and then only at times of high unemployment.³⁴ In the ensuing months a group favouring control emerged in the Parliamentary Labour Party (PLP), especially in its London and Middlesex group chaired by Bob Mellish³⁵ (who continued to be a pro-control voice) but this was a minority view.³⁶ In the years up to the 1961 Commonwealth Immigrants Bill the Labour leadership continued to defend immigration not only on the grounds of Commonwealth relations but on its economic benefits and importance to public services.³⁷

³⁰ Commonwealth Subcommittee, 'Summary of Colonial and Commonwealth events October-November 1954', *LPNEC/508/1256*.

³¹ 'Brief on WI Migration', 29/07/1960, LHASC/LPA, Box 'Research Dept: Race Relations'.

³² There were no restrictionist motions received from local parties in the aftermath of the riots, one was received just prior to them. Commonwealth Subcommittee July 1958, *LPNEC/634/1288*.

³³ Frank Pakenham (1905-2001). Labour Peer, Lord Pricy Seal (1964-1965, 1965-1968), Leader of the Lords (1964-1968), Secretary of State for the Colonies (1965-1966). Created Baron Pakenham (1945). Succeeded Earl of Longford (1961)

³⁴ 'For Lord Pakenham, Racial discrimination', LHASC/LPA, Box 'Research Dept: Race Relations'; *HL Deb* 19/11/1958 v212 c636.

³⁵ 1913-1998. Labour MP, Rotherhithe/Bermondsey (1946-1982). Joint Parliamentary Secretary of State, Housing and Local Government (1964-1967), Minister of Building and Public Works (1967-1969), Government Chief Whip (1969-1970, 1974-1976).

³⁶ Parliamentary Committee, 5/11/1958, LHASC/LPA/PC.

³⁷ For example, 'Brief on WI Migration', 29/07/1960, LHASC/LPA, Box 'Research Dept: Race Relations'.

When Eric Whittle in Labour's research department surveyed opinion in local parties in 1957 he did find some racism. Elsie Boltz, secretary of Vauxhall Labour Party complained:

the coloured people who come to live in this borough, appear to have no desire whatever to be clasped to our white bosoms, nor to be welcomed with open arms to either family or social life. They form their own settlements, have their own amusements and social life, and are on the whole, unfriendly and unresponsive to approaches ... There is resentment expressed that coloured people can come to this country and immediately obtain benefits provided by the Welfare State to which they have made no obvious contribution.³⁸

This response has been used as evidence of widespread racism in the Labour Party,³⁹ but it was atypical. Most respondents were unengaged with issues around immigration and a few took a more positive attitude. Hampstead and Norwood parties in London had made efforts to recruit minorities to the party and worked with immigrant organisations.⁴⁰ There was no strong anti-immigrant feeling articulated through most local Labour Party branches.

By 1960, and with immigration rising, there were signs that the Labour Party's leadership was feeling pressure to accept immigration control. In January 1961 Labour's NEC Commonwealth Sub-committee thought it worth reconsidering their opposition to restriction,⁴¹ but was successfully persuaded against this course by the party's research staff who argued that the only motivation for control was racist and social pressures could be relieved by attending to housing

³⁸ Boltz to Whittle, 28/02/1957, LHASC/LPA, Box 'Research Dept: Race Relations'.

³⁹ For example, DW Dean, 'Conservative Governments and the restriction of Commonwealth Immigration in the 1950s', *Historical Journal*, 35/1 (1992), p188.

⁴⁰ For example, James to Whittle, 27/3/1957, and Hampstead Labour Party to Whittle, 5/2/1957, LHASC/LPA, Box 'Research Dept: Race Relations'.

⁴¹ Commonwealth Sub-committee Jan 1961, *LPNEC/693/86*.

and dispersal. In the Shadow Cabinet too, there was pressure to move away from such blanket opposition to control. At this time anti-immigration sentiment was being crystallised in Parliament by the Conservative backbencher Cyril Osborne, for example his Commons calling on the government to introduce controls of February 1961.⁴² James Callaghan, then Labour's colonial affairs spokesperson, raised the possibility of immigration control measures similar to that of other white Commonwealth states in the Shadow Cabinet, but failed to find much support.⁴³

The emerging divisions in Labour's leadership were emphasised when the Conservative government brought forward its Commonwealth Immigrants Bill in October 1961, with the Shadow Cabinet having a 'very long discussion' and the debate continuing at a PLP meeting.⁴⁴ Here three positions emerged. The left-wing MP Anthony Greenwood, who had resigned from the Shadow Cabinet over Gaitskell's opposition to unilateral nuclear disarmament, led those demanding continued outright rejection of control. A small group pushed for accepting the case for control, while the party leadership were concerned that overly strident opposition could cost the party votes and argued for opposition to the bill with a reasoned amendment requiring control be through agreements with Commonwealth governments.⁴⁵ This last position won.⁴⁶ So Labour's objection was formulated in terms of how immigration was to be controlled, not to the principle of control. From the bill's second reading Gaitskell led the party in the attack on this basis. Thus,

⁴² *HC Deb*, 17/2/1961, vol634 cc1929-2024/

⁴³ Parliamentary Committee, 8/2/1961, and 15/2/1961, LHASC/LPA/PC.

⁴⁴ Press release s/66, 14/11/1961, LHASC/LPA, Box 'Research Dept: Race Relations' LHASC/LPA Race papers.htm#bm073

⁴⁵ 'Race will: Labour to pull punches', *Daily Worker*, 17/11/1961; 'Labour Party solidly opposed to Immigration Bill', *The Guardian*, 16/11/1961; 'Mr. Gaitskell Fights a Battle of Principle', *The Times*, 20/11/1961; Michael Foot, 'The Way to Beat the Tories', *Tribune*, 24/11/1961.

⁴⁶ Parliamentary Committee, 8/11/1961, LHASC/LPA/PC.

Labour sought a form of control that was not based on a 'colour bar' and suggested that the government was not doing enough to alleviate the 'deplorable social and housing conditions' in which immigrants found themselves.⁴⁷ Labour's careful and contingent opposition to the bill was a success. A healthy flow of supportive motions from constituency parties followed⁴⁸ and *The Times* reported that Government had received 'a verbal lashing from Mr Gaitskell of a kind that has not been heard in Westminster for some time'.⁴⁹

Public opinion moved during the passage of the bill, with support for the controls falling from 76% to 62%,⁵⁰ but the continued majority for the Conservatives' proposals troubled Labour Party policy makers who felt it showed the continued truth of Anthony Richmond's view, 'that apart from a fanatical colour prejudiced minority, there are a large number of people who are slightly prejudiced or suspicious of newcomers'. The Labour Party's response to this was to seek ways of positively influencing this weakly prejudiced group. Proposals included a media driven education campaign to lessen 'friction' resulting from misunderstandings and 'government effort to encourage racial integration, particularly by advice and financial assistance to local bodies.' Labour hoped that the national and local voluntary groups would survey the extent of discrimination, work with local education authorities to promote tolerance through education and provide advice to immigrants. This optimism was not accompanied by any consideration of creating powers to compel unco-operative local authorities to offer immigrants welfare services

⁴⁷ 'Mr. Gaitskell To Attack Curbs', *The Times*, 16/11/1961; *HC Deb*, 16/11/1961, vol649 cc687-819.

⁴⁸ Commonwealth Sub-committee resolutions received December 1961, January February, March 1962, *LPNEC/715/1362, 722/261, 725/446*.

⁴⁹ 'Commons storm over immigration', *The Times*, 17/11/1961.

⁵⁰ Donely Studlar. 'British Public Opinion, Colour Issues, and Enoch Powell', *British Journal of Political Science* 4/3, (1974), p375.

nor was the possibility considered that friction might result over competition for scarce resources, particularly housing.⁵¹ The state was not seen as the body that could, or should, drive a change in public attitudes.

Another practical proposal adopted by Labour in 1962 was that local parties should seek to recruit more black and Asian members.⁵² Labour's record here was positive if slight. In 1952 the Labour Party established their British-Asian Socialist Fellowship for colonial students, in part to counter Communist 'friendship' societies.⁵³ This and other overseas fellowships grew into the British Overseas Socialist Fellowship (BSOF).⁵⁴ It was only in 1962 that this was used to campaign amongst settled immigrant groups in Britain, with party officials meeting with Indian and Pakistani members of the BSOF⁵⁵ to produce mother tongue leaflets highlighting Labour's opposition to the Commonwealth Immigrants Act and calling on immigrants to join unions and register to vote. Local parties were exhorted to investigate cases of discrimination and hold mixed social events to build membership.⁵⁶ The party produced a pamphlet, *The Integration of Immigrants – a Guide to Action*, which encouraged Labour led councils to work with voluntary groups and appoint liaison officers, and for local parties to work with immigrants.⁵⁷ The impact of recruiting more black and Asian members into the party was potentially significant not only for political participation and representation. The role of local Labour parties in relation to local government has not received

⁵¹ RD.238 'The integration of immigrants', April 1962, *LPNEC/728/599*.

⁵² *Ibid.*

⁵³ LP NEC 25/02/1952, *LPNEC/439/153*; 'Proposal for a British-Asian socialist fellowship', February 1952, *LPNEC/453/401*.

⁵⁴ 'British-Asian socialist Fellowship', November 1953, *LPNEC/483/2176*.

⁵⁵ David Ennals, paper on working with BOSF, 2/7/1962, *LPNEC/745/615*.

⁵⁶ RD 238 'The integration of immigrants', April 1962, *LPNEC/728/599*.

⁵⁷ Labour Party, *The Integration of immigrants – a guide to action* (London: Labour Party, n.d.[1962])

great attention. Nonetheless, it would be reasonable to assume that since most immigrants lived in areas with Labour controlled local authorities, black and Asian people becoming involved in local parties may have helped in moving towards more equal local authority resource allocation and local initiatives to meet minorities' needs on the same basis as the white working class whose interests were already articulated through local parties and the councils they controlled.

After Harold Wilson became Labour leader in early 1963 there was renewed pressure to accept the Commonwealth Immigrants Act, not least from Patrick Gordon Walker, Labour's foreign affairs spokesperson. He was under sustained pressure in his Smethwick constituency which he, justifiably, feared he might lose because of local Conservative campaigning on immigration.⁵⁸ Many Labour MPs were hesitant to join Wilson and his deputy leader, George Brown, in continuing opposition to the Act, which needed to be renewed in a Commons vote each year. This led to the establishment of a working party of Labour's Chief Whip, Edward Short,⁵⁹ Gordon Walker and the party's home affairs spokesperson, Sir Frank Soskice, to consider this issue.⁶⁰ A compromise emerged, another reasoned amendment making Labour's support for control contingent on Commonwealth governments' agreement. This time, control was explicitly linked to the need for legislation against discrimination (limited to public places), tougher laws on incitement and help to

⁵⁸ See section 2.2; Robert Pearce, 'Introduction' in Patrick Gordon Walker, *Political Diaries 1932-1971* (London: Historians' Press, 1991), p41.

⁵⁹ 1912-2012. Labour MP, Newcastle upon Tyne Central (1945-1976). Chief Whip (1964-1966), Postmaster General (1966-1968), Secretary of State for Education and Science (1968-1970).

⁶⁰ Parliamentary Committee, 17/7/1963, LHASC/LPA/PC; Anthony Howard, 'The Skin Game', *New Statesman*, 22/11/1965; Paul Foot, *Race and Politics in British Politics*, pp175-176 has a slightly different account.

local authorities.⁶¹ The Labour leadership's unease with maintaining a liberal stance on immigration was becoming clear.

This formed the basis of policy for the party's 1964 election programme,⁶² although some negative policy on immigration was developed as a reserve measure to be used if necessary. In April 1964 the Society of Labour Lawyers was asked to look at powers to deport aliens⁶³ and the research department produced a negative paper on health checks for immigrants.⁶⁴ It was decided not to include either of these issues in the manifesto, but to keep Labour's campaigning options open by making immigration the subject of a major speech.⁶⁵ This was delivered by Wilson in Birmingham on October 6th 1964 sticking to the Commonwealth agreement line but showing Labour's leadership's desire to appease public opinion on the issue by pledging that the rate of immigration would not increase.⁶⁶ Thus Labour fought the 1964 election on a platform that was far from outright opposition to immigration control. Their anxiety on this issue helped to eclipse any policy to aid the integration of immigrants into society.

⁶¹ Parliamentary Committee, 18/11/1963, 31/7/1963 and Memorandum on immigrant policy, 18/11/1963, LHASC/LPA/PC; Home Policy Subcommittee Sept 1963, *LPNEC/769/1313*; Tony Benn, *Out of the Wilderness*, pp76-77.

⁶² RD.581(rev) December 1963, *LPNEC/772/1478*.

⁶³ SLL, Agenda for Executive Committee, 27/4/1964, LSE/SLL/11.

⁶⁴ RD 790, 'Health and Commonwealth Immigrants', *LPres/188*.

⁶⁵ Organisation Subcommittee, 31/8/1964, *LPNEC/789/990*.

⁶⁶ Leaflet 'Harold Wilson on immigration' Speech Birmingham, 6/10/1964, *LPNEC/798/271*.

3.1.2: The institutions of integration c.1954-1964.

The institutions which focused on the welfare of immigrants in the 1950s were a patchwork of voluntary groups and municipally funded liaison officers, one of the earliest being appointed in Birmingham in 1954.⁶⁷ The umbrella body for these voluntary groups was the National Council for Social Service (NCSS). Their London Council attempted to create a more co-ordinated effort by calling a conference, 'West Indians in London', in 1956 which drew delegates from local government social services, voluntary and church groups and a few immigrant groups. Problems in housing were recognised, although the trade union denial of any problem in employment was aired without challenge.⁶⁸ The voluntary help that was offered tended to be tea and sympathy, although increasingly local authorities were playing a more structured welfare-rights role. Attempts to educate the host community to be more tolerant were limited.⁶⁹ By the late 1950s the Conservative government, while maintaining a position that there should be no special facilities for minorities, were encouraging local authorities to offer voluntary groups grant aid.⁷⁰ Central government also relied on voluntary action, for example, the government's Labour Exchanges relied on voluntary agencies to provide immigrant workers with loans for travel, help with accommodation or educational opportunities.⁷¹

⁶⁷ 'Coloured man's "Consul"', *The Times*, 20/1/1965.

⁶⁸ West Indians in London: Report of a Conference at County Hall, 28/6/1956, LHASC/LPA, Box 'Research Dept: Race Relations'.

⁶⁹ Rose et al, *Colour and Citizenship*, p383-4.

⁷⁰ Rose and Levy, 'The Local Committees', p334-354.

⁷¹ CIAC(62)7, MRC/TUCA, MSS.292B/805.92/1.

The first central government body to consider the interests of immigrants was the Commonwealth Immigrants Advisory Council (CIAC) established in 1962. Its origins lay in an amendment to the Commonwealth Immigrants Bill proposed by the Conservative Bill Deedes⁷² (then on the backbenches) to create a statutory body to advise the government on the welfare of immigrants, which he withdrew after the Home Secretary undertook to establish a similar body.⁷³ The nature of the CIAC can be seen from its membership. Its chair was Lady Reading⁷⁴ the founder of the Women's Voluntary Service, and she was joined by Sir George Haynes,⁷⁵ director of the NCSS, Sir Harold Banwell,⁷⁶ chair of the Citizens Advice Bureaux and scion of liberal philanthropy, Adrian Cadbury.⁷⁷ None were immigrants and they were committed to voluntary rather than state action. The committee oversaw an annual report dedicated to a single subject, which at least highlighted issues around housing, education and the employment of school leavers in an assimilationist framework.⁷⁸

The leadership of the voluntary sector in the NCSS wished to see the CIAC to develop away from being as a body which would advise government to become one that would mediate between the government and local voluntary effort. To achieve such a body, in early 1963 CIAC asked

⁷² 1913-2007. Conservative MP, Ashford (1950-1974). Various junior ministerial roles (1954-1957) and Minister Without Portfolio (1962-1964).

⁷³ *HC Deb*, 13/2/1962, vol653 cc1201-13.

⁷⁴ Stella Isaacs, 1894-1971. Founder of the Women's Voluntary Service.

⁷⁵ 1902-1983. Director NCSS (1940-1967).

⁷⁶ 1900-1982. Local government administrator.

⁷⁷ b.1929. At that time a board member of Cadbury Ltd.

⁷⁸ Shamit Saggat, 'The Labour Market' in Phoebe Griffith and Mark Leonard (eds) *Reclaiming Britishness* (London: Foreign Policy Centre, 2002), p89n.

interested parties what voluntary, local authority and central government could do to 'assist immigrants to adapt themselves to British habits and customs'⁷⁹ leading CIAC to conclude that a new body was needed to co-ordinate voluntary effort,⁸⁰ and they were able to win the government's agreement for its establishment. The National Advisory Committee for Commonwealth Immigrants met from the beginning of 1964.⁸¹ The 'advisory' was spurious since the body's main function was co-ordinating local voluntary committees, generically known as Voluntary Liaison Committees (VLCs), and was soon dropped, leaving it as the NCCI. It brought together the voluntary sector in the form of the NCSS and the Institute of Race Relations (IRR) (represented by its chair, Philip Mason,⁸² and the journalist Jim Rose⁸³ who had just been appointed by the IRR to run its study into minorities in Britain published as *Colour and Citizenship* in 1969), local government representatives and a brace of MPs. Nadine Peppard,⁸⁴ who had been working for the London NCSS's Immigrant Advisory Committee was recruited as a full time specialist in voluntary work for immigrants.⁸⁵ In the following months there was some co-option, particularly of individuals from minorities.⁸⁶ Beyond the disbursement of funds, the committee had no clear role but began to grope towards one, establishing a framework for integration based on the voluntary sector working in association with local government.

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⁷⁹ CAC3, 14/1/1963, MRC/TUCA, MSS.2892B/932.9/2.

⁸⁰ CAC2/2, 10/2/1964, MRC/TUCA, MSS.2892B/932.9/2.

⁸¹ TNA: PRO HO231/24, LCSS Immigrants Advisory Committee, 19/2/1964.

⁸² 1906-1999. Colonial administrator and writer.

⁸³ 1909-1999. Journalist and publisher.

⁸⁴ 1922-2010. Race relations advisor.

⁸⁵ TNA: PRO HO230/2, NACCI, 18/3/1964.

⁸⁶ TNA: PRO HO230/2, NACCI minutes, 11/6/1964.

To summarise, before 1962 the government developed little policy on immigrants and immigration. The Labour Party, however, had begun to develop meaningful policy in three areas. The first was the integration of immigrants into society which was mainly based on the assumption of assimilation with immigrants adopting the culture of the background population. Against this, there was already an emerging multiculturalism in the Labour Party where the cultural difference of minorities was assumed as the basis of, not an obstacle too, integration. The second area was immigration control. Here the leadership of the party were already, by 1962, accommodating to pressure for controls. Some in the party opposed these controls, but more influentially others wished to accept the Conservatives' policies. Third, there was an acceptance that integration was best through voluntary groups working with local government to cater for immigrant welfare and foster good relations in local communities. There was little discussion of giving such groups powers that would ensure that public bodies did more to cater for immigrants' needs. When Labour won power in 1964 there were both limitations and potential in the situation they inherited. The limitations dominated the policy under Labour's new Home Secretary, Frank Soskice.

3.2: Soskice and the White Paper.

3.2.1: Soskice, the White Paper and departmental policy.

Labour's divisions on race and immigration continued when they were returned to power at the October 1964 general election. The heart of the conflict on immigration was between restrictionists, who thought that public opinion could only be satisfied by limiting immigration, and those who more optimistically believed that the government could lead public opinion and counter prejudice, although their ideas on how this might be done were fragmentary. The Cabinet's Commonwealth Immigration Committee (CIC), chaired by the Lord President of Council,

Herbert Bowden, initially took an optimistic view when it demanded that Soskice should present a paper on the contribution that immigrants had made to the labour force. Soskice, a restrictionist, refused. His concern was only with black and Asian immigration, he ruled out considering immigration from Ireland, of non-Anglophone Europeans and working visitors from the white Commonwealth.⁸⁷ Soskice's view was that the government was being too slow to introduce new restrictions:

I do not believe that public opinion, including the majority opinion among our own supporters, will be content with this. The country has been taking in coloured immigrants faster than they can be assimilated ... I think that the Government should take, and should manifestly be seen to be taking, all reasonable measures to bring the flood under control.⁸⁸

An earlier draft memorandum added, 'we think public opinion is right'.⁸⁹ The government resisted such demands for early changes to immigration law, rather seeking bilateral talks with Commonwealth governments.⁹⁰

Soskice continued his restrictionist crusade in January 1965 by proposing a White Paper to announce tightened immigration control, sweetened with some unspecified proposals on integration, but other senior ministers questioned the need for this unless public pressure mounted.⁹¹ Nonetheless, the idea took root and a White Paper was in train by March 1965,⁹² the

⁸⁷ TNA: PRO CAB134/1504, CI(64)2nd, 21/12/1964; CI(65)1, 05/01/1965; CI(64)4, 10/11/1964 and CI(64)2, 09/11/1964.

⁸⁸ TNA: PRO CAB134/1504 CI(64)7, 17/12/1964.

⁸⁹ TNA: PRO LAB8/3003, 'CIC: Proposed modifications ...', n.d.[c.9/12/1964].

⁹⁰ See section 2.2.1

⁹¹ TNA: PRO CAB21/5290, Minutes of an ad hoc meeting held in the Lord President's Room, 28/1/1965.

⁹² TNA: PRO HO376/139, Points made at a meeting held between Mr Foley and Miss Nadine Peppard [and others], 10/3/1965.

difference with Soskice's plans being more presentational than substantial. Particularly, Wilson devised a mechanism for retreating from the party's previous opposition to immigration control without bilateral agreements, the Mountbatten Mission. This was a tour of Commonwealth states led by Lord Mountbatten⁹³ to discuss immigration, its terms of reference placing emphasis on dealing with evasion of controls more than the level of immigration.⁹⁴ While the Mission was still abroad, the Cabinet agreed to cut the number of vouchers issued under the 1962 Commonwealth Immigrants Act from 20,800 to 7,500 per annum⁹⁵ and Wilson decided the Mission's report would not be published.⁹⁶ A Cabinet committee chaired by the PM was convened and met once to consider Mountbatten's report, agreeing its receipt should be announced to Parliament as being 'urgently studied by ministers' and then to proceed with a White Paper. This urgent consideration consisted of two scheduled meetings of the CIC which reasserted the policy already agreed.⁹⁷ Soskice thought this inadequate, and demanded steps be taken to reduce the number or even halt dependents entering Britain, and wished to have powers to deport an immigrant found to be a 'lay-about' within five years of entry. This illberality reportedly shocked the Cabinet which rejected Soskice's proposals.⁹⁸

⁹³ Louis Mountbatten, 1900-1979. Naval officer and statesman.

⁹⁴ TNA: PRO PREM13/382, Note for the record 24/2/1965.

⁹⁵ TNA: PRO CAB21/5290, Memo to the Mountbatten Mission, 9/4/1965, and, Note of the meeting on commonwealth immigration held at 10 Downing St, 30/4/1965.

⁹⁶ TNA: PRO PREM13/385, Woodsfield to Cunningham, 12/4/1965.

⁹⁷ TNA: PRO CAB134/1504, CI(65)8th, 17/06/1965 ; TNA: PRO CAB130/233, MISC65 'Commonwealth Immigration into the United Kingdom', 10/6/1965.

⁹⁸ TNA: PRO CAB129/121, C(65)92, 7/7/1965; Gerald Kaufman, 'Dutch auction on immigration', *New Statesman*, 9/7/1965; Crossman, *Diaries of a Cabinet Minister: Volume I*, pp270-1.

The White Paper was not only to announce a reduction in immigration, but was also to contain proposals to integrate immigrants. Soskice frequently declared such measures part of a package deal with immigration control but the Home Office never developed integrationist policies. Rather, under Soskice, the Home Office mainly showed antipathy toward black and Asian immigrants. One Home Office memo from 1965 stating that immigrants':

living standards were lower than ours and our people found some of their habits offensive ... Immigrants brought with them disease ... many of the immigrants, who were predominantly male, picked up venereal disease. Their children, too often unable to speak English, created difficult problems for the schools in the immigrant areas, slowing down the progression of others.⁹⁹

What integration policy was developed came from the Cabinet Office, particularly under the influence of a civil servant, Jack Howard Drake, the Assistant Secretary supporting the CIC. In late 1964 he wrote around departments to officials asking them to bring proposals to help integrate immigrants forward, the paucity of the replies suggesting that there was little existing policy.¹⁰⁰ In response Maurice Foley, the Department of Economic Affairs' representative on the CIC, produced his January 1965 memorandum. This sketched the first outlines of an integrationist policy, including financial help for local authorities, encouragement of voluntary committees, more English teaching, and that the Ministry of Labour should seek discussion with the TUC and CBI on employment.¹⁰¹ Foley's proposals helped gain him the portfolio for their development and became the basis of the integrative section in the White Paper.¹⁰²

⁹⁹ TNA: PRO PREM13/385, 'Notes for Lord Mountbatten's mission from the Home Office', 15/3/1965.

¹⁰⁰ TNA: PRO CAB21/5289, Howard-Drake to officials in the Home Office and, Education and Labour Ministry, 3/12/1964.

¹⁰¹ TNA: PRO CAB134/1505, CI(IN)(65)3, 17/03/1965 [originally dated 27/01/1965].

¹⁰² Section 2.2.1

When Foley's integration portfolio was created in March 1965 he set about trying to create a coherent policy from the scraps that existed. He called a meeting with the expertise as it was, John Syson (editor of the Fabians' international journal *Venture*), Nadine Peppard (NCCI), John Lyttle (Labour Party Commonwealth Department) and Nicholas Deakin¹⁰³ (IRR/Nuffield Survey of Race Relations).¹⁰⁴ The consensus from this group was to encourage a voluntary-local government nexus and a renewed appeal went to departments to develop policy.¹⁰⁵ The response on employment was considered in the last chapter. Other departments, Health and the Ministry of Defence in particular, showed little desire to even consider that there might be a problem.

3.2.2: Education.

The most developed response came for the Department of Education and Science (DES) which had some policy prior to Labour coming to power. In 1963 the Conservative Minister of Education, the liberal Sir Edward Boyle, responded to white parents' complaints (particularly from Southall)¹⁰⁶ that some schools were becoming dominated by a sizeable minority of immigrants' children by proposing that these children be dispersed to other local schools.¹⁰⁷ Additionally, a subpanel of the Schools Inspectorate was established which met twice a year to consider the education of

¹⁰³ b.1936. Formerly a civil servant in the Home Office. Director, IRR/Nuffield Survey (1963-1968).

¹⁰⁴ TNA: PRO HO376/139, Points made at a meeting held between Mr Foley and Peppard, 10/3/1965.

¹⁰⁵ TNA: PRO CAB134/1505, C(IN)(65)4th, 17/06/1965.

¹⁰⁶ Jane Stewart, 'Local Colour', *New Statesman*, 8/5/1964.

¹⁰⁷ John Power, *Immigrants in School* (London: Councils and Education Press, 1967), p6; *HC Deb*, 27/11/1963, v685 cc433-444; Sally Tomlinson, *Race and Education* (Maidenhead: Open University Press, 2008), pp29-30.

immigrants' children and although these discussions were routine, it established an infrastructure for the consideration of policy.¹⁰⁸

With Labour in power it was recognised that the policy of dispersal was not enough. From the immigrant's point of view, the main problem was that many were forced into decaying inner-city areas with ageing schools. Inequality in housing accentuated the uneven distribution of welfare resources. Labour's new Secretary of State for Education and Science, Tony Crosland, despite his status as a key thinker on Labour's revisionist right, thought that there was no mechanism for targeting resources in a way that would address their problem. He stated, 'it is not possible (even if it could be done without increasing racial prejudice) to carry out within current policies major replacement or improvements of such school buildings',¹⁰⁹ emphasising that assimilation was to the back of the queue. Thus, instead of any positive programme, the advice on dispersal was reasserted in DES Circular 7/65, the clumsily named 'Spreading the Children'.¹¹⁰ Although it was stated that local authorities should act only in the interests of immigrants, there were no means by which the DES could enforce this. In fact, most councils chose not to do this on the basis of it being a costly way of risking a backlash from white parents in nearby neighbourhoods to which minority children would be dispersed for schooling.¹¹¹ More significantly, alongside this, the first positive policy was introduced, raising the teacher quota (the number of teachers the government would fund) in areas of high immigrant population.¹¹²

¹⁰⁸ TNA: PRO ED158/158, Education of Immigrants sub-panel, 7/10/1964 (and onwards).

¹⁰⁹ TNA: PRO CAB134/1504, CI(65)7, 04/02/1965.

¹¹⁰ TNA: PRO ED147/594, Circular 7/65.

¹¹¹ Power, *Immigrants in School*, pp8, 32; Tomlinson, *Race and Education*, p30.

¹¹² TNA: PRO CA134/1504, CI(65)3rd, 9/02/1965 and CI(IN)(65), 10/03/1965; *Immigration from the Commonwealth*, Cmnd. 2739 (London: HMSO, 1965), paras. 39-49.

3.3.3: Housing.

Housing was thus the fulcrum around which policy could have moved. Smethwick, where the shortage of housing had been the main issue on which Peter Griffiths and the local Conservatives had mobilised support, showed the electoral dangers of this policy area for Labour. That there was no equality for immigrants in housing should not have been news for the Labour government. A civil service committee in 1948 highlighted discrimination in private lettings and considered legislation but this was rejected by ministers.¹¹³ In 1963 the CIAC reported on the poor conditions immigrants faced and proposed slum clearance¹¹⁴ but no targeted action followed, and most councils gave a low priority to clearing immigrant dominated slums. In March 1965 the Milner Holland Report on housing in London showed extensive discrimination which pressurised immigrants into seeking inflated loans to become the landlords of overcrowded slums. This concentrated minorities in what John Rex¹¹⁵ called 'twilight areas' of decaying housing otherwise populated by the criminal, the unruly, the incompetent and others forced to the margins of society.¹¹⁶

If private housing was unavailable to many black and Asian people, council housing offered no alternative. Discrimination was sometimes recognised,¹¹⁷ although its extent went un-surveyed until the PEP report pointed to the virtual exclusion of immigrants from council housing in some

¹¹³ TNA: PRO, HO344/11, A report to sub-committee appointed to examine the possibility of legislating against restrictive covenants, 12/10/1948.

¹¹⁴ *Report by CIAC*, Cmnd 2119, (London: HMSO, July 1963).

¹¹⁵ 1925-2011. Sociologist.

¹¹⁶ John Rex and Robert Moore, *Race, Community and Conflict* (London: IRR/OUP, 1967), pp259-266.

¹¹⁷ For example, 'Landlords, Tenants and students', *IRRN*, May 1962.

municipalities.¹¹⁸ Most councils had local residency qualification periods, and some implemented longer periods for those born overseas. As late as 1965, Ealing Council used a residency qualification of five years for those born in the UK, and fifteen for those born overseas before an individual would be placed on the waiting list. The alternative to this discriminatory policy had been advocated by the Ministry of Housing and Local Government (MHLG) as early as 1948,¹¹⁹ the allocation of housing on the basis of housing need points, but the ministry exerted minimal pressure on local authorities to use this system which would offer immigrants equal access to housing.¹²⁰

The first Minister for Housing and Local Government in the 1964 Labour administration was Richard Crossman. Although on the left, as Midlands MP, he had drawn the lesson from Smethwick that Labour's electoral base should not be antagonised with liberal policies on immigrants, particularly on housing. Crossman wrote to Soskice shortly after the 1964 election that he saw no problem in council housing, and although he recognised discrimination was rife in private rentals, suggested no action.¹²¹ His first attack was only on the symptoms of discrimination. Visiting Birmingham's slums in late 1964, he agreed new powers to regulate multiple occupancy rented property,¹²² this becoming the Birmingham Corporation Act 1965. The Milner Holland Report had outlined how black and Asian people were forced into buying properties because of the lack of rental opportunities. Attempting to deal with this by regulation, the report argued, was futile since black and Asian people did not have access to better

¹¹⁸ Daniel, *Racial Discrimination in England*, chapter 11.

¹¹⁹ 'Working and Living in London/The Ghetto complex', *IRRN*, 11/1965.

¹²⁰ TNA: PRO HLG118/545, Conference on Commonwealth Immigration.

¹²¹ TNA: PRO HO376/3, Crossman to Soskice, 30/11/1964.

¹²² 'City's slums shock Minister', *Sunday Times* 1/11/1964.

property.¹²³ Furthermore, in empowering the council to decide who was a fit and proper landlord and designating areas where multiple occupancy would, and would not, be allowed, the Act opened the door to discrimination and the creation of semi-ghettos.¹²⁴

Housing policy was circumscribed by the primary goal of not aggravating the prejudices of the settled white population. In early 1965 Crossman wrote: 'if the immigrants keep on coming at a rate that makes integration impossible there will be an insoluble housing problem. I can do nothing to get over this without inflaming our own people against the immigrants we are trying to integrate.' Practically, the policy amounted to no more than suggesting that local authorities should provide immigrants with advice on the obligations of landlord and tenant,¹²⁵ and some gentle prodding of local authorities, for example suggesting that Lambeth should offer five percent of new council housing to minorities after slum clearance. This was seen as an ameliorative measure rather than a very limited quota in an area of high minority housing need¹²⁶ and is indicative of the lack of policy developed by the 1964-1966 Labour government to give immigrants more equal access to housing.

The housing policy included in the White Paper was for one group of voluntary bodies, the VLCs, to pressure other voluntary bodies and housing associations, to take a substantial minority of

¹²³ *Report of the Committee on Housing in Greater London*, (London: HMSO, 1965), Chapter 9.

¹²⁴ Robert Moore, 'Immigrants Housing in Long and Birmingham', *IRRN*, April 1965.

¹²⁵ TNA: PRO CAB134/1504 CI(65)6 'Housing' 01/02/1965, and, CI(65)3rd, 09/02/1965.

¹²⁶ TNA: PRO CAB134/1505 CI(IN)(65)2nd 5/4/1965.

immigrants.¹²⁷ This avoided tackling the issue of existing discrimination and was limited by the MHLG's refusal to offer any funding to facilitate this policy.¹²⁸ Thus, the White Paper neither addressed inequality in housing nor offered more than projected long-term improvements in housing stock as a solution.¹²⁹ The MHLG were unable to develop policy on the insights offered by Milner Holland, Dipak Nandy of CARD asking, 'were the drafters of this White Paper unable to procure a copy of that report, or were they perhaps not sufficiently literate to read it?'¹³⁰

Housing and education were the areas where policy was most developed and at the time of the White Paper. Dispersal was preferred in both areas as the central policy of government as part of an assimilationist approach, which was already beginning to fade by 1965. The previously assimilationist CIAC recorded in their last report, 'it is natural that people who have recently arrived in a strange country should wish to live close to each other'.¹³¹ In part dispersal was driven, as it originally was in education, not by the needs of minorities but by the demands of the white population. The DES policy of 'spreading the children' was demanded by white parents who did not want their child's school to be dominated by immigrants. Dispersal in housing was in part driven by not wanting immigrant dominated neighbourhoods. In both cases implementation of the policy was often blocked by other areas not wanting to be on the receiving end of dispersal. Similarly, taking steps to remove discrimination in access to both private and public housing (a

¹²⁷ TNA: PRO HLG118/548, Rumble, 'Immigration and Housing', 27/04/1965; TNA: PRO CAB134/1505 CI(IN)(65)17 White Paper – draft paragraphs on housing; CAB134/1504 CI(65)28 White Paper: draft paragraphs on housing, 13/07/1965.

¹²⁸ TNA: PRO CAB 21/5290, Rogers to Howard Drake, n.d [c.18/2/1965].

¹²⁹ *Immigration from the Commonwealth*, paras 34-38.

¹³⁰ Dipak Nandy, 'Who is the leper now?', *Labour Monthly*, September 1965.

¹³¹ 'Housing and integration/London – Quart into a pint pot', *IRRN*, 11/1965.

measure of negative equality) was met by government caution since it feared a racist backlash.

More positive measures, which would have required building more housing or schools, were ruled out on financial grounds. Dispersal filled the gap although often only with rhetoric and the policy was anyhow so contradictory that it was not, in reality, a policy at all.

3.3.4: The NCCI, local funding and the White Paper.

At the NCCI, Nadine Peppard had thought the 1964 election of a Labour government created a more positive environment for the voluntary efforts of the NCCI and VLCs.¹³² Peppard drew up a new programme of work, including a national conference for local groups and an investigation into discrimination in employment with the IRR.¹³³ She believed that voluntary action was the only suitable vehicle for changing public attitudes and thus opposed anti-discrimination legislation and was only won over when Lester proposed conciliation.¹³⁴ On the left there was a disdain of such voluntarism, Richard Crossman viewing it as an 'odious expression of social oligarchy and churchy bourgeois attitudes'.¹³⁵

Fenner Brockway shared this preference for state action, suggesting that the NCCI should become a section of the Home Office.¹³⁶ Beyond the left, a key piece of journalism from 1965, Peter Evans' 'The Dark Million' in *The Times*, suggested the NCCI should be disbanded and ministers take the

¹³² TNA: PRO HO230/5, Advisory Officer's report to the NACCI, 28/10/1964; HO230/2, NACCI, 28/10/1964.

¹³³ TNA: PRO HO230/6, Future plans for NCCI (Nadine Peppard), c.11/1964.

¹³⁴ SLL, Committee on Racial Discrimination, 03/03/1965, SLL, Box2/11-2/19:2/25 ; TNA: PRO HO230/5, Advisory Officer's report for the NCCI, 11/3/1965 [dated 5/3/1965].

¹³⁵ Geoffrey Finlayson, 'A moving Frontier: voluntarism and the state in British Social Welfare 1911 -1949', *Twentieth Century History* 1/2 (1990).

¹³⁶ Fenner Brockway, 'A plan for Integration', *The Guardian*, 8/3/1965.

responsibility.¹³⁷ Without wishing for such a wholesale nationalisation of the voluntary machinery, Foley sought a powerful agency that could enforce policies of equal treatment on public bodies. VLCs tended to be apolitical and welfare orientated¹³⁸ and local authority liaison officers' work was limited.¹³⁹ Without any legal framework, the local committees could only gently persuade local authorities to offer services, an asymmetrical situation with the balance on the side of the local, white, establishment. Where these bodies were strong, it was because they were allied with a likeminded local authority, most notably the Camden Community Relations Council.¹⁴⁰ VLCs were likely to be weak in the areas where they were most needed. Thus, Foley sought to recast the NCCI as a bridge between the government and local voluntary effort. In this view, the NCCI would cultivate a layer of professionals in local authorities who could work with 'the leaders of the immigrant communities' and help articulate their views and needs. As a first step to achieving this the White Paper announced the NCCI would be given the power to fund a full time post in each VLC at £1,500 p.a..¹⁴¹ The reformed NCCI, which would now entirely replace the CIAC, was chaired by the Archbishop of Canterbury, Dr Michael Ramsay,¹⁴² with a budget limited to £70,000.¹⁴³ The

¹³⁷ *The Times*, 29/1/1965.

¹³⁸ Hill and Issacharoff, *Community Action and Race Relations*, pp2-7.

¹³⁹ John Rex, 'Integration: the reality', *New Society*, 12/8/1965.

¹⁴⁰ TNA: PRO HO376/152, 'Proposed introduction of non-discrimination clause in government contracts', PPC(66)13, 8/6/1966.

¹⁴¹ TNA: PRO CAB134/1505, CI(IN)(65)11, 'Progress Report: Memorandum by the Chairman'; HO231/28, NCCI, Finance and General Purposes Committee, 11/11/1965.

¹⁴² 1904-1988. Archbishop of Canterbury (1961-1974).

¹⁴³ TNA: PRO HO376/89, Cantuar to Wilson, 17/8/1965; CAB129/121, C(65)91, Memorandum by the Lord Pres of Council, 6/7/1965.

ministerial distance from this was compounded by the system initially being managed by the MHLG which was not responsible for this policy area.¹⁴⁴

Progress towards positive help to local authorities with high immigrant populations was initially blocked by the Treasury, which failed to see the need for anything beyond existing services.¹⁴⁵ In July 1965 the Cabinet insisted on such funding, and the principle was included in the White Paper.¹⁴⁶ By September 1965 it had been codified into a scheme of grants to meet fifty percent of staffing (but not capital) costs relating to recent immigrants and their children.¹⁴⁷ The expectation was that this would support only a few interpreters and English language teachers although most need was in housing and social services.¹⁴⁸ After a long struggle with the Treasury, this funding was facilitated by Section 11 of the 1966 Local Government Act.¹⁴⁹ Although s11 funding (as it became known) was criticised for its parsimony and explicit linkage to assimilation and language courses, it did act as a conduit for at least some funds particularly to education¹⁵⁰ and was another move to a more positive approach to integrating immigrants.

The White Paper, now given the title *Immigration from the Commonwealth*, was squeezed onto the Commons' order paper in August 1965 in the dying days of the session and with limited time

¹⁴⁴ TNA: PRO PREM13/384, Note Mitchell to Trevelyan (Office of Lord President), 14/7/1965.

¹⁴⁵ TNA: PRO HO376/1, Meeting of Officials from DEA, DES, MHLG [and others], 12/7/1965.

¹⁴⁶ TNA: PRO CAB 128/39, CC(65)42, 27/7/1965.

¹⁴⁷ TNA: PRO HO376/112, Draft note for local authorities: Financial assistance to local authorities to help towards integration of immigrants in the local community, [c.2/9/1965].

¹⁴⁸ TNA: PRO HO376/112, [Draft] Nicholls (Private sec to Foley) to Trevelyan, [c.20/10/1965].

¹⁴⁹ Saggat, *Race and Politics in Britain*, pp86-7.

¹⁵⁰ Andrew Dorn and Paul Hibbert, 'A comedy of errors: section funding and education' in Barry Troyna (ed), *Racial Equality in Education* (London, Tavistock, 1987), pp59-63.

for debate¹⁵¹ although many Labour backbenchers were dismayed at the restrictions on immigration it introduced. Unsurprisingly, CARD pilloried it for ignoring discrimination and relying on the 'positive promotion of goodwill' by powerless local committees,¹⁵² a view reflected by *The Times*, which accused the government of failing to give a decisive lead to public opinion against prejudice.¹⁵³ Labour Party staff made no attempt to defend the government's policy,¹⁵⁴ and plans to republish the 1962 pamphlet *The Integration of immigrants* were abandoned.¹⁵⁵ For the first time the wider party demanded greater racial equality. In the summer of 1965 the Labour-left paper, *Tribune*, called for emergency resolutions to the Labour Party conference.¹⁵⁶ The resulting six resolutions forced the issue onto the floor of Labour's September 1965 conference, although the party hierarchy marginalised the debate, consigning it to the dead time at the end of Thursday when the conference was winding down.¹⁵⁷ Ray Gunter chaired the session with a heavy hand, reportedly agreeing to call Ron Phillips, the only black delegate at the conference, but then reneged. Against the convention that ministers did not speak from the floor, Gunter then called the junior minister for housing, Bob Mellish, to speak against the resolution. Mellish made a clumsy speech, unjustly accusing the resolution of proposing to give 'these immigrants' preference, misrepresenting the motion as demanding unlimited immigration and ignoring 'our people'.¹⁵⁸ Although local party delegates voted three to one for the critical motion, the loyalist

¹⁵¹ *HC Deb*, 2/8/1965, vol717 cc1057-68.

¹⁵² Letter, Julia Gaitskell, *New Statesman*, 13/8/1965.

¹⁵³ 'Applying the Brake', *The Times*, 3/8/1965.

¹⁵⁴ Res 42: Commonwealth immigration. (August 1965), *LPNEC/815/1215ff*.

¹⁵⁵ Publicity committee, 11/11/1965, *LPNEC/818/1407*.

¹⁵⁶ 'Emergency resolution: tear up that White paper', *Tribune*, 13/8/1965.

¹⁵⁷ 'Immigrants: the fight goes on', and, Anthony Arblaster, 'Blackpool diary', *Tribune*, 1/10/1965.

¹⁵⁸ Benn, *Out of the Wilderness*, p329; 'Housing and integration/London', *IRRN*, November 1965.

unions defeated it.¹⁵⁹ If the campaign for greater racial equality had achieved one thing, it was an alliance between the left-wing constituencies and their erstwhile revisionist foes, both were dissatisfied with the government's policy.

From the opposite perspective, Soskice believed that the White Paper was not tough enough. He wished to remove the right of free entry which some East African Asians enjoyed¹⁶⁰ since he believed they did not 'belong' to the UK, an idea that the Cabinet Secretary, Sir Burke Trend,¹⁶¹ recommended the PM reject as 'discrimination on the grounds of race and colour'.¹⁶² The CIC too was relaxed about this Anglophile and skilled group which would be easily integrated into British society.¹⁶³ Soskice continued planning a new bill to put East African Asian immigration under legal control and tighten the rules on dependents and evasion.¹⁶⁴ A draft was ready in September 1965,¹⁶⁵ but was shelved by the Cabinet.¹⁶⁶ Soskice transferred his hopes to a Royal Commission but these were dismissed too.¹⁶⁷ In November 1965 in a final cathartic kick to Soskice's restrictionist ambitions the Cabinet agreed to a committee to examine the administrative powers of immigration officers, something liberals had long demanded. This became the (Roy) Wilson

¹⁵⁹ 'Blackpool and Brighton reports', *IRRN*, Oct 1965; *Report of the Sixty-fourth Annual Conference of the Labour Party*, p212ff.

¹⁶⁰ TNA: PRO HO344/96, 'Immigration control: some basic problems', 25/4/1965; CAB129/121, C(65)93, 6/7/1965.

¹⁶¹ 1914-1987. Cabinet Secretary (1963-1973).

¹⁶² TNA: PRO CAB21/5290, Trend to Wilson, 7/7/1965.

¹⁶³ TNA: PRO CAB134/1504, CI(65)14th, 21/9/1965.

¹⁶⁴ TNA: PRO HO344/80, Instructions for the Commonwealth Immigrants Bill, 15/9/1965.

¹⁶⁵ TNA: PRO HO344/80, Commonwealth Immigration bill, 27/9/1965.

¹⁶⁶ TNA: PRO HO344/80, [unsigned B3 division] to Cunningham 28/10/1965; CAB134/1504, CI(65)15th, 20/10/1965.

¹⁶⁷ TNA: PRO CAB134/1997, HAC(65)24th, 29/10/1965.

Committee.¹⁶⁸ Crossman was left wondering how long even the bad butcher (Harold) Wilson would tolerate Soskice's 'gross incompetence'.¹⁶⁹

The White Paper had one key objective, to remove race as an issue that could damage Labour at a forthcoming election. Labour's manifesto for the March 1966 general election played down the issue of race, briefly calling for 'realistic controls' on immigration and the promotion of racial equality. Even those who were keen on campaigning against racism were content to support the White Paper to prevent the issue damaging them. Labour's candidate in Southall, the left-winger Sydney Bidwell,¹⁷⁰ lost the active support that the local Indian Workers Association had given his predecessor, despite his strong record on racial equality as a local councillor.¹⁷¹ The issue did not re-emerge in the 1966 election and the Labour Party's NEC's Home Policy Sub-committee's view was that the issue of immigration had been successfully neutralised.¹⁷²

What had not been achieved in this first period of Labour government was any meaningful policy to integrate immigrants. Despite Foley's appointment, policy was limited by the influence of Labour ministers who were sculpted from a white working-class communalist marble, be that the rough hewn Mellish or the polished Crossman. Their main concern was to ensure that state controlled resources flowed to 'our people'. The agencies of integration, the NCCCI and VLCs, remained embedded in a voluntary ethos with neither resources nor power. Any integration that did occur was to the back of the queue.

¹⁶⁸ TNA: PRO CAB128/39, CC(65)5(4), 4/11/1965.

¹⁶⁹ Crossman, *Diaries of a Cabinet Minister: Volume I*, p371.

¹⁷⁰ 1917-1997. Labour MP, Southall (1966-1992).

¹⁷¹ Mervyn Jones, 'Race in Southall', *New Statesman*, 11/3/1966.

¹⁷² Re 20, 'The 1966 general election', July 1966, *LPNEC/834/687*.

3.3: Integrating immigrants: 1966-c.1967.

When Roy Jenkins became Home Secretary at the end of 1965 the drive for anti-discrimination legislation was not matched by progress on positive measures to integrate immigrants. This section will examine three key areas of policy: education, housing and the police. This section will also analyse developments in the continuing role of the NCCI and the local committees.

3.3.1: The machinery for 'integrating immigrants'. 1966-1967.

The NCCI remained a weak tool for driving integrationist policy. Unlike the CIAC, the NCCI had been keen to have minority members on its main committee and specialist panels. This created a tension between being an instrument of government policy and representing minority interests, most clearly in relation to immigration controls. Here Dr. Ramsay had ruled that the NCCI should not challenge the government's policy. Against this, Hamza Alavi,¹⁷³ a left-wing member of the NCCI, argued, 'public attitudes towards immigrants and their role and place in the community are directly influenced by the debate on immigration control'.¹⁷⁴ By the end of 1965 Ramsay was forced to accede to pressure from his committee to demand a meeting with Wilson.¹⁷⁵ An official in the Home Office expressed well these contradictory pressures on the NCCI, advising Jenkins:

several members of the Committee were reluctant to accept membership because they were worried that by so doing they would be identified with the government policy on controlling immigration from the Commonwealth ... [but] there is a danger that the Committee will come to be regarded as a pressure group opposed to immigration control, and that the very real contribution which it is already making and can continue to make in the future to speeding up

¹⁷³ 1921-2003. Academic sociologist and founder member of CARD.

¹⁷⁴ TNA: PRO HO376/90, Alavi to Cantuar, 22/9/1965.

¹⁷⁵ TNA: PRO HO231/1, NCCI, 16/11/1965.

the processes of integration - which is what it was set up to do - will be overlooked. Although the Committee must obviously preserve its image with the immigrant communities as a progressive body if it is to retain their confidence, and although it has a legitimate interest in immigration procedures, it will not be in its own interest to become identified in the public as nothing more than a group of people who are 'against the Government' on behalf of coloured immigrants.¹⁷⁶

This tension was to remain a feature of the NCCI until it was superseded by the Community Relations Council in 1968.

The NCCI continued to struggle to find a clear role. Part of its remit was to educate public opinion, but as they noted in early 1966 in a review six months after being reconstituted, 'we did not seem to know the answer to the growing incidence of prejudice and discrimination which were forcing the coloured minority into the familiar role of scapegoat for Britain's social ills.'¹⁷⁷ The NCCI continued by building an array of professional interest on its housing, education, employment and social work training panels, although some of this work reflected the dearth of professional thinking in these areas and verged on well meaning amateurism.¹⁷⁸ Nor did they have a clear approach to building up VLCs. While some such as Camden Community Relations Council and the Oxford Committee for Racial Equality were pioneering campaigns, most remained, in Rose *et al*'s judgement, guilty of 'tokenism' and were dominated by 'the prevailing view that the "problems" derived from the strangeness of immigrants, rather than from racialism in the host community or its institutions'.¹⁷⁹

¹⁷⁶ TNA: PRO HO376/92, NCCI - background note, [c 21/2/1966].

¹⁷⁷ TNA: PRO HO231/3, NCCI/66/12, The first six months, 1/4/1966.

¹⁷⁸ TNA: PRO HO231/1, NCCI, 14/4/1966.

¹⁷⁹ Rose et al, *Colour and Citizenship*, pp391-2.

There were a variety of views about how the NCCI should develop. Some believed that it could play the role of mobilising minority support for reform as the civil rights leadership had in the USA. Thus, in October 1967 the Home Office minister David Ennals (who had replaced Foley in early 1967) told representatives of the VLCs that they were involved in a struggle to show that a predominantly white society could share power and influence with a black and Asian minority. Ennals continued:

Voluntary Liaison Committees would be judged by their achievements, not merely by the number of meetings held in a year. Success would also depend on the extent to which immigrants' organizations supported their work. If they were simply a branch of the establishment, they would not earn, or deserve to earn, the support and co-operation of the immigrants' communities. Tokenism was not enough. Although there was an increasing involvement on the part of Government departments in the work of race relations, the National Committee and the voluntary liaison committees must exert pressure at the points where action seemed ineffective.¹⁸⁰

Beyond this declaration, little more was done and the VLCs were neither given powers nor funds to encourage this process.

A second strand of thinking was that the NCCI should become a more professional body, and with the framing of the new Race Relations Bill in 1967 this began to dominate thinking. This was driven by the feeling that the Race Relations Board (RRB) had become a professional operation compared to which the NCCI was an amateurish failure. The 'Ontario option' was considered, to turn the RRB into a Human Rights Commission (as existed in the Canadian province), absorbing the NCCI's functions and ending the voluntary element. From the left, Dipak Nandy, part of a CARD

¹⁸⁰ TNA: PRO HO231/4, Standing Conference of Voluntary Liaison Committees, 29/9/1967-1/10/1967.

delegation to the Home Office in 1967, suggested the NCCI and the VLCs were more interested in organising English classes for immigrants than tackling racism, and also looked for a more politically accountable replacement.¹⁸¹ Against this, the NCSS argued that NCCI had become too much a creature of central government control.¹⁸²

Although agreeing that the NCCI was amateurish, Bonham Carter steered a middle course. He ruled out a RRB takeover of the NCCI proposing a more limited body, its panels being disbanded and replaced with Home Office co-ordinated research, a renamed body oriented to 'community relations' and drawing in local groups representing minorities and the voluntary sector.¹⁸³

Alongside this, he envisaged a more professional RRB shorn of the dead weight of 'standard figures' acting as a leader of opinion.¹⁸⁴ The RRB's local conciliation boards were seen as valuable in spreading a professionalised ethos around race relations including a leading group of immigrants and a layer of trade unionists and professionals, something the VLCs had not done.¹⁸⁵

Jenkins concurred with Bonham Carter's view,¹⁸⁶ so although the NCCI saw its role as developing policy,¹⁸⁷ Peppard and Ramsay agreed to a slimmed down NCCI focusing on supporting the local VLCs with a strengthened executive and a strong and activist chair.¹⁸⁸ Thus, by the time Jenkins left the Home Office the shape of the NCCI's successor had taken some preliminary shape,

¹⁸¹ TNA: PRO HO376/22, Note of meeting with CARD, 1/11/1967.

¹⁸² Nicholson to Hargreaves, 16/10/1967, TUCA/ MRC, MSS.292B/805.95/2

¹⁸³ TNA: PRO CK2/16. Bonham Carter to Jenkins, 18/4/1967.

¹⁸⁴ TNA: PRO CK2/2, Bonham Carter to Jenkins, 29/11/1967.

¹⁸⁵ TNA: PRO HO376/40, Note from Bonham Carter, 5/6/1967.

¹⁸⁶ TNA: PRO HO376/65, Note from Mackay, 11/5/1967.

¹⁸⁷ TNA: PRO HO231/4, NCCI/67/46 'The Future of the National Committee', 23/6/1967.

¹⁸⁸ TNA: PRO HO376/72 Howard Drake to Allen, 27/7/1967; HO231/1, NCCI/67/74, 30/11/1967.

although Callaghan was to have the final hand in shaping the Community Relations Commission (CRC) (see below).

Jenkins never warmed to the voluntarism of the NCCI. It is notable that in his memoirs while praise is heaped on the RRB and his friend Mark Bonham Carter, the NCCI and its staff receive no mention.¹⁸⁹ In *The Labour Case* (1959) Jenkins looked more to the state than to voluntary groups (relegated to the last paragraph of his book) for creating his vision of a civilised society.¹⁹⁰ The bodies oriented to the voluntary sector that Jenkins inherited were diminished in favour of professionalised state bodies. The story of how the NCCI's successor, the CRC, was eventually absorbed by the RRB under the name of the Commission of Racial Equality is beyond the scope of the current research. But the process started under Jenkins was to lead to equality driven by the state, not the voluntary sector.

3.3.2: Education.

It might be assumed that integrationist measures were pursued in education because the responsible minister from January 1965 was the Labour revisionist theorist, Tony Crosland. It may be more important that his Conservative predecessor, the liberal Edward Boyle, had initiated not only some thinking about minority children (as outlined above, the thinking on dispersal was of little value) but also initiated policy to make the education system more equal generally. The publication of the Newsom Report in 1963 had dealt the first blow against the educational

¹⁸⁹ Jenkins, *A life at the Centre*, *passim*.

¹⁹⁰ Jenkins, *The Labour Case*, pp135-146.

selection at 11 which underpinned the tripartite system.¹⁹¹ This led Boyle to commission the Plowden Report to examine and counter the impact of deprivation on primary school children's progress,¹⁹² which was received by the Ministry of Education in late 1966 and published early in 1967.

The relevance of Plowden here is threefold. First, the report gave some special attention to minority children in schools, particularly their underperformance in the tripartite system.¹⁹³ Second, it developed a notion of multiple deprivation that was to become vital for other aspects of integration policy. Plowden based this on the proportion of unskilled and semiskilled workers in an area; larger family size; receipt of means tested benefits; overcrowded housing; poor school attendance; the proportion of school students with special needs; the number of single parent families; and the number of children unable to speak English. Third, having identified the areas of multiple deprivation, it argued they should be targeted with additional resources.¹⁹⁴ It was this framework, rather than any egalitarian one from within the Labour Party, that made education a fertile soil for the development of integrationist policy. This was aided by there being an intellectual infrastructure in education in teacher training colleges, university education departments and the Schools' Inspectorate.¹⁹⁵

Prior to Plowden, integrationist policy in education had centred on the unpopular and ineffective policy of dispersal. Nicholas Hawkes spoke for the educationalists' objection in his 1966 IRR book,

¹⁹¹ Melissa Benn, *School Wars: The Battle for Britain's Education* (London: Verso, 2011), pp49-50.

¹⁹² Quoted in Clyde Chitty, *Education policy in Britain* (Basingstoke: Palgrave, 2004), p12.

¹⁹³ *Children and their Primary schools*, pp69-74.

¹⁹⁴ *Ibid.* pp57-9.

¹⁹⁵ Ken Jones, *Education in Britain* (Cambridge: Polity, 2003), pp52-55.

damning its 'emphasis on the logistical rather than the educational' and stressing instead a policy of deepening comprehensive education and progressive teaching methods as the best, educationally driven, route to integration.¹⁹⁶ To this, reformers added that the same pressures that lead to dispersal also led to stigmatising some minority children, particularly Afro-Caribbean boys. High profile grassroots campaigns in the late 1960s drew attention to the inappropriate use of special needs schooling (then styled ESN, educationally sub-normal, education) for this group.¹⁹⁷

With many black and Asian people confined to run down inner city areas, there was pressure on school places in often dilapidated schools. Finding a solution to this within the government's other priorities proved difficult. The CIC's successor Cabinet committee, the Immigration and Community Relations Committee (ICR), optimistically suggested in 1969 an answer, 'a new school strategically placed on the borders of these areas of concentration which can arrest this process by attracting children from both types of community in proportion that would probably be acceptable to both.'¹⁹⁸ With limited spending available for such schemes through the Urban Programme, the effect of such ideas was limited.

When it came to what happened in the classroom, multiculturalism was becoming more thoroughly theorised. The NCCI's Education Panel was developing the idea that education should emphasise the validity of minority culture.¹⁹⁹ By early 1967 their approach was of cultural pluralism, looking at resources that would help 'promote diversity' in schools (and they did use

¹⁹⁶ Nicholas Hawkes *Immigrant Children in British Schools* (London: IRR/Pall Mall, 1966), pp65-68.

¹⁹⁷ Tomlinson, *Race and Education*, pp34-38.

¹⁹⁸ TNA: PRO CAB134/2903, ICR(68)3 The Urban Programme, 28/5/1968.

¹⁹⁹ TNA: PRO HO231/1, NCCI, 24/2/1966.

that remarkably contemporary sounding phrase).²⁰⁰ Tomlinson notes that the assimilationist language of teaching in the early 1960s had become replaced by equality of opportunity by the end of the decade, but progress was slow and localised, another example of the decentralised nature of much social policy leading to inaction in Whitehall. Most policy development occurred below the radar of central government in LEAs, the Inspectorate and so on. Where the DES did take initiative it was often at arm's length, funding research bodies such as the National Federation for Educational Research.²⁰¹ Much of the progress in schooling that had happened in the second half of the 1960s was driven by teachers,²⁰² and while there were pockets of good practice, there were much greater pockets of bad.²⁰³ Thus when prior to the 1970 general election the then Secretary of State for Education, Edward Short, told the NUT conference that it was the obligation of schools to fight racism and prejudice, his department offered little leadership on how this might be done.²⁰⁴

3.3.3: Housing.

Housing policy had moved little while Crossman had been minister. The situation only began to change in August 1966 when he was replaced by a more straightforward left winger, Anthony Greenwood, who had opposed the White Paper. The extent of discrimination in housing was devastatingly shown by the PEP report leading to the MHLG organising a conference of local authorities in June 1967. The MHLG's new openness was reflected in its acceptance of many

²⁰⁰ TNS PRO HO231/10, NC/FGP/67/26 NCCI FGP, 13/3/1967.

²⁰¹ Tomlinson, *Race and Education*, pp32-34.

²⁰² Dipak Nandy, 'Preface' in Julia McNeal and Margaret Rogers (eds), *The Multiracial School* (Harmondsworth: Penguin, 1971), p11.

²⁰³ Tomlinson, *Race and Education*, pp25-28, 38.

²⁰⁴ JR Ungeod Thomas, 'Race relations and moral education', *Race Today*, October 1970.

points made by NCCI's Housing Panel prior to the conference.²⁰⁵ Greenwood told the conference that there needed to be a change in policy, and particularly that councils needed to do more slum clearance and allocate on the basis of housing need.²⁰⁶ Local authorities continued to prove willing only to act in line with the feelings of the majority of white residents, and Greenwood was unwilling to challenge the principle of local government autonomy on this issue.²⁰⁷

Without a drive from central government to open up council housing, ameliorative measures took on greater importance. In its 1965 report the CIAC had pointed to the obvious measures, improvement grants, repair and municipalisation of slum housing.²⁰⁸ The Milner Holland Report has suggested establishing 'areas of special control' with funding for improvements.²⁰⁹ Similarly, the sociologist John Rex²¹⁰ argued for the establishment of regeneration agencies to pursue such a programme to improve housing in the worst areas where immigrants tended to live.²¹¹

Crossman had opposed such policy as 'special treatment' for immigrants.²¹² In early 1967 the NCCI again suggested similar plans for areas of special housing need²¹³ on the basis of extended

²⁰⁵ TNA: PRO HLG118/795, Note of meeting with representatives of the NCCI, 08/06/1967, and, Morning session: Notes for morning discussion on Private housing, 15/06/1967.

²⁰⁶ TNA: PRO HLG39/33, Commonwealth Immigrant: conference with Local Authorities on 21/6/1967: Minister's closing remarks.

²⁰⁷ TNA: PRO HLG118/115, Ministers' conference with local authorities: outline of comments and suggestions, 21/06/1967.

²⁰⁸ *Fourth Report of the CIAC*, Cmnd 2796, (London: HMSO, October 1965).

²⁰⁹ *Report of the Committee on Housing in Greater London*, Cmnd 2695 (London: HMSO, 1965), Chapter 5.

²¹⁰ 1925-2011. Sociologist.

²¹¹ John Rex, 'Integration: the reality', *New Society*, 12/8/1965.

²¹² TNA: PRO HLG118/548, Immigration and Housing, 27/04/1965.

²¹³ TNA: PRO HO231/13, NCCI NC/HOU/66/38, 9/11/1966.

Section 11 funding.²¹⁴ This idea was reinforced by the Plowden Report in its approach of focusing resources on the areas of the most acute need without specifically targeting immigrants.²¹⁵ Ultimately, local authority autonomy and the lack of funding led to the MHLG's failure to take this lead to develop a programme to help alleviate the problems that immigrants faced in housing. Even the Urban Programme simply excluded housing as too expensive to tackle.²¹⁶

As a result, little policy for positive equality was advanced in housing. While the previous chapter has shown that the 1968 Race Relations Act did begin to remove barriers to accessing council housing, the MHLG did little to assist this process. More importantly, the lack of any positive programme targeted at minorities in the worst housing meant that too little was done to address the results of previous discrimination. Thus many minorities remained concentrated in inner-city zones of deprivation.

3.3.4: The police.

The problem of the police's relationship to black people received scant official recognition until the Scarman Report of 1982 and particularly the Macpherson Report of 1999.²¹⁷ As early as 1964, some in Labour's ranks recognised a problem, for example the Labour MP Donald Chapman²¹⁸ took a delegation from the British Caribbean Association to the Home Office in December 1964 to

²¹⁴ TNA PRO HO231/4A NCCI/67/9 Report from the housing Panel on Areas of Special Housing need, c.2/1967.

²¹⁵ TNA: PRO HO376/26, Waddilove to Greenwood, 12/11/1967.

²¹⁶ TNA: PRO CAB/134 2904, ICR(69)8 Urban programme, 21/07/1969.

²¹⁷ Michael Rose, *Policing, Race and Racism* (Cullompton: Willan, 2004), pp10-11.

²¹⁸ b.1923. Labour MP, Birmingham Northfield (1951-1970). Then chair of the British Caribbean Association.

complain about the police's use of racist language and heavy handedness only to be met by a Home Office refusal to countenance any problem.²¹⁹

After his appointment Foley was more open to concerns. As early as 1965 he noted that there were no black or Asian police officers, and he suggested efforts be made to recruit some.²²⁰ The Home Office's view was that there were no suitable candidates.²²¹ Soskice suggested that it was unlikely that someone raised abroad could handle the relations with the public necessary for policing, which in some ways showed the problem. Police constables operated with considerable autonomy and were recruited from the local respectable working class to police the communities they knew well. Thus, the police dealt with a criminal class they recognised, even if not always according to the rule of law.²²² Immigrants were not only outside of this established working class, but were the subject of some suspicion if not hostility from the working class and thus found themselves subject to the wrong kind of attention from the police.²²³ Attempts to remedy this through recruitment failed since by 1968 only three black or Asian officers had been appointed, despite 2% of applicants coming from minorities.²²⁴

²¹⁹ TNA: PRO HO344/291, Note of the meeting with George Thomas, Donald Chapman and delegation from the BCA, 21/12/1964, and Thomas to Chapman, 16/3/1965.

²²⁰ For example, TNA: PRO CAB134/1504, CI(65)15th, 20/10/1965.

²²¹ TNA: PRO CAB134/1504, CI(65)3rd, 09/02/1965; HO344/181, Note to Secretary of State on CI(54)4, 8/2/1965.

²²² TNA: PRO CAB134/1504, CI(65)17(rev) 'The appointment of coloured policemen', 12/08/1965; Robert Riener, *The Politics of Policing* (3rd edition, Oxford: OUP, 2000), pp78-9.

²²³ James Whitfield, *Unhappy Dialogue* (Cullompton: Willan Publishing, 2004), pp140-158.

²²⁴ TNA: PRO HO287/1454, Home Office Working Party on Police Training in Race Relations: addendum, 16/3/1970.

Some attention was drawn to the problems of police racism by campaigning from Joe Hunte²²⁵ of the West Indian Standing Conference, who caused a stir with his 1966 pamphlet *Nigger Hunting in England?*,²²⁶ and the white liberal Derrick Sington²²⁷ (who had been in the British Intelligence Corps and one of the first at Belsen on its liberation).²²⁸ Under Jenkins, the Home Office recognised a problem, although solutions were often presented as ones of slight adjustment.

Thus, Howard Drake suggested early in 1966:

as with so many other aspects of integration, the prime need here is for an efficient public relations exercise since so many of the difficulties which occur are the result of half truths and misunderstandings. A number of police forces have already found it fruitful to appoint one officer with special responsibility for liaison with the coloured communities in an attempt to bring about a measure of mutual understanding and avoid unnecessary friction.²²⁹

This led to slight ameliorative measures such as contact between the police and VLCs.²³⁰

Another measure was that some awareness training for police recruits was pursued. At a meeting in November 1966 with senior Metropolitan Police officers, Foley and Howard Drake presented the view that the key problem was of immigrants being unused to urban life or having chips on their shoulders, although this was possibly to avoid putting the police on the defensive. The Home

²²⁵ c.1918-1983. Activist in WISC, community relations worker.

²²⁶ Joseph Hunte, *Nigger Hunting in England?* (London: WISC, 1966).

²²⁷ .c.1912-1967. Journalist

²²⁸ Obituaries in *The Guardian* and *The Times*, 19/2/1968; Derrick Sington, 'The policeman and the immigrant', *New Society*, 24/2/1966.

²²⁹ TNA: PRO HO376/135, Drake to James, 21/4/1966.

²³⁰ TNA: PRO HO231/3, NCCI/66/33, Police and the migrant community, 27/6/1966.

Office proposed a three day training package in race relations for police recruits,²³¹ leading at least to some NCCI speakers on police training courses uncovering the culture inside the police. One NCCI speaker reported, 'almost every questioner, whether implicitly or explicitly, suggested that coloured immigration was unnecessary and undesirable, that immigrants have caused grave deterioration of urban conditions'. Each of these questioners receiving enthusiastic applause.²³² Sington and Jim Rose argued for the NCCI to take up the issue²³³ but their demands for better training led to some forces stopping the training altogether.²³⁴ The issue re-emerged from the Home Office's Advisory Committee on Race Relations Research in 1970 when, despite embarrassed officials attempting to brush the issue under the carpet, an *ad hoc* committee of academics was set up to look at the issues. Again, there was little impact on the police.²³⁵

In 1967 in an attempt to have the police covered by the new Race Relations Bill, CARD produced a dossier of forty-three alleged cases of discrimination²³⁶ which the Police Federation attacked as 'irresponsible and grossly distorted'.²³⁷ Any chance of progress on this ended when Callaghan became Home Secretary. He had helped build the Police Federation in the 1950s²³⁸ and came

²³¹ TNA: PRO HO376/135, Meeting of Home Office and police (Met) to discuss current problems in relation to the coloured community, 7/11/1966.

²³² TNA: PRO HO231/21, NCCI Public relations panel NC/L&CA/67/16, [c.5/1967].

²³³ TNA: PRO HO231/21, NCCI Public relations panel NC/L&CA/67/19, Legal panel's meeting on police training 11/5/1967.

²³⁴ TNA: PRO HO231/21, NCCI Public relations panel NC/L&CA/67/22, 8/6/1967; HO231/22, NCCI NC/L&CA/67/30, 9/11/1967.

²³⁵ TNA: PRO HO287/1454, Home office Working Party on Police Training in Race Relations: proposed formation, 10/2/1970; HO287/1454, Critchley to Weiler, 10/3/1970.

²³⁶ 'Police accused of racialism', *Sunday Times*, 16/4/1967.

²³⁷ 'CARD accused by the police', *The Times*, 23/11/1967.

²³⁸ Callaghan, *Time and Chance*, p250.

down quickly against the police being covered, arguing the Police Complaints Procedure and the Code of Conduct established by the 1964 Police Act were adequate.²³⁹ Suggested compromises were that the RRB be given an oversight role for racially related complaints²⁴⁰ and that racial discrimination would be written into the police disciplinary code.²⁴¹ These were opposed by Callaghan, who took the issue to Cabinet. Jenkins, absent from the Cabinet, sent a memo arguing that this must not be dropped because of the effect such a move would have on immigrant communities, but Wilson backed his current Home Secretary.²⁴²

The failure to introduce reforms into the police might lend credence to radical theories of state oppression and dividing the working class, but the explanation is more prosaic. It was chance that the liberal Jenkins, who favoured at least a degree of reform of the police, was replaced by Callaghan, not only a non-liberal but one with strong links to the Police Federation. Nonetheless, failure to reform the police led to worsening relations with minorities that did not begin to be overcome until the 1990s.²⁴³

*

The above three policy areas and employment policy illustrates the limited development of the policy to integrate immigrants. Immigration to the UK did not cause problems, but showed up the fault lines that existed. When immigrants, like dye on a biologist's slide, exposed what existed, they tended to be blamed for these problems. So when immigrants developed high rates of TB by

²³⁹ TNA: PRO HO376/75, Memo for HAC from Callaghan, [c. 1/1968]; CAB134/2860, H(68)31 Race Relations Bill: the police and armed forces, 8/3/1968.

²⁴⁰ TNA: PRO HO376/45, Background note 16: the police and coloured immigrants, [c.04/1968].

²⁴¹ TNA: PRO HO231/24, Ennals to Dines, 14/5/1968.

²⁴² TNA: PRO CAB128/43, CC(68)46(6), 12/11/1968.

²⁴³ Rowe, *Policing, Race and Racism, passim*.

being crowded into damp slums, the Ministry of Health's response was to fall into the rhetoric of control by inserting in the White Paper the completely irrelevant and impractical screening of immigrants as a condition of entry.²⁴⁴ The vast majority of immigrants faced serious discrimination in housing, and many were trapped in low paid and unskilled jobs. The police were not only all but shut to minorities, but were hostile to them.

Jenkins' arrival at the Home Office did not see any decisive shift in policies on integration. There were a number of factors that can explain this. First, while the Home Office could win legislation prohibiting discrimination, when it came to more positive integrationist measures that required other departments developing and implementing policy as well as expending scarce resources, the task was much harder. Second, positive integrationist policies were less obvious and harder to implement than negative measures. Changing the culture of the police, for example, needed more than a declaratory statement. Third, there was often uncertainty about what integration meant and how to achieve a more tolerant society. Fourth, there was the weakness of central government control over local authority services, which were themselves much more attuned to the demands of long standing local (white) communities. Fifth, many in the government feared an electoral backlash if they were seen to 'favour' immigrants. These reasons notwithstanding, the more simple explanation was that beyond the Home Office under Jenkins, there was little will in the government to push for the integration of immigrants and it would take a shift in events to even begin to focus the collective governmental mind on these issues.

²⁴⁴ *Immigration from the Commonwealth*, Paras 27-31, 52-57.

3.4: Crossing the Tiber: immigration, the 'Rivers of Blood' speech and the government's response 1966-1970.

3.4.1: Jenkins and the control of immigration.

While integrationist policies were weakly developed after 1965, immigration control remained a central plank of government policy which continued to be developed while Jenkins was at the Home Office although without headline grabbing initiatives. Nonetheless, immigration continued to assert itself in the public consciousness through 1967 before exploding in April 1968. Jenkins' time as Home Secretary was at best a hiatus.

Jenkins stated in his keynote speech to the NCCI in February 1966 that immigration control was: 'a distasteful but necessary duty. My instincts are all against the restriction of free movement, whether for work or education or pleasure, from one country to another.' Ultimately, he restated the established policy of control being necessary to promote integration and immigration should not be 'so high as to create a widespread resistance to effective integration policies. Equally it must not be put so unreasonably low as to create an embittered sense of apartness in the immigrant community itself.'²⁴⁵ The liberalisation of controls which took place under Jenkins was limited to the relaxation of instructions to immigration officers and the impractical proposal contained in the White Paper for the registration of dependents was quietly dropped in August 1966.²⁴⁶ The *New Statesman* exaggerated when they suggested the White Paper was 'being slowly

²⁴⁵ TNA: PRO HO376/158, [Jenkins' note for speech], n.d..

²⁴⁶ TNA: PRO CAB34/2637, CI(66)2nd, 04/07/1966.

crumpled up'.²⁴⁷ This was rational tidying up, not a dismantling of control. Elsewhere, Jenkins was less liberal. The (Roy) Wilson Committee reported in August 1967, recommending a system of appeal against administrative decisions and the creation of an advisory and welfare organisation. Jenkins was happy to accept the proposals, but in a move redolent of Soskice, sought to encase the soft kernel of reform in a tougher shell of restrictionist measures. This was consciously formed to allay public fears, wishing to reserve the right to act on security or political grounds and the continued power to summarily deport those who had broken their conditions of entry.²⁴⁸ Even so, no time could be found for the necessary legislation and backbench pressure continued for the report's implementation into 1968.²⁴⁹

When he became Home Secretary in November 1967, Callaghan had more of a taste for playing to the anti-immigration gallery than Jenkins. He gathered sixteen distinct points to be included in a White Paper but, despite Wilson's backing,²⁵⁰ he had to bow to pressure from the CIC to shelve the plan.²⁵¹ Callaghan's opportunity for a public display of toughness soon arrived.

3.4.2: The death of a meritorious community.

The Asians of British East Africa had long been the loyal servants of the Empire. The 1962 Commonwealth Immigrants Act, either by chance or design, allowed those who did not have Kenyan (or other British East African) passports after independence to keep full British passports

²⁴⁷ 'Civilising immigration?', *New Society*, 18/8/1966.

²⁴⁸ TNA: PRO CAB134/2858, HAC(67)127, 7/11/1967; CAB134/2854, HAC(67)32nd, 10/11/1967.

²⁴⁹ TNA: PRO CAB128/43, CC(68)15, 27/2/1968.

²⁵⁰ TNA: PRO PREM13/2157, Dowler to Le Cheminant, 14/1/1968.

²⁵¹ PRO CAB134/2637, CI(68)1st, 22/01/1968.

allowing them untrammelled entry into the UK.²⁵² In 1965 Soskice had wanted to end this, but had found few allies. Then, in early 1967, the Africanisation process in Kenya started in earnest, threatening all Kenyan Asians.²⁵³ Trend suggested that a fix needed to be sought with India and Pakistan (a very similar approach to that of Heath in the Ugandan Asian crisis of 1972), questioning the desirability of policy designed 'forcibly to keep [Asians] out and admit only Europeans'.²⁵⁴ Jenkins stayed his hand,²⁵⁵ although a reserve policy to exclude Kenyan Asians was outlined including the principle of partiality, that citizenship descended down the male blood line. No objections were raised inside government at this time.²⁵⁶ In a speech in October 1967, Powell started his campaign to remove the right of entry to the UK of Kenyan Asians who still held British passports. The following day Jenkins told the Cabinet's Home Affairs Committee that the possibility of ten to twelve thousand East African Asians a year would not be a problem although contingency plans should be formulated.²⁵⁷

When Callaghan became Home Secretary, the chances of a liberal solution receded. In February 1968 Callaghan proposed to Cabinet, restrictions on East African Asians' right of entry. This was opposed by the Joint Minister of State for Commonwealth Affairs, George Thomas,²⁵⁸ and the Attorney General, Elwyn Jones, who argued that this would be perceived as racist, be a breach of

²⁵² Hansen, *Citizenship and Immigration*, p157.

²⁵³ Keith Kyle, *The Politics of the Independence of Kenya* (Basingstoke: Macmillan, 1999), p202.

²⁵⁴ TNA: PRO PREM13/1572, Trend: summary to PM of Emergency Planning in Africa OPD(67)12.[c.2/1967].

²⁵⁵ TNA: PRO CAB134/2853, H(66)74, 8/8/1966.

²⁵⁶ TNA: PRO CAB134/2854, HAC(67)25th, 27/7/1967.

²⁵⁷ TNA: PRO CAB134/2854, HAC(67)29th, 19/10/1967.

²⁵⁸ 1909-1997. Labour MP, Cardiff Central/West (1945-1976). Joint Under Secretary of State, the Home Office (1964-1966); Secretary of State for Wales (1966-1967. 1968-1970), Joint Minister of State for Commonwealth Affairs (1967-1968).

faith, unworkable and contrary to international law²⁵⁹ (this last point was to be confirmed in a 1973 adjudication in a European Court of Human Rights case brought by Anthony Lester).²⁶⁰ Callaghan's view was that the change was necessary to stop 'a backlash of resentment against immigrants' by removing passports of those 'who did not really "belong here"', and that by going ahead with the Race Relations Bill, 'we should be balancing against the restrictions imposed on would-be immigrants an assurance that we should do everything we could to ensure equal rights for those immigrants who were permitted to enter the country.' The CIC was opposed to Callaghan's proposals to remove Asians' right to British citizenship, not only as a capitulation to prejudice, but an unnecessary one since the people involved were educated Anglophones.²⁶¹

The Cabinet were worried that parliamentary pressure would build, not least since another Conservative hard-liner on immigration, Duncan Sandys,²⁶² had a Ten-minute Rule Bill down for 28th February 1968.²⁶³ The Cabinet discussion on 15th February was unified only on the need for a quick decision but divided on whether it should be to put legislation in place or to announce there would be none.²⁶⁴ Further discussion was foreclosed by the Cabinet's deliberations being reported in the press the next day. This was much to the chagrin of one of those opposed to the measures

²⁵⁹ TNA: PRO CAB129/135 C(68)34, 12/2/68; C(68)35, 13/2/1968; and C(68)36, 14/2/1968.

²⁶⁰ Anthony Lester, 'East African Asians Versus The United Kingdom', Odysseus Trust Lecture 23/10/2003, <http://www.odysseustrust.org/lectures/221_east_african_asians-sharma.pdf> (Accessed 24/3/2013).

²⁶¹ TNA: PRO CAB134/2637, CI(68)2nd, 13/2/1968.

²⁶² 1908-1987. Conservative MP for Norwood/Streatham (1935-1945, 1950-1974). Minister of Defence (1957-1959), Minister of Aviation (1959-1960), Secretary of State for the Colonies/Commonwealth Relations (1960-1964).

²⁶³ TNA: PRO CAB134/2637, CI(68)2nd, 13/02/1968.

²⁶⁴ TNA: PRO CAB128/43, CC(68)13(4), 15/2/1968.

including George Brown, who believed this to be one of Wilson's leaks and designed to strengthen the restrictionists' hand.²⁶⁵

Although around 100,000 Kenyan Asians held British passports, the peak monthly rate of arrivals in 1967 to the UK had been only 2,300 and some of these were believed to have travelled on to Canada. Nonetheless, Callaghan's proposal to the Cabinet that only 1,000 vouchers per year be made available for this group²⁶⁶ was agreed on 22nd February 1968.²⁶⁷ The plan was to have the bill on the statute book by Easter. Even through his staid Civil Service tones, it was clear that Trend was uncomfortable with the decision's disregard for international legal and treaty obligations. He suggested to Wilson:

the Bill would be represented as evidence that the Government have given way to right-wing pressure motivated by racial prejudice, you may wish to invite the Lord President ... to arrange for his Home Publicity Committee to consider how best the Bill, in conjunction with the Race Relations Board, can be presented to the public.²⁶⁸

It was, however, too late for the measure to be cleverly gift wrapped to make it seem other than it was. Callaghan announced his intention to legislate on 22nd February 1968, the only concession being that the number of vouchers was increased to 1,500 a year.²⁶⁹ The Commonwealth Immigration Bill was given its second reading in the Commons on 27th February²⁷⁰ and became law on 1st March 1968.

²⁶⁵ TNA: PRO PREM 13/2157, Brown to PM, 16/1/1968.

²⁶⁶ TNA: PRO CAB129/136, C(68)39, 21/2/1968.

²⁶⁷ TNA: PRO CAB128/43, CC(68)14(2), 22/2/1968.

²⁶⁸ TNA: PRO PREM13/2157, Trend summary of C(68)34, 35, and 36 for PM, 24/2/1968.

²⁶⁹ *HC Deb* 22/2/1968 vol759 cc659-67.

²⁷⁰ *HC Deb* , 27/2/1968, vol759 cc1241-368.

The 1968 Commonwealth Immigration Act was a low point in British racial equality policy. Those excluded would not have been difficult to 'integrate' in any other sense than being of Asian origin. Furthermore, it entirely cut the ground from under the feet of liberals in the Conservative shadow cabinet such as Iain Macleod²⁷¹ and Boyle. As *Tribune* commented in February 1968, when a dog is thrown a bone it will only keep it quiet for a while.²⁷²

3.4.3: 'Rivers of Blood' and after.

Enoch Powell delivered his 'Rivers of Blood' speech on April 21st 1968. It was directed at the Race Relations Bill and through this to the presence of black and Asian people amongst the British citizenry.²⁷³ Its affect was more to give form to existing public opinion than to create it, but the storm it caused was none the less for that. Labour seemed paralysed, and struggled to respond to Powell. While the party's NEC received a clutch of anti-Powell resolutions from local Labour Parties,²⁷⁴ there was no sense in which the government was under grassroots pressure. The TUC was mainly silent. Its Assistant General Secretary, Vic Feather,²⁷⁵ delivered a speech on race relations the following weekend, but did not use the opportunity to denounce Powell or disavow those trade unionists who had taken action in his favour, as TGWU members already had at

²⁷¹ 1913-1970. Conservative MP, Enfield W (1950-1970). Minister of Health (1952-1955); Minister of Labour and National Service (1955-1959); Secretary of State for the Colonies (1959-1961); Leader of the House of Commons (1961-1963); Chancellor of the Duchy of Lancaster (1961-1963).

²⁷² 'How to whip up hysteria', *Tribune*, 23/2/1968

²⁷³ Patrick Cosgrove, *The Lives of Enoch Powell* (London: Bodley Head, 1989), pp240-248.

²⁷⁴ Home policy resolutions recd May 1968, LPNEC/922/647-651.

²⁷⁵ 1908-1976. TUC Assistant General Secretary (1960-1969) and General Secretary (1969-1973).

Heathrow.²⁷⁶ CARD did nothing, having been taken over by Maoists in 1967, showing itself to now be a paper tiger. The NCCL organised a series of meetings but without great impact,²⁷⁷ while the MCF held a counter demonstration to a Powellite rally in early July which ended violently, but this was slight even compared to their efforts around the 1962 Commonwealth Immigrants Act.²⁷⁸

The government's short term damage limitation consisted of the hope that by not challenging the contents of the speech it would fade from the public mind. Any related ministerial speech had to have clearance from the Home Secretary²⁷⁹ and emphasise the strictness of immigration control while downplaying the Race Relations Bill as conciliation based.²⁸⁰ When the Attorney General received complaints that Powell had breached the law on incitement to racial hatred the law officers and the PM's Office avoided giving this any publicity. The Attorney General decided, after some hesitation, that there was insufficient evidence of an offence having been committed.²⁸¹

Initially Callaghan shaped the government's very negative response to Powell. In interviews with *The Observer* and the BBC's flagship current affairs programme *Panorama*, Callaghan did little to assert the case for racial equality. He explicitly used the 1968 Commonwealth Immigration Act as an example of why those striking in Powell's favour were wasting their time, the East Asian

²⁷⁶ Speech made by Victor Feather, at the meeting of the South Midlands Fed of Trade Councils, 27/4/1968, MRC/TUCA, MSS.292B/805.9/5.

²⁷⁷ NCCL, Speak out on Race, 27/6/1968, SOAS/MCF,/Box 21/aff6.

²⁷⁸ 'March to No. 10 says: resist racism', *Morning Star*, 8/7/1968; 'Arrests, injuries in Whitehall clashes', *The Times*, 08/7/1968.

²⁷⁹ TNA: PRO PREM13/2314, Hallis to all private secretaries, 23/4/1968.

²⁸⁰ TNA: PRO HO376/37, Cubbon to Pile, 24/4/1968.

²⁸¹ TNA: PRO PREM13/2315, Hetherington to Dawe, 24/4/1968, Le Cheminant to PM, 24/4/1968; and Draft Press release from the Law Officers Dept, 24/4/1968.

immigrants were a problem that had been dealt with. He told *Panorama* that the government would fund the repatriation for any immigrant without the resources to pay for their own passage,²⁸² partially conceding one of Powell's demands.

Callaghan's drift into Powell's territory was halted with the PLP and Cabinet meetings of 2nd May where more positive consensus building measures and money to regenerate deprived areas were discussed. A line was drawn under the negative measures by agreeing there would be no further cut in the number of vouchers and that no steps would be taken against the flow of dependents which stood at 50,000-60,000 a year. Rather, a programme to educate public opinion was planned including using the remaining stages of the Race Relations Bill to promote the ideal of racial equality.²⁸³ Wilson used a speech in Birmingham that weekend to reset Labour's response to Powell in a more positive way, improvising proposals for the nascent Urban Programme and a new Select Committee on Race Relations. Wilson's statement that 'the battle against racialism here in Britain knows no boundaries, no limits'²⁸⁴ asserted racial equality, at least in rhetoric, in a way Callaghan had not been willing to do and there was at least some policy substance beneath it.

The select committee had already been proposed in the second reading debate of the Race Relations Bill three days after 'Rivers of Blood'. Its purpose had been to mollify opposition to the bill by giving the Commons an opportunity to monitor its operation.²⁸⁵ In his Birmingham speech

²⁸² TNA: PRO CAB152/11, Transcript of Panorama, 29/4/1968; 'We can't send them back', *Observer*, 28/4/1968.

²⁸³ TNA: PRO CAB128/43, CC(68)28(4), 2/5/1968.

²⁸⁴ 'The Prime Ministers Birmingham speech', *This Week*, 10/5/1968.

²⁸⁵ TNA: PRO CK2/7, Callaghan to RRB, 23/4/1968; Hugh Noyles, 'Mr Callaghan calls for all-party unity', *The Times*, 14/4/1968.

Wilson expanded the plan for the committee to include immigration, and later that year this was agreed to by the Conservatives.²⁸⁶ The government hoped to build a consensus on race, but immigration was too attractive an issue for the Conservatives to leave alone for long and in November 1968 they demanded a cut in the number of dependents. When Labour responded that there was no humane way of so doing, from the Conservative front bench Quintin Hogg²⁸⁷ attacked the select committee as a 'a cloak for inaction'.²⁸⁸ There was little sign that a consensus had been created. Plans to educate public opinion were even more problematic since it was unclear what this meant in policy terms. Crossman, now Lord President, produced a two stage programme.²⁸⁹ In the short term he believed the facts on immigration and the Race Relations Bill would be delivered to the public by a sympathetic press, although he appeared to lack the will to pursue this himself, and sought to pass responsibility to the Home Office. Ultimately, little was done.²⁹⁰

The second, longer term goal, to educate the public and reduce prejudice remained a good intention lacking any policy instruments for its pursuit. Again, responsibility for this was uncertain.²⁹¹ Despite considerable effort, Crossman failed to stimulate the Home Office's interest

²⁸⁶ 'Shadow Cabinet accept all party race committee', *The Times*, 14/9/1968.

²⁸⁷ 1907-2001: Conservative MP, Oxford/Marylebone (1938-1950, 1963-1970). Viscount Hailsham 1950-1963 (renounced). Lord President of the Council (1957-1959); Lord Privy Seal (1959-1960); Leader of the House of Lords (1960-1963); Lord President of the Council (1960-1964), Minister of Education/Secretary of State for Education and Science (1957, 1964).

²⁸⁸ 'Figures support immigration line', *The Times*, 14/11/1968.

²⁸⁹ TNA: PRO CAB152/11, Immigration and Community Relations: note of a meeting, 6/5/1968.

²⁹⁰ *HC Deb*, 21/5/1968, vol765 cc287-288; TNA: PRO CAB152/11, Note for the record on a question to be asked to the PM 21st May, 16/5/1968, and Pile to Allen, 16/5/1968.

²⁹¹ TNA: PRO CAB152/11, Slater to Odgers, 8/5/1968.

in carrying out research.²⁹² When the NCCI was interrogated for methods to promote tolerance it had developed, Government Information Officers found its operation amateurish and focused more on influencing the government than attempting to affect public opinion or working with the mass media.²⁹³ Any long term government strategy on moving public opinion fizzled out after Crossman was replaced by Fred Peart²⁹⁴ as Lord President in October 1968.

3.4.4. The Urban Programme.

The last element of Labour's response to Powell was the Urban Programme. Its origins predated 'Rivers of Blood' having antecedents in the Milner Holland Report on housing in London of 1965, the work of John Rex, s11 funding and the Plowden Report. The most important source was the Community Development Programme (CDP), which grew out of Labour's criminal justice reforms to forestall juvenile delinquency by addressing the needs of those suffering from multiple forms of deprivation. This embodied the emerging idea that not all welfare services should be universal but some resources should be targeted on those facing deprivation.²⁹⁵ Derek Morrell²⁹⁶ had been brought into the Home Office as Assistant Under Secretary in the Children's Unit by Roy Jenkins for

²⁹² TNA: PRO CAB152/11, Draft memorandum by the Lord President to the Cabinet committee on home publicity, [c.22/5/1968], and Odgers to Pile 6/8/1968.

²⁹³ TNA: PRO CAB152/11, Shelagh Jefferies to Slater 23/5/1968.

²⁹⁴ 1914-1988. Labour MP, Workington (1945-1976). Minister of State for Agriculture, Fisheries and Food (1964-1968), Lord Privy Seal (1968), Lord President of Council/Leader of the Common (1968-1970).

²⁹⁵ Edwards and Batley, *The Politics of Positive Discrimination*, p41.

²⁹⁶ 1921-1969. Civil Servant.

his reforming attitude²⁹⁷ and drove the idea of the CPD with a zeal for creating communities and allowing personal moral growth that raised the ire of Crossman.²⁹⁸

Wilson had been careful to phrase the announcement of the Urban Programme in his Birmingham speech as a general drive to reduce poverty, stating, 'many of our big towns face tremendous problems whether in education, whether in housing, whether in health and welfare, even where there is virtually no immigrant problem.'²⁹⁹ Morrell too understood the political sensitivity of 'positive discrimination in the use of resources' and the need to avoid 'provoking "backlash" effects from other communities or areas of need' particularly where the target area included a high proportion of immigrants.³⁰⁰ Similarly, when officials set to work on the Urban Programme they were very clear that this was 'positive discrimination in favour of immigrant areas ... these might be dressed up as urban areas of general social need'.³⁰¹ Labour had long resisted any appearance of giving immigrants 'special treatment'.

The Urban Programme also reflected the 'rediscovery of poverty', as proselytised in the work of the sociologist and campaigner Peter Townsend³⁰² and his Child Poverty Action Group (coincidentally, modelled on CARD).³⁰³ Another Labour aligned sociologist, Richard Titmuss (also an

²⁹⁷ Richard Fries, 'Morrell, Derek Holtby (1921–1969)', *Oxford Dictionary of National Biography*, <http://www.oxforddnb.com>. [henceforth, *ODNB*].

²⁹⁸ Crossman, *Diaries of a Cabinet Minister: Volume III*, p125.

²⁹⁹ Wilson, *The Labour Government 1964-19760*, pp525-6.

³⁰⁰ TNA: PRO HO376/108, Community Development: An experiment in social growth, 21/5/1968.

³⁰¹ Edwards and Batley, *The Politics of Positive Discrimination*, pp138-9.

³⁰² 1928-2009. Sociologist and anti-poverty campaigner.

³⁰³ Joan Higgins et al, *Government and Urban Policy* (Oxford: Blackwell, 1983), p49.

NCCI/CRC member), developed this idea to suggest welfare should be more targeted on need.³⁰⁴

Such ideas informed the 1967 Plowden Report into primary education which has demanded that resources be targeted to compensate for 'the handicaps imposed by the environment'³⁰⁵ and created an overview of what such deprivation was. This means testing of neighbourhoods was not entirely new (there are antecedents from the 1930s)³⁰⁶ but found a new resonance in the 1960s. Another, and more immediate, influence was Johnson-era US programmes, such as the War on Poverty and Sure Start.³⁰⁷

The programme was enacted in the 1969 Local Government Grants (Special Needs) Act and empowered the Home Secretary to invite selected local authorities to bid for 75% of the cost of projects,³⁰⁸ although the funding of £5 million for the first full year was considered wholly inadequate,³⁰⁹ and the expectation was that it would be used to fund relatively cheap community projects, such as playgroups, and certainly offered nothing for capital intensive projects like housing.³¹⁰ The potential for voluntary agencies to deliver services locally was significant, and the organisations that attracted funding were often not the older style of voluntary organisations, but the more recent and radical breed of community groups.³¹¹ While the projects funded were sometimes facilities for all, often they either gave space for developing communitarian

³⁰⁴ Richard Titmuss, *Commitment to Welfare* (London: Allen & Unwin, 1968).

³⁰⁵ Edwards and Batley, *The Politics of Positive Discrimination*, pp9-17.

³⁰⁶ Ross McKibbin, *Parties and People* (Oxford: OUP, 2010), p102.

³⁰⁷ TNA: PRO CAB/134 2903, ICR(68)3, 28/05/1968.

³⁰⁸ Gareth Rees and John Lambert, *Cities in Crisis* (London: Edward Arnold, 1985), p128.

³⁰⁹ TNA: PRO CAB152/11, Odgers to Lord President, 9/11/1968.

³¹⁰ TNA: PRO CAB134/2903, ICR(68)7, 06/09/1968.

³¹¹ LJ Sharpe, 'Instrumental Participation and Urban government' in JAG Griffiths (ed), *From Policy to Administration* (London: Allen and Unwin, 1974), p119.

organisations or were overtly directed at a minority group. This helped foster group identity and local leadership. The government was far from clear that this was the end it wanted, or whether by improving social mobility out of poor areas they would promote dispersal and assimilation.

The Urban Programme was focussed on the delivery of limited grants to local government for cheap welfare and community services. As Edwards and Batley note, 'non-service features relating more to the economic and social structure, like income distribution, employment, and the allocation of resources to housing sectors, went unmentioned'.³¹² Thus as John Grieve (head of the Home Office Research Unit in 1969) later noted the programme mobilised 'more rhetoric than resources'.³¹³ Although it marked a shift away from the voluntary ethos of the NCCI to government funded community programmes, it also showed the lack of a social democratic response to the problems that Powell had exploited. As Ruth Glass, firmly on the left, wrote immediately after 'Rivers of Blood', immigration was being held responsible for exposing the already existing inadequacies in society.³¹⁴ Her answer was that government should make more of a concerted attack on poverty in general. A similar social democratic response was proposed by Townsend, who from this more mainstream Labour perspective, suggested that Labour's reaction to immigration was inseparable from its retreat from other forms of social equality. The government had failed to 'introduce any strong policy to overcome some of the housing and other problems which were arising in a number of our cities; it did not encourage wider settlement or assist local authorities to materially improve race relations'.³¹⁵ The Urban Programme contained a

³¹² *Ibid.*, p 42.

³¹³ John Grieve, 'Introduction' in Edward and Batley, *The politics of positive discrimination*.

³¹⁴ Letter from Ruth Glass, *The Times* 4/5/1968.

³¹⁵ Peter Townsend, 'We cannot have white socialism', *Tribune*, 10/5/1968.

positive concept of equality, in a very weak form, that at least created a policy structure for delivering what Glass and Townsend demanded.

3.5: Callaghan at the Home Office 1969-1970.

As the furore over 'Rivers of Blood' died down, and with Callaghan bedding in at the Home Office, not only were there few new initiatives on racial equality but there was a reduction in the staffing of the race relations section at the Home Office.³¹⁶ It would be quite possible to end the history of racial equality under the 1964-1970 Labour government in mid-1968, but there are two issues worth some attention. The development of the newly appointed Community Relations Commission (CRC) and continued development of immigration policy.

3.5.1: The Community Relations Commission 1968-1970.

The name 'Community Relations Board' was first suggested by the NCCI in 1967, and the idea soon took hold. The term 'immigrant' was no longer serviceable since racial minorities in Britain were by degrees ceasing to be immigrants but their descendents. The idea of community implied these children of immigrants cohered around distinct identities, community relations being rooted in the NCCI's view that it was its role to articulate the interests of minority communities to government.³¹⁷ Others saw community relations as smoothing tensions between minorities and the white majority, and this often meant, in John Rex's words, 'discouraging practices (for example, kinds of cooking and late-night parties) which are offensive to the English'.³¹⁸ What

³¹⁶ Mark Bonham-Carter, 'Race: Where blame really lies', *The Observer*, 20/12/1981.

³¹⁷ TNA: PRO HO231/4, NCCI/67/46, 'The Future of the National Committee', 23/6/1967.

³¹⁸ John Rex, 'Integration: the reality', *New Society*, 12/8/1965.

community relations meant at the scale of national policy was unclear. There had been no PEP or Street Report into community relations.³¹⁹

The NCCI had attempted to maintain the uneasy balance between its status as a government body and the need to work with minority groups.³²⁰ With Callaghan responsible for the new CRC, the scales were tilted more towards the government, compounded by the view that the NCCI had failed due to poor administration. While Jenkins had been clear that bureaucratising race relations would be a hurdle to winning the trust of minorities,³²¹ under Callaghan the search for good organisation became a substitute for clear purpose. Callaghan shaped the Commission's membership quite differently to that of the NCCI.³²² Although appointing two longstanding campaigners for racial equality, Jocelyn Barrow³²³ and David Pitt,³²⁴ the members marked 'Indian' and 'Pakistani' on the civil servants' short list saw community activists being replaced by professionals, a GP and a psychiatric social worker. There was no-one on the committee to represent the interests of the VLCs, local government, IRR or NCSS.³²⁵ Unlike the NCCI, the CRC did not serve to link the state with voluntary action and attempts to build links with minority organisations were given less priority.

³¹⁹ TNA: PRO CK3/11, 'The present stage in Community Relations work', [c.12/1968].

³²⁰ 'Race Relations Act', *Marxism Today*, September 1968; Martin Ennals, 'My resignation', *Tribune*, 8/3/1968.

³²¹ TNA: PRO HO376/65 [illegible] to Allen dated 11/5/1967.

³²² TNA: HO376/97, Pile to Allen, 9/10/1968 and Ennals to Callaghan, 14/10/1968.

³²³ b.1929. Founder member of CARD and educationalist.

³²⁴ 1913-1994. GP, founder member of CARD and Labour politician.

³²⁵ TNA: PRO HO376/97, The membership of the CRC, 26/11/1968.

In the search for a chair, the Home Office prioritised administrative skills over expertise in race relations,³²⁶ before appointing the trade union leader and ex-minister, Frank Cousins, who proved to have neither. Cousins initially performed his role part-time while continuing to lead the TGWU, the Home Office complaining he was 'elusive' and Peppard that it was proving difficult to interest him in the job.³²⁷ Cousins had little feel for promoting racial equality, suggesting in a meeting with the Home Office in early 1969 soon after his appointment that reducing the number of vouchers for Commonwealth immigrants further would 'cut the ground from under Mr. Powell's feet'.³²⁸ Indeed, he saw little role for the CRC and wanted it to merge with the RRB or be absorbed by a government department.³²⁹ To strengthen the administration, the Home Office had appointed an ex-colonial administrator and UN official, John Reddaway,³³⁰ as Senior Administrative Officer.³³¹ Like Cousins, Reddaway came into conflict with the CRC's staff and the consensus was that he failed to see the political aspects of his role in gaining the confidence of minorities, working through the media to influence public opinion or behind the scenes to influence elite opinion.³³² This led to Reddaway's resignation in late 1969³³³ and Cousins taking on the job of chair full-time,

³²⁶ TNA: PRO HO344/92, Minute of meeting of Ennals and officials on the CRC, 1/7/1968.

³²⁷ TNA: PRO HO376/102, Drake to Wieler [Cover notes to the file], 18/4/1969 Weiler to Drake, 12/6/1969 and reply [n.d.]

³²⁸ TNA: PRO HO344/92, Note of meeting with Home Secretary and Cousins., 15/1/1969.

³²⁹ TNA: PRO HO376/102, Cubbon to Weiler, 22/5/1969; and Note of Meeting between the Home Secretary and Cousins, 10/11/1969.

³³⁰ 1916-1990. Colonial Administrative Service (1938-1960); Deputy Commissioner-General, United Nations Relief and Works Agency, (1960-68).

³³¹ TNA: PRO HO376/99, CRC memo from Senior Admin officer, 11/3/1969.

³³² TNA: PRO HO376/99, BR Gange [Cover note to file], 9/4/1969, and Gange to Reddaway, 23/4/1969; Geoffrey Goodman, *The Awkward Warrior. Frank Cousins: Life and Times* (London: Davis-Poynter, 1979), pp592-593.

³³³ 'Why Cousins finds it hard to make brothers of us all', *Sunday Times* 2/11/1969.

an outcome that no-one wanted. Cousins found a new enthusiasm at least for the trappings of the office, demanding that he should be supplied with an official car.³³⁴

The independence of the VLCs had been central to the NCCI's operation, but Callaghan and Cousins agreed that a more centralised system was necessary.³³⁵ Cousins pushed for the funded local officials, now generically called Community Relations Officers (CROs), to be centrally trained³³⁶ and wished to use financial means to politically control the local committees.³³⁷ This was opposed by those who prized the VLCs' independence. Anne Dummett,³³⁸ who had resigned as the CRO for the local Oxford committee, believed that the CRC had failed to live up to its voluntary ethos and that the government had relied too much on legislation, and this had weakened the social movement for change. Dummett pointed to the contradiction in the position of those who wanted firmer action from the CRC. There was no strong independent force behind it in civil society on which the CRC could base itself nor was there a body of professional practice that the CRC could reflect. So without strong backing from government the CRC was never likely to be in a powerful position.³³⁹

The CRC, along with the RRB, was now clearly part of the state. Its fundamental role was neither to represent minorities to the government nor to assist voluntary action. This left the CRC in an uncertain position. While the RRB had a clear role in enforcing the anti-discrimination measures of

³³⁴ TNA: PRO HO376/102, Drake to Halliday, 16/10/1969, and Allen to Callaghan, 22/10/1969.

³³⁵ TNA: PRO HO344/92, Note of meeting with Home Secretary and Frank Cousins, 15/1/1969.

³³⁶ Frank Cousins, 'Some thoughts on Community Relations', *Race Today*, August 1969.

³³⁷ TNA: PRO HO376/102, Note of Meeting between the Home Secretary and Cousins, 10/11/1969.

³³⁸ 1930-2012. Anti-racist campaigner.

³³⁹ Ann Dummett, "What to do" in *Race Today*, July 1969.

the Race Relations Acts, the CRC's promotion of community relations both nationally and through the local Community Relations Councils (which it did not control) was nebulous at best. Those positive tools that existed for doing this, particularly the Urban Programme, were a matter of negotiation between central and local government. Without a clearly defined new role, the CRC replicated the functions of the NCCI particularly disbursing funds although the formulation of policy through specialist panels began to decline.³⁴⁰

3.5.2: Immigration policy December 1968-1970.

The 1964-1970 Labour governments ended as they had begun, with a Home Secretary attempting to satisfy public opinion with tough measures to limit immigration. In December 1968 Callaghan brought forward proposals to restrict the right of entry of fiancés and the replacement of vouchers with temporary work permits.³⁴¹ In February 1969 he proposed a series of new measures along with unspecified 'positive steps' in a pre-election white paper, which he proposed to call *In Place of Prejudice*.³⁴² To add toughness to his putative white paper, Callaghan wanted to announce availability of money for voluntary repatriation³⁴³ to replace the existing programme. Officials thought that what existed was 'a mouse of a scheme', although they continued, 'a larger animal would be impractical and inappropriate and that the rodent in question is at least a well-regulated, suitably compassionate, and thinking mouse'.³⁴⁴ There were concerns that an enhanced measure to aid repatriation would be seen by minorities as a prelude to a more general programme of

³⁴⁰ TNA: PRO CK3/1, CRC minutes, 19/12/1968 and 3/1/1969.

³⁴¹ TNA: PRO CAB 134/2903, ICR(68)4th, 7/10/1968; ICR(68)15, 06/12/1968; and ICR(68)6th, 16/12/1968.

³⁴² TNA: PRO HO376/126, Minutes of a meeting on Commonwealth immigration, 13/2/1969.

³⁴³ TNA: PRO HO376/131, Waddell to Callaghan, 5/3/1969.

³⁴⁴ TNA: PRO HO376/131, H Curren (Supplementary b=Benefits Commission) to TC Platt, 29/11/1968.

expulsion.³⁴⁵ The white paper was drafted but was thin and, officials thought, lacked purpose.³⁴⁶

Wilson was lukewarm and insisted that it not only be discussed in detail by the Cabinet on an issue by issue basis, but that it should go to the PLP, a kiss of death.³⁴⁷ It was shelved in July 1969.³⁴⁸

More liberal heads in the Labour Party were unable to create a counterbalance to Callaghan. A new NEC working party on immigration was established at the time of the 1968 Commonwealth Immigration Act.³⁴⁹ This was premised on the party needing to do something positive about an issue that it was thought had damaged the party since 1966. Research commissioned from Mark Abrams³⁵⁰ showed that an absolute majority of working class voters supported Powell's restrictionist policies, and was keeping already disillusioned voters away from Labour.³⁵¹ The committee thus proposed to create a non-discriminatory Commonwealth based multilateral immigration policy that took account of the economic needs of all concerned.³⁵² Unsurprisingly, formulating such a positive and planned immigration policy was too much for the committee³⁵³ and its report became dominated by vague generalities about why immigration had happened. It had no suggestions about how to counter the impact of Powell³⁵⁴ and the group ended up with

³⁴⁵ TNA: PRO HO376/131, ICR(O)(69)24(revise), 24/2/1969.

³⁴⁶ TNA: PRO HO376/126, Weiler to Allen 30/5/1969.

³⁴⁷ TNA: PRO PREM13/3268, Wilson to Callaghan, 02/1969.

³⁴⁸ TNA: PRO HO344/285, Cubbon to Rawsthorne, 31/7/1969.

³⁴⁹ Pitt to Brown, 29/04/1968, LHASC/LPA, Box 'Research Dept: Race Relations'.

³⁵⁰ 1906-1994. Social scientist and Labour's preferred pollster in the 1950 and 1960s.

³⁵¹ Re. 407: Public opinion and immigration (Mark Abrams), Jan 1969. *LPRes/291*.

³⁵² Re 311: Note for first meeting, Study group on immigration, May 1968, *LPRes/283*.

³⁵³ Study group on immigration, fifth meeting, 24/10/1968, and sixth meeting, 21/11/1968. LHASC/LPA, Box 'Research Dept: Race Relations'.

³⁵⁴ Re. 412: Study Group on immigration. Possible outline for report, Jan 1969, *LPRes/291*.

some very negative policies such as issuing work permits without the right to settlement.³⁵⁵ After falling into abeyance for some months, the study group reconvened in 1970 to consider its report, but its proposals were patchy and the section on integration entirely absent.³⁵⁶ The committee continued meeting after the election but for the current purposes it will suffice to conclude that it was unable to develop an alternative policy.

*

One positive aspect of Labour's last period in government was that ministers outside the Home Office along with the PLP stopped Callaghan producing any more negative policy. On the whole, the government accepted the pressure that had been created by Powell. Without any clear strategy, immigration was an issue in the 1970 general election that certainly did not benefit Labour and may well have contributed to their loss of power.³⁵⁷

3.6: A melting pot or multiculturalism?

The terms integration and assimilation were often misused within government. There are frequent references to restricting immigrants to a number that could be assimilated, but this mainly implied not risking a white backlash. Similarly, integrating those who had arrived often pointed to a series of political compromises which were concerned with not upsetting trade unions, school children's parents or residents. Assimilation, however, has a precise meaning, the acculturation of immigrants into the ways of thinking, behaving and living with those of the background population. The alternative policy was referred to in the early 1960s as pluralistic

³⁵⁵ Re. 506: Citizenship and immigration, July 1969, *LPRes/303*.

³⁵⁶ Re. 600 Draft outline proposals. March 1970. *LPRes/314*.

³⁵⁷ Daniel Lawrence, 'Race, Elections and Politics' in Ivor Crewe (ed), *British Political Sociology Yearbook: The Politics of Race* (London: Croom Held, 1975).

integration, what would now be called multiculturalism, and can be taken to mean that immigrants' ethnic distinctiveness being maintained in a way concordant with harmonious public life. The government failed to develop a consistent or meaningful policy in relation to either between 1964 and 1970, and the term integration was often used as a fudge with no clear meaning.

The policy developed in the Labour Party before 1964 was not straightforwardly assimilationist. In 1957, Eric Whittle in Labour's research department produced a paper that rejected simplistic assimilationist understandings of the integration, instead suggesting that immigrants would only selectively adopt British culture, although no policy emerged from this early expression of multiculturalism.³⁵⁸ After 1964 the Labour government often asserted assimilation as a goal but its policies often undermined such progress. Most notably, the assimilationist policy of dispersal in housing was contradicted by a failure to end discriminatory allocation by councils.

Less commonly, assimilationist assumptions were questioned. In one example from early 1965, it was suggested on Foley's integration committee that immigrants would prefer to stay in 'sub-communities within the local community', learning to fit into public life while maintaining their existing patterns of private, family and cultural life. The committee suggested that this implied a housing policy to meet the needs of these diverse family types.³⁵⁹ This led Foley to propose immigrant-centred housing associations which would have created a separate housing infrastructure for immigrants, although the MHLG declined to fund such schemes.³⁶⁰ This incipient

³⁵⁸ Eric Whittle, 'Racial Prejudice in the United Kingdom' LHASC/LPA, Box 'Research Dept: Race Relations'.

³⁵⁹ TNA: PRO CAB134/1505, CI(IN)(65)1st, 15/03/1965.

³⁶⁰ TNA: PRO CAB21/5290, Rogers to Howard Drake, n.d and reply 19/2/1965.

multiculturalism was not a stable element in Foley's thought. Around the same time, he presented a qualified assimilationist view to the English Speaking Union, stating that while immigrants might wish to keep their culture, their behaviour would be expected to conform to British standards and that dispersal should underlie policy in housing and education.³⁶¹

As non-assimilationist ideas developed, so did the identification of minorities as forming communities. The journalist Brian Lapping³⁶² wrote in 1965 of a sense of community that was in part a reaction to unequal treatment, 'Indians and Pakistanis are generally ready to accept what they find in Britain and take it philosophically, retreating into their own religious and cultural groups when the British are beastly'. He contrasted this with West Indians whose higher expectations led them to demand equality and become more militant.³⁶³ Thus there was a view that immigrant descended groups by cultural retreat or through the formation of a militant political identity against discrimination could form distinct and lasting identities.

It has been widely argued, mainly by radical critics, that these communitarian views originated in colonial policies of divide and rule³⁶⁴ but the evidence for this is weak. The liberal-left was opposed to such policies in colonial administration, the Labour Party explicitly rejected such a view in a 1956 pamphlet, *Plural Societies*,³⁶⁵ and all sections of the Labour Party supported unitary post-

³⁶¹ Extract from a speech by Mr Maurice Foley, 4/4/1965, TUCA, MSS.292B/805.91/2.

³⁶² b.1937. Journalist and TV producer.

³⁶³ 'The choice for immigrants', *The Guardian*, 20/7/1965.

³⁶⁴ Rich, *Race and Empire in British Politics*, p11; Frank Furedi, *The Silent War* (London: Pluto Press, 1998), p238; Phizacklea and Miles, *Labour and Racism*, p27, 58; Harry Goulbourne, *Race Relations in Britain Since 1945* (Basingstoke: Macmillan), p49.

³⁶⁵ Labour Party, *Plural Societies* (London: The Labour Party, 1956).

colonial states.³⁶⁶ Thus, the liberal-left using colonial models of multiculturalism are rare. The closest to an example of which I am aware is the writer Taya Zinkin³⁶⁷ who opposed the 1965 Race Relations Act as an intrusion into the private sphere. She instead proposed to translate to Britain the provisions of the Indian Penal Code of 1917 which outlawed the promotion of enmity between 'different classes of citizen',³⁶⁸ with individuals seeking protection compelled to claim membership of a group.³⁶⁹ There is no indication of any attempt to use such models in Britain. Where ex-colonial administrators (Sir James Robertson,³⁷⁰ who was deputy chair of the NCCI with responsibility for administration, John Reddaway who had a similar role at the CRC) were involved in domestic race relations there is no evidence of this leading to multiculturalism, rather their appointment was solely for their administrative skills.

The first clear statement of multiculturalism as government policy was Jenkins' speech to the NCCI in May 1966. The Civil Service draft contained an assimilationist rallying cry, 'let us all concentrate our energies on the immediate problem which is to help immigrants from the Commonwealth who have come to make their home here to adapt themselves to life in this country'.³⁷¹ On seeing the draft, Lester was forthright that if Jenkins made this speech 'he will lose the right to be regarded as liberal and creative on race relations' and insisted instead the challenge should be 'to the native

³⁶⁶ 'Labour Party Conference', *The Times*, 5/10/1956.

³⁶⁷ 1918-2003. Journalist and author of a book on caste in India. Her husband was a member of the Indian Civil Service.

³⁶⁸ Taya Zinkin, 'Mainly women', *The Guardian*, 26/04/1965.

³⁶⁹ R Bhargava et al, *Multiculturalism, Liberalism and Democracy*, (Oxford: OUP, 1999), pp12-13.

³⁷⁰ 1899-1983. Governor-General of Nigeria (1955-1960).

³⁷¹ TNA: PRO HO376/158, Howard Drake to Strachen, 21/4/1966.

British community of treating Commonwealth immigrants ... as their equals.³⁷² He enclosed a copy of his forthcoming *Socialist Commentary* article, arguing that while civil society should not be nationalised, it could be regulated to attain racial equality and integration through anti-discrimination measures.³⁷³

Lester's proposals stopped short of a clear statement that integration could be multicultural.

Sheila Patterson in *Dark Strangers* (1963) had drawn on the Canadian experience where the issue was not of recent immigration but the existence of French and English speaking groups as well as increasingly politically assertive first-nation Canadians.³⁷⁴ Patterson suggested that pluralistic integration was an inevitable stage of integration and could become a stable feature of society.³⁷⁵

This was developed closer to the heart of policy making in Nicholas Deakin's February 1965 *Socialist Commentary* article where he had suggested:

the adaptation of an incoming group of migrants to permanent membership of the receiving society, and acceptance by that society of the group as a lasting entity, which includes making allowance for certain distinct and persistent religious and cultural patterns. The necessary precondition is that the majority are prepared to accept the newcomers on an equal footing in the economic, civic and social sphere.³⁷⁶

Deakin outlined the policy implications of this, particularly that free access to housing was more important than dispersal. Trailing Jenkins' speech, Philip Mason of the IRR used the term multiculturalism in a paper for the NCCI in April 1966 to describe integration where the

³⁷² TNA: PRO HO376/158, Lester to Foley, 9/5/1966.

³⁷³ Anthony Lester, 'In the public interest', *Socialist Commentary*, June 1965.

³⁷⁴ Kymlicka, *Finding Our Way*, pp130-135.

³⁷⁵ Patterson, *Dark Strangers*, pp21-22.

³⁷⁶ Nicholas Deakin, 'Key to the immigrant problem', *Socialist Commentary*, February 1965.

descendants of immigrants would be, 'included in our society, accepted legally, ecumenically and socially, but not assimilated in the sense of having lost their identity, their cultural difference and their relations with each other.³⁷⁷ The juxtaposition of such integration and assimilation was suggested to Jenkins by Foley a few days before the speech.³⁷⁸ So Jenkins told the NCCI that, 'I define integration, therefore, not as a flattening process of assimilation but as equal opportunity accompanied by cultural diversity, in an atmosphere of mutual tolerance³⁷⁹ although beyond this details of policy were vague.

One of the few areas in government to develop an overtly multicultural policy was education, elements of which were being developed prior to Jenkins' arrival at the Home Office. While the DES's input into the 1965 White Paper was for assimilation based on dispersal, an April 1965 memo from Crosland was pragmatically multicultural in identifying children by their cultural background. It suggested that all children should learn about this as the basis of tolerance, although this sat alongside his view that the children of immigrants should be assimilated.³⁸⁰ Across most other government departments the assumption that assimilation would occur without great efforts on their part remained.

When Callaghan arrived at the Home Office, assimilation was reasserted. When Trend suggested that the successor Cabinet committee to the CIC should be called the Committee on Immigration

³⁷⁷ TNA: PRO HO231/3, NCCI/66/22 Note on the integration, assimilation, accommodation and multi-culturalism, 29/4/1966.

³⁷⁸ TNA: PRO HO376/158 ,Foley to Jenkins, 20/5/1966.

³⁷⁹ Roy Jenkins, *Essays and Speeches* (London: Collins, 1967), p267.

³⁸⁰ TNA: PRO CAB134/1505, CI(IN)(65)7, 26/04/1965.

and Assimilation, the new Home Secretary acquiesced.³⁸¹ It was civil servants in the Home Office who pointed out that this was not the government's policy,³⁸² the committee eventually being named the Immigration and Community Relations Committee. Callaghan's first speech on race after becoming Home Secretary to the NCCI in early April 1968 was devoid of meaningful content other than vague aspirations, such as that of 'bringing the races closer together'.³⁸³ Foley's successor, David Ennals, was also doubtful that plural identities were compatible with a modern state. When the West Indian Standing Conference suggested that immigrants maintained a strong identity with their homelands, Ennals countered, 'those who have settled here and claim all the rights of citizenship must accept that they are first and foremost citizens of Britain, whatever their country of origin.'³⁸⁴

Beyond a description of society of culturally diverse groups, multiculturalism may also imply a degree of representation based on such groups. Patterson suggested that the interests of immigrants would initially be articulated through community based social and welfare groups.³⁸⁵ To a degree government policy fostered this view through the VLCs, and then s11 funding, encouraging the creation of funded voluntary groups which identified with recent immigrants. These sometimes came to be the rough and ready instruments for representing minorities. For example, the Notting Hill Neighbourhood Project started as a playgroup, mainly for the children of immigrants. By the end of 1966 volunteers at the project were compiling a dossier of complaints

³⁸¹ TNA: PRO PREM13/2716, Trend to PM, 13/3/1968.

³⁸² TNA: PRO HO376/140, Howard Drake to Pile, 22/3/1968.

³⁸³ TNA: PRO HO231/8, Address by Callaghan to the Standing Conference of VLCs, 10/4/1968.

³⁸⁴ 'Citizens of Britain first', *The Times*, 5/8/1968.

³⁸⁵ Patterson, *Dark Strangers*, p23.

against the police, and to a degree played the role of an autonomous black organisation.³⁸⁶

Reflecting a society composed of identifiable communities, in 1966 the NCCI established a Community Relations Panel. It consisted of 'English' representatives (community workers and a smattering of clergy), and representatives from local and national Indian, West Indian and Pakistani groups.³⁸⁷ This amounted to a policy of indentifying groups in society and creating a leadership to represent these groups' views.

By 1967 multiculturalism was being explicitly articulated through the concept of ethnicity. The NCCI understood its purpose as encouraging distinct 'ethnic groups' to become part of society without losing their own identities, and to encourage the host population to accept these culturally different groups' rights to follow their own customs. Their efforts to integrate immigrants were thus limited to encouraging first generation immigrants to adapt themselves to English ways but without losing their own beliefs and values, mainly through learning English if necessary. With the second generation there was some ambivalence as to whether they would continue to be members of culturally defined communities, but the NCCI suggested that subsequent generations should be encouraged to respect the culture and tradition of their parents without any pressure to assimilate.³⁸⁸

The pressure from within the NCCI to develop minority representation increased, and by the end of 1967 one member was unsuccessful in demanding that all the black and Asian members form

³⁸⁶ 'Self-help for Notting Hill', *New Society*, 1/12/1966.

³⁸⁷ TNA: PRO HO231/3, NCCI/66/51, Formation of a community relations panel [c.08/1966].

³⁸⁸ TNA: PRO HO231/4, NCCI/67/4 British society and immigrants - suggested Aims 18/1/1967.

their own sub-committee.³⁸⁹ The NCCI also discussed (without reaching any conclusions) 'In Defence of Black Power' by David Danzig, a Jewish-American academic and civil rights activist. He argued that black power was the assertion of a black collective interest and that quotas and positive discrimination were the way forward for black Americans, conceived of as a group, allowing them their fair share of the resources.³⁹⁰ This process of radicalisation was also seen outside of the NCCI. Following the 'Rivers of Blood' speech autonomous black and Asian organisations grew, with the creation of the Black People's Alliance at the end of April 1968 attended by delegates from twenty organisations with the requirement that they have only black and Asian members.³⁹¹ Jim Rose had already counselled the NCCI that lines of communication needed to be kept open with the more radical groups on the ground and that this meant toleration of VLCs when they came into conflict with local and central government.³⁹²

By the end of the 1960s the view that building community structures could help minorities was being more widely aired. Thus, Deakin opposed dispersal on the grounds of it disrupting the growth of culturally distinct communities. In a 1969 paper for the Labour Party he listed the advantages to concentrated communities, 'their supportive value to newcomers, the basis they provide for communal institutions and the provision of various services and their function as bases for the penetration of political institutions of the majority society by minority group leaders'.³⁹³ Within government, hesitation over dispersal was often the result of more pragmatic concerns.

³⁸⁹ TNA: PRO HO231/4, NCCI/67/1968 Memorandum to all members of the NC from Mr Tassuduq Ahmed, 28/11/1967.

³⁹⁰ TNA: PRO HO231/4, NCCI/67/69. (Includes copy of Danzig's article).

³⁹¹ Jane McKerron, 'Black backlash to Powell', *New Statesman*, 10/5/1968.

³⁹² TNA: PRO HO231/1, NCCI/68/1, 20/12/1967.

³⁹³ Re. 473: Study Group on immigration: Dispersal and Choice (Nicholas Deakin), June 1969, *LPRes/299*.

An official working party, which was formed in 1969, concluded that dispersal might stop immigrants becoming 'withdrawn from the mainstream of the community' but would cause greater white resentment if immigrants were actively encouraged to new areas. The committee suggested it might be better to examine the obstacles to voluntary mobility,³⁹⁴ but initiatives to achieve this were shelved to avoid competition over increasingly scarce housing in early 1970.³⁹⁵ Nonetheless, gradual dispersal through individual action was becoming the accepted policy goal by 1969, for example the Cullingworth Report of Central Housing Advisory Council on the allocation of social housing assumed such a process.³⁹⁶

Multiculturalism had its opponents, amongst them the TUC. Their expert on race, Marjorie Nicholson, opposed the idea at the time of Jenkins' 1966 NCCI speech on the grounds that it was reminiscent of the multi-racialism that had been used to represent different racially defined groups under colonial rule in Africa.³⁹⁷ The TUC also expressed an assimilationist view on the purpose of the CRC, worrying that the idea of community relations implied 'the community as an aggregate of more or less separate interests, divided one from the other in such fields as employment on the basis of race and origins, a conscious effort being made from the top downwards to mould relations between them.'³⁹⁸ Nicholson held that assimilation was central to the trade union movement which needed:

³⁹⁴ TNA: PRO T227/2956, ICR/WP/69 Working party on Immigration and Community Relations, 2/5/1969.

³⁹⁵ TNA: PRO CAB134/2905, ICR(70)5 Voluntary Dispersal of immigrants, 27/01/1970.

³⁹⁶ TNA PRO HLG118/795, MHLG: Comments on the 'Housing' conclusion in Part IX of the report 'Colour and Citizenship'. 9/1969.

³⁹⁷ Note on conversation with Howard Drake, 04/03/1968, MRC/TUCA, MSS.292B/805.9/5.

³⁹⁸ Woodcock to Castle, 23/09/1968, MRC/TUCA, MSS.292B/805.9/6.

to build an integrated and united workforce seeking the solution to its problems through the trade union movement. In this context 'race relations' is a concept of limited relevance, since many of the practical problems of immigrant workers are capable of solution within an industrial context to which – in the last resort – race and colour are themselves irrelevant.³⁹⁹

This led to the TUC's refusal to deal with problems with cultural difference. When confronted with issues of religious observance, for example, they simply asserted that Sunday was the rest day for everyone.⁴⁰⁰

With the NCCI's replacement by the CRC in 1968, Rose's warning of not alienating black and Asian leadership was lost. The new body was less critical of government and articulated minority interest less. Black and Asian community politics grew, but was increasingly distant from government agencies. Similarly, there was little central government development of any integrationist policy after 1968. While many in government were reflex assimilations, their fear of the reaction of the host community made them *de facto* multiculturalists. There was enough institutional backing for such multiculturalism in education policy and urban regeneration to begin to give this some social form.

3.7: Conclusion.

Labour's strategy on integrating immigrants was summarised in Roy Hattersley's⁴⁰¹ 1965 aphorism, 'I believe that integration without limitation is impossible; equally, I believe that limitation without

³⁹⁹ Select Committee on Race Relations, background note, 28/4/1969, MRC/TUCA, MSS.292B/805.9/7.

⁴⁰⁰ Nicholson to Hargreaves, 15/05/1970, MRC/TUCA, MSS.292B/805.91/3.

⁴⁰¹ b.1932. Labour MP, Birmingham Sparkbrook (1964-1997). Joint Parliamentary Secretary, DEP (1967-69) Minister of Defence for Administration, (1969-70).

integration is indefensible.⁴⁰² Thus, Labour's approach had two elements. The first was to assertively control black and Asian immigration most notably through the reduction of vouchers announced in the 1965 White Paper *Immigration from the Commonwealth* and the 1968 Commonwealth Immigration Act. Neither of these were in any sense moderate compared to what had gone before. These were accompanied by a second element, a series of policies to promote an integrated and harmonious society, the anti-discrimination measures discussed in the previous chapter, the strengthening of the NCCI, the support of the local VLCs and some policies across government. The public reaction to Powell's 'Rivers of Blood' speech suggests that this strategy was a failure. There is no way of knowing if more liberal immigration controls would have sent out a different message, or if more thought through policies to reduce racial prejudice and discrimination would have worked, but from the perspective of 1970 Labour had failed to achieve its aims.

It was not immigration control but ideas of racial equality that had some roots in the Labour Party. While the Labour Party was moving slowly towards representing black and Asian people in the same way as they represented the white working class in this period, the balance of opinion in the party was for acceptance of immigrants and some form of integration. It is easy to find examples of support for immigration control and some examples of explicit racism in the Labour Party⁴⁰³ but when heads are counted these are found to be in a small minority, as when delegates from local parties voted three-to-one against the White Paper at Labour's 1965 conference. As a party, Labour was never able to reconcile this liberalism with the anti-immigrant sentiment of a large

⁴⁰² *HC Deb*, 23/11/1965, vol721 c359.

⁴⁰³ Donnelly, *The Sixties*, p113; DW Dean, 'Conservative Governments and the restriction of Commonwealth Immigration in the 1950s', *Historical Journal*, 35/1 (1992), pp188-191.

proportion of their electoral base. Thus, it is wrong to suggest, as Hansen does, that Callaghan was 'returning to Labour's roots' in his illberality as Home Secretary.⁴⁰⁴ There is no evidence that Labour had such roots. Rather, Callaghan gave up on the battle to win Labour's supporters to a more tolerant position just as Soskice had before him. It is not so much that Labour's policy for greater equality was blown off course by public opinion, but that the effort to create a policy that met the goal of greater racial equality within the confines of electoral politics was at best partially successful. Nonetheless, between 1964 and 1970 a series of policies had been developed to further racial equality, the clearest examples being anti-discrimination legislation, the development of the NCCI and the CRC and policy in education and the Urban Programme. These are the origins of the equality state.

As outlined in the previous chapter, the strongest elements of these policies were legally enforceable individual anti-discrimination rights. Beyond this, between 1964 and 1970, Labour was to have limited success in developing and implementing ideas on the integration of immigrants, and the government was suffused by a vague assimilationist view. There were some in government, most notably Foley, who promoted more robust policies, but these advocates found it hard to influence the priorities of spending departments. There was nonetheless an atmosphere permissive to developing policies on racial equality created by the government that allowed the gradual emergence, as in teaching, of a professional ethos of rule bound behaviour and clear standards. This was, however, partial in this period. Where state agencies were uninterested in ideas of racial equality, most notably the police, there was little pressure for developing practices to promote equality.

⁴⁰⁴ Hansen, *Citizenship and Immigration*, p155.

This unevenness in the promotion of racial equality across state agencies was in part the result of institutional arrangements developed by the government. The antecedents of the equality state lay in the 1950s with voluntary bodies, the CIAC and particularly the NCSS and VLCs. These latter bodies operated in the context of local government, and after 1964 were linked to the central state via the NCCI. This marked the beginning of the decline of voluntary effort, the government preference for a body they controlled being reflected in the creation of the CRC in 1968. Thus what was formed was not an equality society fostered by bodies within civil society, but one that was an element of the central state. Under Jenkins, this included the Home Office, but it was in the state's nebula of quasi-governmental bodies that were central to promoting racial equality. The RRB and CRC carried the burden of state policy. These bodies remained similar to the voluntary effort in that they lacked strong legal powers and acted primarily through persuasion and created an environment permissive to the promotion of racial equality, but limited power to legally require it.

Given the commitment to racial equality that existed in the Labour Party, it is the government's weakness in developing such policy which needs to be explained. Several factors were at play. A major one was that some in the government took the view that Labour's white core voters took priority. Thus, positive policies in housing and employment proved difficult to achieve. The dilemma at the heart of Labour's policy can be seen as a problem of labourism, that Labour's *raison d'être* was the distribution of an increased portion of the national wealth to the working class. This was often mediated through definable groups at local level with party members and residents' associations, and at a national level through trade unions. So labourism often implied that immigrants were at the back of the queue. As labourites of both right and left said, 'our

people' came first. This was most starkly seen in council housing, which in this period largely excluded black and Asian people in many areas.

Two processes might have countered this labourism and aided immigrants' needs being met on a more equal basis. First, immigrants could have been integrated into labour movement organisations. There were some attempts to recruit recent immigrants to the Labour Party's local branches, but as far as this happened it was slow and partial.⁴⁰⁵ The second way in which immigrants could have been represented was through new channels in a multicultural settlement. With the formation of the NCCI there was an effort to include those who, in some sense, represented minorities. Sometimes these were 'prestige leaders', for example Learie Constantine, a member of the first RRB, was an atypical Trinidadian immigrant, a qualified lawyer who had been a government minister in Trinidad and Tobago and that country's High Commissioner to Britain.⁴⁰⁶ The NCCI did contain some more grassroots community activists. It also encouraged VLCs to develop a strong relationship with local immigrant-based groups. There were attempts to persuade VLCs to draw in such activists and there was some support for building up a movement under this umbrella that would be a British analogue of the US civil rights movement. To call such bodies 'quasi-colonial buffer institutions'⁴⁰⁷ is the triumph of labelling over analysis, but it is important to understand these attempts largely failed, and where the voice of minorities did come through these structures it was often ignored. The creation of the CRC saw a reduction in such efforts. The Urban Programme had an element in it of creating a local community leadership, but this too had little impact in this period.

⁴⁰⁵ Lawrence, 'Race, Elections and Politics', pp69-70.

⁴⁰⁶ Mason, *Learie Constantine*, pp137, 153.

⁴⁰⁷ Phizacklea and Miles, *Labour and Racism*, p27.

Nonetheless, a form of multiculturalism did begin to emerge as positive policy. This was expressed in Jenkins' promotion of the idea that immigrants could be integrated into society while maintaining their own culture. Even in the 1950s the Labour Party considered policy containing an inchoate multiculturalism in that it assumed that immigrants would continue to be culturally distinct and saw the virtue of educating the host population about these cultures. This was reflected in little government policy after 1964, with the partial exception of education. With the Urban Programme and the growth of the concept of community relations the idea that there were lasting and distinct culturally defined communities began to take hold. Added to this was the idea that the identification of minorities' communities who experienced deprivation would allow some resources to be channelled towards them. In its very limited way, the Urban Programme started to direct modest funds to minorities via community based programmes, and in the late 1960s a community ethos began to replace the voluntary ethos of the NCCI. In other ways, however, multiculturalism was a response to the failure to integrate immigrants. Particularly in housing, immigrants were marginalised in the worst areas and programmes designed to alleviate their deprivation reflected the failure to stop this marginalisation.

Most of the policies that were developed were not a response to formalised pressure from below, from the Labour Party or minorities themselves. They were based in a mix of academics (Richmond, Little, Banton) and voluntary groups, some with assimilationist views (NCSS) and some more subtle (IRR). Policy often developed in government as an empirical reaction to circumstances. What was absent was any social democratic alternative with a strong conception of positive equality. In her insightful analysis, Ruth Glass commented that immigrants had not

created problems in British society, but had highlighted those which existed.⁴⁰⁸ Twilight areas became more visible as minorities found it hard to find accommodation elsewhere. Competition for welfare resources became sharper when it was possible to see a distinct group in the queue. With the very partial exceptions of s11 funding, the Urban Programme and a few other modestly funded schemes, the government had very little answer for this. Assimilation was to the back of the queue, multiculturalism was that of the semi-ghetto.

This leads to a further reason why the development of policy may have been limited. One obstacle that the Labour government faced was the views of their own voters of which they had been painfully aware since the Smethwick result in 1964. This was reasserted in Abrams findings after 'Rivers of Blood' showing immigration was an issue keeping some disillusioned Labour voters from returning to the party. Labour had often suggested that a policy to address the 'slight prejudice' of the majority should be developed, but were at a loss to work out what such a policy was. It would be consistent with the analysis developed here to suggest that the fundamental problem that Labour faced is that such a policy concerned not how people behaved in the public sphere, but how people thought, fundamentally a private matter. The only basis for government policy was thus calls to educate and persuade individuals.

It is easy to emphasise the weaknesses and limitations of policy developed under these Labour governments, that after Jenkins little new was done and that the reaction to 'Rivers of Blood' was weak. All of this is true. Nonetheless, there were a number of developments under the Labour government. Looking at Jenkins' *The Labour Case* from 1959, the 'Civilised society' chapter

⁴⁰⁸ Letter, Ruth Glass, *The Times*, 4/5/1968.

consisted of a classic liberalism of the state doing a little less. In government, under the influence of Deakin and Lester, his liberalism developed into one of doing a little more. The measures contained in the Race Relations Acts and the integrationist measures discussed in this chapter both required action by the state. The negative anti-discrimination measures in the 1965 and 1968 Acts banned certain forms of discriminatory behaviour in an extended public sphere. The more positive measures were too little to ensure meaningful integration was anything other than to the back of the queue, and the weakness of policies to create an accepting civic culture did too little to ensure that this was an orderly and civilised queue. For all these weaknesses, this should not be allowed to occlude that under the Labour government there had been the development of policies to create a more equal society.

Chapter 4: Women's equality in employment.

The real problem is how to evaluate on a civilised basis the contribution which various citizens make to the community. Should advertising agents receive more than teachers ...? The whole problem of equal pay between men and women is part of the larger problem of society's just appraisal of rewards.

Lena Jeger,⁴⁰⁹ 1966.⁴¹⁰

4.1: Women's equality in the public and private spheres.

The scene: Emily Davis⁴¹¹ is staying with Elizabeth⁴¹² and Millicent Garrett⁴¹³ (later to be known as Anderson and Fawcett), sometime in the late 1850s:

'Well Elizabeth,' she said, 'It's quite clear what has to be done. I must devote myself to securing higher education, while you open the medical profession to women. After these things are done,' she added, 'we must see about getting the vote.' And then she turned to the little girl who was still quietly on her stool and said, 'You are younger than we are, Millie, so you must attend to that.'⁴¹⁴

Ray Strachey's account of the pivotal moment in nineteenth century feminism may be apocryphal but summarises the story. Women had to fight their way out of the home through education and

⁴⁰⁹ 1915-2007. Labour MP, Holborn and St. Pancras (1953-1959, 1964-1979).

⁴¹⁰ 'Equal pay: sex or class war', *New Statesman*, 22/4/1966.

⁴¹¹ 1830-1923. Feminist and educationalist.

⁴¹² 1836-1917. Doctor and feminist.

⁴¹³ 1847-1929. Suffragist, feminist and educationalist.

⁴¹⁴ Ray Strachey, *The Cause* (London: Virago, 1978 [1928]), p101.

employment to establish themselves in civil society before winning admittance to the heart of the public sphere, participation in the political affairs of government and the state.

As explained in the introduction,⁴¹⁵ the division of social life into a public and private sphere, with the debatable lands of civil society between, is an imperfect but useful way of understanding social change. This and the subsequent chapter will use this division to examine the policies promoting women's equality developed under the Labour governments 1964-1970. Women had won formal equality in the narrowly defined public sphere by the 1960s. This is not to say that substantive equality was won, as the continuing under-representation of women in politics attests, but this was not a major issue in the 1960s. So this chapter will consider policy relating to the broader public sphere, specifically, employment. Here, the most notable piece of legislation was the 1970 Equal Pay Act, a policy of limited scope but explicitly directed at the goal of equality. Other policies relating to women's equality in employment included the development of equal opportunity policies and the removal of legal restrictions on women's working hours and other forms of 'protective' legislation. The next chapter will examine policies that might be considered to have impacted on the private/domestic sphere to affect women's equality, abortion, contraception and divorce.

This division of society into a public and private sphere has been widely used in understanding gender and society in the eighteenth and nineteenth centuries but less in contemporary women's history. The nineteenth century saw a high level of inequality in the narrowly defined public sphere of the state, women had no vote and married women limited legal and property rights.

⁴¹⁵ See section 1.4.

This was accompanied by non-legal but pervasive norms assigning women their role in the private sphere as wives and mothers. This impacted on women's equality in the space between the public and the private spheres, civil society, the public arena of private activity, particularly employment.

Even when looking at the nineteenth century, it is important to understand that the division between public and private is not of two separate, gendered, spheres. As Lenore Davidoff and Catherine Hall have pointed out, women were never strictly confined to the private realm, and throughout the nineteenth century some women had been employed and politically active⁴¹⁶ Correspondingly, John Tosh has shown, men were not absent from the domestic sphere.⁴¹⁷ Rather the question is of sex inequality in those two spheres, with men dominating the public sphere, and women having a clearly defined role in the home. Amanda Vickery has questioned the evidential basis to the view that there was a pre-industrial golden-age of more equal gender relations,⁴¹⁸ but recognisably modern household forms emerged in the nineteenth century based not on a family economy but a separation of home and workplace. The ideology of the male breadwinner and female housewife was consolidated in this period⁴¹⁹ and it is the inequalities that this gave rise to which are the focus here.

Thus, in the nineteenth century there was a strong tendency for men to work and for women to be more confined to the home. The degree to which this tendency was realised varied regionally

⁴¹⁶ Leonore Davidoff and Catherine Hall, *Family Fortunes* (Revised edition, London: Routledge, 2002), p xvi.

⁴¹⁷ Tosh, John, 'The old Adam and the new man' in Tim Hitchcock and Michele Cohen (eds), *English Masculinities 1660-1800* (London: Longman, 1999), pp228-230.

⁴¹⁸ Amanda Vickery 'Golden Age to Separate Spheres?', *The Historical Journal*, 36 (1993).

⁴¹⁹ Ellen Jordan, *The Women's Movement and Women's Employment in Nineteenth Century Britain* (London: Routledge, 1999), chapter 2.

and with age and class. More women worked before marriage particularly in domestic service, as did those from the poorer sections of the working class and there were regional pockets of working women such as in the Lancashire textile industry and Staffordshire potteries.⁴²⁰ The pressure for women to be confined to the home was initially based on social attitudes,⁴²¹ but the public power of the state reinforced male dominance of the public sphere. The 1832 Reform Act removed from single female heads of household their vote in local elections.⁴²² Women were banned from working underground in mines in 1842, the first restrictions on women's working hours were introduced in the 1844 Factory Act⁴²³ and such restrictions continued to be strengthened as late as 1963.⁴²⁴ Maybe the last new set of legal measures that explicitly enforced women's subordinate role were the Contagious Diseases Acts of 1864, 1868 and 1869 which enshrined a double moral standard in law which established areas around military garrisons where the police were empowered to arrest those they deemed to be prostitutes while no similar power existed for their male consorts.⁴²⁵ These laws were reinforced by many institutions of civil society that excluded women from public life, exam boards, universities, professional bodies and many others did not allow women through the gateways they controlled. Some of these controls began to gradually decline in late nineteenth century, for example with women being admitted to the

⁴²⁰ Elizabeth Roberts, *Women's Work 1840-1940* (Basingstoke: Macmillan, 1988), pp23, 32-6, 44.

⁴²¹ John Tosh, *A Man's Place* (Paperback edition, London: Yale UP, 2007), chapter 2.

⁴²² Martin Pugh, *The March of Women* (Oxford: OUP, 2000), pp72.

⁴²³ Angela John, 'Introduction' in Angela John (ed) *Unequal Opportunities* (Oxford: Basil Blackwell, 1986), pp16-17.

⁴²⁴ Pugh, *Women and the Women's Movement in Britain*, p99; Phillip James and David Lewis, 'Health and Safety at Work' in Roy Lewis (ed), *Labour Law in Britain* (Oxford: Blackwell, 1986), pp461-462.

⁴²⁵ Judith Walkowitz, *City of Dreadful Delight* (London: Virago, 1992), pp22-23.

medical register in 1870,⁴²⁶ but many of these restrictions persisted into the twentieth century. In the worst instance the institutions of the City of London continued to operate as gentlemen's clubs, with the London Stock Exchange eventually admitting women to the trading floor in 1973.⁴²⁷ Particularly in white collar jobs, many employers implemented a marriage bar, terminating women's employment when they married even into the mid-twentieth century.⁴²⁸

If the years 1832 to 1869 saw laws tending to push women out of the public sphere, this trend reversed in 1869 in some areas when women householders had their votes in local elections restored.⁴²⁹ From the 1870s women were elected as local Poor Law guardians⁴³⁰ and onto school boards.⁴³¹ The Married Women's Property Acts of 1870 and 1882 saw married women allowed limited economic independence.⁴³² Some women had never accepted their ascribed role as the angel in the house. Voluntary work offered middle-class women an acceptable route into the public sphere from the mid-nineteenth century⁴³³ and middle-class feminist campaigning started at the same time, with the Langham Place circle and Kensington Society seeking to open more opportunities for women by improving educational and employment opportunities. After the

⁴²⁶ Pat Thane, 'Late Victorian Women' in TR Gouvrish and Alan O'Day (eds), *Late Victorian Britain, 1867-1900* (Basingstoke: Macmillan, 1988), p192.

⁴²⁷ David Kynaston, *The City of London Volume IV: A Club No More* (London: Chatto and Windus, 2000), pp148-150, 419-20.

⁴²⁸ Roberts, *Women's Work 1840-1940*, pp38, 72-73.

⁴²⁹ Pugh, *The March of the Women*, pp72, 77.

⁴³⁰ Steven King, *Women, Welfare and Local Politics 1880-1920* (Brighton: Sussex Academic Press, 2006), p14.

⁴³¹ Krista Cowman, *Women in British Politics c.1689-1979* (Basingstoke: Palgrave, 2010), p52.

⁴³² Mary Lyndon Shanley, *Feminism Marriage and the Law in Victorian England, 1850-1895* (London: IB Taurus, 1989), pp67-78, 124-130.

⁴³³ Jane Lewis, *Women and Social Action in Victorian and Edwardian England* (Aldershot: Edward Elgar, 1991), pp16-19, 302-308.

1860s these campaigns became increasingly focused on female suffrage. This women's presence in the public sphere was doubly asserted by the political theatre of the suffragettes in the early years of the twentieth century.⁴³⁴

It was not only through feminist groups that women were able to become involved in political activity. Women could join the Conservative Primrose League and the Women's Liberal Federation, established in 1883 and 1887 respectively.⁴³⁵ Of greater relevance to the themes of this thesis, women were also involved in labour politics, for example in Robert Owen's movement in the 1830s.⁴³⁶ Women's trade unionism too has a long history. Formed in 1874, the Women's Protective and Provident League had its roots in middle class philanthropy. Becoming the Women's Trade Union League (WTUL) in 1891, it promoted trade unionism amongst women. The National Federation of Working Women (NFWW), formed in 1906, was more based in the labour movement and acted as a general union for women who were not represented by the existing, male dominated, trade unions. To a degree, both supported protective legislation for women, as did the TUC leadership.⁴³⁷ As Thilo Ramm has commented, when it came to women the state was never entirely *laissez-faire*⁴³⁸ and from the mid-nineteenth century was willing to regulate women's employment but not men's. Trade unionism itself became gendered, with men protecting their position through free collective bargaining with employers, a freedom that was jealously guarded against state interference, as shown in chapter 2 in the conflict over including

⁴³⁴ Cowman, *Women in British Politics*, pp41-43, 59-64, 68.

⁴³⁵ *Ibid*, pp62, 91.

⁴³⁶ Barbara Taylor, *Eve and the New Jerusalem* (London: Virago, 1983), chapter 3.

⁴³⁷ Boston, *Women Workers and Trade Unions*, pp30, 36, 60-65.

⁴³⁸ Thilo Ramm, "Laissez-Faire and state protection of workers" in Bob Hepple (ed), *The Making of Labour Law in Europe* (London: Mansell, 1986), p82.

employment in the Race Relations Acts. While women's weaker position, either real or perceived, led trade unions to seek protective legislation and was thus helping make women's employment the subject of public policy.

At the end of the First World War the NFWW merged with the National Union of General Workers and WTUL were absorbed as the Women's Group of the TUC General Council. This was supplemented by the TUC's Women's Advisory Committee (TUC-WAC), established in 1925,⁴³⁹ although the TUC did not develop a department for women, rather from the appointment of Nancy Adam in 1932 they employed a women's officer who sat in the TUC's Organisation Department. Similarly, there was no conference for women but the Conference for Unions Catering for Women Workers, to which many unions sent male officials.

Education also offered some women a limited route out of the private sphere. By the mid-nineteenth century, the view that education was more important for boys since, as men, they would be the link between the home and the public realm, was in decline. Partly under the cover of what John Henry Newman's⁴⁴⁰ called 'refining the intercourse of private life', from the late nineteenth century women began to win formal access to higher education.⁴⁴¹ Nonetheless, education continued to reflect women's position in the private sphere. Particularly, working class girls in secondary modern schools found their education limited to preparing them to be wives not

⁴³⁹ Shelia Lewenhak, *Women and Trade Unions* (London: Ernest Benn, 1977), pp172-173, 205.

⁴⁴⁰ (1801-1890). Cleric and educationalist.

⁴⁴¹ Edward Royle, *Modern Britain: A Social History 1750-1997* (2nd Edition, London Arnold: 1997), pp357, 382, 387.

workers.⁴⁴² Education will not be considered in detail in this chapter since, as Sandra Fredman points out, gender equality was not part of the comprehensive education agenda of the 1960s.⁴⁴³

After the first wave of feminism won formal equality in terms of political and the legal rights in the narrowly defined public sphere by 1928, substantive inequality in civil society and the private sphere continued. From the 1920s, many first wave feminists seemed content not to further disrupt the gendered nature of the public/private border they had helped to define, or at least believed in incremental change based on women using their votes. Particularly, most feminists had no prospectus for lessening inequality in the domestic sphere. The lack of a clear direction was palpable, for example Lady Rhondda,⁴⁴⁴ who founded the equal rights feminist Six Points Group (SPG) in 1921,⁴⁴⁵ complained that after equalising the voting age for men and women, there was only a 'heap of niggling little laws that now need altering'.⁴⁴⁶

It is widely understood that in the 1920s the first wave of British feminism split into two factions, here labelled equal rights and difference feminism.⁴⁴⁷ Equal rights feminist ideas, organised in a

⁴⁴² Angela Holdsworth, *Out of the Doll's House*, (London: BBC, 1988), p54.

⁴⁴³ Sandra Fredman, *Women and the Law* (Oxford: Clarendon, 1997), p136.

⁴⁴⁴ Margaret Haig Mackworth (1883-1958). Feminist.

⁴⁴⁵ Martin Pugh, *Women and the Women's Movement in Britain 1914-1999* (Second edition, Basingstoke: Macmillan, 2000), p49.

⁴⁴⁶ Viscountess Rhondda, *This Was My World* (London: Macmillan, 1933), p298.

⁴⁴⁷ A commonly made distinction using a variety of terms. For example, Olive Banks, *The Faces of Feminism* (Oxford: Basil Blackwell, 1986), p170; Sue Bruley, *Women in Britain Since 1900* (Basingstoke: Macmillan, 1990), p80; Lewis, *Women in Britain since 1945*, pp115-6; Lesley Hoggart, *Feminist Campaigns for Birth Control and Abortion Rights in Britain* (Lewiston: Edwin Mellen, 2003), p19; Harold Smith, *British Feminism in the Twentieth Century* (Amherst: University of Mass. Press, 1990), p48.

range of groups such as the SPG, Open Door Council and London Society for Women's Service (later renamed the Fawcett Society) looked to improve women's equality in the public sphere, particularly through greater employment opportunities and equal pay. Against this, in 1918 Eleanor Rathbone transformed the National Union of Suffrage Societies into the National Union of Societies for Equal Citizenship (NUSEC) which moved towards a difference feminism, demanding measures to support women in their role as wives and mothers. As Barbara Caine has put it, Rathbone:

argued repeatedly that the old watchword of 'equality' was becoming hampering and restrictive, and, moreover that it 'has lost much of its potency for the younger generation, which has never known the harsher forms of inequality'. She felt that, by contrast, the issue of self-determination as defined in the 'new feminism' with its emphasis on enabling women to discharge their duties as citizens, provided possible avenues for new energy and new activities.⁴⁴⁸

NUSEC itself was relatively short lived and, having spawned the Townswomen's Guild, it faded out of existence after 1945.⁴⁴⁹ The only other organisation that could be considered as difference feminist was the Married Women's Association. This was hived off from the equal rights SPG in 1938,⁴⁵⁰ indicating the difference/equal rights distinction was not always clear cut. Martin Pugh has suggested that this division was more apparent than real, with Rathbone pursuing a programme analogous to social liberalism of positive equality for women by freeing them in 'the

⁴⁴⁸ Barbara Caine, *English Feminism 1780-1980* (Oxford: OUP, 1997), p190.

⁴⁴⁹ Pugh, *Women and the Women's Movement in Britain*, p241-244, 301.

⁴⁵⁰ Women's Library [Catalogue], 'The Married Women's Association', <<http://www.aim25.ac.uk/cats/65/10644.htm>> [Accessed 21/11/2012].

social-economic dimension to their lives.⁴⁵¹ There may be some truth to this, but there was at very least a strong difference of emphasis between the currents.⁴⁵²

It was the equal rights feminists' ideas that came to the fore in 1940 with the formation of the Women Power Committee, which included the TUC, was chaired by the Conservative MP, Irene Ward,⁴⁵³ and even had some limited support from Rathbone.⁴⁵⁴ Their demand was that women should be mobilised for the war effort on the home front. As far as they succeeded, it was largely women without domestic responsibilities who were drawn into the workforce during World War II. This limited the impact of the war on women's employment. The total number of men and women in paid employment increased between 1939 to 1943 from 19.8 million to 22.3 million, but women's employment only rose from around 6.3 million in 1931 to 7.5 million in 1943. Women's labour was only very partially mobilised, although the type of work that women did shifted away from traditional women's work.⁴⁵⁵ Thus, women's equality was more weakly enhanced at the end of hostilities in 1945 than in 1918.⁴⁵⁶

This negative attitude to women as workers continued after 1945 when, despite pleas from the Ministry of Labour for more women workers, the relatively few nursery places which had been

⁴⁵¹ Pugh, *Women and the Women's Movement in Britain*, p236.

⁴⁵² Smith, *British Feminism in the Twentieth Century*, p48.

⁴⁵³ 1895-1980. Conservative MP, Wallsend/Tynemouth (1931-1945, 1950-1974).

⁴⁵⁴ Pedersen, *Eleanor Rathbone*, pp311-13. 124;. Harold Smith, 'The issue of "'Equal Pay for Equal work" in Great Britain during World War II', *The Journal of Modern History*, 53/4 (1981). p662.

⁴⁵⁵ Penny Summerfield, *Women Workers in the Second World War* (Paperback edition, London: Routledge, 1989), pp29, 185-191.

⁴⁵⁶ Cowman, *Women in British Politics*, pp159-160.

centrally funded by the Ministry of Health during the war were effectively shut down.⁴⁵⁷ Feminist ideas adopted a moderated tone emphasising women's maternal role. Alva Myrdal⁴⁵⁸ and Viola Klein's⁴⁵⁹ *Women's Two Roles* (1956) argued women should work before and after raising children, with some limited state provision of childcare, but this was justified in terms of national economic efficiency rather than women's equality. Similar sentiments were expressed in a different feminist perspective when Judith Hubback⁴⁶⁰ stated that 'reasonable modern feminism builds on the diversity of the sexes' which was 'not crudely egalitarian' and accepting that women with jobs should put their families first.⁴⁶¹

While it is possible to build a narrative of women's gradual emancipation continuing between 1928 and the 1960s⁴⁶² there is no clear thread of increasing women's equality. At best, progress was slow and uneven. This can be seen with women's representation in Parliament. In the House of Commons the spikes in the graph of women's representation were the fifteen elected in general election of 1931, the twenty-four elected in 1945 and the twenty-nine elected in 1964.⁴⁶³ In employment the story is similar. For the first sixty years of the twentieth century women as a proportion of the workforce remained more-or-less static around 30%, and only began to rise in

⁴⁵⁷ Harriet Jones, 'The State and Social Policy' in Ina Zweiniger-Bargielowska (ed), *Women in the Twentieth-Century Britain* (Harlow: Longman, 2001), p325.

⁴⁵⁸ 1902-1986. Swedish sociologist, politician and social reformer.

⁴⁵⁹ 1908-1973. Czech-British sociologist.

⁴⁶⁰ 1917-2006. A psychologist and the daughter-in-law of Eva Hubback, Eleanor Rathbone's lieutenant in NUSEC.

⁴⁶¹ Jane Lewis, 'Myrdal, Klein, Women's two worlds and post-war feminism 1945-1960' in Smith (ed), *British Feminism in the twentieth century*, p182.

⁴⁶² For example, Holdsworth, *Out of the Doll's House*.

⁴⁶³ *Women in the House of Commons* (London: House of Commons Information Service, 2010).

the 1960s. As Catherine Hakim shows, this lack of progress towards equality was compounded by women becoming increasingly ghettoised in lower grade work, although women became gradually less concentrated in exclusively 'women's work' such as primary school teaching, shop work, nursing, lower grade clerical work and female gendered manual work. Nonetheless, employment remained heavily gendered, women's pay low and their opportunities limited.⁴⁶⁴

Thus, the background to women's equality was quite different to that for racial equality. The position of women in the private sphere was already an issue in state policy, although the state tended to enforced inequality and difference not equality. Much feminist effort up to 1928 had been to remove women's unequal treatment under the law and thus was largely based on negative measures of equality. After suffrage, progress towards women's equality slowed, and there is no sense that the policies developed under the 1964-1970 Labour governments to increase women's equality in employment were being pushed forward by the unstoppable tide of history.

4.2: Equal pay.

4.2.1 The oldest pay claim in history: 1811-1964.

The earliest known equal pay claim in Britain was in 1811 by the Society of Journeyman Tailors who demanded that articles made by wives be paid for at the same rate as their own work. This had little to do with the rights of women, but was to stop women being 'unfeelingly torn from the maternal duties of a parent and unjustly encouraged to compete with men *in ruining the money*

⁴⁶⁴ Catherine Hakim, *Occupational Segregation* (London: Department of Employment, 1979), p43.

value of labour.⁴⁶⁵ Demanding equal pay to protect men's wages and keep women out of the labour market is a theme in the demand for parity. More positively, claims for equal pay as part of a wider belief in gender equality were made in the 1830s by Owenite socialists but their ideas were largely forgotten by the time of the trade union revival of the 1860s which thought in terms of men being paid a family wage.⁴⁶⁶ Although the TUC passed Clementina Black's⁴⁶⁷ motion calling for equal pay for women in 1882, it led to no campaign.⁴⁶⁸

In early twentieth century Britain the demand for equal pay was heard from middle class feminists and white collar trade unions, particularly teachers⁴⁶⁹ and civil servants.⁴⁷⁰ It took the catalyst of the First World War to move the labour movement when, in 1918, strikes were successful in achieving elements of equal pay on London's trams. Elsewhere, journalists, local government and shop workers demanded parity too,⁴⁷¹ although this militancy subsided in the economic slump of the early 1920s.⁴⁷² The moves to equal pay were reflected in the Labour Party's 1918 manifesto for the first time promising 'equal pay and the organisation of men and women workers in one trade union movement', although alongside this women were presented as 'the Chancellor of the

⁴⁶⁵ The Labour Party, Report on Equal pay for Equal work, 03/06/1930, Women's Library, FL597/7/AMP/F10/1-26. Emphasis in original.

⁴⁶⁶ Taylor, *Eve and the New Jerusalem*, p113, 274.

⁴⁶⁷ 1854-1922. Writer, feminist and trade unionist.

⁴⁶⁸ Equal Pay, Report for a Conference at Congress House, 21/11/1968, MRC/TUCA, MSS.292B/119/2.

⁴⁶⁹ AM Pierotti, *The Story of the National Union of Women Teachers* (n.p: NUWT, 1963).

⁴⁷⁰ 'Clear the Way for Equal Pay' [EPCC leaflet, c.1954], Women's Library, 6EPC/02/2/21.

⁴⁷¹ Lewenhak, *Women and Trade Unions*, pp157, 170.

⁴⁷² Gail Braybon, *Women Workers in the First World War* (London: Croom Held, 1981), p183.

Exchequer of the home'.⁴⁷³ It was only in the 1930s that Labour women, through the Standing Joint Committee of Working Women's Organisations (SJCWWO),⁴⁷⁴ demanded 'similar pay for similar work'⁴⁷⁵ although this appears to have been a flash in the pan.

The Second World War saw a revival of the feminist movement although with limited affect.⁴⁷⁶ The feminist Equal Pay Campaign Committee (EPCC) in was established in 1943,⁴⁷⁷ open only to feminist and women's organisations with non-gendered trade unions relegated to an advisory council.⁴⁷⁸ The campaign's major success was Thelma Cazalet-Kier's⁴⁷⁹ equal pay amendment to the Education Bill in 1944 which would have introduced equal pay for teachers, reversed only when Churchill made it a vote of confidence.⁴⁸⁰ This resulted in a Royal Commission, although one with terms of reference limited to considering the impact of equal pay for identical work.⁴⁸¹

⁴⁷³ 1918 Labour Party General Election Manifesto, <<http://www.labour-party.org.uk/manifestos/1918/1918-labour-manifesto.shtml>> (accessed 1/11/2009).

⁴⁷⁴ See annex 1 for the Labour Party's policy making and representative structure.

⁴⁷⁵ 'Report on Equal pay for Equal work and first steps towards a domestic workers charter', 03/06/1930, Women's Library, FL597/7/AMP/F10/1-2.

⁴⁷⁶ Smith, 'The issue of 'Equal Pay for Equal work' in Great Britain during World War II', *passim*.

⁴⁷⁷ 1893-1947. Conservative MP, Willesden West/Frome (1931-1945).

⁴⁷⁸ Harold Smith, 'The Politics of Conservative Reform: The Equal Pay for Equal Work Issue, 1945-1955', *The Historical Journal* 35/2 (1992), pp401-415.

⁴⁷⁹ 1899-1999. Conservative MP, Islington E (1931-1945).

⁴⁸⁰ . Martin Gilbert, *Road To Victory: Winston S Churchill 1941-1945* (London: Heinemann, 1986), p721; TNA: PRO CAB65/41/42, W(44)42nd, 28/3/1944; *HC Deb*, 29/3/1944, vol398 cc1452-1457.

⁴⁸¹ TNA: PRO PREM5/243, WM(44)62nd, 05/05/1944.

Labour were in power when the Commission reported in 1945 that equal pay would reduce women's employment.⁴⁸² The Labour Party's policy from 1943 was for both equal pay and equal opportunities⁴⁸³ but there was little pressure for this policy to be acted on. Labour women in the SJCWWO organised a conference with the TUC⁴⁸⁴ and planned a series of regional conferences in response to the Commission's report⁴⁸⁵ but when the first of these flopped the rest were cancelled and the SJCWWO returned to discussing the price of vegetables.⁴⁸⁶

The major obstacle was that the Labour government had a class-egalitarian objection to equal pay, wishing to concentrate resources on the worst poverty in families with a single male breadwinner.⁴⁸⁷ Family Allowances, demanded by Eleanor Rathbone, proposed by Beveridge and introduced by Churchill's caretaker administration in 1945, were seen as the answer to this. Although the 1947 Labour Party conference reaffirmed policy in favour of equal pay, when the NEC considered the issue in 1948, support was equivocal.⁴⁸⁸ In Labour's research offices Michael Young and Arthur Bax⁴⁸⁹ drew up a paper which supported government opposition to equal pay on grounds that most women who worked had no dependents. Thus, equal pay would redistribute

⁴⁸² 'Report of Royal Commission On Equal Pay', *The Times*, 7/11/1946.

⁴⁸³ Laski to Pearson, 19/06/1945, LHASC/LPA, LP/G/WOM; 'Labour Views on Equal Pay', *The Times*, 8/11/1946.

⁴⁸⁴ 'To-day's arrangements', *The Times*, 1/2/1947.

⁴⁸⁵ FGP Committee SJCWWO, 13/3/1947, LPNEC/346/103.

⁴⁸⁶ FGP Committee SJCWWO, 8/5/1947 LPNEC/350/297.

⁴⁸⁷ TNA: PRO CAB129/16, CP(47)165, 20/05/1947; CAB128/9, CM(47)49th, 22/05/1947.

⁴⁸⁸ Appeal to women, 21/10/1948, LPNEC/365/448; Policy and publicity Committee, 15/11/48, LPNEC/366/548.

⁴⁸⁹ c.1906-?. Labour Party press officer (c.1946-1962).

income away from those men with dependents who needed it most.⁴⁹⁰ Following pressure from the NEC⁴⁹¹ the paper was re-drafted in early 1949 with a strengthened section on the case for equal pay. Young and Bax were left to conclude that the 'problem was not simply one of equality, but of a clash of equalities'.⁴⁹² Ultimately, Labour's NEC rejected the criticisms and continued to support equal pay but it was not included in the party programme in preference for the more pressing priorities of pensions and welfare measures.⁴⁹³

Internationally, the UN body for labour standards, the International Labour Organisation (ILO), was moving towards an agreement on equal pay by 1950.⁴⁹⁴ This created a second headache for the government since the ILO demanded not equal pay for the same work, but for work of equal value. The effect of this would have been to necessitate an impartial system of evaluating jobs and setting the rates of pay which the Labour Cabinet felt alien to the keystone of British industrial relations, free collective bargaining.⁴⁹⁵ As one official worried, this gave the government a problem in communicating its position, 'such points are ... rather technical and not easily appreciated by the lay (feminine) mind'.⁴⁹⁶ Ultimately, the British delegation abstained in the 1951 vote at the ILO, which nonetheless passed ILO Convention 100 calling on member states to implement equal pay for work of equal value.⁴⁹⁷ Under pressure, Labour's Chancellor, Hugh

⁴⁹⁰ Re.231, 'Equal pay', c.12.1948, *LPres*/54.

⁴⁹¹ NEC, 26/01/1949, *LPNEC*/368/4.

⁴⁹² RD.260, 'Equal Pay: the case for and against, February 1949, LHASC/LPA, LP/GS/WOM.

⁴⁹³ Policy and publicity committee, 13/12/1949, *LPNEC*/368/24.

⁴⁹⁴ TNA: PRO LAB13/392, Interdepartmental working party on equal pay, 25/4/1950.

⁴⁹⁵ TNA: PRO CAB129/40, CP(50)117, 26/05/1950; CAB/128/17, CM(50)35, 6/6/1950.

⁴⁹⁶ TNA: PRO T215/155, [Unheaded note] 'EMA' to Winniffrith, 12/08/1950. (Parentheses in original.)

⁴⁹⁷ TNA: PRO CAB128/19, CM(51)43rd, 28/06/1951.

Gaitskell, attempted to find ways to balance family and tax allowances with equal pay,⁴⁹⁸ but official advice was not to be drawn into such an egalitarian discourse.⁴⁹⁹ When he led the party in considering what it meant by equality, the results concentrated on transforming the issue of class equality away from ownership and control of economic power and towards welfare and education systems.⁵⁰⁰ Although this could have formed the basis for a positive concept of women's equality, comments on sex equality in the party's policy considerations were general and isolated.⁵⁰¹

In 1952 the Conservative government promised to move towards equal pay when the economic situation allowed.⁵⁰² The trade unions had been keener on increasing their female members' pay than having the government give them money in the form of family allowance, and in this new environment broke with the feminist Equal Pay *Campaign* Committee. In 1954 the unions formed the Equal Pay *Coordinating* Committee⁵⁰³ an act that the feminist EPCC thought was 'treachery'.⁵⁰⁴ Despite this, in 1954 the two EPCCs organised parallel petitions,⁵⁰⁵ the feminists collecting 80,000 signatures and the unions 600,000. Showing that they still understood political theatre better than the unions, the feminists delivered theirs to Parliament in the hands of sympathetic female MPs in three horse-drawn carriages while the trade union petition followed in a taxi.⁵⁰⁶ The two

⁴⁹⁸ TNA: PRO T215/777 Equal Pay, Discussion with Ministry of Labour, 22/05/1950 and, [draft Cabinet Paper, Equal pay c.05/1950].

⁴⁹⁹ TNA: PRO T215/165, Winnifrith to Peck, 11/07/1951.

⁵⁰⁰ Re.15: 'The individual and society' and Re.15(Rev), [c.12/1955], *LPRes*/110.

⁵⁰¹ Re.78: Report of the study group on equality, [c.6/56], *LPRes*/120-121.

⁵⁰² Butler to Day, 29/01/1952, Women's Library, 5SPG/FL531/SPG/F4.

⁵⁰³ Lewis to Horton, 17/12/1953, Women's Library, 6EPC/02/2/21.

⁵⁰⁴ Miss HC Hart [GS NAWCS] to Horton, 28/12/1953, Women's Library, 6EPC/02/2/21.

⁵⁰⁵ Horton to Hart, 26/01/1954, 6EPC/02/2/21, Women's Library.

⁵⁰⁶ 'Mass petitions on equal pay', *The Times*, 9/3/1954.

deputations were seen by ministers separately. Rather incongruously, Cazalet-Keir was pleased that the Chancellor described the feminist EPCC delegation as 'hot'.⁵⁰⁷ Shortly afterwards the Conservative government agreed to equal pay in teaching and the Civil Service to be phased in over seven years and both campaigns were wound up. It would appear that the first wave feminist groups were still conditioned by the suffrage mindset that equality was won from the government. Having won equal pay for the main groups of female workers employed by the state, they had no programme for continuing the struggle among working class women employed in private industry. At the same time, although the TUC supported equal pay, they had little confidence in approaching women as workers. When TUC Women's Advisory Committee (TUC-WAC) held an exhibition to appeal to women in 1962 it featured an embroidery competition,⁵⁰⁸ with a leaflet that led with a recipe for boiled gammon.



TUC women's recruitment leaflet (1962)

Circular N52 (1961-62), Recruitment Leaflet 'Recipe for Good Living', MRC/TUCA, MSS.292B/60/3.

⁵⁰⁷ Cazalet-Keir to The Chancellor of the Exchequer, 23/06/1954, Women's Library, 6EPC/02/2/06.

⁵⁰⁸ Industrial Newsletter for Women, no. 68, January 1962, MRC/TUCA, MSS.292B/60/4.

More militantly, the Communist Party began campaigning for equal pay in 1957,⁵⁰⁹ and as a result the issue began to emerge in the engineering unions by 1960.⁵¹⁰ At the November 1960 TUC Conference for Unions Catering for Women Workers motions on equal pay were passed to renew pressure on the TUC and Labour Party,⁵¹¹ and the 1961 TUC Congress voted for the union movement to pursue this goal.⁵¹² However, as the TUC-WAC noted, this vote was sound and fury from member unions that signified little action.⁵¹³ This was underscored when the TUC-WAC started to formulate its Women's Industrial Charter and consulted over 100 unions. Only fifteen replied, of which only four raised the demand for equal pay.⁵¹⁴ The new militancy that was emerging in unions from the mid-1950s benefitted male trade unionists, and led to the pay gap between men and women getting greater in manual grades in 1961-2. The TUC left exhorting member unions to push for better pay for women in their negotiations.⁵¹⁵ There was, however, a network of advocates of equal pay in the unions.. The Women's Officer of the National Union of General and Municipal Workers (NUGMW), Marion Veitch⁵¹⁶ was combative on equal pay and pushed for the TUC-WAC to examine how equal pay was implemented abroad.⁵¹⁷ Another strong advocate of equal pay was Marie Paterson,⁵¹⁸ Women's Officer of the TGWU and member of the

⁵⁰⁹ Letters on women's pay, *Labour Review*, April 1957 onwards, p280, pp329-30, p376, p428-9, p474, p568.

⁵¹⁰ Women's Freedom League Bulletin, no 6, 25/03/1960, Women's Library, 5SPG/FL537/I15/WFL.

⁵¹¹ NWAC3/3, 22/11/1960, MRC/TUCA, MSS.292B/60.25/7.

⁵¹² Industrial Newsletter for Women, no. 66, October 1961, MRC/TUCA, MSS.292B/60/4.

⁵¹³ NWAC6/2, 07/03/1962, MRC/TUCA, MSS.292B/60.25/8.

⁵¹⁴ WAC3/1, Industrial charter for women, 20/12/1962, MRC/TUCA, MSS.292B/60.25/8.

⁵¹⁵ TUC circular no 50, 17/01/1963, MRC/TUCA, MSS.292B 119 1.

⁵¹⁶ 1913-1973. Trade union official.

⁵¹⁷ WAC6, 07/07/1965, MRC/TUCA, MSS.292B/61.5/1.

⁵¹⁸ b.1934. Trade union official.

General Council.⁵¹⁹ Thus, by the time that Labour were returned to power the first wave feminist movement had no campaign for equal pay and the Labour Party had limited policy although there were some signs of pressure growing in the unions.

4.2.2: The Labour government and equal pay 1964-66.

Labour's 1964 election platform made no great issue of women's equality at work, or indeed anywhere else. The manifesto promised women equal pay for work of equal value without further elaboration at the end of a short list of workers' rights.⁵²⁰ In office, Labour inherited a precarious economic situation with pressure on the pound, making devaluation a popular option with some but not Harold Wilson.⁵²¹ Equal pay would have both increased the government's own wages bill and made some exports less competitive and was thus afforded low priority and there was no mention of it in the November 1964 Queen's Speech.⁵²² The TUC quickly applied some pressure to the government via the tripartite National Joint Advisory Committee (NJAC),⁵²³ and a letter was dispatched to the new Minister of Labour, Ray Gunter. Gunter's reply inevitably stated that equal pay would be examined in the context of the new Prices and Incomes policy.⁵²⁴

⁵¹⁹ TGWU information service, No. 127, July 1965, MRC/TUCA, MSS.292B/119/1.

⁵²⁰ 1964 Labour Party Election Manifesto , <<http://www.labour-party.org.uk/manifestos/1964/1964-labour-manifesto.shtml>> (Accessed 1/11/2010).

⁵²¹ Alec Cairncross, *The Wilson Years* (London: Historian's Press, 1997), pp4ff.

⁵²² *HC Deb*, 03/11/1964, vol701 cc37-41.

⁵²³ NJAC (GC), 18/11/1964, MRC/TUCA, MSS.292B/119/1.

⁵²⁴ Woodcock to Gunter, 25/11/64, and reply, 22/12/64, MRC/TUCA, MSS.292B/119/1.

If the government had wished to proceed with equal pay, the Civil Service already had plans prepared dating back to consideration of the impact of the equal pay provisions of the Treaty of Rome from the time of Britain's application to join to EEC in 1961. These suggested that equal pay, narrowly defined for the same work, would add 2.5% to the national wages bill and legislation could allow referral to the Industrial Court.⁵²⁵ Resistance from both the Treasury and the Ministry of Labour after the 1964 election meant the only department which supported equal pay, the Department of Economic Affairs (DEA), had to push for an official committee to consider the issues.⁵²⁶ The Treasury agreed to this solely to delay any decision being taken⁵²⁷ and consequently the committee established in the new year of 1965 had a time consuming remit to consider the definition of equal pay as well as its economic and social consequences.⁵²⁸

Having been offered long grass, Gunter proceeded to kick the ball into it. In May 1965 he wrote to the TUC, 'A full appraisal of all these matters will take time but we shall complete it as soon as possible'.⁵²⁹ The TUC's anger at what they viewed as renegeing on a manifesto promise was reported on the front page of *The Sun*⁵³⁰ (still then a Labour aligned paper). This had some affect. Harold Wilson had a longstanding desire to win women's votes to Labour,⁵³¹ and was unhappy with such bad publicity. Downing Street let the Ministry of Labour know that an early announcement on equal pay would be considered good publicity. Their response, that equal pay

⁵²⁵ TNA: PRO EW8/230, [DEA background note] Equal Pay, c12/1964.

⁵²⁶ TNA: PRO EW8/230, Mason to Maude, 30/12/1964.

⁵²⁷ TNA: PRO EW8/384, Johnston to Abbot, 04/01/1965.

⁵²⁸ TNA: PRO EW8/230, EP(65)1, 11/01/1965.

⁵²⁹ Gunter to Woodcock, 19/05/1965, MRC/TUCA MSS.292B/119/1.

⁵³⁰ Geoffrey Goodman, 'Brake on Equal Pay', *The Sun*, 27/5/1965.

⁵³¹ Fielding, *Labour and Cultural Change*, p113.

would be implemented in line with Prices and Incomes policy, was hardly the kind of positive presentation that Wilson wanted.⁵³²

Equal pay lacked either internal advocates within government or strong external advocates able to pressure government, a situation the reverse of that in race where Maurice Foley was appointed as a junior minister with responsibility for integrating immigrants as a result of external campaigning. Barbara Castle, appointed Minister for Overseas Development in 1964, was the sole woman in the Cabinet until Judith Hart⁵³³ was appointed, also to Overseas Development, in 1968. Women below Cabinet rank in relevant departments were also thin on the ground. One was Shirley Williams⁵³⁴ who, when appointed as a junior minister at the Ministry of Labour in 1966, made it clear to Gunter that she did not see it as her role to promote women's interests.⁵³⁵ The other was the Gaitskellite Peggy Herbison,⁵³⁶ the Minister of Pensions and National Insurance, who opposed equal pay and defended the family wage as the basis of the post-war welfare settlement.⁵³⁷ The sincerity of Herbison's commitment to this cannot be doubted since she resigned from the government in 1967 in protest at Family Allowance not being increased.⁵³⁸ Policy was thus dominated by an alliance between the Ministry of Labour and the Treasury to do

⁵³² TNA: PRO PREM13/3554, Reid to Parker, 06/07/1965; LAB10/2396, Parker to Reid, 16/07/1965.

⁵³³ 1924-1991. Labour MP, Lanark/ Clydesdale (1959-1987). Minister of Social Security (1967-1968), Paymaster General (1968-1969), Minister of Overseas Development (1969-1970, 1974-1975, 1977-1979).

⁵³⁴ b.1930. Labour MP, Hitchin/ Hertford and Stevenage (1964-1979), SDP MP, Crosby (1981-1983).

⁵³⁵ TNA: PRO LAB10/2582, Williams to 'Secretary', 06/07/1966.

⁵³⁶ 1907-1996. Labour MP, Shotts (1945-1970). Secretary of State for Pensions and National Insurance/Social Security (1964-1967).

⁵³⁷ TNA: PRO LAB10/2529, Walley to Maston, 12/08/1965.

⁵³⁸ 'Minister quits on welfare curb', *The Times*, 26/6/1967.

the minimum possible to meet political pressure.⁵³⁹ The only source of the mildest of advocacy for equal pay was from the DEA.

The declining first wave of feminist groups was unable to fill the role of advocates for equal pay. Before the 1964 election the Fawcett Society circulated its supporters suggesting they question their local candidates on equal pay.⁵⁴⁰ They also contacted the TUC's women's officer, Ethel Chipchase,⁵⁴¹ suggesting co-operation.⁵⁴² In 1965 Muriel Pierotti⁵⁴³ of the Status of Women Committee (SWC, an umbrella body for first wave feminist groups) wrote to the TUC seeking co-operation on the renewed policy on equal pay after she had read about the TUC's interest in *The Times*⁵⁴⁴ but the TUC did not reciprocate these advances. The Open Door Council's report for 1965 shows them doing little more than writing to Foyles bookshop complaining about their lack of equal pay.⁵⁴⁵

With the lack of pressure for action, the government's official committee continued to be a vehicle for delaying equal pay and minimising its potential effectiveness and cost. The committee suggested that the letter of Labour Party policy would be met by merely considering the issue in the current Parliament. It continued, 'there is very little sign of any deep sense of injustice among the mass of women wage earners over the equal pay issue, though not surprisingly the issue is

⁵³⁹ TNA: PRO LAB10/2529, Johnson to Garcia, 28/07/1965; LAB10/2529, Mawsen to Garcia, 10/08/1965.

⁵⁴⁰ Circular letter, Fawcett Society, 09/1964, Women's Library, 5SPG/FL535/SPG/I6.

⁵⁴¹ 1916-1986. TUC Women's Office (1962-1980?).

⁵⁴² Horton to Chipchase, 1/10/1964 and reply 15/10/1964, MRC/TUCA, MSS.292B/119/1.

⁵⁴³ 1897-1982. GS of National Union of Women Teachers (1941-1961).

⁵⁴⁴ Pierotti to Chipchase, 02/08/1965, MRC/TUCA, MSS.292B/119/1.

⁵⁴⁵ ODC Annual report 1965, Women's Library, FL386/5ODC/A1-26.

frequently and energetically debated at conferences of women trade unionists'.⁵⁴⁶ What began to emerge from the departmental submissions to the working party in 1965 was a desire to define equal pay narrowly, applying it only to situations where men and women worked on exactly the same work as men, avoiding any alternative definition of work of similar value;⁵⁴⁷ ensuring that any agreement was voluntary rather than legally enforceable; and that the government would not pre-empt any agreement by extending equal pay in the public sector.⁵⁴⁸

This was reflected in the official committee's October 1965 report which suggested only token legislation if voluntary action failed in order to avoid the possible inflationary consequences of meaningful legislative action.⁵⁴⁹ Officials in the DEA thought that the report let the government 'off the hook' and that, 'much of the report seems to be a statement of the obvious ... this is a vitally important subject and yet – statistics apart – you or I could have written the paragraphs in our baths in ten minutes.'⁵⁵⁰

Even this weak report was too much for Gunter. It was stranded on his desk uncirculated for several weeks. Although the chair of the official committee had told Gunter that only legislation would be effective,⁵⁵¹ he reported to a Cabinet committee early in 1966 that the officials had argued that voluntary methods should be used, to which the Treasury added warnings of the wage inflation that would follow equal pay. The First Minister of State at the DEA, George Brown, was

⁵⁴⁶ TNA: PRO EW8/230, EP(65)7 [c.21/4/1965].

⁵⁴⁷ TNA: PRO T328/338, EP(65)3rd, 12/8/1965.

⁵⁴⁸ TNA: PRO LAB10/2529, Johnston to Maston, 13/8/1965.

⁵⁴⁹ TNA: PRO LAB10/2529, Report of Working Party on Equal Pay, 27/10/1965.

⁵⁵⁰ TNA: PRO EW8/384, Mueller to Maude, 21/10/1965; and, Wells to Mueller, 23/11/1965.

⁵⁵¹ TNA: PRO LAB10/2582, LJB [Garcia] to 'minister' [Gunter] 02/12/1965.

sympathetic towards equal pay and keeping a keen eye on the PLP, thought that Gunter was being heavy handed. Brown demanded some demonstrable progress,⁵⁵² but the Ministry of Labour offered only more talks that they believed could take a great deal of time without reaching a positive outcome.⁵⁵³

Thus progress was, in the words of one senior DEA official, 'dead slow'.⁵⁵⁴ Trade unions, although favouring change, were not strong advocates. The TUC had to write to its affiliates in January 1966 'to remind their representatives to bear in mind achieving equality of treatment for women' in wage negotiations,⁵⁵⁵ while TGWU's HQ was sending a circular to branches castigating those which sought smaller increases for women than for men.⁵⁵⁶ The lack of thought about women's equality was part of a general lack of direction on the government's policy on equality in general. The Ministry of Pensions and National Insurance sought greater equality through enhancing the family wage, whereas if the Treasury pursued equality at all, it did so through Prices and Incomes policy.⁵⁵⁷

⁵⁵² TNA: PRO EW8/384, Brown to Gunter, 05/01/1966; ED(66)3rd, 24/1/66; Mueller to Maude, 19/01/1966.

⁵⁵³ TNA: PRO LAB10/2582, Maston to Brown, 4/11/1965.

⁵⁵⁴ TNA: PRO EW8/384, Allen to Clark, 31/12/1965.

⁵⁵⁵ Circular No 49 (1965-66), 'Equal Pay', 06/01/1966, MRC/TUCA MSS.292B/119/2.

⁵⁵⁶ TGWU Chief Officer Communication, 'Equal Pay for Women', 07/02/1966, MRC/TUCA, MSS.292B/119/2.

⁵⁵⁷ TNA: PRO T328/338, EP(65)3rd, 12/8/1965.

4.2.3: The Labour government and equal pay 1966-1968.

The 1965 Labour conference saw five resolutions submitted on equal pay⁵⁵⁸ but this was not enough to have the issue debated.⁵⁵⁹ While success would not have guaranteed the inclusion of equal pay in the manifesto for the 1966 general election, it would certainly have strengthened the hand of its supporters. Thus, although Labour had been keen to secure the votes of women, the 1966 manifesto mentioned women only briefly, promising cervical cancer screening, and tipped its noncommittal hat at equal pay suggesting, 'We cannot be content with a situation in which important groups - particularly women, but male workers, too, in some occupations - continue to be underpaid.'⁵⁶⁰

Some first wave feminists did attempt to create a focus for developing pressure for women's economic equality. After the 1966 election the SPG's Hazel Hunkins-Hallinan⁵⁶¹ wrote to Chipchase at the TUC proposing a broad united front of 'enlightened women's organisations' to create a Women's Committee on Equal Pay. Hunkins-Hallinan admitted that the SPG itself was in no position to set up such a campaign and that the advantage to the TUC would be only in creating a broader united front. Chipchase replied, on the assumption that equal pay would be enacted soon,⁵⁶² that no such militant campaign would be necessary.⁵⁶³ Anyway, the TUC habitually would

⁵⁵⁸ Res 41: 'Conference agenda' , 08/1965, *LPRes/253*.

⁵⁵⁹ *Report of the Sixty-fourth Annual Conference of the Labour Party 1965*, p 114.

⁵⁶⁰ 1966 Labour Party Election Manifesto, <<http://www.labour-party.org.uk/manifestos/1966/1966-labour-manifesto.shtml>> (Last accessed 14/1/2011)

⁵⁶¹ 1890-1982. Feminist and writer.

⁵⁶² 'Equal pay for women – more equal for men', *The Observer*, 17/4/1966; 'Equal pay plans this year', *The Times*, 13/4/1966.

⁵⁶³ Hunkins-Hallinan to Chipchase, 6/5/1966 and reply, 6/5/1966, MRC/TUCA MSS.292B/119/2.

not work with non-union organisations that they believed had no role in negotiating workers' pay and conditions.⁵⁶⁴

Having been spurned by the TUC, the SPG dismissed the idea of the unions being able to deliver equal pay.⁵⁶⁵ The task of building a feminist campaign on equal pay was taken up by the umbrella group, the SWC, in late 1966. From 1961 it had been chaired by the Conservative MP, Joan Vickers,⁵⁶⁶ considered to be an apolitical, casework centred MP who even the partisan Labour MP, Lena Jeger, found 'fair-minded'.⁵⁶⁷ There was, however, some tension between left-wing feminists, particularly Pierotti, who stepped down as SWC vice-chair in 1967.⁵⁶⁸ Nonetheless, in late 1966 it was Pierotti who co-ordinated the SWC's equal pay sub-committee, although its initial meeting saw little agreement on what should be demanded or tactics.⁵⁶⁹

The main problem was that SWC lacked the resources to mount any campaign. Sarah Popplewell,⁵⁷⁰ who had been the secretary to the EPCC in the 1950s, suggested that there were four things that were needed: money, an organiser, an HQ and clerical staff. The SWC had none.⁵⁷¹ Thus, they lowered their sights. First, in early 1967 they sought to extend the Fair Wages Resolution to cover pay for women in areas under wages councils, but the TUC again declined to

⁵⁶⁴ WAC1, 1/11/67, MRC/TUCA, MSS.292B/61.5/2.

⁵⁶⁵ SPG newsletter, 11/1966, Women's Library, FL538/5SPG/J/60-93.

⁵⁶⁶ 1907-1994. National Liberal/Conservative MP, Devonport (1955-1974).

⁵⁶⁷ Lena Jeger, 'The woman's vote: Has it made any difference?', *New Statesman*, 16/1/1968.

⁵⁶⁸ Ingleton to Pierotti, 18/4/1967, Women's Library, FL591/7/AMP/B8/8(2).

⁵⁶⁹ Pierotti to Henshaw, 17/11/1966, Women's Library, FL591/7/AMP/B8/8(2).

⁵⁷⁰ No biographical information.

⁵⁷¹ Popplewell [handwritten notes on equal pay] 19/11/1966, Women's Library, FL591/7/AMP/B8/8(2).

follow the SWC's lead.⁵⁷² Second, they attempted to hitch their demands to the UN Human Rights Year, but again without great success.⁵⁷³ Last, they focused on the highly attenuated demand that women over 30 working for the Bank of England should have equal pay,⁵⁷⁴ but even aiming at what they perceived as the weakest link brought no success.

Returned to power with a more comfortable majority after the March 1966 general election, the Labour government continued to focus on the balance of payments, which the Treasury still maintained would be damaged by equal pay. In this context the talks with the TUC and CBI that George Brown had proposed before the election creaked into action.⁵⁷⁵ At the Ministry of Labour, Gunter's strategy was to rely on the CBI to 'be tough' and thus delay progress as much as possible.⁵⁷⁶ The CBI were happy to oblige, suggesting that in some industries equal pay could add up to 25% to the wages and therefore a time-consuming sectoral analysis was necessary.⁵⁷⁷ In advance of this process, the Ministry of Labour had a settled view that the talks should lead to a voluntary tripartite agreement and a narrow definition of equal pay.⁵⁷⁸

By early 1967 the tripartite talks had made limited progress. The TUC were willing to accept a voluntary agreement only if there was legislation that would be evoked if these methods failed.

⁵⁷² [unsigned carbon of letter to] Ingleton, 1/2/67, MRC/TUCA, MSS.292B/805.9/2.

⁵⁷³ 'Equal Pay for Equal Work', SWC,[c.12/12/1966], Women's Library, FL591/7/AMP/B8/8(2).

⁵⁷⁴ SPG newsletter, April 1967, Women's Library, FL538/5SPG/J/60-93.

⁵⁷⁵ NJAC(GC)4.6, 21/4/1966, MRC/TUCA, MSS.292B/119/2.

⁵⁷⁶ TNA: PRO EW8/384, Marne to Jones, 08/07/1966.

⁵⁷⁷ CBI study of Europe: Equal pay, MRC/TUCA, MSS.292B/119/2; TNA: PRO LAB 10/2529, Note for the record: Equal pay, 05/05/1966.

⁵⁷⁸ TNA: PRO LAB10/258, Ministry of Labour, Memorandum for joint TUC/CBI meeting on Equal Pay, 08/07/1966.

Against this, the CBI were willing to block anything that might increase cost and wanted the narrowest definition of equal pay.⁵⁷⁹ The Ministry of Labour was happy to stand above this deadlock and to force no decision. A report based on the tripartite talks was completed in March 1967 but did little more than record the differences.⁵⁸⁰ Pressure on the pound meant that there was no action on this report until the devaluation of sterling in November 1967. Roy Hattersley, who was now Parliamentary Under Secretary at the Ministry of Labour, met with the CBI and TUC in December 1967⁵⁸¹ and new tripartite talks reconvened in February 1968, considering the impact of the EEC membership and timing of implementation.⁵⁸² The CBI took the opportunity to push for a study of the sectoral cost that would cause further delay.⁵⁸³

There were signs that women in the unions were becoming more militant. The April 1967 Conference for Unions Catering for Women Workers voted for breaking Prices and Incomes agreements under the government's National Plan on the grounds of equal pay (the 'nil norm' that the DEA had announced in March did not include an exemption for equal pay).⁵⁸⁴ The conference also called for a special TUC women's conference when the tripartite talks were completed.⁵⁸⁵ While not agreeing to breaking incomes policy, the TUC General Council did circulate the suggestion that equal pay claims be given priority in pay bargaining.⁵⁸⁶

⁵⁷⁹ TNA: PRO EW8/384, EP(66)7, 02/01/1967.

⁵⁸⁰ TNA: PRO LAB 10/2878, Ministry of labour: Equal Pay, Draft note of Meeting at Officials at the Ministry of Labour, 16/3/1967.

⁵⁸¹ TNA: PRO LAB16/574, Ministry of Labour: Press notice: Equal Pay, 7/12/1967.

⁵⁸² TNA: PRO LAB10/3291, EP(68)1.

⁵⁸³ TNA: PRO LAB 6/574 Morgan to Singleton, 06/12/1967.

⁵⁸⁴ Tomlinson, *Economic Policy*, p139.

⁵⁸⁵ WAC2, 4/1/67 and WAC6, 5/6/67, MRC/TUCA, MSS.292B/61.5/2.

⁵⁸⁶ TUC Circular no 104 (1966-67), 19/7/1967, MRC/TUCA, MSS.292B/119/2.

From late 1967 there was a steady flow of motions from local trades councils pushing for equal pay,⁵⁸⁷ although this may have indicated that the Communist Party were actively campaigning on the issue rather than any greater grassroots pressure. By the end of 1967 the Draughtsmen's and Allied Technicians Association (DATA) pushed for the TUC to back industrial action in support of equal pay through the TUC Non-manual Workers Union Conference.⁵⁸⁸ In early 1968 GMWU announced that it would use industrial action to counter the CBI's delaying tactics⁵⁸⁹ and there was pressure from the TUC-WAC on the TUC General Council to take firmer action.⁵⁹⁰ Against this, the view of TUC officials was that there was little desire amongst union members to fight on the issue as demonstrated when Len Murray⁵⁹¹ (then head of the TUC's Economic Department) wrote to Chipchase in early 1968 stating that most pay settlements, despite the TUC admonishments, were not advancing equal pay.⁵⁹² It was becoming clear that relying on individual unions to negotiate deals that would close the gap between men's and women's pay was a false hope. The reality was that gap increased in 1967.⁵⁹³

This lack of progress by the unions was reflected by pessimism in the feminist movement. For the SWC, Sarah Popplewell had warned if the case for equal pay lost momentum the focus might shift

⁵⁸⁷ MRC/TUCA MSS.292B/119/2 [multiple items in this file].

⁵⁸⁸ Ken Coates, 'Equal pay' and 'Non-manual conference clash on unions' right and Equal pay', *Tribune*, 15/12/1967.

⁵⁸⁹ 'Union begins drive to gain equal pay for women', *The Guardian*, 19/2/1968.

⁵⁹⁰ WAC2, 03/01/1968, MRC/TUCA, MSS.292B/61.5/2

⁵⁹¹ 1922-2004. Head of TUC Economics Department (1954-1969), Assistant GS (1969-1973) and GS (1973-1984).

⁵⁹² Murray to Chipchase, 19/4/1968, MRC/TUCA MSS.292B/119/2.

⁵⁹³ *HC Deb*, 29/11/1967, vol755 c135W.

onto low pay in general.⁵⁹⁴ That a minimum wage would improve the pay of women workers, as well as the lowest paid men was considered by officials in the Ministry of Labour in May 1968, suggesting that the CBI's objections to the cost of equal pay would be undercut by a minimum wage of £12, which would add 3% to the wages bill.⁵⁹⁵ Something similar was argued in the Labour Party's *Economic Brief* which also showed a continued attachment to the family wage as an argument against equal pay:

It is surely wrong for the needs of women workers who are **not** the heads of households, to have a higher priority than the needs of male workers who are. Yet that is the logic of demanding equal pay in isolation to the broader needs for an incomes policy strategy which includes 'equal pay' for all low-paid workers.⁵⁹⁶

This idea was raised by the TUC with the government in September 1968, after Castle had given a commitment to equal pay, the TUC argued, 'The claims of low-paid workers should not be neglected in favour of equal pay. It would be helpful if the Government could work to the cost of the introduction of equal pay and a national minimum wage.'⁵⁹⁷ Roy Jenkins, who had become Chancellor after devaluation in November 1967, ruled out the minimum wage proposal on the grounds of cost, believing that equal pay was the policy to pursue.⁵⁹⁸

With the TUC not pushing hard for equal pay and with the feminist movement unable to mount a campaign, there was a continued lack of pressure for change. The Labour Party had established a

⁵⁹⁴ Popplewell [hand written notes on equal pay], 19/11/1966, Women' Library, FL591/7/AMP/B8/8(2).

⁵⁹⁵ TNA: PRO LAB10/3291, Mawson to Sullivan, 16/05/1968.

⁵⁹⁶ *Economic Brief* [Labour Party], May 1968, LHASC/LPA, SGonDAW 1967-1970.

⁵⁹⁷ TNA: PRO LAB10/3310, Note for the record: Equal pay – meeting with the TUC, 31/07/1968.

⁵⁹⁸ TNA: PRO T328/337, Armstrong to Jenkins, 12/9/1968, and attached draft letter [with hand corrections by Jenkins].

joint NEC-PLP study group on discrimination against women in 1967, but this did not begin to consider women's economic position until the end of 1968. The Labour-left paper *Tribune* carried nothing on equal pay until the end of 1967 and this was in response to DATA's push for industrial action.⁵⁹⁹ It is likely that much of the pressure within the unions was the result of CP agitation on women's exploitation under capitalism which gave them a particular focus on equal pay rather than equality of opportunity.⁶⁰⁰ Two events in 1968 were to change this situation. Gunter's replacement by Barbara Castle, and the strike by women machinists at Ford Dagenham.

4.2.4: Equal pay, the Ford strike and Barbara Castle 1968-1969.

Barbara Castle took over responsibility for equal pay as First Secretary of State at the new Department of Employment and Productivity (DEP) on 6th April 1968 in a reshuffle that had been forced on Wilson by George Brown stumbling out of government. Brown's departure took the closest approximation of an ally that equal pay had seen in the Cabinet, in addition to which the Gold Crisis of March 1968 that had precipitated his departure meant that defending the pound was reiterated as the government's focus.⁶⁰¹ In other ways, however, the result was more positive. First, Castle had been a long term supporter of equal pay, which did not go without press comment.⁶⁰² Second, the new DEP absorbed into the Ministry of Labour the DEA's responsibility for incomes policy, giving more weight to those DEA officials who were sympathetic to equal pay. Third, it removed Gunter from any direct influence. Last, Roy Jenkins had already in November

⁵⁹⁹ 'Non-manual conference clash on unions right and Equal pay', *Tribune*, 15/12/1967.

⁶⁰⁰ *Give the Girls their due... equal pay, no less!* [CP broadsheet c.5/1968], MRC/TUCA MSS.292B/119/2.

⁶⁰¹ Arran Hamilton, 'Beyond the Sterling Devaluation: The Gold Crisis of March 1968', *Contemporary European History* 17 (2008), pp 73-95.

⁶⁰² 'Stock Prices Reach New Height-But What About Hemlines?', *The Times*, 3/5/1968.

1967 replaced James Callaghan as Chancellor. Jenkins was more sympathetic to women's equality, and while he argued the Treasury line on the impact of equal pay he did not hold this to be an insurmountable obstacle.⁶⁰³

Only in late May 1968 did industrial militancy begin to play its part, with the Ford Dagenham strike of 187 female machinists. The strike was not directly for equal pay, but was, until its final resolution in 1983, a grading dispute albeit one that emphasised the underpayment for work customarily performed by women. The work was sewing seat covers which had been graded lower than areas dominated by men. After an initial one day stoppage on 29th May 1968, the action escalated through an unofficial walk-out into all out action by 7th June, willingly supported by the local reps for the National Union of Vehicle Builders (NUVB) which represented 170 of the women. By June 13th talks between the unions and management had broken down with the threat of the 40,000 workers at Dagenham being laid off.⁶⁰⁴ The situation escalated on 17th June when the strike spread with 190 women at Ford's Liverpool Halewood plant.⁶⁰⁵

Any resolution of the dispute had to satisfy three masters. Firstly, Ford's management's concern was not the cost of meeting the claim itself since women were a tiny proportion of production workers, but the women's grading was part of a recent hard-negotiated agreement that contained procedures for appeal which Ford's management did not want to tear up. Secondly, the women themselves were militant and would not accept the kind of compromise that the national union

⁶⁰³ Crossman, *The Diaries of a Cabinet Minister: Volume III*, pp626-627.

⁶⁰⁴ 'Ford Talks failure threat to 40,000', *The Times*, 14/6/1968.

⁶⁰⁵ '4,000 more are laid off by Ford strike', *The Times*, 26/6/1968. Additional information in this section from Henry Friedman and Sander Meredeem, *The Dynamic of industrial conflict: lessons from Ford*, (London: Croom Held, 1980).

leadership, constituted in the Ford National Joint Negotiating Committee (NJNC), might agree. The women themselves demonstrated outside talks held between Ford and the NJNC to forestall any such deal. One of the strike's leaders, Rose Boland,⁶⁰⁶ argued, 'we came out for an extra five pence an hour. We haven't got it and we won't be going back until we do.'⁶⁰⁷ Lastly, Castle needed to ensure that production was resumed.

There are two candidates for who thought that these needs could be met by making the claim one for equal pay. The first is Reg Birch⁶⁰⁸ of the engineering union the National Union of Foundry Workers (NUFW),⁶⁰⁹ a senior official, a member of the Ford NJNC and a longstanding member of the Communist Party. Birch claimed afterwards that he had pushed to make the case in terms of equal pay.⁶¹⁰ Second was Leslie Blakeman,⁶¹¹ a Ford personnel manager. Blakeman travelled to Weymouth in mid-June where the NUFW was holding its annual conference to speak with Birch, after which both sides used equal pay as a way of seeking a settlement.⁶¹² By making the issue into one of women's pay relative to men the grading agreement could be left intact, with women receiving a 7% increase, taking them up to 92% of the pay of men in the same grade.⁶¹³ This amounted to an increase of 7d an hour, more than 5d the women were demanding. As the *Financial Times* noted, 'The question of equal pay did not become an issue until [around 16th June]

⁶⁰⁶ Little is known about Boland.

⁶⁰⁷ 'Ford women strikers meet today but peace still unlikely', *The Times*, 18/6/1968.

⁶⁰⁸ 1914-1994. At this time a union official and member of the CPGB.

⁶⁰⁹ As the merged AEF and AEU was then briefly called before becoming the AEUW in 1971.

⁶¹⁰ Will Podmore, *Reg Birch* (London, Bellman Books, 2004), pp70-71.

⁶¹¹ 1904-1971. Director of Labour Relations, Ford (1952-1969). He had worked for the Ministry of Supply (1941-1951) and went on to serve on the RRB (1969-1971).

⁶¹² 'Ford women's victory may start equal pay rush', *The Times*, 2/7/1968.

⁶¹³ 'Ford Women to get 92pc of the male rate', *The Guardian*, 2/7/1968.

and was never put forward by the union representing women employees [the NUVB] as a subject for negotiations at the NJNC although the company offered to discuss the subject back in 1967.⁶¹⁴ Thus, Ford, with the agreement of some senior trade unionists, sought to use equal pay as a way to quickly resolve the dispute.⁶¹⁵ That the issue was made one of equal pay by the management is confirmed in a terse Treasury memo which recorded that, having failed to find a settlement:

[Castle] saw Blakeman ... he was very anxious to preserve his grading disputes procedures under the plant agreement and therefore suggested that the matter should be dealt with as a question of the differential between men and women. The First Secretary evidently seized at once upon this solution.⁶¹⁶

In the midst of the Ford dispute but with the equal pay proposal still hanging in the air, the Labour backbencher Lena Jeger moved an amendment to the Prices and Incomes Bill on 26th June 1968 to allow preferential treatment for equal pay claims. According to Castle's own account, in a whispered conversation on the front bench, she asked the Chancellor:

Would he permit me to use a carefully worded formula promising immediate discussion with the CBI and TUC on a timetable for phasing in equal pay? I scribbled down a form of words and after hesitating and swallowing hard he reluctantly agreed. In these ways is history made! I couldn't see myself repeating that wartime incident when Cazalet-Keir defeated her own government on the equal pay issue and Churchill had to stump down to the House of Commons the next day and get the vote reversed on a vote of confidence. This time so

⁶¹⁴ 'All Ford Women offered 92% of men's rate', *Financial Times*, 2/7/1968.

⁶¹⁵ 'How the Ford Machinists won a 7 per cent rise', *The Times*, 8/7/1968.

⁶¹⁶ TNA: PRO T328/337, Workman to Rogers, 12/7/1968.

reckless and almost anarchic is the mood of the PLP that I doubt if we could get away with it even if we wanted to.⁶¹⁷

Thus, Castle told the Commons that talks with the CBI and TUC would continue but were confined to the timing of equal pay, not whether it would happen or how it would be implemented, with the promise that equal pay would be in place within seven years.⁶¹⁸ The Ford dispute pushed the (not unwilling) Castle off the fence, and for the first time the government sided with the TUC's desire for action rather than the CBI's obfuscation.

Two days later, on 28th June, Castle met with the strike leaders. Although the press were invited she was not convinced that the meeting would lead to a settlement since what was being offered (equal pay) was not what the women wanted (regrading). So Castle took the precaution of having the press take pictures before the meeting started in case faces were sourer by the meeting's end.⁶¹⁹ The result was the success that Castle had hoped for, with a move towards equal pay and the reiteration of the promise of a Court of Inquiry to look at the grading issue. This was reported as a victory for equal pay.⁶²⁰ The strikers hesitated before accepting the deal on 9th July.⁶²¹

This settlement led to Treasury incandescing with anti-inflationary fury. Officials demanded a 'warning shot' across Castle's bows and one allowed himself to write to an official in the DEP 'in anger'. The dispute soon escalated to Permanent Secretary level and only subsided when Jenkins

⁶¹⁷ Barbara Castle, *The Castle Diaries 1964-1970*, (London: Weidenfeld & Nicolson, 1984), p471.

⁶¹⁸ *HC Deb*, 26/6/1968, vol767 cc479-572.

⁶¹⁹ Castle, *The Castle Diaries 1964-1970*, p473.

⁶²⁰ See, for example, *The Mirror* 2/7/1968 and any number of other papers on this date.

⁶²¹ 'Ford women to get rise this week', *The Times*, 10/7/1968.

made it clear that he supported Castle. The Treasury were equally unhappy with Ford,⁶²² fearing their action might precipitate a 'rush towards equal pay'.⁶²³

Even with the announcement of a renewed drive to equal pay, the pace remained slow for two possible reasons. First, the Treasury still wanted to delay.⁶²⁴ When in July 1968 *The Times* suggested methods of implementing equal pay in other countries should be studied,⁶²⁵ the Treasury jumped on the idea, hoping this might lead to being 'locked in technical statistical exercise for some time to come'.⁶²⁶ The motivation for this remained the balance of payments. Although by September 1968 the balance of payments were improving (the second quarter the deficit fell by £51m to £30m)⁶²⁷ the Treasury remained nervous.⁶²⁸ So when the CBI insisted that a committee be established to consider the cost of equal pay, the Treasury offered implacable support. The committee was established in September 1968 to report in the summer of 1969.⁶²⁹

A second possibility has been suggested by Anne Perkins, that Castle became mired in trade union reform with *In Place of Strife* (IPoS) with the drive to equal pay only being renewed in the summer

⁶²² TNA: PRO T328/337, Petch to PPS, 3/7/1968; Workman to Jarratt, 4/7/1968; Workman to Rogers, 4/7/1968; Workman to Petch, 9/7/1968; Workman to Jarratt, 17/7/1968.

⁶²³ 'Ford women's victory may start equal pay rush', *The Times*, 2/7/1968.

⁶²⁴ TNA: PRO T328/337, Petch to Barnes [c.10/07/1968].

⁶²⁵ 'The Pitfalls of equal pay', *The Times*, 18/7/1968.

⁶²⁶ TNA: PRO T328/337, Lavelle to Petch, 23/7/1968.

⁶²⁷ 'The balance of payments after ten months at \$2.40', *The Times*, 18/9/1968.

⁶²⁸ Brian Tew, *The Evolution of the International Monetary System 1945-1977* (Anchor Press, Tiptree, 1977), pp136-138; Michael Oliver and Arran Hamilton, 'Downhill from Devaluation: The Battle for Sterling, 1968-72', *Economic History Review*, 60/3 (2007), pp492-496.

⁶²⁹ TNA: PRO LAB10/3131, Equal Pay, sub-committee on costs, Note of the first meeting of the sub-committee, 9/8/1968.

of 1969 because of her loss of face over *IPoS*.⁶³⁰ The talks on trade union reform with the CBI and TUC were continuous from June 1968,⁶³¹ until the white paper was read its last rights in Cabinet on 17th June 1969. But the timescale for tripartite talks were implicit in Castle's statement to the Commons on 26th June 1968, and explicit by September 1968.⁶³² Thus equal pay cannot be considered to have been at first delayed by *IPoS* and then accelerated by its failure.

That Castle was committed to legislation from the summer of 1968 is shown by her preparations to make a statement on equal pay to the Labour Party conference in the autumn of 1968, although the debate was never reached.⁶³³ Castle had a form of words and cleared it with the Treasury, using the continued tripartite talks to explain there would be no action before the summer of 1969. The Treasury wanted to ensure that any statement was wrapped up in the usual blanket of caution of 'our present economic circumstances', although Jenkins was relaxed in giving Castle the green light for a firmer commitment to equal pay but without any guarantees on the time scale.⁶³⁴

Although the TUC leadership were willing to accept this slow pace,⁶³⁵ the pressure from below was becoming greater. At the September 1968 TUC Congress the government's incomes policy had been heavily rejected, and the General Council only just succeeded in winning its position of a voluntary agreement against a return to free collective bargaining.⁶³⁶ The militancy was expressed

⁶³⁰ Anne Perkins, *Red Queen* (Macmillan: London, 2003), p325.

⁶³¹ Wilson, *The Labour Government*, p746.

⁶³² See below, this section.

⁶³³ NEC 27/9/1968, LPNEC/929/1.

⁶³⁴ TNA: PRO T328/337, Workman to Singleton, 26/9/1968, and Jenkins to Castle, 13/9/1968.

⁶³⁵ TNA: PRO LAB10/3310, Note for the record: Equal pay – meeting with the TUC, 31/07/1968.

⁶³⁶ Wilson, *The Labour Government*, p561.

by Congress not only unanimously passing a General Council supported motion calling for the implementation of equal pay in two years, but also passing DATA's motion for member unions taking strike action in pursuit of equal pay by a large majority despite the General Council's opposition.⁶³⁷

Responding to this pressure, the TUC General Council called the long promised special conference on equal pay for November 1968.⁶³⁸ The pressure in the unions was further mobilised by Ford Dagenham NUVB shop steward Fred Blake⁶³⁹ and the Labour MP Christopher Norwood⁶⁴⁰ initiating a trade union based campaign for equal pay, calling a meeting in the House of Commons in October 1968⁶⁴¹ which launched the National Joint Action Campaign Committee for Women's Equal Rights (NJACCWER). Audrey Wise,⁶⁴² of the shopworkers' union USDAW, set the tenor of the campaign in arguing that national union leaderships were 'not really interested in activity, so we must increase embarrassing pressure ... so it is felt where it hurts.' The main focus of activity was building for a rally in Trafalgar Square to be held in early 1969.⁶⁴³

The NJACCWER had a broad range of affiliates including the national unions DATA, FBU, POEU, SOGAT and USDAW, as was the proto-second wave feminist group Mothers in Action. Although

⁶³⁷ EGC minutes 29/8/68, MRC/TUCA, MSS.292B/119/2; 'Strike backing for equal pay', *The Times*, 4/9/1968.

⁶³⁸ WAC7, MRC/TUCA, MSS.292B/61.5/2.

⁶³⁹ 1919-2012. Trade unionist.

⁶⁴⁰ 1932-1972. Labour MP, Norwich South (1964-1970).

⁶⁴¹ Circular letter on equal pay for women from the London District Committee of the NUVB, 14/08/1968, MRC/TUCA MSS.292B/119/2.

⁶⁴² 1932-2000. Then an activist in USDAW.

⁶⁴³ NJACCWER, Minutes of 1st meeting, 11/11/1968, MRC/TUCA.MSS.292B/119/2.

first wave feminists supported the campaign, this was largely passive.⁶⁴⁴ Trafalgar Square saw the planned rally in May 1969, which was hailed as a success, but press reports suggest a modest size of around 1,000 demonstrators.⁶⁴⁵ The NJACCWER claimed to have forty local branches, but there is very little evidence of this, and at best this represented a network of 'corresponding secretaries'.⁶⁴⁶ After this the NJACCWER declined rapidly.⁶⁴⁷ There was acrimony at the November 1969 AGM after many of those present, mainly second wave feminists, were excluded from the vote.⁶⁴⁸ Even before the passing of the Equal Pay Act the NJACCWER was fading away and certainly does not have the importance sometimes attributed to it.⁶⁴⁹

More important than the NJACCWER was the increasing industrial militancy shown by women on the issue of their pay after the Ford strike. Most threatening was the issue of equal pay in the engineering industry that blew up at the end of October 1968. Here pay rates were negotiated between the national employers' body and nine trade unions grouped in the Confederation of Shipbuilding and Engineering Unions (the Confed). The offer on the table was for an increase in the minimum rate for women to £15, whereas the offer for men's minimum rate was up to £19, which increased the differential between men and women.⁶⁵⁰ While eight of the Confed's unions were willing to accept the deal, the GMWU blocked it, not least since it was the only one of nine

⁶⁴⁴ Circular from Fred Blake, NJACCWER, 30/12/1968, Women's Library, 5SPG/FL530/SPG/F2.

⁶⁴⁵ '1,000 women march for equal pay', *The Times*, 19/5/1969.

⁶⁴⁶ NJACCWER Working party meeting, 11/02/1969, Women's Library, 5SPG/FL530/SPG/F2.

⁶⁴⁷ 'Equal pay now/Five point charter', NJACCWER, Women's Library, FL 537 SPG/I20/Associations/File1/A-R.

⁶⁴⁸ 'Not for women's equal rights but a facade for personal careerism: Exposure of the NJACCWER', Women's Library, 7SHR/D/3/Box 8.

⁶⁴⁹ For example, Marwick, *The Sixties*, p689.

⁶⁵⁰ 'Progressive factors in wages talks', *The Times*, 22/10/1968.

represented by a woman, Marian Veitch.⁶⁵¹ The impasse briefly threatened to lead to industrial action,⁶⁵² but the final three year deal agreed in December saw the gender pay gap widening, showing much about the priorities of most trade union leaderships.⁶⁵³ It is hardly surprising that Veitch's view was:

If the unions had really wanted equal pay we could have had it years ago ... They would glibly say 'aye' whenever a resolution on the subject was put to a conference, and then do nothing. And afterwards, the men would laugh about it amongst themselves.⁶⁵⁴

Elsewhere, discontent led to action. Later in 1968 there was a strike by female lavatory attendants at Lucas, although this strike was quashed by their union leadership.⁶⁵⁵ January 1969 saw a strike for equal pay at Renolds engineering plant in Didsbury, which *The Times* feared 'may well signal the start of growing militancy by the half a million women in the engineering industry',⁶⁵⁶ with the strike spreading to another Renolds plant in Coventry.⁶⁵⁷ In April 1969 USDAW threatened to organise action amongst 180,000 Co-op workers in pursuit of an incomes policy breaking equal pay claim.⁶⁵⁸ The same month there was a dispute at Plessey's in Ilford which, like that at Ford, was fundamentally a grading dispute but with a pronounced element of equal pay.⁶⁵⁹ By June 1969 the

⁶⁵¹ 'Mrs. Veitch to tell unions: "stand firm on women's pay"', *The Times*, 24/10/1968.

⁶⁵² 'TGWU engineers reject pay proposals', *The Times*, 25/10/1968.

⁶⁵³ TUC EDPC, 4/2/1969, MRC/TUCA MSS.292B/119/2.

⁶⁵⁴ 'An Empty triumph for the women', *The Times*, 3/9/1969.

⁶⁵⁵ Corinne Adam, 'Britain's submerged sex', *New Statesman*, 16/1/70; Lewenhak, *Women and the Trade Unions*, p286.

⁶⁵⁶ 'Women strikers threaten the car makers', *The Times*, 7/1/1969.

⁶⁵⁷ 'Equal Pay strike talks', *The Times*, 6/1/1969.

⁶⁵⁸ 'Shop workers support big wages claim', *The Times*, 29/4/1969.

⁶⁵⁹ '...and at Plessey', *The Morning Star*, 17/5/1969.

TUC Incomes Policy Committee was considering six equal pay claims, the largest two from USDAW and TGWU covering around half a million women workers.⁶⁶⁰ This is not to say that there was a united trade union movement supporting equal pay. A TUC survey of the extent of pay inequality scratched the surface to reveal some antediluvian attitudes. The leader of the Laminate and Coiled Spring Workers' Union wrote to the TUC General Secretary, Vic Feather, telling him, 'Your idea is alright for teaching bus conducting [sic] and like jobs, I could give you examples of women doing what can be termed means [sic] work and want jam on it ... equal pay for women in heavy industry is a dead duck.'⁶⁶¹

What is missing amongst the above factors is the influence of first wave feminists. When the Ford's strike broke out, Edith Summerskill⁶⁶² had called on feminists to rally to it,⁶⁶³ but to little avail. The SWC sent an observer to one NJACCWER meeting, but they fell out when the equal pay campaign claimed the SWC's support on its letterhead.⁶⁶⁴ Hunkins-Hallinan of the SPG attended at least some NJACCWER meetings⁶⁶⁵ but their newsletter carried scant material on equal pay.⁶⁶⁶ None of the first wave feminist groups had any impact through 1968 and 1969. With the publication of the Equal Pay Bill in January 1970, the SPG promised it would lobby effectively behind the scenes,⁶⁶⁷ but there is no evidence of this happening. Similarly, the SWC's claimed 'we

⁶⁶⁰ 'Welcome note to union for equal pay claims', *Labour*, July 1969.

⁶⁶¹ Hynes to Feather, 1/11/69, MRC/TUCA, MSS.292B/119/5.

⁶⁶² 1901-1980. Doctor, feminist and Labour MP, Warrington/Fulham W (1938-1961). Minister of National Insurance (1950-1951). Created Baroness Summerskill (1961).

⁶⁶³ Letter, Edith Summerskill, *The Times*, 18/6/1968.

⁶⁶⁴ SWC minutes, 27/02/1969, Women's Library, FL/588/7AMP/B1/4.

⁶⁶⁵ NJACCWER Working party subcommittee meeting, 11/12/1968, Women's Library, 5SPG/FL530/SPG/F2.

⁶⁶⁶ SPG newsletter, October 1968, Women's Library, FL538/5SPG/J/60-93.

⁶⁶⁷ Dale Spender, *There's always been a women's movement this century* (London: RKP, 1983), p38.

should let the Minister know that we are watching the situation and are not satisfied with the progress being made⁶⁶⁸ had little bearing on reality.

*

That progress towards equal pay started again in 1968 seems to have been caused by three main factors. First, there had been a long process within government to delay the issue that Castle was able to cut through when she became the responsible minister. Second, the trade unions created pressure for change, but not in a straightforward way. Militancy amongst trade unionists in predominantly male grades won them pay increases. There was less militancy amongst women, but where women were militant, and when their union supported them, they could win. Third, the Ford strike became an equal pay strike. This caused an increase in demands for industrial action amongst women that was expressed through trade union structures. Last, the unevenness of this pressure from the unions and the lack of confidence by the leadership of the union in women's industrial strength led to an emphasis on the legislative route.

4.2.5: The passing of equal pay 1969-1970.

It was opportune that the official committee examining the cost of equal pay should not report until the summer of 1969. The Treasury continued as a Cassandra voice on the effects of introducing equal pay, but the pressure on the pound had eased.⁶⁶⁹ The report itself was against meaningful policy, proposing that if there had to be equal pay legislation then it should be weak to the point of inadequacy. It also emphasised women's different role in society leading to a

⁶⁶⁸ SWC minutes 1/10/1968, Women's Library, FL588/7AMP/B1/4.

⁶⁶⁹ TNA: PRO T328/338, Cabinet management Committee: Equal pay: Memorandum by the First Secretary (Comments by HG Walsh), 25/07/1969.

different attitude to the workplace and expressed the fear that women might use higher pay as an opportunity to work shorter hours.⁶⁷⁰ Unsurprisingly, the TUC were unhappy with this report.⁶⁷¹

Officials in the DEP recognised that time was running out for legislation in the 1969-70 session, and to achieve anything it would have to be given the highest priority.⁶⁷² With Jenkins' support, Castle wrote to Wilson in July 1969 urging that legislation be pushed through before the election, which required taking a decision before the summer recess.⁶⁷³ There are a variety of reasons why Wilson may have accepted this proposal, such as the need for a tangible policy success before the election or simply that he was minded to reward Castle who had shown herself to be the staunchest of allies through *In Place of Strife*. Another official committee was set up to look at the issues over the summer and report in time for the PM to consider the issues before he addressed the TUC conference on 1st September 1969.⁶⁷⁴ Castle planned that she would make a more detailed announcement to the Labour Party conference later in the month.⁶⁷⁵ In this committee there was pressure from the Treasury to give more weight to incomes policy⁶⁷⁶ leading to Wilson hesitating, wanting Cabinet backing.⁶⁷⁷

⁶⁷⁰ TNA: PRO LAB43/544, The economic and social implications of equal pay for women, 27/08/1969.

⁶⁷¹ TNA: PRO LAB8/3507, Joint study Group on Equal Pay: Note of a meeting on 9th July [1969].

⁶⁷² TNA: PRO LAB10/3482, [Note by Locke], [c.04/07/1969].

⁶⁷³ TNA: PRO PREM13/3554, Castle to Wilson, 22/7/1969, and Dawes to Smith, 23/7/1969.

⁶⁷⁴ TNA: PRO T328/338, Trend to Barnes, 31/7/1969.

⁶⁷⁵ TNA: PRO CAB128/144, C(69)113, Equal pay; PREM13/3554, Edwards to Dawes, 27/8/1969; PREM13/3554, Cabinet: Equal pay: memorandum by the First Secretary of State and Sec of state for Employment and Productivity, n.d.

⁶⁷⁶ TNA: PRO CAB64/792, Interdepartmental Group on Equal pay for women: minutes, 21/8/1969.

⁶⁷⁷ TNA: PRO PREM13/3554, Telegram from Derek [Smith] to David [Hancock], c.01/09/1969.

Wilson's hesitation meant that at the Trade Union Congress in early September 1969 he made nothing more than the vaguest genuflection towards equal pay coupled with the demand that this would need restraint in men's pay claims. The TUC had already unanimously passed a motion from the TGWU demanding parity.⁶⁷⁸ The discussion at the Cabinet in early September did not go well for equal pay, which was criticised not only on the usual Treasury grounds but also for its affect on income distribution and the family wage. Proponents argued that after the failure of *In Place of Strife* the measure would strengthen the position of moderates in the TUC and would calm the PLP.⁶⁷⁹

The Treasury had not given up its opposition. Even at the Cabinet meeting of 22nd September 1969 no final decision was taken. It accepted the principles that Castle's proposed, that the measure would come into force in 1975 and for equal pay to be for 'the same or broadly similar work' in the same establishment with the implementation by industrial tribunals.⁶⁸⁰ The Treasury were still of the view that equal pay should be stopped and that Jenkins should have a meeting with Wilson to secure this.⁶⁸¹ Jenkins did not go all the way with his officials' wishes and he continued to claim his prerogative to veto any announcement⁶⁸² leaving the final decision in the hands of Wilson, Jenkins and Castle.⁶⁸³ Although Treasury officials hoped that legislation would be further delayed,⁶⁸⁴

⁶⁷⁸ 'Equal pay restraint call evokes TUC anger' and 'Firm Stand on equal pay for women', *The Times*, 3/9/1969.

⁶⁷⁹ TNA: PRO CAB128/41, CC(69)42, 04/09/1969.

⁶⁸⁰ TNA: PRO CAB129/144, C(69)120, 22/09/1969.

⁶⁸¹ TNA: PRO T328/339, Waas to Dowler, 19/09/1969.

⁶⁸² TNA: PRO T328/339, Hancock to Waas, 22/09/1969.

⁶⁸³ TNA: PRO CAB128/144, CC(69)45, 25/09/1969.

⁶⁸⁴ TNA: PRO T328/339, [Telegram] Barnes to Jenkins, 26/9/1969.

Jenkins agreed to the statement that Castle wished to make to the Labour Party Conference.⁶⁸⁵

Thus, in her reply to the debate on trade at on 29th September 1969, Castle was able to announce that the government would be proceeding with legislation.⁶⁸⁶

The DEP were quick to draw the threads of the policy together, and the proposals were circulated to the TUC, CBI⁶⁸⁷ and the Parliamentary Counsel within three weeks.⁶⁸⁸ The TUC sent these proposals to member unions for consultation,⁶⁸⁹ and the replies were mainly supportive of the legislation. Even at this stage some unions began to raise the issue that equal pay would be of limited use if not complemented with equal opportunities,⁶⁹⁰ but this pressure was both too little and too late. The proposal for equal pay was duly included in the Queen's Speech. Equal opportunities was raised when Joyce Butler⁶⁹¹ suggested that the government adopt her Anti-Discrimination Bill and integrate it into the legislation.⁶⁹² The 1965 Race Relations Bill had shown that such late amendment was possible with a concerted campaign with ministerial allies, but there was no such campaign.

Even as the bill was being drafted there was little external pressure. The TUC brought forward demands for the enactment of equal pay for work of equal value, a two year phase-in period and equal opportunities. It did not push these amendments hard, rather Vic Feather advised Castle on

⁶⁸⁵ TNA: PRO PREM13/3554 'Equal Pay' [draft for Castle]. [c.26/9/1969].

⁶⁸⁶ *Report of the Sixty-eighth Annual Conference of the Labour Party, 1969*. pp193-197.

⁶⁸⁷ TUC EDPC 1/1a, Equal Pay, 13/10/1969, TUCA/MRC, MSS.292B/61.5/4.

⁶⁸⁸ TNA: PRO LAB10/3482, Instructions to Parliamentary Council, 21/10/1969.

⁶⁸⁹ WAC1, 17/10/69, MRC/TUCA MSS.292B/61.5/4.

⁶⁹⁰ EDPC minutes, 19/11/69, MRC/TUCA MSS.292B 119 5.

⁶⁹¹ 1910-1992. Labour MP, Wood Green (1955-1979)

⁶⁹² *HC Deb*, 28/10/1969 vol790 c4-7, 17.

how to avoid the General Council's demands.⁶⁹³ The pressure that Feather was looking to short circuit was coming up through TUC-WAC and was beginning to create a different tone on the General Council. The women's committee thought that the bill was so weak and industry orientated that they should oppose it, but it was the wrong stage in the electoral cycle to have used the Conservative opposition to achieve this.⁶⁹⁴ Similarly the 1970 TUC Women's Conference supported a call for strike action for equal pay.⁶⁹⁵ Although with race relations legislation the TUC had sought to avoid legislation that might interfere with their freedoms,⁶⁹⁶ with equal pay the TUC pushed for the legislation to encroach further into free collective bargaining by calling for it to be linked to work of equal value underpinned by job evaluation, arguing (rightly) that while the workforce was segmented on gender lines, this would go further to achieving equal pay.⁶⁹⁷ By the end of January 1970 the TUC had decided that the bill was a *fait accompli*⁶⁹⁸ although they attempted to have amendments put to the bill at committee stage but with little impact.⁶⁹⁹ The bill was given its first reading on 28th January 1970,⁷⁰⁰ with the second following swiftly on February 9th. While Jill Knight and Ronald Bell on the Conservative backbenches raised the issue of the family wage,⁷⁰¹ the bill's passage through Parliament was assured through front bench Conservative support despite the tightness of the parliamentary timetable. The bill passed

⁶⁹³ TNA: PRO LAB10/3482, Note on the Cost of the TUC's proposals for Equal Pay [c.02/12/1969].

⁶⁹⁴ TUC WAC5, 04/03/1970, MRC/TUCA, MSS.292B/61.5/4.

⁶⁹⁵ 'Equal Pay Strike call', *The Times*, 24/4/1970

⁶⁹⁶ TUC Circular no. 41, 04/12/1969; Lea to Murray, 04/12/1969, MRC/TUCA, MSS.292B 119.5.

⁶⁹⁷ WAC4, 04/02/1970, MRC/TUCA, MSS.292B/61.5/4.

⁶⁹⁸ WAC4/1, 23/01/1970, MRC/TUCA MSS.292B/61.5/4.

⁶⁹⁹ Heffer to Chipchase, [c.24/02/1970], MRC/TUCA, MSS.292B 119.5.

⁷⁰⁰ *HC Deb*, 28/1/1970, vol794 c1553.

⁷⁰¹ *HC Deb*, 9/2/1970, vol795 cc913-1038.

through the rest of its Commons' stages without division or controversy by 23rd April 1970.⁷⁰² In the Lords, Lord Belstead for the Conservatives moved a number of reasoned amendments highlighting the need for a tighter definition of job evaluation and calling for an investigation of the factors limiting women's opportunities in employment, but did not force a vote on any.⁷⁰³ In a coda Castle made a statement to the Commons regretting that it had not been possible to include pensions in the bill, promising that the bill could be amended before it came into effect in 1975.⁷⁰⁴ The bill received Royal Assent on 2nd July 1970.

Therefore, the immediate reasons why equal pay legislation was enacted was the support that the policy had in the Labour Party and particularly the PLP. This mattered little while the unsympathetic Ray Gunter was the responsible minister. So the second factor that was required was a supporter of equal pay taking responsibility for the policy. Barbara Castle being at the DEP mattered. Third, the Ford strike may have helped tip Castle into action and certainly weakened opposition from other government departments, although this becoming an issue of equal pay and may have been an accident of industrial relations. Fourth, while the Ford dispute was not a single *dues ex machina* delivering equal pay, it did demonstrate the increasing militancy of women workers and strengthened the belief that if equal pay was not dealt with then industrial strife would follow. Fifth, this industrial militancy also strengthened the hand of those in the trade union movement who wanted legislation, a generation like Veitch too young for the first wave of feminism and too old for the second. Sixth, it was important that there was an infrastructure of women's representation within the unions. The existence of women's officers in some of the big

⁷⁰² *HC Deb*, 22/4/1970, vol cc505-93 and 23/4/1970 cc717-772.

⁷⁰³ *HL Deb*, 5/5/1970, vol801 cc121-163 and 20/5/1970 cc1063-1085.

⁷⁰⁴ *HC Deb*, 27/5/70, vol801 cc1788-1791.

unions mattered, as did the TUC having its Women's Advisory Committee that gave women a voice. The last important factor was that the state was already involved in regulating women's employment and there was little argument heard of this being a matter that should be kept in the private sphere. The main argument against the measure was economic, that it would increase costs for industry and damage production. In the trade unions too, there had been a long standing belief that women's employment should be subject to state regulation. Thus, while public policy dating from the nineteenth century underpinned women's different role in the private sphere, in the 1960s it proved easy to invert the principle to assert their equality in the public sphere

Other factors slowed progress towards equal pay. First, the lack of strong advocates inside or outside government led to the proposals on the table in 1968 being weak. Despite Castle pushing for as much to be included in the bill as possible, the final bill reflected this weakness developed in gestation. Most notably the bill contained no equal opportunities measures. Second, the advocates of equal pay were poorly organised and weakly equipped with ideas and were thus unable to have any great effect on the nature of the policy. Particularly, by the 1960s the first wave feminist groups, by their own admission, were unable to mount even a token campaign. Last, the lack of the development of any clear policy, and to a degree the traditions of first wave feminism, meant that the form of equality was largely negative, a policy that employers must not treat men and women differently with respect to pay but not requiring any more positive equality to promote gender equality in employment. Most notably, beyond the law itself, no institutions of the equality state relating to women's employment were developed in this period. The result was a weak piece of legislation.

4.3: Unequal opportunities.

One of the major weaknesses of the Equal Pay Act was that it was the sound of one hand of equality clapping if not accompanied by measures to ensure women had equal access to jobs and training. The demand for such equality (which at a minimum could have been the negative equality, paralleling the measures enacted in the 1968 Race Relations Act) was limited in 1960s. It was still less common to hear calls for positive equality that would have allowed women greater access to employment by an intervention in reducing their domestic role, for example in the form of childcare, perhaps because these moves intruded into the private sphere. Nonetheless, the need to create greater equality for women to access employment was debated in the Equal Pay Bill's passage through Parliament in 1970. There was also a concurrent debate on lessening gender roles in education, training and employment that led to women being confined in low paid employment.

It would be easy to see the equal rights feminists who had dominated the first wave as having pursued middle-class women's emancipation. The Open Door Council (ODC) had been formed as a split from NUSEC in 1927 because of the latter's support for protective legislation limiting women's employment opportunities.⁷⁰⁵ It campaigned for women to have the same access to employment as men. Similarly, the SPG took the view that women should have no special legal protection.⁷⁰⁶ Although protective legislation mainly excluded women from certain kinds of industrial work (most notably night work in factories), the ODC's and SPG's main campaigns were to be in middle

⁷⁰⁵ See section 4.4.

⁷⁰⁶ Caine, *English Feminism*, p193.

class professions, such as the London Stock Exchange and the Anglican clergy.⁷⁰⁷ The bulwarks of the equal rights feminist movement had been two white collar women's unions, the Union of Women Teachers (1920-1961) and the National Association of Women Civil Servants (1932-1959). Both were wound after the marriage bar had been dropped and women in these professions were granted formal equal pay (although their work was concentrate in lower grades).⁷⁰⁸ By the early 1960s the ODC was near moribund showing only occasional bouts of letter writing.⁷⁰⁹ One of the last major campaigns of the SPG was in the early 1960s against medical schools that set a low ceiling on the number of female students they would admit.⁷¹⁰

In 1966 the Labour MP Lena Jeger argued professional women did not need their interests furthered by the law,⁷¹¹ although the evidence for this is weak. For example, in 1966 the Transport Holding Company (the government company for nationalised road transport and freight, shipping and travel agents.) reported to the Ministry of Labour there were many grades, particularly the more senior ones, where women were simply absent.⁷¹² Similarly, a report in the same year for the London Chamber of Commerce found women to be largely excluded from the higher echelons of management.⁷¹³ Even where equal pay existed on paper for white collar

⁷⁰⁷ Economic equality (Vivian Beaumont), 14/11/1955, Women's Library, 5SPG/FL/531/SPG/F4.

⁷⁰⁸ Women's Library Catalogue, online at <<http://www.aim25.ac.uk/cats/65/10507.htm>> (Accessed 1/3/2010); Pierotti, *The Story of the National Union of Women Teachers*.

⁷⁰⁹ See, for example in the material in, Women's Library, FL/386/5ODC/A1-26; ODC: Annual report 1961, 3/4/1962, Women's Library FL 386 5ODC/A1-26.

⁷¹⁰ ODC: Annual report 1961, 3/4/1962, Women's Library, FL/386/5ODC/A1-26; SPG AGM 1963, 07/03/1963, Women's Library, FL525/SPG/B34-45.

⁷¹¹ Lena Jeger, 'Equal pay: sex or class war', *New Statesman*, 22/4/1966.

⁷¹² TNA: PRO LAB10/2878, Sallies to Bird, 17/08/1966.

⁷¹³ 'In Executive Jobs Underpaid', *The Times*, 23/9/1966.

workers, it was undermined by gendered work. Equal pay had been phased into the Civil Service by 1961, but the battle was far from won. The general secretary of one Civil Service union complained in 1966 that:

in the 'mixed grades' the equal pay is tending to settle down not as the 'men's rate' but as something in between what (had there been no equal pay) would have been the separate rates for men and women. And in the grades predominantly staffed by women, HM Government insists that the principle of equal pay is inconsistent with the 'principle' of fair comparisons with outside rates; and that the latter principle must dominate. So in practice, we get in the first case an equality at something at less than what would have been the 'men's rate', and in the second case we get significantly less than true equal pay.⁷¹⁴

Thus the argument that the middle classes had attained gender equality at work was false.

To a degree the first wave feminists did give some consideration to the position of working class women too. In 1965 the SPG embarked on the formulation of a desideratum for women's employment,⁷¹⁵ and although they made little progress, they considered 'the establishment of crèches, nursery schools and kindergartens and play centres which will be flexible and enable the employment of mothers in trades, industries and professions'.⁷¹⁶ They also attempted to champion equal opportunities *causes célèbres* such as Brenda Armstrong, a bus conductor, who in 1967 passed her training as a driver only to face a threat of strike action by the Great Yarmouth TGWU busworkers' branch. She did not respond to the SPG's advances⁷¹⁷ although they continued

⁷¹⁴ Wines to Woodcock, 17/01/1966, MRC/TUCA, MSS.292B/119/2.

⁷¹⁵ SPG Newsletter, 04/1965, Women's Library, FL526/SPG/B46-9.

⁷¹⁶ SPG newsletter, 01/1965, Women's Library, FL538/5SPG/J/60-93.

⁷¹⁷ [Unidentified press cutting]'Bus driver Brenda gives way' and Hayward to Armstrong, 30/6/1967, Women's Library, FL52/SPG/C13.

with a campaign for women bus drivers to be appointed, by writing to MPs, London Transport and the General Secretary of the TGWU, Frank Cousins. The campaign lacked a clear focus on the outcome they desired other than the resolution of individual cases. In Brenda Armstrong's case, the SPG did not even achieve this.⁷¹⁸

For Jeger the issue of equal access to work was essentially a working class one tied up with the ideology of the family wage:

partly because women workers do not care enough. Many of them in fact go home to a domestic environment secured by their husband's wages. Some of those who do not work ask why the chit of a girl up the road should get as much as their husband – without his responsibilities.

The problem, Jeger continued, was that equal pay was an 'orphan child' without 'equal work' existing first. For many working class women their work was not the equal of their husbands' in terms of pay or skill. In working class life the established fact was that families relied more on men's wages and this was embedded in working class culture. This led to women viewing their own work as less important, and this had become institutionalised in the gendering of the labour market and wages.⁷¹⁹

The government showed no interesting in creating a less gendered labour market. When Fred Lee⁷²⁰ wrote to Wilson in 1970 asking that equality of access to industrial training be included in

⁷¹⁸ Hayward to Cousins, 17/01/1969, Women's Library, FL527/SPG/C13; Baker to Hayward, 20/12/1968, Women's Library, FL527/SPG/C13.

⁷¹⁹ Lena Jeger, 'Equal pay: sex or class war', *New Statesman*, 22/4/1966.

⁷²⁰ 1906-198. Labour MP, Manchester Hulme/Newton (1945-1974). Secretary of State for the Colonies (1966), Chancellor of the Duchy of Lancaster (1966-1969).

the Equal Pay Bill,⁷²¹ Castle's draft reply argued that the law could not change attitudes of employers and women themselves, and that these were the root of the problem.⁷²² The Civil Service note behind this showed a view that women were mothers and wives first, and that inequality in employment underpinned their domestic role:

the tendency of married women to put home and family first and job second, and to restrict their hours of work, is the main factor which restricts their employment opportunities. This is not prejudice against women, but a realistic assessment of their employability in a particular situation ... In judging applications for women for industrial training, selection panels are ... obliged to take into account the limited employment opportunities for women in many skilled trades and attitudes of the Unions concerned.

The note continues to identify the importance of women in a gendered workforce, and worries that equality might undermine the supply of women for (low paid) nursing and teaching roles:

Women who enter teaching and nursing are of the same ability levels as technicians, technologists and managers. In securing an extension of the employment field for women care must be taken to ensure that the prospects of future generations are not harmed by a shortage of teachers and that there are at all times sufficient qualified and experienced nurses to safeguard the health of the nation.⁷²³

Thus the notion that women were excluded from skilled work because of their domestic responsibilities was uncomfortably spliced with the idea that women were needed to do certain types of feminine skilled work.

⁷²¹ TNA: PRO LAB43/568, Lee to Wilson, 20/02/1970.

⁷²² TNA: PRO LAB43/568, Castle to Wilson, 25/03/1970.

⁷²³ TNA: PRO LAB43/568, Note by the first Sec, Employment and training opportunities for women and girls. [c.20/03/1970].

The first wave of feminism had developed little policy to promote women's equal access to employment. What did emerge came from women in the labour movement. The Labour Party-trade union women's committee, the NJCWWO,⁷²⁴ produced a report in September 1968 which looked at the decline in part time employment on which women relied (in part because of Labour's Selective Employment Tax - which from 1966 included inducement for industry to locate in economically rundown areas but encouraged only full time employment).⁷²⁵ The issues of education, training and childcare were also highlighted.⁷²⁶ The NJCWWO wrote to Harold Wilson about their concerns, and received a sympathetic reply that the government not only supported equal pay but attached no less importance to equal opportunities:

the aim is to bring the possibilities of and the necessity for extending openings for women in all fields increasingly to the notice of employers' associations, trade unions, industrial training boards and other bodies and groups who may be able to contribute actively to the realisation of full equality of opportunity for women.⁷²⁷

There is no sign of this sympathy informing any government policy.

Nonetheless, the existence of such goodwill on Wilson's part suggested that progress on equal opportunity might be possible. Joyce Butler had raised the issue in the House of Commons in the form of a Ten Minute Rule bill in 1968⁷²⁸ which proposed not only equal pay but measures against sex discrimination based on the 1968 Race Relations Bill, then proceeding through Parliament. It

⁷²⁴ The National Joint Committee of Working Women's Organisation, previously called the SJCWWO. See annex 1.

⁷²⁵ Tomlinson, *Economic Policy*, p86.

⁷²⁶ WAC2.4, 23/09/1968, MRC/TUCA MSS.292B/61.5/3.

⁷²⁷ NJCWWO, Government social survey – survey of women's employment, reply received on the subject from the PM, 17/09/1968, MRC/TUCA MSS.292B/119/2.

⁷²⁸ See section 4.5.

covered appointment, dismissal and training as well as the creation of an anti-discrimination board to receive complaints.⁷²⁹ Castle was interested enough in this to have a meeting with Butler about her proposals and to look at kindred systems in the USA and Canada.⁷³⁰ Other pressure from back bench Labour MPs had led to the formation of a joint Labour NEC-PLP study group in mid-1967 to look at discrimination against women.⁷³¹ In the light of the mess that the NEC working party on race relations had descended into,⁷³² George Brown sought to ensure that the TUC were fully involved in this working group from the start.⁷³³ Terry Pitt from the research department was keen to ensure that the TUC had good representation on the committee suggesting that both Chipchase and Paterson be members.⁷³⁴ One of the strengths of the working party was its ability to draw together a wide range of members, including the emerging small pool of experts on women's equality, who were often non-labour movement orientated and thus the TUC were unwilling to work closely with them outside of this kind of Labour Party group.

The committee held its first meeting in November 1967 under the chairmanship of the veteran Labour MP, ex-Cabinet minister and then chair of the PLP, Douglas Houghton.⁷³⁵ Houghton had a longstanding commitment to women's rights which had developed with his involvement in the Inland Revenue Staffs Association which he helped found in the 1920s, and he had friendly relationships with the first wave feminists. He had been a speaker at the SPG's 45th anniversary

⁷²⁹ TNA: PRO LAB16/574, The Anti-discrimination Bill, 07/05/1968; *HC Deb*, 7/5/1968, vol764 cc215-8.

⁷³⁰ TNA: PRO LAB10/3310, Singleton to Richardson, 17/05/1968.

⁷³¹ Minutes Liaison Committee, 14/6/1967, LHASC/PLPLC.

⁷³² See section 2.3.2.

⁷³³ Lea to Murray and Graham, 13/07/1967, MRC/TUCA MSS.292B 823 1.

⁷³⁴ Study Group on Discrimination Against Women, 25/10/1967, MRC/TUCA MSS.292B 823 1.

⁷³⁵ 1898-1996. Labour MP, Sowerby (1949-1974). Chancellor of Duchy of Lancashire (with responsibility for Social Security) (1964-1966), Minister without Portfolio (1996-1967).

dinner in 1966, where he had described himself as an 'old Six Pointer'.⁷³⁶ Unfortunately, Houghton also had a strong interest in the details of social security and taxation policy which led the committee to consider the detail of National Insurance and tax codes. He was less attuned to broader questions of women's role and status in society. As chair of the working party he wrote to the SPG in early 1968 asking for their views, although this did not bring them any great influence since they had little to say about the details of policy.⁷³⁷

The working party commenced work with a consultative document sent out to women's sections in October 1967, and grouped women's discrimination under a broad range of headings. Educational, legal, social and political economic discrimination were all highlighted. These preparatory materials for the group brought together some of the more forward-looking and imaginative thinking in this period. Particularly the group recognised that, 'the problem is ... not simply one of providing "equal pay" but of raising the level of pay for certain jobs regarded as women's work but, which ... are of equal value to similar jobs performed by men'. Thus, equal opportunities were needed to promote women's equality, although this was conceptualised entirely as women accessing senior roles, not the segregation of industrial employment. Nonetheless, there was some attempt to grope towards why such unequal opportunities existed, the interruption of women's careers, and men being unwilling to accept women in authority over them and more generally to women's position in society and the impact not just of legislation but the government relying on low paid women's labour in areas such as nursing and teaching.⁷³⁸

⁷³⁶ SPG EC minutes, 5/2/1968, Women's Library, FL524/SPG/a162-194.

⁷³⁷ SPG EC minutes, 05/02/1968, Women's Library, FL/524/SPG/a162-194.

⁷³⁸ Discrimination against women: A discussion paper for Women's sections. [c.10/1967] LHASC/LPA, SGonDAW 1967-70.

The Labour Party working party suggested that further progress towards women's equality in employment would require a change in the position of women in the family. In *Planning for Women at Work*, presented to the 1968 Labour Party Women's Conference, stated:

At school ... girls are usually expected to prepare themselves primarily for their future roles as housewives, via courses on housecraft, cookery and the like ... there can no longer be any rigid separation of roles ... between men and women ... basic attitudes, however, assume just such a separation ... The long-term aim of any plan for women at work must be to impart a new significance to women's employment. A radical change in the attitudes of both men and women towards women's employment is therefore essential. One key fact here is undoubtedly the family, and ... the role of the mother in influencing her daughters' attitude towards work.⁷³⁹

Such a sociological understanding did not at this time form the basis for any clear policy proposals.

When the committee came to consider the details of women's employment at the end of 1968 it concentrated on the possibility of anti-discrimination legislation. A document produced in November 1968 by Anthony Lester and the academic, Margherita Rendell,⁷⁴⁰ was built on civil rights legislation in the USA. As with Joyce Butler's proposals, this suggested that race relations legislation should be extended to embody the principle of fair treatment in general (covering all characteristics of an individual from gender to religion) rather than being open to accusations of 'special treatment' for one particular group. It was proposed that a quasi-independent body

⁷³⁹ Re.410(rev), [c.1/69], LPNEC/960/477-503.

⁷⁴⁰ b.1928. An academic at the University of London Institute of Education.

should oversee this with powers of subpoena and investigation.⁷⁴¹ Overall, the paper suggested an integrated approach to fairness of treatment, the unified framework that was to characterise the equality state by 2010, but there is no sign that such proposals were considered by anyone in government at this time.

The study group failed to create any pressure on policy makers. At the group's November 1969 meeting Rendell suggested that a policy of equal pay alone:

was inadequate and that there was a danger of channelling the issue of discrimination against women solely into the industrial and pay field. It was felt more desirable that discrimination should not be dealt with by industrial tribunals but by the statutory machinery in the Race Relations Act.⁷⁴²

The TUC had created some pressure for equal pay around ILO convention 100 (equal pay) but they gave far less prominence to ILO 111 (Discrimination (Employment and Occupation) Convention) (1958) which dealt with discrimination in employment, including that against women⁷⁴³ and consequently the DEP gave it little consideration.⁷⁴⁴ Pressure only started coming up through the unions in 1969 when the National Union of General and Municipal Workers, the Greater London Council Staff Association and ASTMS all drew attention to the need for equal opportunities, and the TUC-WAC pointed to ILO 111 as offering a template for this.⁷⁴⁵ The TUC decided that it was too late to campaign for any major changes to the Equal Pay Bill and anyhow they had concerns

⁷⁴¹ Re.550, 24/11/1968, LHASC/LPA, SGonDAW 1967-1970.

⁷⁴² Labour Party Study Group on Discrimination Against Women minutes of 23rd meeting, 10/11/1969, LHASC/LPA, SGonDAW 1967-1970.

⁷⁴³ 'Draft 37: Discrimination in employment', 24/08/1967, MRC/TUCA MSS.292B/805.9/5.

⁷⁴⁴ TNA: PRO T328/337, Johnson to Waas, 05/12/1968.

⁷⁴⁵ TUC EDPC2/1, 17/11/1969, MRC/TUCA MSS.292B 119 5.

that an overarching Equal Opportunities Board with a remit beyond women would undermine free collective bargaining.⁷⁴⁶

So it was that equal opportunities for women in employment failed to be subject to government policy making in the 1960s. The limited development of these ideas, and absence of any meaningful pressure for policy promoting them, only serves to underline the lack of any of this as a campaign focus.

4.4: Protective legislation.

The absence of equal opportunities legislation was not the only factor limiting women's employment in the 1960s. Protective legislation, too, restricted women's access to jobs. This did not simply push women into the home, rather it limited women's role in industrial manufacturing whilst putting no limits on women in some areas of feminised employment, particularly nursing.

In 1962 Lord Balniel's⁷⁴⁷ government supported Private Members' Bill proposed to empower the minister of Health to issue regulations limiting women's ability to return to work after childbirth⁷⁴⁸ (the Factory Acts already restrained women from returning to work for four weeks after childbirth). The debate this caused exposed not only differences between equal rights feminists

⁷⁴⁶ Re.544 [note by Chipchase], [c.04/12/1969], MRC/TUCA MSS.292B 119 5.

⁷⁴⁷ David Lindsay, Earl of Crawford, 1900-1975. Conservative MP, Lonsdale (1924-1940). Conservative peer from 1940.

⁷⁴⁸ 'Opposing The Bill', *The Times*, 25/3/1963.

and the labour movement, but also within Labour's and the trade union's ranks. The Balniel Bill did not pass, being talked out at its third reading by Judith Hart early in 1963.⁷⁴⁹

The proposals were rejected outright by equal rights feminists who feared that the law could only be used to force women out of employment into the home. Their belief in equality could admit no element of biological difference between men and women, so Dr Amy Fleming⁷⁵⁰ of the ODC argued:

The only way to safeguard the interests of the wage-earning woman is to treat the incapacity resulting from childbirth similarly to incapacity for work whatever be its cause. The same medical certificate of incapacity should be used in connection with childbirth as issued in connection with absence due to illness or accident.⁷⁵¹

The TUC General Council, and much of the leadership of the Labour Party, supported the Balniel Bill, and had long wished for the extension of the law to workplaces not covered by the Factory Act and for a longer period.⁷⁵² This maternalist position brought them into conflict with the TUC-WAC which held that it was wrong that women should be banned from working, and instead demanded women should have greater maternity benefits and protection from dismissal. This was Judith Hart's position too.⁷⁵³ It is thus notable that while the equal rights feminists had an equality based

⁷⁴⁹ *HC Deb*, 5/4/1963, v675 cc826-74.

⁷⁵⁰ No biographical information known.

⁷⁵¹ Fleming to TUC, 09/03/1963, MRC/TUCA, MSS 292B/823/3.

⁷⁵² NLWAC, Employment of women after Childbirth (Kenneth Robinson), 16/11/1963, MRC/TUCA, MSS.292B/823/3; Extract form SWIIC 7, 10/04/1963, MRC/TUCA, MSS.292B/823/3.

⁷⁵³ NLWAC, Employment of Women After Childbirth (Judith Hart), 17/11/1963, MRC/TUCA, MSS.292B/823/3; WAC 5/3, Employment of women following childbirth, 27/02/1963, MRC/TUCA, MSS.292B/60.25/8; WAC 6/1, Employment of women following childbirth, 27/03/1963, MRC/TUCA, MSS.292B/823/3.

entirely on negative measures, the TUC-WAC were developing a more positive policy to promote women's equality.

Pressure for reform continued after Labour returned to power in 1964. Consultation on decreasing the legal restrictions on women working was instigated in 1965 on the tripartite NJAC and continued to 1969. The TUC's position was that there should be no removal of protection before equal pay, and even then care should be taken so that women could not be used as cheap labour and undercut the pay of men. A second, maternalist, argument was used by the TUC, that since a large proportion of working women had families, 'in the interests of society generally, the State must intervene to protect women'.⁷⁵⁴ Thus, there was a tension in trade unions between those who linked the removal of protective legislation with equal pay and promoting women's equality, and those who maintained that women's position in the labour force was different to that of men.

It is not difficult to find views of women's being different to men in the trade union movement. In 1969 John Newton of the National Union of Tailors and Garment Workers (NUTGW) told Barbara Castle:

Women were biologically different, and were liable to exploitation. Moreover sometimes one had to protect people from themselves. Equal pay was payment for work done. He personally would not accept the idea that the removal of restrictions on [women's] hours should be a quid pro quo for equal pay.⁷⁵⁵

⁷⁵⁴ WAC7/2, 12/06/1969; and WAC7, 16/06/1969, MRC/TUCA MSS.292B/61.5/3.

⁷⁵⁵ Equal pay, Report of meeting between the First Sec of Sate and the TUC, EDPC 09/09/1969, MRC/TUCA MSS.292B/119/4.

Castle was scathing of such concern for women's welfare but it would be wrong to simply dismiss Newton's view as antediluvian sexism. The NUTGW had 92,000 women members⁷⁵⁶ and his views may have reflected the interests of his members in wishing to maintain the protection many women wanted since they maintained a level of domestic responsibility alongside paid employment. Castle recognised this in refusing to yield to the CBI to formally link the removal of protective legislation to the passage of equal pay.⁷⁵⁷

The division in the TUC remained. The TUC's women's organisations wanted less restriction, while its male dominated General Council favoured greater limitations. This was enough to stop protective legislation being repealed. Most stayed on the statute book until the late 1980s, when the combination of the European Union's Equal Treatment Directive and the Thatcher government's desire to reduce employment protection led to a levelling down of rights to those of men.⁷⁵⁸

4.5: Conclusion.

What is significant is that women's equality in employment was on the policy agenda at all in the 1960s. Juliet Mitchell's 1966 article in *The New Left Review*, one of the first expressions of second wave feminism in Britain, sums up the feeling that the campaign for women's equality had run out of steam years before. She argued, 'the wider legacy of the suffrage, was nil: the suffragettes proved quite unable to move beyond their own initial demands.'⁷⁵⁹ The evidence supports the

⁷⁵⁶ TUC WAC 2/1, 03/11/1969, MRC/TUCA MSS.292B/61.5/4.

⁷⁵⁷ TNA: PRO LAB 10/3482, Raff to Jones, 26/01/1970.

⁷⁵⁸ Fredman, *Women and the Law*, pp305-306.

⁷⁵⁹ Juliet Mitchell, 'Women: the Longest Revolution', *New Left Review* 40, (1966), p29.

view that little progress had been made on women's equality after 1928, that the issues were considered under the 1964-1970 Labour governments marked progress.

That the progress was slight is also true. The Equal Pay Act was not only long delayed, but it did not come into force until 1975. Its limited definition of broadly similar work and the lack of even negative measures for equal access to employment meant that there was a counter-productive tendency in the legislation. This was highlighted at the time by the academic lawyer, Olive Stone,⁷⁶⁰ who argued that equal pay without equal opportunities 'do[es] nothing whatsoever to break down but serve[s] rather to petrify the present segregation of most women workers into menial, underpaid jobs to which there is no near male equivalent.'⁷⁶¹ The Equal Pay Act was, nonetheless, a platform on which by degrees an equality state for women could be erected, with equal opportunities measures in employment, education and training being introduced in Labour's 1975 Sex Discrimination Act and in 1983 an amendment for equal pay for work of equal value being forced on a reluctant Conservative administration by a European Court of Justice ruling.⁷⁶²

The limited nature of the reforms was closely related to the weakness of the feminist movement. Claims that the first wave feminism persisted after 1945, while true, fail to convey its weakness. Equal rights groups such as the Open Door Council and Six Point Group were fading. Their demands after 1945 were dominated by claims for equal pay in the Civil Service and teaching which had been at the core of equal rights feminism since the 1900s. When formal equal pay was

⁷⁶⁰ 1910-1990. Family law academic, LSE.

⁷⁶¹ 'Proposed govt legislation on equal pay', paper by Olive Stone, 29/10/1969, Women's Library, SSPG/FL531/SPG/F5.

⁷⁶² Hepple, *Equality*, pp 8-9, 95.

granted by the Conservative government in 1955, a reform that did nothing to change women being concentrated in the lowest grades, not only did campaigning cease but much of the organisational infrastructure of the campaigning was dismantled. Nor was it the case that first wave feminist ideas had become implanted in the Labour Party⁷⁶³ There were some who had been influenced by these ideas, Barbara Castle and Douglas Houghton being the clearest examples. There was pressure from the Labour's backbenches for change, but this was not (as for example Elizabeth Wilson suggests) as a result of the heritage of first wave feminism. For example, Joyce Butler claimed that her inspiration for her first bill on women's equality was the Queen's Christmas Day broadcast of 1967.⁷⁶⁴ Similarly Lena Jeger's background was not influenced by first wave feminism but rather by the Bevanite left. Notably, both Butler and Jeger were involved in the peace movement in the 1950s.⁷⁶⁵ The mainstream labourite right (Gunter, Callaghan) were simply uninterested, and the revisionist right's *déclassé* socialism developed little policy on greater gender equality.

That there was progress at all was also the result of pressure from the trade union movement. A number of factors here combined to make progress possible. The first was the presence of a cohort of women who were (like Jeger and Butler) too young to be first wave feminists, and too early for the second wave of feminism.⁷⁶⁶ These included three important trade unions women's officers, Chipchase and Veitch, born in 1916 and 1913, and Paterson born in 1934. These women represented a generation whose pre-Robbins Report educational opportunities were limited,

⁷⁶³ Wilson, *Only Halfway to Paradise*, pp34-71, 201.

⁷⁶⁴ Obituary, *The Guardian*, 3/1/1992.

⁷⁶⁵ Lawrence Goldman, 'Jeger , Lena May, Baroness Jeger' and Duncan Sutherland, 'Butler , Joyce Shore' in *ODNB*.

⁷⁶⁶ Wilson, *Halfway to Paradise*, p180.

whereas second wave feminists were fuelled by young women who had benefitted from the post-Robbins expansion.⁷⁶⁷ Second, there was some infrastructure within the trade unions for articulating women's demands. The TUC's Women's Advisory Committee and Conference for Unions Catering for Women Workers may have been imperfect tools, but they were channels into which women trade unionist's demands flowed. Third, as shown by the Dagenham strike, some women in trade unions were themselves willing to take industrial action to further their equality. Lastly, there was an established ideology in the trade union movement that the law could further the interests of women in a way that was not accepted for men.

This last point is no less real for being paradoxical. Women's status as workers had long since been considered not a private matter, but something that was an issue of public policy. Protective legislation underpinned women's inequality in employment. This meant that resistance to using the state to promote women's equality rather than their different role did not raise questions about whether the law should be used to regulate women's employment, but to what ends the law should be used.

⁷⁶⁷ Michael Sanders, *Educational Opportunity* (London: faber and faber, 1987), p133.

Chapter 5: Women's equality in the private Sphere.

The key discontinuity between the first and the second wave of feminism can be summed up in the slogan 'the personal is political', a slogan that at least in part emphasised the centrality of the relationships in the private sphere for the new feminist politics.¹ While the first wave of feminism had not thought in terms of freeing women from their role in the home, this became axiomatic for the second wave. Betty Friedan's *The Feminine Mystique*² (1963) in the USA and Hannah Gavron's³ *The Captive Wife* (1966)⁴ in the UK both fed into the second wave by examining the limitations and frustrations of women's domestic role. Although Gavron's book can be taken to indicate that such ideas were current in British society, there was no political movement that expressed them and this limited their impact on ideas of women's equality in the 1960s and it should not be assumed that the reforms examined in this chapter were motivated by a belief in women's equality in the private sphere.

Here the focus will be on the development of policy in three areas relating to women's roles in the private sphere, abortion, contraception and divorce. While contraception and abortion were the subjects of longstanding campaigns with a somewhat marginal basis in first wave feminism and with some relation to the labour movement, divorce was not. Although it was axiomatic to the second wave of feminism that the institution of marriage was central to women's oppression, this

¹ Carol Hanisch, 'The Personal Is Political' <<http://www.carolhanisch.org/CHwritings/PIP.html>> (Accessed 3/2/2103).

² 1921-2006. US feminist writer and activist.

³ c.1930-1965. Researcher.

⁴ Hannah Gavron, *The Captive Wife* (London: RKP, 1966), pp141-148.

had not been a feature of previous feminism. During the 1966-1970 Labour governments each of these three areas was the subject of a successful Private Members' Bill (PMB). That these were considered issues for backbenchers to decide on free votes reflected their status as moral issues above politics, but also that they were ceasing to be so. The relationship of these policies to the labour movement and campaigning groups will be analysed, as will the extent to which these policies incorporated ideas of women's equality and the nature of that equality.

The previous chapter showed that women's employment had not been purely a matter of private choice, but subject to state regulation. Similarly, women's roles in the private sphere was never that private, but was underpinned by public morality⁵ particularly through the established Church and the state policy that reflected this morality. Abortion was subject to common law derived from canon law until the early nineteenth century,⁶ and the first stages of divorce were dealt with by ecclesiastical courts until 1857.⁷ In some ways the changes in women's roles within the private sphere have been reliant on these issues descending from the realm of sacred morality to become part of profane political discourse. It is this top-down change that is the subject of this thesis. The top-down development in the 1960s can be seen as the triumph of Hart over Devlin. Lord Devlin⁸ viewed morality as an externally imposed order, an unsuitable subject for political debate, personal freedom or democratic choice. Such thinking was reflected in the political parties' reluctance to reform these areas, suspending them in a limbo where they were already legally regulated and denied legitimate political discussion. This moral carapace had been challenged by

⁵ Rosalind Petchesky, *The State, Sexuality and Reproductive Freedom* (Boston MA: Northeastern University Press, 1990), p71; Lewis, *The End of Marriage?*, pp80-83.

⁶ John Keown, *Abortions, Doctors and the Law* (Cambridge: CUP, 1988), pp4-12.

⁷ Lawrence Stone, *The Road to Divorce* (Oxford: OUP, 1990), p183, 368-378.

⁸ Patrick Devlin, 1905-1992. Judge and Law Lord from 1961.

some feminist and sex radicals in the 1920s, but the necro-Victorian *revanche* which followed the brief threat of Bloomsbury Bohemia cast a conservative pall across British politics that was to last until the sixties. By then, many in the political class (and some of the Anglican episcopacy) thought in more secular terms, reflecting HLA Hart's⁹ (and JS Mill's) assertion that the law should leave possible moral harm to oneself as a personal decision.¹⁰ The degree to which attitudes had changed in the political elite and the effect this had on women's equality will be examined below.

5.1: Campaigning on reproductive rights, and abortion reform to 1964.

5.1.1: Early campaigning on contraception.

Contraception was outside the bounds of nineteenth century polite discourse. The Reverend Thomas Malthus¹¹ prescribed only moral self-restraint to reduce the poverty he suggested was caused by overpopulation, but he created an opening through which radicals, such as Francis Place,¹² could argue for contraception. In the 1820s Place proposed early marriage and contraception,¹³ and in the following decade the free-thinking publisher Richard Carlile¹⁴ promoted contraception and the sexual emancipation of women, publishing a practical contraception manual by an American doctor, Charles Knowlton.¹⁵ These promoters of contraception became known as neo-Malthusians. Many liberals may have privately supported contraception. JS Mill may have distributed contraception leaflets for Place in his youth, but later

⁹ 1907-1992. Barrister and legal philosopher.

¹⁰ HLA Hart, *The Concept of Law* (Second edition, Oxford: OUP, 1994 [1961]).

¹¹ 1766-1834. Cleric and social theorist.

¹² 1771-1854. Tailor and social reformer.

¹³ Thomas Kelly, *Radical Tailor* (London: Birkbeck College, 1972), p11.

¹⁴ 1790-1843. Publisher and campaigner.

¹⁵ 1800-1850. US doctor and secularist.

was more cautious in his support.¹⁶ Contraception was also promoted by the early British socialist Robert Owen¹⁷ who, unlike Place, put contraception in the context of transforming gender roles, proposing free marriage, divorce and communal childcare.¹⁸ After the decline of the Owenite movement, such pro-contraception and feminist ideas were quiescent in the British labour movement until the 1920s.

For many years it was radical liberals who promoted contraception in Britain. The secularist Charles Bradlaugh¹⁹ first proposed a contraception campaign in 1861, but it was not until he and Annie Besant²⁰ were prosecuted for republishing Knowlton's tract in 1877²¹ that it was launched as the Malthusian League. As the League's historian Rosanna Ledbetter has noted, it came to combine women's equality with free market liberal opposition to social welfare, putting Malthus first and contraception second.²² The left opposed Malthusian ideas and viewed contraception as a distracting alternative to welfare provision.²³ Thus, until the 1920s the issue of contraception had no purchase in the labour movement, in distinction to France and Germany.²⁴ Most first wave feminists, seeking respectability and steering clear of the question of women's role in family,

¹⁶ Rosanna Ledbetter, *A History of the Malthusian League 1877-1927* (Columbus, OH: Ohio State University Press, 1976), p7; Ann Taylor, *Annie Besant* (Oxford, OUP, 1992), pp113-114.

¹⁷ 1771-1858. Industrialist, socialist, trade unionist and co-operative pioneer.

¹⁸ Taylor, *Eve and the New Jerusalem*, p54-55.

¹⁹ 1833-1891. Founder of the National Secular Society (1866) and later Liberal MP, Northampton (1880-1891).

²⁰ 1847-1933. Secularist and campaigner, later theosophist.

²¹ Roger Manvell *The Trial of Annie and Charles Bradlaugh* (London: Elect/Pemberton, 1976), p56.

²² Ledbetter, *Malthusian League*, pp25, 50-1, 87-9.

²³ Hoggart, *Feminist Campaigns for Birth Control*, pp41-2, 57.

²⁴ Robert Jütte, *Contraception: a History* (Cambridge: Polity, 2008), pp110-117.

avoided the issue too.²⁵ Amongst the feminist groups in the 1920s, only Eleanor Rathbone's NUSEC afforded contraception a high priority, alongside family allowances. This was not to promote women's equality, but to alleviate the plight of working class mothers.²⁶

Change was to emerge from eccentric sources. With her 1918 work, *Married Love*, Marie Stopes²⁷ goal was a mutually sexually fulfilling marriage aided by contraception.²⁸ To further this goal, in 1921 she established a birth control clinic in Holloway, North London, the Malthusians having set up one earlier that year in East Street, South London. In the labour movement, the stimulus came from the 1922 prosecution of two anarcho-syndicalists, Rose Witcop²⁹ and Guy Aldred,³⁰ for publishing a contraception advice pamphlet³¹ and Enfield District Council's sacking of a district nurse, who also worked at the East Street clinic, for offering contraception advice. Local authority advice was vital for working class people who would otherwise not have access to affordable contraception, so as it became clear that councils were not permitted to fund this activity, campaigners who had grouped to defend Witcop and Aldred began to focus on lobbying within the Labour Party.³² Before the 1923 general election the Birth Control Committee was established³³ and when in early 1924 Labour formed its minority government, the committee sent a delegation

²⁵ Hoggart, *Feminist Campaigns for Birth Control*, pp46-7.

²⁶ Soloway, *Birth Control*, pp290-1.

²⁷ 1880-1958.

²⁸ Lewis, *The End of Marriage*, p83.

²⁹ 1890-1932. Anarchist activist and writer.

³⁰ 1886-1965. Anarchist activist and publisher.

³¹ Shelia Rowbotham, *A New World for Women* (Pluto: London, 1977), pp46-50; Soloway, *Birth Control*, p230.

³² Soloway, *Birth Control*, pp282-4.

³³ Hoggart, *Feminist Campaigns for Birth Control*, p79.

led by HG Wells³⁴ and Dora Russell³⁵ to the Minister of Health, John Wheatley.³⁶ Their demands were rebutted,³⁷ leading to Labour's 1924 women's conference passing a motion demanding that local authorities be allowed to fund clinics.³⁸ This led to the foundation of the Workers' Birth Control Group (WBCG), under the leadership of Russell.³⁹ The women's conference motion had little standing in the party and Labour's NEC declined to submit it to the party's annual conference on the grounds that this was a matter of individual conscience. At the party's 1925 conference the WBCG won considerable support but failed to overturn this ruling.⁴⁰ Labour MPs also showed little interest, failing to support their colleague Ernest Thurtle's⁴¹ unsuccessful 1926 Ten Minute Rule Bill reflecting the WBCG's demands.⁴² A procedural victory for the WBCG at Labour's 1926 conference allowed the issue to be discussed,⁴³ but this was to prove the high point of the campaign which quickly declined, in part due to the mobilisation of Catholic opinion in the trade unions.⁴⁴ By 1928 the campaigners were even defeated in the women's conference.⁴⁵

³⁴ 1866-1946. Writer and social commentator.

³⁵ 1894-1986. Writer, feminist, educationalist and peace campaigner.

³⁶ 1869-1930. Labour/ILP MP, Glasgow Shettleston (1922-1930), Minister of Health (1924).

³⁷ Madeleine Simms, 'Will it be Labour MPs against Labour women?', *Tribune*, 11/2/1977.

³⁸ Solloway, *Birth Control*, p283.

³⁹ Dora Russell, *The Tamarisk Tree: My Quest for Liberty and Love* (London : Virago, 1975), p173.

⁴⁰ *Report of the Twenty-Fifth Annual Conference of the Labour Party*, 1925.

⁴¹ 1884-1954, Labour MP, Shoreditch (1923-1931, 1935-1954).

⁴² *HC Deb*, 9/2/1926, vol191, cc849-57; Solloway, *Birth Control*, p290.

⁴³ Contemporary Medical Archives, Wellcome Institute [Henceforth CMA], SA/FPA/A13/39, [page of the minutes of the National Conference of Labour women, 1927].

⁴⁴ Rowbotham, *A New World for Women*, p58.

⁴⁵ Solloway, *Birth Control*, p296.

The Labour Party hierarchy's caution was motivated more by electoral considerations than principle.⁴⁶ Despite campaigning having all but ceased, after Labour were returned to office in 1929, with the sympathetic Arthur Greenwood⁴⁷ at the Ministry of Health, a circular was quietly issued in 1930 allowing local authorities to offer contraception advice to married people on health grounds.⁴⁸ Considering its aims to be met, the WBCG disbanded in 1931.⁴⁹ This victory caused a bifurcation amongst contraception campaigners. The more respectable focused on the provision of contraceptive services. The sex radicals turned to the issue of abortion.

5.1.2: Abortion law reform 1930-1964.

Abortion was first outlawed in statute in 1803 and the law was amended several times until the being incorporated into 1861 Offences Against the Persons. That this proscribed 'illegal' abortion was probably prolix drafting, but this created uncertainty by implying abortion could be legal if carried out on medical grounds. This uncertain legal position continued with the 1929 Infant Life (Preservation) Act which closed a legal lacuna between abortion and infanticide by outlawing killing a child capable of being born alive, a point the Act set at the twenty-eighth week of pregnancy,⁵⁰ unless it was to preserve the life of the mother. This implied a defence of necessity to protect a mother's life at all stages of pregnancy and possibly on wider medical grounds before

⁴⁶ Hoggart, *Feminist Campaigns for Birth Control*, p98-9.

⁴⁷ 1880-1954. Labour MP, Nelson and Colne/Wakefield (1924-1931,1932-1954). Minister of Health (1929-1931), Deputy Leader of the Labour Party (1935-1945), Paymaster General (1945-1946) and Lord Privy Seal (1946-1947).

⁴⁸ TNA: PRO CAB23/64, Cabinet 35(30), 2/7/1930.

⁴⁹ Lesley Hoggart, 'The campaign for birth control in Britain in the 1920s' in Anne Digby and John Stewart (eds), *Gender Health and Welfare* (London: Routledge. 1996), p161-2.

⁵⁰ Keown, *Abortions, Doctors and the Law*, pp51, 80-3.

twenty-eight weeks. This confusion allowed the growth of a *demimonde* of private clinics operating on the margins of the law for those who could pay, although a number of doctors were convicted of carrying out abortion as an elective procedure around this time.⁵¹ A much darker world of backstreet abortions also flourished which were treated as entirely illegal.

The networks that had been established in contraception campaigning in the 1920s aided the emergence of the Abortion Law Reform Association (ALRA) in 1936. The prime movers were Stella Browne⁵² and Dr Joan Malleson⁵³ who were joined by Janet Chance⁵⁴ and Alice Jenkins.⁵⁵ Apart from Chance, the wife of a wealthy stockbroker and a free-thinking liberal,⁵⁶ all of this group moved in Labour and socialist circles.⁵⁷ Although Browne thought abortion was a woman's right, ALRA favoured 'a less forthright declaration' for legal abortion on specified grounds.⁵⁸ The methods by which this could be achieved were unclear. Despite its Labour links, there is no evidence of the new organisation even considering the kind of campaign the WBCG had mounted in the 1920s. ALRA sought to win over non-feminist women's organisations, such as the National Council of Women, although without notable success in the pre-war years.

Neither the government nor the medical profession wished to lead the way on reform. A British Medical Association (BMA) report of 1935 noted that while legalising abortions would reduce the

⁵¹ Brookes, *Abortion in England*, p27-37.

⁵² 1880-1955. Feminist and campaigner.

⁵³ 1899–1956. Doctor and campaigner.

⁵⁴ 1886-1953. Abortion reform campaigner

⁵⁵ 1886-1967. Abortion reform campaigner.

⁵⁶ Hindell and Simms, *Abortion Law Reformed*, p56; Stephen Brooke, 'Chance, Janet', *ODNB*.

⁵⁷ Hall, *Stella Browne*, p138. Stephen Brooke, 'Jenkins, Alice', *ODNB*; DE Martin, 'Malleson, Joan', *ODNB*.

⁵⁸ *Jenkins, Law for the Rich*, pp52, 59; CMA/SA/ALR/A.1, ALRA Draft constitution.

death rate, a change in the law was a matter of public not medical policy.⁵⁹ Such consideration of government policy followed in 1937 when the Ministry of Health established an inter-departmental inquiry into death associated with abortion under Norman Birkett.⁶⁰ This rejected liberalising abortion law and did not wish to 'give licence to all sorts of undisciplined and uncontrolled behaviour.'⁶¹ The committee's one pro-reform member, Dorothy Thurtle,⁶² issued her own minority report proposing abortion be available to rape victims, carriers of hereditary disorders and, most notably, on attenuated social grounds for married women who already had four children.⁶³

Reform was more forthcoming from the bench. In 1931 the outspoken High Court Judge, Mr. Justice McCardie,⁶⁴ criticised abortion law as outdated.⁶⁵ This view was reflected in the 1938 Bourne judgement which followed from an abortion performed on a 14 year old girl who had been raped by four Guardsmen. The existence of the case was not chance since the girl had been seen by Malleson, who referred her to Aleck Bourne,⁶⁶ a consultant obstetrician and a member of ALRA's Medico-legal Council. Bourne performed the operation on the grounds of the girl's mental health, informed the police and invited prosecution. The judge's acceptance of this defence and

⁵⁹ Brookes, *Abortion in England*, pp68, 96.

⁶⁰ 1883-1962. Politician, at this time a barrister and later a judge. Liberal MP, Nottingham (1923-1924, 1929-31). High Court Judge after 1941. Ennobled 1958.

⁶¹ Brookes, *Abortion in England*, p121.

⁶² 1890-1973. Labour councillor, Shoreditch from 1925. Daughter of George Lansbury and married to Ernest Thurtle.

⁶³ 'Birth Control Clinics', *The Guardian*, 8/06/1939.

⁶⁴ Henry McCardie, 1869–1933. High Court Judge (1916-1933)

⁶⁵ Jenkins, *Law for the Rich*, p24; A. Lentin, 'McCardie, Sir Henry Alfred', *ONDB*.

⁶⁶ 1886-1974. Gynaecologist.

Bourne's acquittal at least clarified the grounds for abortion in case law.⁶⁷ The leadership of the medical profession were happy to let case law develop and politicians were keen to steer clear of area of morality. ALRA went into abeyance in the war years, despite the number of prosecutions (and presumably the demand) for abortion increasing.⁶⁸ When in the closing days of the war, ALRA met, it decided to neither submit evidence to the Royal Commission on Population nor prepare draft legislation.⁶⁹

At the end of the war ALRA initially looked to case law to achieve reform.⁷⁰ After the Bourne case, this approach had been further encouraged by the Bergmann-Ferguson case of 1948 where two female doctors had agreed to and performed abortions for 'sympathetic' reasons. The women's successful defence was to show clear health grounds in each case.⁷¹ This established that it was legal for a patient to ask her doctor for a termination; for the doctor to consider the request and agree if they, in good faith, considered it necessary to preserve the women's health; and if endorsed by a second opinion for a surgeon to act on it.⁷² In 1949 ALRA sent out 43,000 leaflets to doctors setting out the precedent of this case.⁷³ The weakness of assuming that case law was a one way street towards liberalisation was demonstrated in 1958 when Dr. Louis Newton was

⁶⁷ Keown, *Abortions, Doctors and the Law*, p78.

⁶⁸ Brookes, *Abortion in England*, pp137, 144.

⁶⁹ Jenkins, *Law for the Rich*, p64.

⁷⁰ Hall, *Stella Browne*, p262.

⁷¹ *British Medical Journal*, 22/5/1948 (henceforth, *BMJ*); Brookes, *Abortion in England*, pp147.

⁷² From an ALRA leaflet, reproduced in *BMJ*, 17/2/1951; 'Two Women Doctors Acquitted', *The Times*, 15/5/1948.

⁷³ Brookes, *Abortion in England*, pp144-146.

convicted after the death of a patient, and although there was *mea culpa* on the part of the doctor, the case did leave the law in a state of some indeterminacy.⁷⁴

In 1952 the Labour backbencher Joseph Reeves⁷⁵ approached ALRA for a draft bill. There was no such bill, so one was prepared in haste⁷⁶ by a rising figure in ALRA, Glanville Williams.⁷⁷ Williams was an academic lawyer and influence on HLA Hart, caricatured as the 'illegitimate son of Jeremy Bentham'.⁷⁸ Reeves' bill proposed only limited grounds for abortion, but nonetheless stirred up enough opposition to be easily defeated.⁷⁹ It is this bill that led to ALRA changing its strategy to one based on seeking a PMB, and they sought more sponsors⁸⁰ and in 1954 Lord Amulree⁸¹ presented an ALRA-based bill to the Lords. The leadership of the organisation appears to have lacked the lobbying skills this required. Amulree found himself in conflict with ALRA who wanted more liberal reform than he was prepared to back.⁸² He recalled, 'I got badly bitten by the founder of the reform of abortion society – or whatever it is called ... [Alice] Jenkins ... was just hell'.⁸³

⁷⁴ Brookes, *Abortion in England*, pp143-4; 'Doctor Sent For Trial', 'Medical Men Charged', 'Trial Of Medical Men', 'Nurse's Death After Operation' and 'Harley Street Man Sent To Prison', *The Times*, 18/3/1958, 16/4/1958, 16/5/1958, 17/5/1958, 20/5/1958.

⁷⁵ 1888-1969. Labour MP, Greenwich (1935-1959).

⁷⁶ Jenkins, *Law for the Rich*, pp64, 71,

⁷⁷ 1911-1997. Lawyer, academic and campaigner.

⁷⁸ JR Spencer, 'Williams, Glanville', *ODNB*.

⁷⁹ Brookes, *Abortion in England*, p148.

⁸⁰ CMA/SA/ALR/A.1/2/2, ALRA Executive, 19/11/1952.

⁸¹ Basil McKenzie, (1900-1983). Geriatrician. Took the Liberal Whip in the Lords. Succeeded Lord Amulree (1942).

⁸² CMA/SA/ALR/A.1/2/2, ALRA Executive 28/1/1954; Hindell and Simms, *Abortion Law Reformed*, p83.

⁸³ CMA/SA/ALR/A.5/2/2, Lord Amulree to 'Will' [Prof WCW Nixon] 08/02/1965.

ALRA appear not to have been involved in Kenneth Robinson's⁸⁴ 1961 PMB which was not the subject of a minuted discussion in ALRA beyond being reported at its AGM.⁸⁵

By 1960 with Malleson, Chance and Browne all dead, it was clear that ALRA was in decline. One younger activist, Diana Munday,⁸⁶ saw it as a 'group of elderly people who were all very embarrassed about the subject'.⁸⁷ Jenkins had retired from activity in 1960 after publishing her book, *Law for the Rich*,⁸⁸ in 1960, which combined a history of ALRA with the case for reform, although ALRA seemed incapable of using the publicity the book created. Also telling of the state of ALRA was its failure to discuss the thalidomide issue. The BMA's advice in the 1950s was that abortion after rubella was legal on the grounds of the potential affect on the mental wellbeing of the mother rather than possible foetal abnormality,⁸⁹ and some women who had taken thalidomide had abortions without legal challenge.⁹⁰

Outside of ALRA, thalidomide did create debate. In 1962 Phillip Kimber of the Society of Labour Lawyers (SLL) sought to assemble a committee including the Labour-affiliated Socialist Medical Association (SMA) and Glanville Williams to investigate how better reporting of case law would improve the situation, but this was rejected by both the SLL executive and the SMA who agreed it

⁸⁴ 1911-1996. Labour MP, St. Pancras N. (1949-1970). Minister of Health (1964-1968).

⁸⁵ CMA/SA/ALR/A.1/2/2, ALRA AGM, 1/11/1961.

⁸⁶ b.1931. Campaigner and secularist.

⁸⁷ Angela Phillips, 'Women on the march', *The Guardian*, 25/6/1998.

⁸⁸ Alice Jenkins, *Law for the Rich* (London: Victor Gollancz, 1960).

⁸⁹ Barbara Brookes and Peter Roth, 'Rex v. Bourne and the Mediatisation of Abortion' in Michael Clark and Catherine Crawford (eds), *Legal Medicine in History* (Cambridge: CUP, 1994), p337.

⁹⁰ There are no reports of a test case.

was better to seek reform of the law.⁹¹ Inside ALRA, thalidomide was the catalyst for a new generation of activists to breathe life back into the organisation. Munday joined the ALRA executive in late 1962. Madeline Simms became involved at this time, becoming a pioneering press secretary.⁹² Munday persuaded Vera Houghton⁹³ to become chair. Houghton was of an older generation and had long experience as General Secretary of the International Planned Parenthood Federation.⁹⁴ Meetings became longer and more professional.⁹⁵

This change in leadership ended even indirect links with the first wave of feminism. Joan Vickers spoke at the public meeting after ALRA's 1961 AGM but it would appear to have been as a sympathetic MP rather than as the chair of the Status of Women Committee which had no position on abortion.⁹⁶ In 1964 ALRA wrote to the Fawcett Society, to be told that they only campaigned on women's economic emancipation.⁹⁷ The organisations that ALRA had the closest relations with were the National Federation of Townswomen's Guilds,⁹⁸ by this time not recognisably a feminist organisation, and the National Federation of University Women.⁹⁹ The new generation of activists were not, however, the harbingers of the second wave of feminism. Simms saw herself as part of an 'unfashionable feminism' comprising 'women graduates serving

⁹¹ LSE/SLL/6/58, Kimber to Graham Hall, 4/4/1962 and 12/3/1962, Kerr to Graham Hall, 15/02/1962.

⁹² Obituary, *The Guardian*, 12/10/2011.

⁹³ 1910-?1986. Birth control campaigner. Married to Douglas Houghton.

⁹⁴ Furedi and Hulme, *Abortion law reformers*, p29.

⁹⁵ CMA/SA/ALR/A.8/161-249, 'Lunch with Martin Ennals of NCCL', 23/12/1963.

⁹⁶ CMA/SA/ALR/A.1/2/2, ALRA AGM 01/11/1961.

⁹⁷ CMA/SA/ALR/A.4/4/207-312, Horton to Houghton, 16/09/1964.

⁹⁸ CMA/SA/ALR/A.4/4/699-80, Circular letter to Townswomen's Guilds, 7/1964.

⁹⁹ CMA/SA/ALR/A.4/4/1-99, Houghton to British Federation of University Women, 09/06/1964.

their 10-year stretch of domesticity'.¹⁰⁰ By the 1970s ALRA found itself pushed aside by the second wave. Munday recalled, 'we liked their passion but we felt ... their behaviour alienated people'.¹⁰¹ Rather, the new leadership were part of the new wave of pressure groups formed in the 1960s,¹⁰² this younger generation developing and applying the pressure group tactics of the time. The Homosexual Law Reform Society (HLRS) appears to have influenced ALRA, particularly the society's secretary Antony Grey¹⁰³ and his use of Parliamentary motions to create publicity.¹⁰⁴ The pooling of resources with HRLS was considered in late 1965, although this came to nothing.¹⁰⁵ ALRA also considered mimicking HRLS's dual structure, it being allied to the Albany Trust, a charitable welfare body but rejected the idea. ALRA resisted pressure from the Marie Stopes Memorial Clinic to move into running advice centres,¹⁰⁶ foreshadowing the role which the British Pregnancy Advisory Service was later to play.

One area where ALRA were keen to make alliances was with broadly based, non-feminist, women's organisations. Although the National Council of Women (NCW) passed pro-reform motions at their conferences in 1938 and 1959, the leadership of the Council had been hesitant to do more to back the campaign for change. In order not to alienate their Catholic affiliates and the Anglican Mothers' Union, the NCW initially refused to back Robinson's PMB.¹⁰⁷ In some of its

¹⁰⁰ Madeline Simms, 'The Bowlby Generation', *The Guardian*, 3/4/1968.

¹⁰¹ Phillips, 'Women on the march'.

¹⁰² Mimi Sanderson and Helen Curtis (eds), *The Unsung Sixties: Memoirs of Social Innovation* (London: Whiting & Birch, 2004).

¹⁰³ Edgar Wright, 1927-2010. Gay rights activist, secretary of the HLRS.

¹⁰⁴ CMA/SA/ALR/A.5/1/1/126-225, Houghton to Hamilton, 30/05/1964.

¹⁰⁵ CMA/SA/ALR/A.4/4/207-312, Notes on meeting Albany Trust, 08/12/1965.

¹⁰⁶ CMA/SA/ALR/A.4/4/313-451, Houghton to J Windley, 27/08/1964.

¹⁰⁷ CMA/SA/ALR/A.4/4/452-517, Houghton to Williams, 12/02/1965.

structures too, there were pools of hostility to the kind of liberalism embodied in ALRA. In early 1964 Simms attended a meeting of the NCW's Moral Welfare Committee:

It may well be that the Moral Welfare Sectional Committee attracts the worst elements in the NCW: There is certainly evidence that other parts of the organisation are more progressive in their outlook. However, this particular committee ... seems largely concerned with hunting down pornography, prosecuting newsagents, and co-operating in this activity with such dubious bodies as ... the Public Morality Council, and the London Committee Against Obscenity ... It is also objecting to the more tolerant attitude to sexual ethics which is apparently being preached by some lecturers of the Marriage Guidance Council (baleful Humanist influence detected here) and trying to prevent the sale of contraceptives through slot-machines.

Relations with the NCW remained difficult, although Munday was later to find ordinary members of the NCW to be more sympathetic to reform.¹⁰⁸ ALRA believed that the leadership of the NCW deliberately manoeuvred to stop a pro-reform motion being taken at their 1964 conference.¹⁰⁹ The following year pro-reform policy was passed by the NCW although the Mothers' Union and five Catholic groups registered their dissent.¹¹⁰

One obvious tactic for the renewed ALRA was to follow the WBCG in seeking influence through political parties and the unions. In 1963, ALRA members were asked to put motions to any political party to which they belonged, although without further co-ordination.¹¹¹ That a motion

¹⁰⁸ CMA/SA/ALR/A.4/4/452-517, note on the NCW (Simms), 08/01/1964; Report of AGM of Harpenden branch of NCW 25/6/64 (Munday). (Parentheses in original).

¹⁰⁹ CMA/SA/ALR/A.4/4/452-517, Munday to Dinnick-Parr, 11/12/1964.

¹¹⁰ CMA/SA/ALR/A.4/4/452-517, NCW Resolutions passed at the Annual Conference. October 1965.

¹¹¹ CMA/SA/ALR/A.8/1-160, 'To all members and friends of ALRA: Targets A and B' [1963].

was put to Hendon North Labour Party was down to Simms' membership.¹¹² Thus, abortion appeared amongst motions for the Labour Party conference in 1963, although falling far short of the weight required to be debated.¹¹³ Subsequently, Labour's NEC discussed the motion, taking the same neutral position as it had taken on contraception in the 1920s.¹¹⁴ When Simms wrote on behalf of the Hendon party to Labour's general secretary, Len Williams,¹¹⁵ his reply stated that these were conscience issues subject to free votes, not a matter on which the party had policy.¹¹⁶ Looking a little ahead in the narrative, in April 1965 Labour's NJCWWO responded to an ALRA request and invited¹¹⁷ Munday to speak. She thought that the committee were 'nearly all' with her. The chair agreed to send an ALRA leaflet to 2,000 women's labour movement organisations,¹¹⁸ but this was later blocked within Transport House since reform was not party policy.¹¹⁹ Ultimately Vera Houghton was left wondering if another backbench Labour supporter of reform, Renée Short,¹²⁰ could get her hands on the mailing list. She could not.¹²¹

The NJCWWO considered the issue again at its October 1965 meeting and wrote to the Home Secretary¹²² stating their support for Renée Short's Ten Minute Rule Bill (see below) and more

¹¹² CMA/SA/ALR/A.1/2/2, ALRA Executive, 21/05/1963.

¹¹³ NEC minutes, 27/9/63. *LPNEC/762/936*.

¹¹⁴ Home Policy Sub-committee, 11/1963, *LPNEC/769/1328*.

¹¹⁵ 1904-1972. Labour Party GS (1962-1968).

¹¹⁶ CMA/SA/ALR/A.5/1/7, Williams to Simms n.d.

¹¹⁷ NJCWWO April 1964. *LPNEC/780/447*.

¹¹⁸ NCCWWO, 8/4/1965, *LPNEC /803/577*; CMA/SA/ALR/A.8/474-590 Memo to Houghton [unsigned (Munday)], 14/04/1965.

¹¹⁹ National Labour WAC, 2/12/1965, *LPNEC /821/1560*.

¹²⁰ 1919-2003. Labour MP, Wolverhampton NE (1964-1987).

¹²¹ CMA/SA/ALR/A.5/1/2/220-359, Vera Houghton to Short [c.01/1966].

¹²² NJCWWO, 14/10/1965, *LPNEC/816/1310*.

generally for a change in the law to allow abortion on health, abnormality and sexual offence grounds.¹²³ With support for reform rising in Labour Party women's sections, in early 1966 ALRA produced a circular to canalise this, reminding Labour women that in the 1930s they had been at the forefront of campaigns for both abortion law reform and family planning.¹²⁴ But ALRA were never able to mobilise a campaign in the Labour Party that might have advanced their cause. In 1965 and 1966 Labour Party conference resolutions on abortion were submitted from constituency parties calling for the legalisation for abortion, but again they were too few to be debated.¹²⁵ It was nearly after the fact of reform that Labour's 1967 Women's Conference passed pro-reform policy, including support for the social clause, with only two votes against.¹²⁶ ALRA's failure to influence the Labour Party may have been due to women's weak position in male dominated parties, but it was exacerbated by ALRA's lack of familiarity with working through Labour Party structures.

Abortion was not a trade union issue in the 1960s. ALRA's files contain two isolated letters from a trade unionist, George Greaves, Secretary of the Westminster General Branch of the Clerical and Administrative Workers' Union. He attempted to win his branch's support for abortion law reform, but failed.¹²⁷ Similarly, Leeds Trades Council's avowed support for the 1967 Abortion Bill stands out for being a singleton.¹²⁸ The National Union of Tailors and Garment Workers (NUTGW)

¹²³ CMA/SA/ALR/A.5/1/7 [unsigned] to Soskice, 3/9/65.

¹²⁴ CMA/SA/ALR/A.4/4/313-451 'Labour women's conference' (29-31 March).

¹²⁵ *Agenda for 64th Annual Conference of the Labour Party, 1965*; . NEC 30/9/1966, LPNEC/835/759-829; CMA/SA/ALR/A.1/2/3, ALRA Executive 9/11/65; SA/ALR/A.1/2/4, ALRA Executive 21/06/1966.

¹²⁶ 'Labour housewives toe line on EEC', *The Guardian*, 19/5/1967.

¹²⁷ CMA/SA/ALR/A.4/4/1-99, Greaves to ALRA, 03/03/1965 and 30/3/1965.

¹²⁸ Secretary of Leeds Trades Council to TUC, 3/4/1967, MRC/TUCA, MSS.292B/823/2.

was unusual for having pro-reform policy passed at its 1965 conference and its support of the 1967 bill.¹²⁹ Although ALRA offered speakers to NUTGW branches,¹³⁰ they appear to have made no attempt to elicit support from other unions. The issue is entirely absent from the considerations of the TUC before the 1970s when they organised a demonstration against the 1979 Corrie Bill which sought to restrict access to abortion.¹³¹

ALRA's engagement with the Conservative Party was even less productive. A 1960 letter to MPs in the Bow Group drew little support.¹³² Although the Conservatives' ranks included some strongly opposed to reform, many Conservatives were simply unengaged with the issue. A considered Conservative view was supplied by Ferdinand Mount,¹³³ then of the Conservative Research Department, who told ALRA that the issue of liberalising abortion was a matter of 'moral and religious conviction' and that the Conservatives would not move ahead of public opinion.¹³⁴ In opposition in 1965 William van Straubensee,¹³⁵ a member of the Conservatives' shadow health team, invited ALRA for an informal discussion. ALRA did not take the opportunity, suggesting only that van Straubensee came to the film showing in Parliament they had organised and asked questions with the rest of the audience.¹³⁶ Thus ALRA did little to assuage Conservative unease over reform. This was demonstrated by Jim Prior,¹³⁷ then Edward Heath's PPS, who wrote to ALRA

¹²⁹ 'Abortion: "Vital options"', *The Birmingham Post* 24/5/1967.

¹³⁰ CMA/SA/ALR/A.4/4/801-939. All items in this file.

¹³¹ 'Time is on the side of the Abortion Bill amendment', *The Guardian* 24/10/1979.

¹³² CMA/SA/ALR/A.1/2/2, ALRA Executive, 25/07/1960.

¹³³ b.1939. Conservative journalist, writer and political commentator.

¹³⁴ CMA/SA/ALR/A.5/1/7, Mount to Darby, 12/02/1964.

¹³⁵ 1924-1999. Conservative MP, Wokingham (1959-1987).

¹³⁶ CMA/SA/ALR/A.5/1/7, van Straubensee to Cossey, 18/11/1965 and reply 19/11/1965.

¹³⁷ b.1927. Conservative MP, Lowestoft/ Waveney (1959-1987).

in early 1966, 'I must confess ... that I am a little worried at the number of measures such as this [Lord Silkin's abortion law reform] bill and the Sexual Offences Bill which I feel bound to support but which I hope will not be interpreted in the country as being a licence to lower standards.'¹³⁸

Similarly, ALRA's overtures to the Liberals were surprisingly unsuccessful. The Liberals gathered a committee of medical professionals, welfare workers and an economist, which recommended against reform and this was accepted by the party.¹³⁹

5.2: The Labour Governments 1964-1970 and the development of abortion law reform.

5.2.1: Early attempts under the 1964-1966 Labour government.

'The country is in favour of reform and against the Conservatives', stated *The Guardian* when Labour's triumph in the general election of October 1964 was clear.¹⁴⁰ ALRA had already seen obvious potential of a Labour government being amenable to reform, and were encouraged by the liberal tone of Harold Wilson's speech to the Society of Labour Lawyers in April 1964.¹⁴¹ Gerald Gardiner, the new Lord Chancellor, personified the promise of legal reform in the government and *Law Reform Now*, which he edited along with Andrew Martin of the SLL, made at least passing reference to the reform of abortion law,¹⁴² while the new Minister of Health Kenneth Robinson supported reform. The House of Commons elected in 1964 included twenty MPs who avowed

¹³⁸ CMA/SA/ALR/A.5/1/3/236-333 Prior to Lee, 23/02/1966.

¹³⁹ CMA/SA/ALR/A.4/4/313-451, Rodden to Houghton, 01/05/1964.

¹⁴⁰ 'No mandate to obstruct', *The Guardian*, 17/10/1964.

¹⁴¹ CMA/SA/ALRA/A.1/2/2 ALRA Executive, 21/4/1964.

¹⁴² CH Rolph, 'Criminal Law' in Gerald Gardiner and Andrew Martin (eds), *Law Reform Now* (London: Gollancz, 1963), p240-243.

support for ALRA, and a little work garnered commitments from twenty-three more although none won a place in that year's Private Members' Ballot. Although Vera Houghton estimated that the true level of support was 170,¹⁴³ an attempt to consolidate this support with a tea party in the House of Commons that drew just twelve MPs and peers,¹⁴⁴ showing much of this support to be casual.

There was support for reform in some quarters of the Labour government. The whips' office suggested that abortion might be a suitable subject for PMBs.¹⁴⁵ The new Home Secretary, Sir Frank Soskice, rejected the advice of his permanent secretary, Sir Charles Cunningham,¹⁴⁶ that there was no pressure for change,¹⁴⁷ but believed that reform should be limited to putting case law into statute allowing abortion for those under 14, rape victims and foetal abnormality. Soskice's support was further limited by his fear of the corrupting effect of sexual licence, and thus he sought moralistic measures 'to lessen the sense of utter irresponsibility which seems to be prevailing about illegitimate conceptions' and a legal mechanism to enforce responsibility upon young, unmarried parents for their offspring, 'to bring home to young people that they really must be more self controlled in their sex relationships'.¹⁴⁸ Douglas Houghton, then Chancellor of the Duchy of Lancaster, arranged for an ALRA delegation to meet with Soskice¹⁴⁹ who told them that

¹⁴³ CMA/SA/ALR/A.1/2/2, ALRA Executive, 15/12/1964.

¹⁴⁴ CMA/SA/ALR/A.1/2/2, ALRA Executive 18/02/1964.

¹⁴⁵ TNA: PRO HO291/1139 Note to Palmer, 13/11/1964.

¹⁴⁶ 1906-1998. Permanent Secretary, the Home Office (1955-1966).

¹⁴⁷ TNA: PRO HO291/1139, Cunningham: The Law on Abortion, note to the Secretary of State, 17/11/1964.

¹⁴⁸ TNA: PRO HO291/1139, Soskice to Cunningham, 04/12/1964.

¹⁴⁹ CMA/SA/ALR/A.5/1/2/220-359, ALRA, Deputation to the Home Secretary, 02/02/1965.

public opinion limited legislation to special cases. He suggested if the government were to go further ALRA needed to 'crystallise public opinion in support of legislation'.¹⁵⁰

Following their meeting with Soskice, ALRA pushed for the government to pave the way for a backbench bill, and sought the help of the SLL in drafting one.¹⁵¹ ALRA's demand was for legislation on some defined grounds¹⁵² which they thought preferable to enacting case law since this would only protect doctors, not offer women an alternative to backstreet abortionists. By the 1950s there was a sense of what these grounds were, the 'medical' (health of the mother), 'medico-social' (the basis of the 'social clause' including the social circumstances that would allow a mother to care for a child), 'eugenic' (foetal abnormalities) and 'humane' (one ALRA supporter suggested this should be highlighted since 'mention of rape and incest would arouse wider interest').¹⁵³ The SLL draft bill which ALRA received in April 1965 followed this outline but omitted the social clause.¹⁵⁴ However, a Ten Minute Rule Bill moved by Renée Short in June 1965 seems to have been her own initiative, although she did contact ALRA for advice¹⁵⁵ and the bill was similar to the SLL draft. The possibility of the first parliamentary vote since 1961 focused the government's attention on the issue. The Cabinet Secretary, Sir Burke Trend, suggested to the PM that although Catholic voters might be alienated, it would have support among women's organisations and on the government's own backbenches and thus the government should try to please everyone by the offer of government consideration in return for Short withdrawing her

¹⁵⁰ CMA/SA/ALR/A.5/1/2/220-359, Confidential note of Interview with the Home Secretary, 2/2/1965.

¹⁵¹ *Ibid.*

¹⁵² CMA/SA/ALR/A.1 ALRA, Constitution Adopted 21/11/1964.

¹⁵³ CMA/SA/ALR/A.1/2/2, ALRA Executive, 26/02/1958.

¹⁵⁴ CMA/SA/ALR/A.8/664-736, A model bill prepared for ALRA by a member of the SLL [c.4/1965].

¹⁵⁵ CMA/SA/ALR/A.8/370-473, Houghton to ALRA Executive, 27/5/1965.

bill.¹⁵⁶ Cabinet decided to simply allow a free vote for Labour MPs and ministers.¹⁵⁷ The bill was blocked by a Catholic Labour MP, William Wells,¹⁵⁸ who sank the bill by objecting to its second reading¹⁵⁹ although there was no chance of such a bill becoming law without government support.

ALRA had no choice but to follow Soskice's advice to crystallise public opinion. They began to train speakers to persuade 'professional and social welfare groups, political and voluntary organisations' of their case.¹⁶⁰ Progress was limited, by late 1965 there was a small roster mainly of like-minded groups that supported reform.¹⁶¹ Although there are no signs of an ALRA intervention around Short's bill, by early 1965 ALRA developing its parliamentary lobbying. David Steel's view is that Simms invented modern lobbying,¹⁶² but the ALRA archive suggests that this was much more Alistair Service's¹⁶³ work¹⁶⁴ and that he had learnt something from Antony Grey at the HLRS.¹⁶⁵ This lobbying was good enough to attract negative publicity in 1966 from Iain Macleod¹⁶⁶ in his

¹⁵⁶ TNA: PRO PREM13/3263, Trend to PM, 'Ten-Minute Rule Bill on Abortion' 2/6/1965.

¹⁵⁷ TNA: PRO CAB128/39, CC(65)32nd conclusions, 03/06/1965.

¹⁵⁸ 1908-1990. Labour MP, Walsall/Walsall N, (1945-1973).

¹⁵⁹ *HC Deb*, 2/7/1965, vol715 c1075.

¹⁶⁰ CMA/A/ALR/A.1/2/3, ALRA executive, 7/10/1965.

¹⁶¹ CMA/SA/ALR/A.5/2/3, [ALRA notes in response to question from Lord Silkin], 3/11/65.

¹⁶² *Last Word* BBC Radio 4, 14/10/2011.

¹⁶³ b.1933. Writer, publisher and campaigner.

¹⁶⁴ See, for example, the material in CMA/SA/ALR/A.5/1/7.

¹⁶⁵ CMA/SA/ALR/A.1/2/2, ALRA Executive, 21/1/1964 and 26/5/1964.

¹⁶⁶ 1913-1970. Conservative MP, Enfield West (1950-1970). Minister of Health (1950-1955), Minister of Labour (1955-1959), Secretary of State for the Colonies (1959-1961), Leader of the House (1961-1963), Shadow Chancellor while the Conservatives were in opposition and briefly Chancellor of the Exchequer (1970).

Daily Mail column, complaining of ALRA's unwarranted pressurising of MPs.¹⁶⁷ A whipping operation was established in the House of Commons in 1965 initially with Lena Jeger marshalling the Labour benches and Joan Vickers the Conservatives,¹⁶⁸ although in the next two years many others were to fill these roles.

By 1965 Cunningham had fixed firmly on the idea that abortion should be a matter for a PMB, with the Home Office offering advice and organising consultation only after the Commons had demonstrated its support at the second reading allowing the bill to be remoulded in committee.¹⁶⁹ Meanwhile, Soskice came to think that pressure was growing and that the government should have a view.¹⁷⁰ As was his wont, Soskice then became entangled in secondary issues of abnormality and social conditions.¹⁷¹

The next test of parliamentary opinion came in late 1965 in the Lords. A bill was initiated by Lord Silkin,¹⁷² again without ALRA involvement.¹⁷³ Only after proposing the bill did Silkin meet with ALRA to discuss drafting, stating that he was seeking 'a slightly more liberal bill than previous ones' and wished for it to include a social clause, which would cover large family size and poor home environment. ALRA's position was on the whole cautious, suggesting that the time limits should

¹⁶⁷ Ian Macleod [column], *The Daily Mail*, 15/2/1966.

¹⁶⁸ CMA/SA/ALR/A.5/1/1/226-287, Houghton to Jeger, 21/2/1965.

¹⁶⁹ TNA: PRO HO291/1139, Cunningham, Memo 'Law on abortion', 28/6/1965.

¹⁷⁰ TNA: PRO HO291/1139 [Soskice's annotation on] Note to Soskice from [illegible] 3/9/1965.

¹⁷¹ TNA: PRO MH156/16, Draft: Legislation Committee: Abortion Bill: Memorandum by the Secretary of State for the Home Department, 17/11/1965.

¹⁷² Lewis Silkin, 1889-1972. Labour peer, previously Labour MP, Peckham (1936-1950). Minister of Town and Country Planning (1945-1950).

¹⁷³ Hindell and Simms, *Abortion Law Reformed*, p125.

be stricter to head off potential opposition.¹⁷⁴ Late in 1965 the government began to develop its own views with the Cabinet's Legislation Committee favouring a limited bill based on case law and wished to pause until a BMA working party on abortion issued its report (caution that suggests that Soskice's view held sway). Nonetheless, the Chair of the Legislation Committee, Herbert Bowden,¹⁷⁵ was relaxed about allowing Silkin's bill to be subject to a free vote.¹⁷⁶ Subsequently, there was some concern about the social clause in Cabinet since they believed it would be highly permissive, but the Cabinet did no more than demand strict neutrality.¹⁷⁷

The Lords' second reading debate of Silkin's bill was held in late 1965 where the mood was for reform. They accepted the principle of reform, and focused on legal safeguards and limitations in the bill, on which Silkin promised to consult with Lord Brain,¹⁷⁸ the Conservative peer Lord Dilhorne¹⁷⁹ and Robert Mortimer, the Bishop of Exeter.¹⁸⁰ The bill passed this stage by seventy votes to eight.¹⁸¹ Potential amendments worried some in ALRA, particularly Glanville Williams who favoured complete liberalisation began to see the social clause as the best achievable

¹⁷⁴ CMA/SA/ALR/A.1/2/3, ALRA Executive, 3/8/1965 and 7/9/1965; Hindell and Simms, *Abortion Law Reformed*, p135.

¹⁷⁵ 1905-1994. Labour MP, Leicester South/South-West (1945-1967). Lord President of Council/Leader of the House (1964-1966), Secretary of State for Commonwealth Affairs (1966-1967).

¹⁷⁶ TNA: PRO PREM13/3263, Bowden to PM, 23/11/1965; MH156/16, [Unsigned] to Mayston, 24/11/1965.

¹⁷⁷ TNA: PRO CAB128 39 CC(65)64,1, 25/11/1965.

¹⁷⁸ Walter Brain, 1895-1966. Neurologist and Quaker.

¹⁷⁹ Reginald Manningham-Buller, 1905-1980. Conservative MP, Daventry / Northamptonshire S (1943-1962). Attorney General (1954-1962). Created the First Viscount Dilhorne (1962). Lord Chancellor (1962-1964).

¹⁸⁰ 1902-1976. Regius Professor of Moral and Pastoral Theology, Oxford (1945-1948); Bishop of Exeter (1949-1973),

¹⁸¹ *HL Deb*, 30/11/1965, vol270, cc1238-1241.

approximation to this. He was concerned that its removal would be 'a temporary dead stop' where 'we shall really have made no advance on the most liberal medical practice'. By the end of 1965 he wanted ALRA to pre-emptively pull out of supporting Silkin's bill. Vera Houghton agreed with this prognosis, suggesting that Silkin was either 'an old fox or ... incredibly naive'. Silkin protested that his approach was based on the practicalities of building support for the bill¹⁸² and was maybe an old fox since his compromises, that an abortion be authorised by two doctors and the reporting of operation to the Chief Medical Officer, were to persist into the 1967 Abortion Act without limiting its affect.

The chances of reform were strengthened with Roy Jenkins becoming Home Secretary at the end of 1965. The change in attitude was displayed almost immediately in a paper for the Cabinet's Home Affairs Committee (HAC) of January 1966. Jenkins, unlike Soskice, started from the principle of the need for reform and then posed a choice between the workable alternatives. Jenkins initially favoured the highly liberal move of putting abortion onto the same legal footing as any other operation¹⁸³ although the Ministry of Health argued that there had to be safeguards.¹⁸⁴ This and the large second reading majority for Silkin's bill encouraged those in government who wished it to be more supportive of the bill. Thus Douglas Houghton, as chair of the HAC, wrote to the PM to tell him, 'the present law is harsh and cruel and drives large numbers of women (mostly married) to procure abortions in conditions of the maximum risk and distress', and the time had

¹⁸² CMA/SA/ALR/A.5/2/4, Williams to Houghton, 01/12/1965 and 07/12/1965; Houghton to Williams, 08/12/1965; Silkin to Williams, 06/12/1965.

¹⁸³ TNA: PRO MH156/16, H(66)2, Memorandum by the Secretary of State for the Home Department, 10/01/1966.

¹⁸⁴ TNA: PRO MH156/16, [notes on] H(66)2.

come for the government to propose a 'half-way house' of liberalised abortion limited to specific grounds.¹⁸⁵

In the face of this, Harold Wilson needed to maintain the government's unity. The Cabinet's most vocal Catholic, Lord Longford, demanded strict governmental neutrality and that he could voice his opposition publicly. Wilson was also sensitive to upsetting any section of opinion with a general election looming in his mind, noting, 'we shall need to give further thought to the principle. Is there a case ... for a Sel Ctte, Dept Ctte or R[oyal] C[ommission]?' he wrote on Houghton's memo.¹⁸⁶ The matter was thrown back to a Cabinet committee under Douglas Houghton to resolve with a remit to maintain government neutrality. The committee proposed to proceed promptly with a reform beyond case law, a medicalised version of the social clause that would allow a woman's doctors to consider 'all circumstances, present or prospective, relevant to her physical or mental health'.¹⁸⁷ Houghton suggested that it be treated with 'benevolent neutrality' with drafting assistance and government time to ensure it completed its progress through Parliament.¹⁸⁸ Although this was not formally agreed, neutrality became a facade as the Ministry of Health started to propose detailed amendments, particularly medicalising the social clause¹⁸⁹. The substance of what was proposed here was passed in Steel's PMB eighteen months later.

¹⁸⁵ TNA: PRO PREM13/3263 Douglas Houghton to PM, 13/01/1966.

¹⁸⁶ *Ibid.*.

¹⁸⁷ TNA: PRO CAB130/275, MISC(66)1st, 18/01/1966.

¹⁸⁸ TNA: PRO PREM13/3263, Douglas Houghton to PM, 'Abortion', 19/01/1966; MH156/17, Jones to Hutton, 28/1/1966.

¹⁸⁹ TNA: PRO MH156/16, [notes on clauses] Abortion Bill: Lords Committee, 1/1/5, c.02/1966 (and this file, *passim.*).

The Silkin Bill was considerably amended in committee, and the social clause was attenuated to a woman being physically or mentally incapable of looking after another child.¹⁹⁰ The government introduced several amendments at the report stage that persisted to the 1967 Act, particularly that abortions should be carried out in an NHS establishment or an approved private clinic.¹⁹¹ In March 1966 it was given its third reading in the Lords without division¹⁹² but with the dissolution of Parliament ahead of the 1966 general election only days away, the bill fell. There was also, briefly, a Commons PMB on abortion in early 1966 moved, unusually, by a Conservative, Simon Wingfield-Digby.¹⁹³ After an approach from Vera Houghton, he agreed to bring forward an abortion reform bill, although drafted by Ian Percival,¹⁹⁴ a right-wing Conservative MP.¹⁹⁵ The result was highly limited, including only medical and abnormality grounds.¹⁹⁶ Cabinet agreed a free vote with the possibility of government time.¹⁹⁷ The February 1966 second reading debate was dominated by another Catholic Labour MP, Simon Mahon,¹⁹⁸ who talked the bill out.¹⁹⁹ Compared to the Lords, there would be sterner opposition in the Commons, where Catholic representation was stronger and often linked to a strong constituency lobby (see below).

¹⁹⁰ TNA: PRO MH156/17, Abortion (HL), A bill (as amended in committee), 16/02/1966.

¹⁹¹ TNA: PRO ,MH156/17, Jones to Hutton, 11/02/1966.

¹⁹² *HL Deb*, 07/3/1966, vol273 cc929-46.

¹⁹³ 1910-1998. Conservative/Liberal Unionist MP, Devon West (1944-1974).

¹⁹⁴ 1921-1998. Conservative MP, Southport (1951-1987).

¹⁹⁵ Obituary, *The Independent*, 7/4/1998.

¹⁹⁶ CMA/SA/ALR/A.1/2/4, ALRA Executive, 10/02/1966; *HC Deb*, 25/2/1966, vol725 cc837-42.

¹⁹⁷ TNA: PRO CAB129/41, CC(66)5th, 03/02/1966.

¹⁹⁸ 1914-1986. Labour MP, Bootle (1955-1979).

¹⁹⁹ *HC Deb*, 25/02/1966, vol725 cc837-56.

5.2.2 Reform under the 1966 Labour government and the Steel Bill.

The 1966 election not only increased Labour's majority but bolstered the ranks of liberally minded MPs. It also created a long session from April 1966 to the autumn of 1967 where PMBs had a greater chance of completing all their stages. There was an intermezzo in the Lords, where Silkin reintroduced his bill, as previously amended. It was given a second reading without division in May 1966. Silkin promised to reintroduce the social clause as an amendment²⁰⁰ and after meeting with ALRA²⁰¹ proposed the wording of 'the woman's capacity as a mother will be severely overstrained by the birth of a child',²⁰² which the government opposed as too permissive.²⁰³ ALRA remained unhappy that the bill was too restrictive²⁰⁴ and continued the search for a new champion in the Commons. As soon as the May 1966 Private Members Ballot was published, Vera Houghton wrote to potential sponsors.²⁰⁵ With a wide choice of bills, David Steel²⁰⁶ was an unpromising candidate, having already declined ALRA's blandishments in 1965 in favour of 'constituency interest'.²⁰⁷ When approached again, Steel hesitated, and, after a lunch meeting with Glanville Williams, agreed to take an abortion law reform bill forward.²⁰⁸

²⁰⁰ *HL Deb*, 10/05/1966, vol274 cc578-79, 605.

²⁰¹ CMA/SA/ALR/A.1/2/4, ALRA Executive 19/5/1966.

²⁰² TNA: PRO MH156/18. Abortion Bill [hl] [c.06/1966].

²⁰³ TNA: PRO MH156/18, [Notes on Clauses] Abortion Bill, Lords Committee, 1/1/18, [c.26/05/1966].

²⁰⁴ CMA/SA/ALR/A.5/1/6, Houghton to Steel, 25/05/1966.

²⁰⁵ CMA/SA/ALR/A.5/1/7, Result of the ballot for bill [1966, annotated] [and letters following this] [c.10/05/1966].

²⁰⁶ b.1938. Liberal MP, Roxburgh, Selkirk and Peebles/Tweeddale, Ettrick and Lauderdale (1965-1997).

²⁰⁷ CMA/SA/ALR/A.5/1/6, Cossey to Steel 08/04/1965, reply 14/4/1965.

²⁰⁸ CMA/SA/ALR/A.5/1/6, Houghton to Steel, 16/5/1966 and 24/05/1966; replies 16/5/1966 and 18/5/1966.

The Home Office would have preferred a more experienced backbencher to take on abortion reform,²⁰⁹ but when it became clear Steel had made up his mind it advised him that the bill be cast in terms of the woman's health, in line with its preference for medicalised grounds. Steel was unwilling to act as the agent of either ALRA or the Home Office and wished to include safeguards that went further than Silkin and some explicit time limits to mollify critics. Worst of all, from ALRA's point of view, Steel was relying on advice from another Liberal MP, Dr. Michael Winstanley,²¹⁰ who had been a GP and was still involved with the BMA.²¹¹ The Ministry of Health gave Steel a draft bill that followed his wishes modulated to some of the government's concerns with a social clause that now read, 'the care of the child if born would place on the mother a strain which she is not reasonably capable of sustaining having regard to her age, the condition of her family or other relevant circumstances'. Potential abnormality was measured by the prospect of there being 'no reasonable enjoyment of life'. Grounds of the mother being under 16 or 'defective' were also included, as were safeguards that two doctors need to certify the grounds and that the operation be carried out by a consultant, but Steel omitted this latter onerous constraint that would have limited the availability of abortion.²¹² The Home Office thought that the result, while on paper was broader than Silkin's bill, would in practice have much the same scope.²¹³

²⁰⁹ David Steel, *Against Goliath* (London: Weidenfeld and Nicolson, 1989), p50.

²¹⁰ 1918-1993. Liberal MP, Cheadle/Hazel Grove (1966-1970, 1974).

²¹¹ TNA: PRO MH156/19, Brennan, 'Abortion bill', n.d, Mayston to Pater, 'Abortion Bill', 16/06/1966.

²¹² TNA: PRO MH156/19, Brennan (HO) to Mayston (Ministry of Health), 29/06/1966; to Steel, [c.01/07/1966]; Dr Chamberlain to Dr Shaw, 14/7/1966.

²¹³ TNA: PRO MH156/19 [home office background note, draft], [c.01/09/1966].

Having established their level of support in Parliament,²¹⁴ ALRA started their lobbying for the second reading debate of Steel's bill in July 1966. In another lesson learnt from Antony Grey,²¹⁵ they had already commissioned an NOP poll, and announced the findings in a press conference in the run up to the debate.²¹⁶ This was a *coup de théâtre* since the poll bore little relationship to the details of the bill. With thalidomide still in the news, the poll unsurprisingly showed that 91% supported abortion on the grounds of the risk of a 'seriously deformed baby', and 85% on the grounds of the 'mother's health' but these were statements of existing case law. In areas where ALRA sought to extend the law, to incest and those underage, support was less solid at 65% and 50%. There was little support for proposals that went further than ALRA's, there being only 30% support for the choice to have an abortion being a woman's alone. In the light of this, it was maybe a wise move that the poll was silent on the contentious social grounds, although this was where the bill was extending the law.²¹⁷

In the July 1966 second reading debate Steel concentrated on the evils of backstreet abortion. Edward Lyons²¹⁸ and David Owen²¹⁹ linked this to the plight of women with large families living in poor conditions. Roy Jenkins injected an overt element of class, arguing that those who could pay for private treatment already had access to a medical termination. Much opposition had a religious gloss, although beyond William Wells speaking of 'upholding the common tradition of

²¹⁴ CMA/SA/ALR/A.1/2/4, ALRA Executive, 21/06/1966.

²¹⁵ CMA/SA/ALR/A.4/4/207-312 Notes on meeting Albany Trust, 08/12/1965.

²¹⁶ CMA/SA/ALR/A.1/2/4, ALRA Executive, 14/07/1966.

²¹⁷ TNA: PRO CAB165/114, NOP Press Release Survey on Abortion.

²¹⁸ 1926-2010. Labour (and briefly SDP) MP, Bradford North/Bradford West (1966-1983).

²¹⁹ b.1938. Labour (later SDP) MP, Plymouth Sutton/Davenport (1964-1992).

Christianity', lay only the secular Anglicanism²²⁰ of Bill Deedes²²¹ and the agnostic reform Judaism²²² of Leo Abse, who belted himself as 'a humanist concerned with life' but then added braces with a Talmudic reference. Of the second reading opponents, only Jill Knight²²³ posed her argument in entirely secular terms. However, all shared the view that abortion was to kill an unborn child. A further moral undercurrent from opponents was the fear that reform would encourage promiscuity. Deedes thought, 'it may well be that science and its little pill will enable so-called civilised countries to treat sex more and more as a sport and less as a sacrament in love, a divine instrument of procreation', and Knight feared young women might 'degenerate into free-for-alls with the sleazy comfort of knowing, "She can always go and have it out"'. These arguments failed to sway the Commons which gave the bill a second reading by 223 to 29.²²⁴

The more serious source of opposition was medical opinion in the form of the BMA and the Royal College of Obstetricians and Gynaecologists (RCoG). Doctors' organisations objected to making non-medical judgement such as rape grounds.²²⁵ RCoG, whose members faced no threat of prosecution, tended to dismiss the issue of backstreet abortion as exaggerated, fearing that liberalisation would lead doctors to lose autonomy as the public became more 'abortion minded'.²²⁶ As the government's Chief Medical Officer commented, 'the motive for this ... seemed

²²⁰ Stephen Robinson, *The Remarkable Lives of Bill Deedes* (London: Abacus, 2009), p192.

²²¹ 1913-2007. Conservative MP, Ashford (1945-1974).

²²² Obituary, *Jewish Chronicle*, 28/8/1998.

²²³ b.1923. Conservative MP, Birmingham Edgbaston (1966-1997).

²²⁴ *HC Deb*, 22/7/1966, vol732 cc1067-1065, 1081, 1090-1094, 1099-1106.

²²⁵ CMA/SA/ALR/A.5/2/4, Memorandum; Dr Stevenson and Dr Gullick, 14/12/1965; MH156/19, Godber to Allen, 19/08/1966.

²²⁶ 'Legalized Abortion', *BMJ*, 2/4/1966; TNA: PRO MH156/18 Legalized abortion: report of the Council of the RCoG, 02/04/1966.

to be rather the protection of the position of the gynaecologist than any deep seated appreciation of the position of the women involved'.²²⁷ RCoG's opinion put pressure on the social clause, particularly since Steel's advice from Dr. Winstanley was that it was vital to be seen to be listening to doctors' opinions. ALRA's attempts to use the Drs. John Dunwoody²²⁸ and David Owen as counterweights cut little ice.²²⁹ Alistair Service further attempted to defend the social clause. He had listed 200 MPs who favoured it²³⁰ but found that even strong supporters of reform like Lena Jeger thought the clause might be too liberal²³¹ and only later did Service recognise the instability of the clause's support.²³² Although the Minister of Health, Kenneth Robinson, thought reform without the social clause would be too limited,²³³ Steel's response to medical pressure was to announce as the bill was ready to start its committee state in early 1967 that the social clause would be dropped along with other non-medical grounds and replaced with the broadened ground of the mother's wellbeing.²³⁴ Despite making bellicose noises to Steel about withdrawing support,²³⁵ ALRA feared splitting the pro-reform forces on the standing committee and accepted this *fait accompli*²³⁶ while fearing that the addition of further restrictions would make the law

²²⁷ TNA: PRO MH156/17, Godber to 'Secretary', 18/02/1966.

²²⁸ 1929-2006. Labour MP, Falmouth and Camborne (1966-1970).

²²⁹ CMA/SA/ALR/A.1/2/4, ALRA executive, 15/11/1966.

²³⁰ CMA/SA/ALR/A.5/1/7, [List of MPs supporting the social clause], [13/12/1966].

²³¹ CMA/SA/ALR/A.5/1/1/226-287, [Draft] Houghton to Jeger, [with notes between 'DM' [Munday] and Houghton], 14/12/1966.

²³² CMA/SA/ALR/A.1/2/4, ALRA executive, 09/02/1967.

²³³ TNA: PRO MH156/1,9, Note of meeting held on 7/11/66 at the Home Office, Termination of Pregnancy bill.

²³⁴ TNA: PRO MH156/344, David Steel, Medical termination of pregnancy bill: Proposed amendments, 21/12/1966.

²³⁵ CMA/SA/ALR/A.5/1/6, Houghton to Steel, 04/01/1967.

²³⁶ CMA/SA/ALR/A.5/1/2/220-359, Houghton to Short, 11/01/1967.

more restrictive than the *status quo*.²³⁷ In the government, however, Robinson and Jenkins worked to ensure the bill would remain a liberal reform.²³⁸

If medical opinion was a problem for the reformers, religious opposition was limited. The Church of England was divided but offered cautious support for reform. Although not a statement of Church policy, the Church Assembly's Board of Social Responsibility's *Ethical Discussion* published at the end of 1965, proposed abortion could be judged permissible in the context of a woman's 'total environment'.²³⁹ Other Anglican clergy went further. The Rector of Woolwich, Nicolas Stacey,²⁴⁰ argued in the press that 'no *religious* group should seek to maintain the religious and ethical standards of its members by imposition of laws on the general population' and that abortion was anyway 'the lesser of two evils'.²⁴¹ A more conservative Anglican, the Canon of Windsor, GB Bentley,²⁴² wrote to Roy Jenkins that he was 'not one of those who would keep secular society in subjection to the moral convictions of the Church' but thought any expansion of access to abortion beyond protecting a woman's health amounted to infanticide.²⁴³ Reform had much Anglican opinion on its side with a 1966 survey showed 89% of 'protestant clergy' to be dissatisfied with the current law and 57% supported abortion on social grounds,²⁴⁴ so Jenkins was

²³⁷ CMA/SA/ALR/A.5/1/1/226-287, Houghton to Jenkins, 15/01/1967; SA/ALR/A.1/2/4 ALRA executive, 12/1/1967.

²³⁸ TNA: PRO MH156/19, Note of meeting held on 7/11/66 at the Home Office, Termination of Pregnancy bill.

²³⁹ TNA: PRO MH156/16, Dr Kuck to Dr Ring., 06/01/1966.

²⁴⁰ b.1927. Rector of Woolwich (1960-1968).

²⁴¹ Rev Nicholas Stacey, 'Why Rome is wrong', *The Evening Standard*, 15/11/1966.

²⁴² (Geoffrey) Bryan Bentley, 1909-1996. Canon of Windsor 1957-82.

²⁴³ TNA: PRO MH156/19, Bentley to Jenkins, 05/09/1966.

²⁴⁴ TNA: PRO MH156/19, Vera Houghton, Circular letter to MPs, 30/11/1966.

able to shrug off Bentley's complaint with utilitarian moral neutrality.²⁴⁵ Only with the third reading of the Steel Bill imminent did more serious Anglican concerns emerge. Dr. Michael Ramsay, the Archbishop of Canterbury, wrote to Wilson and *The Times* to express his concern particularly at having abnormality as grounds for abortion, and considered that only health grounds justified a termination.²⁴⁶ There is no evidence that this had any impact on the bill's progress.

Catholic opinion may have been muted by Pope John XXIII's²⁴⁷ 1961 encyclical *Mater et Magistra* reflecting popular concerns with overpopulation. Although this did not mention birth control, it raised expectations of reform. These increased with the establishment of the Second Vatican Council in 1962,²⁴⁸ leading ALRA to hope that Catholic opinion might soften²⁴⁹ but with Pope John's death in 1963, this reforming moment faded. Catholic opinion on contraception in general was not settled until Pope Paul VI's²⁵⁰ *Humanae Vitae* of July 1968 that restated Roman Catholic opposition to contraception and abortion.²⁵¹ The core of opposition to Silkin's bill in the Lords was Catholic. Of the eight Lords who voted against his first bill, at least five were Catholics.²⁵² In the Commons, Renee Short's 1965 Bill was buried by a Catholic. According to Marsh and Chalmers, of the twenty-nine who voted against the Steel bill at its second reading fourteen could be identified

²⁴⁵ TNA: PRO MH156/19, [Draft reply to Bentley], [c.05/09/1966].

²⁴⁶ TNA: PROCAB165/114, Cantuar to Wilson, 24/05/1967; Cantuar, Letter, *The Times*, 24/05/1967.

²⁴⁷ Angelo Roncalli, 1881-1963. Pope John XXIII (1958-1963).

²⁴⁸ Leathard, *The Fight for Family Planning*, p114; Shelia Black, 'The progress of the pill'. *Financial Times*, 17/07/1964.

²⁴⁹ CMA/SA/ALR/A.5/2/3, Memo on RC attitudes to abortion, Munday, 22/11/1965.

²⁵⁰ Giovanni Montini, 1897-1978. Pope Paul VI (1963-1978).

²⁵¹ Leathard, *The Fight for Family Planning*, p115.

²⁵² *HL Deb*, 30/11/1965, vol270 cc1207-10, 1215, 1223-25.

as Catholics. Of the thirty-one identifiable Catholic MPs, none voted for Steel's bill at any stage.²⁵³ Through the course of Steel's bill St. John Stevas attempted to rally Catholic opposition²⁵⁴ and by late 1966 constituency pressure was being felt by some MPs.²⁵⁵

Religion was one motivation for opposition, but not the only one. Some, notably the Conservative, Richard Wood,²⁵⁶ who had lost both legs in North Africa in 1943, and Labour's equal pay advocate, Christopher Norwood, did not support abnormality as a ground for termination.²⁵⁷ More commonly Conservatives like John Biffen²⁵⁸ opposed the bill from a socially right wing position. Such social conservatism was not confined to Conservatives. One Labour MP, Dick Winterbottom,²⁵⁹ wrote to a constituent, 'I am more than a little browned off with the stream of legislation that protects the sexual and social cranks which really gives a kind of liberty to make licence the accepted state of society.'²⁶⁰ Attempts to organise an umbrella for this opposition arrived only late in 1966 with the formation of the Society for the Protection of the Unborn Child (SPUC). Although it owed its origins to correspondence in the Anglican *Church Times* it attempted to avoid being seen as a religious organisation.²⁶¹ By May 1967, with the third reading

²⁵³ David Marsh and Joanna Chambers, *Abortion Politics* (London: Junction Books, 1981), p207.

²⁵⁴ Norman St. John Stevas, 'Where were the Catholics?', *Catholic Herald* 22/07/1966.

²⁵⁵ Lena Jeger, 'Pressure on MPs', *The Guardian* 18/11/1966; CMA/SA/ALR/A.5/1/1/126-225, Ron Brown to John Home (ALRA), 29/11/1966.

²⁵⁶ 1920-2002. Conservative MP, Bridlington (1950-1979). Son of Lord Halifax, held a variety of ministerial and shadow posts 1959-1974.

²⁵⁷ CMA/SA/ALR/A.5/1/2/1-117, Loxley to Cossey, 12/6/1965.

²⁵⁸ 1930-2007. Conservative MP, Oswestry/Shropshire N (1961-1997).

²⁵⁹ 1899-1968. Labour MP, Sheffield Brightside (1950-1968).

²⁶⁰ SA/ALR/A.5/1/2/220-359, Winterbottom to Mrs. Brown, 13/12/66.

²⁶¹ Colin Francome, *Abortion Freedom* (London: George Allen and Unwin, 1984), p93.

approaching, ALRA became concerned about the considerable success SPUC was achieving in encouraging constituents to write to their MPs. They responded with a letter from pro-reform MPs on the standing committee being sent to 1,200 newspapers and 35 sympathetic columnists, from Nigel Lawson²⁶² to Marjorie Proops.²⁶³

One impact of anti-reform campaigning against reform was the withdrawal of support from the National Council of Women (NCW) announced in March 1967. Their president, Joan Boulind,²⁶⁴ argued that the bill's scope had been extended in committee to allow doctors to make judgements on social conditions for which they were not qualified.²⁶⁵ Vera Houghton replied that this was specious since the social clause had been removed and the bill's scope reduced in committee. ALRA thought this was an inept cover for bureaucratic manoeuvring under pressure from religious affiliates to the NCW.²⁶⁶

With the report stage and third reading approaching in June 1967, the bill was far from what ALRA wished, shorn of its non-medical provisions, with the social clause attenuated into a medical form and with a conscience clause for medical staff not wishing to be involved in such an operation. ALRA nonetheless trumpeted these amendments to show what a reasonable and balanced

²⁶² b.1932. Then editor of *The Spectator* (1966-1970).

²⁶³ CMA/SA/ALR/A.1/2/4, ALRA Executive, 18/5/1967.

²⁶⁴ 1911-1996. *Daily Mirror* agony aunt, 1939-1994.

²⁶⁵ 'Abortion Bill Loses Some Backing', *The Times*, 21/3/1967.

²⁶⁶ CMA/SA/ALR/A.4/4/518-601, Houghton to Boulind, 21/03/1967; Memo on NCW, 23/03/1967; 'Split threat to Council of Women', *Daily Telegraph*, 6/4/1967.

proposal this was, and even issued an appeal to Conservative MPs on this basis,²⁶⁷ although they continued to show limited interest. A discussion at the Conservative backbenchers' 1922 Committee was curtailed after four contributions because attendance had fallen to a very low level.²⁶⁸

The government needed to decide whether to give the bill government time or leave the bill at threat of being talked out.²⁶⁹ This exposed the ambiguity of the government's neutrality with Longford wanting amendments from an evidently sympathetic Ministry of Health bringing the issue to full Cabinet,²⁷⁰ while Patrick Gordon Walker (then Minister without Portfolio) argued these did not constitute government policy, but merely an attempt to ensure the bill was workable.²⁷¹ On the factual issue, Longford was clearly right. Roy Jenkins proposed that time should be made available only if the bill's sponsors accepted amendments to remove restrictions on those able to authorise operations to consultants.²⁷² The bill needed this government backing, and after an all night sitting which saw a filibuster organised by St. John Stevas, more time had to be found.²⁷³ The bill received its third reading in the Commons at the end of a further night sitting in July 1967.²⁷⁴

²⁶⁷ CMA/SA/ALR/A.5/1/7, Service to members of the ALRA executive, 26/04/1967; [Circular to Conservative MPs on the Steel bill], 28/04/1967.

²⁶⁸ CMA/SA/ALR/A.5/1/7, Service to Houghton, 05/05/1967.

²⁶⁹ TNA: PRO CAB128/42, CC(67)30th, 11/05/1967.

²⁷⁰ TNA: PRO CAB165/114, Longford to Wilson, 15/05/1967.

²⁷¹ TNA: PRO CAB165/114, Gordon Walker to PM, Medical Termination of Pregnancy Bill, 12/05/1967.

²⁷² TNA: PRO CAB 29/130, C(67)90, 31/05/1967; CAB128/42, CC(67)35th, 01/06/1967.

²⁷³ CMA/SA/ALR/A.1/2/4, ALRA Executive, 08/06/1967; TNA: PRO CAB128/142, CC(67)45th, 06/07/1967.

²⁷⁴ *HC Deb*, 13/7/1967, vol750 cc1159-385.

In the Lords in September 1967 the bill was amended, again by Dilhorne, reintroducing the consultant restriction. ALRA sought but failed to find a compromise, and was preparing to repeat the whole process next session.²⁷⁵ ALRA had to be told by Jenkins and Robinson that the Commons would prevail and to hold their nerve.²⁷⁶ This was aided by Labour backbench pressure for reform. As a leader in *The New Statesman* put it, 'many Labour backbenchers, split, disillusioned and frustrated by the government's policy, are united by a sincere determination to see the abortion law reformed.'²⁷⁷ Rather undermining ALRA's reputation for skilled lobbying, Vera Houghton continued to seek a compromise²⁷⁸ but with media excitement over a clash between the Commons and the Lords leading to constitutional crisis, the Lords backed down and passed the bill in October 1967. A further amendment from Dilhorne provided a seemingly innocuous safeguard, that abortion would be legal where continuing a pregnancy would pose a greater risk to a woman's health than ending it.²⁷⁹ Although it was pointed out in the short debate this served little purpose, abortion being a straightforward operation,²⁸⁰ what was not understood was that pregnancy was an intrinsically more dangerous course. Thus this provided legal defence for any decision to abort, and is one reason why there have been very few prosecutions of doctors under the 1967 Act, there appears to have been just one successful prosecution in 1974.²⁸¹

²⁷⁵ CMA/SA/ALR/A.5/2/1, Douglas Houghton to Dilhorne, 03/09/1967; Vera Houghton to Robinson, 11/10/1967; SA/ALR/A.1/3, ALRA annual report 1966-7.

²⁷⁶ CMA/SA/ALR/A.5/2/1, Robinson to Houghton, 13/10/1967; Jenkins to Houghton, 23/10/1967.

²⁷⁷ 'Abortion and the Lords', *New Statesman*, 20/10/1967.

²⁷⁸ CMA/SA/ALR/A.5/2/1, Vera Houghton to Robinson, 18/10/1967.

²⁷⁹ CMA/SA/ALR/A.1/3, ALRA report 1967-8.

²⁸⁰ *HL Deb*, 23/10/1967, vol285 c147.

²⁸¹ Sally Sheldon, 'Abortion for Reason of Sex', *Abortion Review*, March 2012.

5.2.3: Conclusions on abortion law reform.

While ALRA played an important part in the reform of abortion, it is possible to over-estimate its impact. The PMB route was not their plan in the early 1950s, and both Robinson's and Silkin's bills did not originate with ALRA. In 1966, having started the ball rolling by persuading Steel to sponsor reform, and playing an important role campaigning inside and outside Parliament, ALRA had little control over the form of the bill. This resulted from Steel and Winstanley responding to a variety of pressures, particularly the medical profession, but more importantly it was shaped by advocates in government, Jenkins and Robinson, who ensured that this remained a liberal piece of legislation.

Brookes and Roth argue that the Act did little more than enact the case law²⁸² but this is too negative a judgement. Statute law made the decision to abort a medical judgement that would prove difficult to legally challenge if a doctor followed the prescribed procedure. This created a much more certain basis for medical practitioners beyond NHS consultants and the Harley Street elite to develop abortion services, and this pushed the moral decision to abort much more towards the individual, albeit with medical oversight. The effect may well have been more permissive than Parliament intended. Although passed at its third reading in the Commons by 167 to 83,²⁸³ with inflated press reports of London becoming subject to 'abortion tourism', concern grew. In 1969 St. John Stevas moved a Ten Minute Rule Bill to seriously restrict the availability of abortion by requiring it be sanctioned by a consultant, banning abortions for overseas visitors and

²⁸² Brookes and Roth, '*Rex v. Bourne*' pp337-8.

²⁸³ *HC Deb*, 13/7/1967, vol750 cc1384.

removing the medicalised social grounds for abortion.²⁸⁴ The Cabinet allowed a free vote on the bill, but was not neutral, arguing that the bill should be opposed.²⁸⁵ It was only defeated by 210 votes to 190.²⁸⁶

That by 1969 a section of opinion was already swinging against the Act for being too liberal undermines the claims by radical critics that this was a new, and possibly more pernicious, form of regulation. Other evidence shows that there was little regulation under the new Act. With NHS provision partial,²⁸⁷ a profusion of private clinics were opened up to meet the demand, creating something approaching a free market in abortion. State regulation was limited to those with poor clinical practice, often mixed with other rule-bending practices. For example, in 1969, the New Cross Clinic in South London was reported to the Chief Medical Officer by its former medical director. He complained of women being discharged too early, inadequate supplies of blood and blank consent forms being signed by doctors for £10 each. Other staff there described the owner, Mr. Shaw, as 'an unscrupulous and dangerous man.' Shaw, who also owned a motor scooter dealership, was reportedly operating as a loan shark, often lending women the £90-£140 to have the abortion. The informants continued that Shaw was paying the proprietor of a student magazine, a 'Mr. Bransome', £35 for each referral.²⁸⁸ (At this time Richard Branson was running his Student Advisory Service and his magazine, 'The Student'.) Although the clinic was eventually

²⁸⁴ TNA: PRO MN156/148, Legislation Committee, Mr St John-Stevas' 10 Minute rule bill to improve the law on abortion: Note for the Secretary of State [c.07/1969].

²⁸⁵ TNA: PRO CAB128/45, CC(70)6, 05/02/1970.

²⁸⁶ *HC Deb*, 15/7/1969, vol787 cc411-24; Hugh Noyes, 'Narrow defeat for Abortion Act amendment', *The Times* 16/07/1969.

²⁸⁷ TNA: PRO MH156/241, Lady Birk to John Peel, 14/08/1968.

²⁸⁸ TNA: PRO HO287/162; Abortions at NX Nursing Home, [c.24/07/1969]; Sternberg to CMO, 20/07/1969.

removed from the Ministry of Health list of those approved to carry out abortions, no further action followed.²⁸⁹

Although there is little evidence that the Abortion Act facilitated greater regulation, neither was it explicitly framed in terms of women's equality. The feminist voice demanding abortion law reform was faint although Hunkins-Haliman of the SPG offered some passive support as an individual.²⁹⁰ Free abortion on demand was a tenet of second wave feminists, but although many reformers believed in a woman's right to abortion, proposals were always hedged by medical and legal limitations. There were some signs of second wave sentiment coming through. A group in Kensington calling themselves 'WOMEN' wrote in protest to St. John Stevas in 1967 telling him that:

WOMEN – better women than I – fought courageously for the right to vote half a century ago, and since that time WOMEN, (I most reluctantly confess), have sorely neglected their role in the realm of politics.

So with this in mind, I emerge, with others, from a position of passive indifference to express horror and indignation at the pomposity with which you expound your theories on the subject of ABORTION (on television). As a member of the male sex, surely you are hardly qualified, or have the authority to speak on this subject!

... our bodies do indeed belong to us, and we alone individually, have the right to make such a choice, and if we are to be judged, then GOD alone has this right and certainly no MAN.²⁹¹

²⁸⁹ TNA: PRO HO287/1626, Crossman to Callaghan, Note to file, Trevelyan, 21/08/1969; Callaghan to Crossman, 19/12/1969 and reply, 12/11/1969.

²⁹⁰ SPG Executive, 04/01/1966, Women's Library, FL524/SPG/a162-194; CMA/SA/ALR/A.4/4/602-698, SPG circular May 1967.

²⁹¹ CMA/SA/ALR/A.5/1/7, 'WOMEN' to St. John Stevas, 20/05/1967.

But one eccentric letter does not make a feminist movement. There was some language of women's equality poking through the fabric at times. The Labour MP Peter Jackson²⁹² (an academic sociologist) saw Steel's bill 'as a compromise between those who adopt a libertarian approach (my own position) and a person such as Mr Steel who has a somewhat over-restricted view of women's rights.'²⁹³ The language of second wave feminism was maybe already at this time developing in the academic protection of university sociology departments, as it may have been with Simms' graduate women serving their ten-year terms in Kensington.

5.3: The Campaign for contraception.

5.3.1: The campaign 1930-1934.

The struggle for abortion law reform in the 1960s is a story of natural drama. After its moment in the 1920s, contraception campaigning became more low-key with efforts to provide voluntary clinics funded by local authorities. The Malthusian League started to wind down in 1927,²⁹⁴ and in 1931 the main voluntary and campaigning bodies joined the National Birth Control Association (NBCA) (although Marie Stopes soon left) becoming the Family Planning Association (FPA) in 1939. This included WBCG although its former chair, Frida Laski, thought it a group of middle class do-gooders.²⁹⁵ The WBCG's focus on Labour policy continued with Laski liaising with the NBCA around the Labour women's conference of 1935²⁹⁶ and the association's general secretary, Josephine

²⁹² b.1928. Labour MP, High Peak (1964-1970).

²⁹³ CMA/SA/ALR/A.5/1/1/226-287, Jackson to Furey, 19/01/1967. (Comment in original).

²⁹⁴ Ledbetter, *Malthusian League*, pp221, 228-230, 240.

²⁹⁵ Leathard, *The Fight for Family Planning*, pp44, 56, 68.

²⁹⁶ CMA/SA/FPA/A13/39, Note of 22/3/1935.

Clifford-Smith,²⁹⁷ meeting (fruitlessly) with the Labour Party's women's officers, Mary Sutherland,²⁹⁸ in 1939.²⁹⁹ This orientation did not endure. There is no record of any activity around the Labour Party by the FPA from 1939 until the end of the period of this study, 1970.

Nor was contraception given a boost during the Second World War, when the FPA made no attempt to capitalise on the relaxing of sexual attitudes in wartime.³⁰⁰ Post-war, they took little interest in the formation of the NHS. They lobbied the 1949 Royal Commission on Population which reported in favour of the greater availability of contraception, although the report was ignored by government and the FPA did nothing to capitalise on this opening. Rather, the FPA saw itself as a voluntary sector provider of contraception, not a pressure group, and thus maintained a polite but distant relationship from government. It approached the Ministry of Health in 1953 seeking greater local authority powers to fund contraceptive services. The ministry responded by restating that, whilst the 1930 circular allowed only for advice on health grounds, many clinics went beyond this, and that the Ministry was 'letting sleeping dogs lie'. The FPA accepted this approach. By the mid-1950s, opinion became more open to contraception, with the Minister of Health, Iain Macleod, paying an official visit to the FPA in 1955 and the Church of England's Lambeth Conference of 1958 condoning contraception within marriage.³⁰¹ Nonetheless, when in

²⁹⁷ No biographical information known.

²⁹⁸ 1895-1972. Labour Party Women's Officer (1942-1960)

²⁹⁹ CMA/SA/FPA/A13/39, Memo of meeting, 28/2/1939.

³⁰⁰ Leathard, *The Fight for Family Planning*, p73.

³⁰¹ Leathard, *The Fight for Family Planning*, pp93-6; CMA/SA/FPA/A2/9, Visit to Dr Dorothy Taylor, Ministry of Health, 03/02/1953.

1959 the government expanded the organisations that local authorities could fund, only marriage guidance groups were included on the list.³⁰²

The FPA considered setting up a group of supportive MPs on more than one occasion in the 1950s and early 1960s,³⁰³ but this came to nothing. When London Underground withdrew an FPA advert in 1960, the FPA's caution in the face of controversy was evident. The only MPs they wrote to were its long-term supporter Douglas Houghton and the two MPs who had written to them in support, the surprising pairing of Jeremy Thorpe and Margaret Thatcher.³⁰⁴ The government's position was that it neither approved nor sponsored the FPA's work which, officials claimed, was self-funding.³⁰⁵ In the dying days of the Conservative government in 1964, Bernard Braine³⁰⁶ (a junior minister in the Ministry of Health) told the Commons that the FPA had asked for no money and the government could only move in line with public opinion and thus would not fund public bodies to do more that offer the limited advice on contraception that was then available.³⁰⁷

The FPA's political caution was not questioned by its internal review which reported in 1963. This was led by François Laffite,³⁰⁸ Professor of Public Policy at Birmingham University and the adopted son of the sexologist, Havelock Ellis.³⁰⁹ Laffite characterised the FPA as having an institutionalised

³⁰² CMA/SA/FPA/A2/9, Note by Pearce, 14/05/1959.

³⁰³ CMA/SA/FPA/A8/2.2, FPA public relations committee, 15/10/1952; SA/FPA/A8/2.1, Elstone to Vickers, 14/11/1962.

³⁰⁴ CMA/SA/FPA/A8/2.1, Elstone to Douglas Houghton, 09/12/1960; Elstone to Thatcher, 16/12/1960/

³⁰⁵ TNA: PRO T227/2671, Langham to Fothergill, 09/03/1963.

³⁰⁶ 1914-2001. Conservative MP, Billericay/South East Essex/Castle Point (1950-1992).

³⁰⁷ *HC Deb*, 4/5/1964, vol694 cc880-881

³⁰⁸ 1913-2002. Social policy academic.

³⁰⁹ 1859-1939. Psychologist and social reformer.

feminist view that they were saving downtrodden women from the consequences of their husbands' sexual demands by promoting women-centred forms of contraception, mainly the cap. Laffite proposed that the FPA should develop a more centralised public service structure, with a broader offer of contraceptive services since many wives were happy to leave contraception to men³¹⁰ (a view confirmed by Kate Fisher's recent research).³¹¹ Regardless of this caution, attitudes towards contraception were changing. The Consumers' Association produced a *Which?* report on contraception in conjunction with the FPA and International Planned Parenthood in 1963.³¹² Such public discussion of contraception was eased by concerns over the 'population explosion' which offered a desexualised context.³¹³ For example, *The Times* reported the advances in the intrauterine devices in 1964 under the headline 'The fight against overpopulation'.³¹⁴ Another driver of change was the development of oral contraception for women, the pill, first licensed for prescription in the UK in 1961.³¹⁵ This medicalised contraception and raised the issue of its relationship to the NHS. The NHS charter allowed only treatment of medical conditions, and by 1964 around 10,000 prescriptions for the pill were being issued annually on these grounds.³¹⁶ Those wishing to avoid pregnancy on other grounds could seek a private prescription from their GP, if sympathetic.³¹⁷ The only pressure from doctors was to allow them to charge for issuing these prescriptions.³¹⁸

³¹⁰ Cook, *Long Sexual Revolution*, pp275-7; *The Guardian*, 23/10/1963.

³¹¹ Kate Fisher, *Birth Control, Sex and Marriage in Britain 1918-1960* (Oxford: OUP, 2006).

³¹² 'Which? Supplement on contraception', *Financial Times*, 15/11/1963.

³¹³ 'Family planning: pill for the public', *New Society* 27/6/1963.

³¹⁴ 'The fight against overpopulation', *The Times* 4/6/1964.

³¹⁵ Lara Marks, *Sexual Chemistry* (New Haven: Yale UP, 2001), p113-114.

³¹⁶ TNA: PRO T227/2671 Burton to Fothergill, 27/7/1964.

³¹⁷ TNA: T227/2671, Draft: Pharmaceutical service: control of expenditure, 07/10/1963.

³¹⁸ 'Doctors want fee for the birth-pill', *The Daily Herald*, 16/07/1964.

5.3.2: The extension of access to contraception 1964-1970.

Pressure for reform was slight and on coming to power the Labour Party had no policy on contraception. The new Minister of Health, Kenneth Robinson, was a supporter of reform whose initial desire to extend local authority funding powers met with a negative Civil Service legal opinion. This reflected the view that the contraception advice that was already offered on social grounds was beyond the NHS's charter.³¹⁹ Thus Robinson sought new powers in legislation, at the end of 1965 he aimed to develop 'policy based on voluntary parenthood and aimed at strengthening family life'. He suggested local authority funded clinics should be encouraged to provide prescriptions and free advice, which would require new powers he proposed to include in a Miscellaneous Health Services Bill.³²⁰ Supporting this, the Chancellor of the Duchy of Lancaster, Douglas Houghton, wrote to the Prime Minister to argue that those with moral objections to contraception were not forced to use it. When Wilson made it clear he did not want to raise the issue before the next election³²¹ Houghton attempted to stiffen his resolve, telling the PM, 'for too long have we all been inhibited by religious attitudes', in particular the 'Catholic Vote', and instead suggested that Wilson consider the 'secular and humanist opinion in the Labour Party and that public opinion was in favour of birth control.' Even the Cabinet's most staunchly Catholic voice, Lord Longford, acquiesced. Wilson was only partially convinced by this and agreed to a new circular but wanted it out of the way as soon as possible.³²² The resulting Ministry of Health circular of February 1966, offered encouragement but no new powers:

³¹⁹ TNA: PRO T227/2671, Adams to Hodge, 19/08/1965.

³²⁰ TNA: PRO T227/2671, Draft memo from Minister of Health to SS committee: Family planning, 01/12/1965.

³²¹ TNA: PRO PREM13/1208, Douglas Houghton to Wilson, 23/12/196; and Trevelyan to Reid, 28/12/1965.

³²² TNA: PRO PREM13/1208, Houghton to PM. 07/01/1966; and Mitchell to Nodder, 10/02/1966.

Planned parenthood strengthens family life; lack of planning, often due to ignorance of effective methods of contraception may lead to marital disharmony, ill-health and social breakdown, and in some cases even to criminal abortion and death.

The circular made it clear that local authority funded clinics could advise, but only provide contraception on health grounds.³²³ The possibility of going further by 'legislating by circular' was considered in the Ministry of Health but deemed too limited.³²⁴

After the 1966 general election the Labour backbencher Edwin Brooks³²⁵ won seventh place in the Private Members' Ballot. Brooks had wanted abortion law reform, and was second on ALRA's list.³²⁶ Vera Houghton suggested Brooks sponsor a bill on contraception,³²⁷ and Leo Abse may also have influenced him.³²⁸ Brooks met with Ministry of Health officials, but no commitments on either help or support were given and they referred him to ALRA (notably, not the FPA) for help on drafting.³²⁹ Even though the Ministry had clauses for inclusion in the Miscellaneous Health Provision Bill,³³⁰ they asked Brooks to make his proposals to them.³³¹ Only after this did Abse write

³²³ TNA: PRO T227/2671, MHC/66: Family planning, 17/02/1966.

³²⁴ TNA: PRO MH156/59, Family planning, Amendment of section 28 of the Act of 1946 [c.03/03/1966]; and 'CHC' to Hales. 03/03/1966.

³²⁵ b.1929. Labour MP, Bebington (1966-1970).

³²⁶ CMA/SA/ALR/A.5/1/7, Result of the ballot for bill [June 1966, annotated].

³²⁷ TNA: PRO MH156/61, Brooks to Loughlin, 23/05/1966.

³²⁸ Edwin Brooks, *This Crowded Kingdom*, (London: Charles Knight, 1973), p104.

³²⁹ TNA: PRO MH156/61, Family Planning: Private Member's Bill: Note of meeting, 25/05/1966.

³³⁰ TNA: PRO PREM13/1208, Robinson to PM, 10/06/1966.

³³¹ TNA: PRO MH156/61 Brooks to Loughlin, 02/06/1966.

to the FPA, telling them that Brooks would be bringing forward a PMB on contraceptive services.³³²

The FPA's involvement in the bill remained minimal.

There was little pressure for change from other sources. There was none from the remnants of the first wave of feminism. There is some evidence that local authorities pushed for change,³³³ although this should be seen in the context of the majority of local authorities not providing any contraceptive advice at all. The London County Council sought a meeting with Robinson after the 1964 election to discuss giving young unmarried women advice to curb the rise in illegitimacy³³⁴ and Robinson used criticism from local authorities of the 1966 circular for not going far enough as an argument to the PM for supporting Brooks' Bill.³³⁵ After speaking with Brooks, the Ministry of Health canvassed the London Borough Association, the County Councils Association and the Association of Metropolitan Counties which all supported change.³³⁶ There was little pressure from the labour movement and the discussion in the Labour Party outside of Parliament was a response to Edwin Brooks' proposal not a cause of it. For example, the Labour Party conference in 1966 called for family planning to be integrated into the NHS.³³⁷ It was only in 1969 after the Act had been passed that the Labour Party's Women's Advisory Committee asked the party's research department to prepare a paper on contraception.³³⁸ The TUC showed little interest, even

³³² CMA/SA/FPA/A8/2.1, Fricker to Abse, 6/6/1966.

³³³ Cook, *Long Sexual Revolution*, p307.

³³⁴ 'Birth advice restriction must go' *Daily Telegraph*, 27/11/1964.

³³⁵ TNA: PRO PREM13/1208, Robinson to PM, 'Family planning', 10/06/1966.

³³⁶ TNA: PRO MH156/61, Dawtry to Marre, 03/06/1966; Hetherington to Marre, 2/6/1966; Warfield to Marre, 2/6/1966.

³³⁷ Denis Johnson, 'contraception advice on the NHS?', *The Guardian*, 5/10/1966.

³³⁸ Labour WAC, 12/12/1969, LPNEC/1007/1070-71.

complaining that the 1968 International Trade Union Congress considered contraception 'to the exclusion of other problems of equal importance'.³³⁹

One result of this lack of pressure was that there were no blueprints for legal reform. Robinson's 1965 proposal was an incremental reform of existing arrangements, seeking to strengthen local authority powers by allowing contraception to be prescribed on social grounds. When the FPA learnt of Brooks' bill they had no proposals formulated, although they soon agreed that the best course of action was to amend the NHS Act to allow for the supply of contraception on non-medical grounds.³⁴⁰ The Ministry of Health was divided on the issue, some officials suggesting advice clinics become an NHS service,³⁴¹ but others arguing this would overburden a service which was there to treat illness.³⁴² The view that funding should continue to come from local authorities was strengthened by the Treasury's insistence that reform should be within existing budgets.³⁴³ Thus constrained, the proposals made were very limited, to increase the power of local authorities to provide or fund services rather than the expansion of health services to include contraception.³⁴⁴

Relieved of electoral pressure in the summer of 1966, Wilson was willing to allow the reform to proceed, stating: 'I agree that my earlier anxieties, despite the nearness to the election ... proved

³³⁹ TUC WAC (2), minutes, 04/12/1968, MRC/TUCA, MSS.292B/61.5/3.

³⁴⁰ CMA/SA/FPA/A8/2.1, Fricker to Abse, 06/06/1966.

³⁴¹ TNA: PRO MH156/19, Bebb to Brennan, 27/10/1966.

³⁴² TNA: PRO MH 56/241, PSO746/150: Note of arguments against the inclusion of hospitals with the NHS (Family planning) Bill, 21/04/1967.

³⁴³ TNA: PRO T227/2671, Diamond to Robinson. 03/06/1966.

³⁴⁴ TNA: PRO MH156/62, Legislation Committee National Health Service (Family Planning) Bill Memorandum by the Minister of Health [hand corrected draft] [c.01/07/1966].

totally unfounded. I agree also that any Bill should be a Private Member's Bill so what is proposed seems entirely appropriate.³⁴⁵ Only then did the Ministry of Health undertake to supply Brooks with a draft of the bill.³⁴⁶ The National Health Service (Family Planning) Bill was fully supported by the government in distinction to neutrality afforded to the Abortion Bill.³⁴⁷

The Ministry of Health rejected any 'marriage line' in health provision, and pointed out that unmarried women received help if contraception were sought on medical grounds.³⁴⁸ Brooks was concerned to supply services to all, and believed that it was Robinson's advocacy on this that won the day,³⁴⁹ although there is no evidence that this was ever a concern amongst officials. Brooks accepted the ministry's view that if the bill was silent on this it would be up to local authorities to determine the issue.³⁵⁰ That services should be provided to unmarried women was highlighted by both Brooks and Robinson in debate in the Commons without contradiction, the only criticism being the unsuccessful demand that local authorities should have a duty to provide family planning services to all.³⁵¹ The bill passed through Parliament without amendment and the debate was dominated by supporters attempting to strengthen the bill, for example in attempting to remove the power to charge for contraception.³⁵²

³⁴⁵ TNA: PRO PREM13/1208, Robinson to PM, 'Family planning', 10/06/1966.

³⁴⁶ TNA: PRO MH156/61, Brooks to Robinson, 19/07/1966.

³⁴⁷ *HC Deb*, 17/2/1967, vol.741 c1002.

³⁴⁸ TNA: PRO MH156/61, Bussingham to McKay, 04/09/1966.

³⁴⁹ Brooks, *Crowded Kingdom*, p106.

³⁵⁰ TNA: PRO MH156/62, Family planning bill: Meeting with Mr Edwin Brooks 19/11/1966: Notes for the minister.

³⁵¹ *HC Deb*, 17/02/1967, vol.741 cc946, 1003, 1017-20; 08/05/1967 vol746 c1009.

³⁵² TNA: PRO MH156/62, Standing Committee H: Minutes of proceeding on the National Health Service (Family Planning) Bill, 26/04/1967.

It is thus unsurprising that *radical critics* do not tend to make claims for the regulatory intent of the reform of contraceptive services. The almost unchallenged view was that if single women were to have sex, it was better that they did not get pregnant. Only in the 1970s did this blossom into a moral concern about single motherhood and female sexuality.³⁵³ Nonetheless, it was uncommon to hear overtly feminist voices like Baroness Gaitskell³⁵⁴ attacking the double-standard of women's innocence as 'a masculine fetish' which, like the 'excessive adulation of motherhood has merely served as a cover to keep women in subjection'.³⁵⁵

The government's lack of concern for moral regulation was in contrast to the FPA's caution in requiring the couples they advised be married, only extending it to those about to marry in 1961.³⁵⁶ When Leah Manning³⁵⁷ put a motion to the FPA's 1964 conference to permit advice to those without their marriage banns, it was heavily defeated via an amendment to refer unmarried women to (then non-existent) youth advisory centres.³⁵⁸ The FPA's attitude had some basis in the voluntary world they operated in, since even this moderate step led to protest with some local authorities withdrawing funding.³⁵⁹ One letter writer told the FPA, 'I do not think that your organisation should give advice on "contraceptive techniques" to people who are not

³⁵³ Newburn, *Permission and Regulation*, p166.

³⁵⁴ Dora Gaitskell, 1901-1989. Labour Peer from 1964.

³⁵⁵ *HL Deb*, 05/06/1967, vol283 cc153, 157.

³⁵⁶ CMA/SA/FPA/A2/10, FPA AGM, 2-3/6/1961.

³⁵⁷ 1886-1977. Labour MP, Islington South/Epping (1931, 1945-1950). Educationalist and social reformer.

³⁵⁸ CMA/SA/FPA/A2/13, FPA, AGM, 2-3/6/1964.

³⁵⁹ *Birmingham Sunday Mercury*, 12/08/1964.

contemplating marriage. You are an Association for "Family" planning, and as such are used by Young Wives' Group members and other Church people.³⁶⁰

Only when legislation made the view of Parliament clear did the FPA allow their clinics to choose to give advice to unmarried people³⁶¹ and even then many FPA local branches felt pressure from the funding local authority to maintain restrictions.³⁶² Thus, by 1969 fewer than one in five local authorities offered a full family planning service.³⁶³ Richard Crossman, who had succeeded Robinson in 1968 at what became the Department of Health and Social Security (DHSS), was unwilling to use his powers to require them to do so. The NHS was still limited to offering contraception on health grounds, so the DHSS expanded the socio-medical indicators to cover more women whose health might be threatened by pregnancy.³⁶⁴ Nonetheless, by 1970 contraception, including the pill, was still not incorporated into the NHS.

5.3.3 : Conclusion on contraception.

Reform of contraception was slight but without significant opposition. While it allowed services to be offered on social grounds and to unmarried people, it did not make contraception free or available through the NHS. This does not appear to have been caused by any moral reaction, but in the absence of organised pressure for change, the government took the cheapest option. There was no audible feminist voice, save that connected to women's health where Baroness (Edith)

³⁶⁰ CMA/SA/FPA/A2/13. Mrs. Pamela Walker to the Secretary (FPA), 28/05/1964.

³⁶¹ TNA: PRO MH156/62, Fricker to Bebb, 20/12/1966.

³⁶² CMA/SA/FPA/A5/16, Paper NC17/69 with minutes, 30/10/1969.

³⁶³ 'The FPA and the NHS' (in the above minutes), Caspar Brook, 27/10/1969.

³⁶⁴ TNA: PRO MH156/241, [draft] HM(69) Circular on National Health Service Family planning. [c.20/07/1969].

Summerskill questioned the safety of the pill and suggested that it should not be made available in local authority clinics.³⁶⁵ Thus, arguments in terms of women's equality and their domestic role were not raised and measures allowed local authorities to provide contraceptive advice to all, but did not create a duty on them to do so and there was no extra funding made available. The measure did little to positively change women's roles in the private sphere. This is not a clear example of the voluntary sector conveying issues from the private into the public realm, and in some ways the FPA continued to represent a more traditional morality than government and Parliament which were increasingly neutral on the issue of sex outside of marriage. In the labour movement, apart from some concern emerging in women's organisations, most of the interest in contraception was concentrated at the highest levels, in the PLP, Labour peers and government ministers.

Section: 5.4: Divorce law reform.

5.4.1: Divorce law reform to 1965.

The first wave feminist view on divorce law reform is exemplified by Millicent Fawcett whose evidence to the (Gorell) Royal Commission on Divorce in 1912 demanded equal treatment for men and women but only by making it harder for a man to divorce his wife.³⁶⁶ Fawcett's concentration on political rights and women's education places her in the camp of equal rights feminism, but the greater pressure on her was that the majority of women were financially dependent on men and could be impoverished by divorce. This view was even more strongly expressed by difference

³⁶⁵ Marks, *Sexual Chemistry*, p150.

³⁶⁶ Lewis, *The End of Marriage*, p103.

feminists. The Married Women's Association (MWA) was formed in 1938 by Juanita Frances³⁶⁷ who had been a member of the egalitarian feminist SPG. The group's focus on winning recognition for women in their domestic role led them to become one of the main bearers of difference feminist ideas after 1945. This was reflected in the title of their journal, *Wife and Citizen*, and its proclaimed aim 'to bind together the Homemakers, the Wives, and Mothers'³⁶⁸ and styling itself a 'housewives' trade union'.³⁶⁹ In its evidence to the 1951 (Morton) Royal Commission on Marriage and Divorce the MWA bemoaned economic necessity forcing women into work and the state taking over childcare and other functions that were properly maternal.³⁷⁰

In the absence of feminist campaigning for divorce reform, non-feminist groups led the way. The longest established campaign was the Divorce Law Reform Union (DLRU), founded in 1906, had some lobbying success with moderate reform in the Matrimonial Causes Act of 1937 which both equalised and slightly widened the grounds for divorce between men and women.³⁷¹ More radical was the Marriage Law Reform Society (MLRS), formed in 1946 and of liberal-left make up. The society's secretary was Robert Pollard³⁷² who drafted some of the Labour Party's research papers in the late 1940s.³⁷³ By the mid-50s the DLRU was ageing and lapsing into inactivity and merged

³⁶⁷ 1901-1992. Feminist and campaigner.

³⁶⁸ Leaflet: 'The association of married women' [c 1938], Women's Library, 5SPG/FL/536/SPG/I8/MWA/File1.

³⁶⁹ AGM SPG Chairman's report, 1962, Women's Library, FL525/SPG/B34-45.

³⁷⁰ MWA, Evidence to the Royal commission on marriage and divorce, May 1952, Women's Library, 5SPG/FL 536/SPG/I8/MWA/File1.

³⁷¹ Lee, *Divorce Law Reform*, pp16-18.

³⁷² 1907-?. Lawyer and social reformer.

³⁷³ LSE/SLL/6/15. Pollard to Cartwright Sharp [c.07/1950].

with the MLRS in 1956.³⁷⁴ Fittingly, the two organizations did not get on, continued working under their maiden names before splitting again in 1960. The MLRS pursued its more radical line, seeking to make four years separation the grounds for divorce in a draft bill of 1958.³⁷⁵ The 1960 split was over a DLRU draft bill that would have allowed courts the discretion to grant a divorce after a court investigation which the MLRS thought an invasion of privacy.³⁷⁶ Thus, the key difference between the two views was that the MLRS thought that the law should recognise that a marriage had broken down and grant a divorce on that basis, which became known as the no-fault view of divorce. The DLRU believed that the court should establish why a marriage had broken and only grant divorces in cases where that gave one spouse grounds for claiming the other was at fault, this being the concept of matrimonial offence. This had implications for the financial settlement accompanying a divorce. With the split of 1960, the MLRS disappeared from the pages of newspapers (and there is no archival trace of their continued existence). From this point, all campaigning was credited to the DLRU yet the 1960s reformers owed more to the MLRS tradition. Gerald Gardiner and (maybe) Professor Jim Gower,³⁷⁷ who worked on family law at the Law Commission, had been members of the MLRS.³⁷⁸ A PMB moved by Leo Abse in 1963 followed MLRS's no-fault proposals not those of the DLRU.³⁷⁹

³⁷⁴ LSE/SLL/6/15, *Just Cause* (20), [c.23/11/1956]; Letter from Meston et al, *The Times*, 22/11/1956.

³⁷⁵ New divorce law reform plan: Children's interests overriding' and 'New Basis Urged for Divorce, *The Guardian*, 9/11/1958 and '10/11/1958.

³⁷⁶ 'Divorce Reformers Separate', *The Observer*, 6/11/1960; "'Breakdown of marriage" as cause for divorce', *The Guardian*, 15/11/1960.

³⁷⁷ 1913-1997. Academic lawyer.

³⁷⁸ SM Cretney, 'Gower, Laurence Cecil Bartlett [Jim]', *ODNB*.

³⁷⁹ See below.

The Labour Party had not been neutral on divorce. They supported the Gorell Commission's recommendations for reform in 1912, widening and equalising the grounds of divorce. This commitment to reform continued in 1948 in a series of policy papers which reflected the MLRS's preference for no-fault divorce.³⁸⁰ The problem that this raised was how women who were economically dependent on their husbands should be treated, which many first wave feminists reacted to by opposing divorce. The Labour Party research papers proposed that a woman be given 'rights in law deriving from her contribution to the home by way of services as housewife and mother' as opposed to the existing legal position which tended to 'perpetuate the married women's dependent and serf-like status'. Rather, the report continued the a woman's rights should be 'based on social recognition of joint contribution, should be equalised between husband and wife.'³⁸¹ Thus, financial settlements after divorce had to recognise women's different role in the private sphere, and while women were not economically independent, this was inevitable.

This radicalism was not reflected in the 1945 Labour government which was confronted with the post-war surge in divorces with an average of nearly 200,000 petitions and 39,000 divorces which represented a five-fold increase from the 1930s.³⁸² The Cabinet did not wish to pursue any contentious reforms, but agreed to appoint a few more judges.³⁸³ Justice Denning³⁸⁴ was charged with developing what turned out to be modest proposals to expedite and cheapen uncontested

³⁸⁰ RD 104, marriage and divorce law reform, [c.15/05/1948], *LPRD/43*.

³⁸¹ RD126, 'Married women' [c.15/07/1948], *LPRD/45*.

³⁸² Coleman, 'Population and Family', p62.

³⁸³ TNA: PRO CAB128/1, CM(45)34th, 20/09/1945.

³⁸⁴ 1899-1999. Then a high court judge in the Probate, Admiralty and Divorce Division and from 1948 Lord Justice of Appeal.

divorces³⁸⁵ and his report's lasting impact was that it led to the funding of marriage guidance services.³⁸⁶ Further to this the government allowed legal aid for divorce proceedings, which were expensive since confined to the High Court, reflecting the sanctity of marriage.³⁸⁷ More radicalism was found on Labour's backbenches, with MLRS aligned Marcus Lipton³⁸⁸ proposing an amendment to the Law Reform (Miscellaneous Provisions) Bill in 1949 to allow no-fault divorce after seven years separation. The government remained resistant to further reforms, holding in reserve a proposal for a Royal Commission if it was necessary to head off Lipton's amendment.³⁸⁹ In the event it was ruled out of order. Despite some Cabinet support for reform, particularly from Nye Bevan,³⁹⁰ Herbert Morrison's³⁹¹ view that this was too contentious held sway.³⁹²

After the 1950 election a low key campaign for a Royal Commission followed, with the Society of Labour Lawyers (SLL) and MLRS co-ordinating letter writing to the press (with notably no activity from the DLRU). The SLL drafted a Ten Minute Rule Bill for the Labour backbencher Eirene White³⁹³ based on MLRS's policies but incorporating improved maintenance payments for

³⁸⁵ TNA: PRO CAB129/9, CP(46)191, 8/5/1946; CAB128/6, CM(46)95th, 7/11/1946.

³⁸⁶ PRO CAB129/16, CP(47)101, 21/03/1947; CAB128/9, CM(47)32nd 25/3/1947.

³⁸⁷ Lee, *Divorce Law Reform*, p25.

³⁸⁸ 1900-1978. Labour MP, Brixton/Lambeth C (1945-1978).

³⁸⁹ TNA: PRO CAB128/16, CM(49)44th, 7/07/1949.

³⁹⁰ 1897-1960. Labour MP, Ebbw Vale (1929-1960). Minister of Health (1945-1951), Minister of Labour and National Service (1951).

³⁹¹ 1888-1965. Labour MP, Hackney South/Lewisham East (1923-4, 1929-31, 1939-1959). Home Secretary (1940-1945), Lord President of Council/Leader of the House of Commons/Deputy PM (1945-1951), Foreign Secretary (1951).

³⁹² TNA: PRO CAB128/15, CM(49)4, 17/01/1949; CAB195/7, CM(49)44th, 07/07/1949; CAB195/7 Cabinet Secretary's notebook; TNA: PRO CAB128/16, CM(49)46, 18/07/1949.

³⁹³ 1909-1999. Labour MP, East Flintshire (1945-1970).

women.³⁹⁴ The threat of this rallying support pushed the government into deploying a Royal Commission defence³⁹⁵ although there was well founded scepticism on the ability of this Commission, under Lord Morton,³⁹⁶ to reach a consensual conclusion.³⁹⁷ As various Labour aligned bodies considered their evidence to the Commission, it became clear that there was little agreement about the way forward. A lack of consensus in the SLL led to the submission of two reports on maintenance, one suggesting a straightforward equal split in matrimonial property, but the other a more complex fault based system including the idea that if a woman was at fault she should not gain from her transgression.³⁹⁸ Labour's SJCWWO had no agreed proposals and struggled to meet the deadline.³⁹⁹ In Labour circles, the problem was not of the principle of divorce, which most accepted, but what would happen to financially dependent women after divorce.

There was also no consensus in the Morton Commission whose 1956 final report, in the words of one supporter of reform, 'contributes nothing to our knowledge, and fails even to clarify and define opposing viewpoints or to facilitate public discussion.'⁴⁰⁰ A bundle of minor pieces of amendatory legislation followed. Major reform was only raised again by Leo Abse's Matrimonial Causes and Conciliation Bill, a Private Members' Bill of 1963, which attempted to reform the grounds for divorce on the MLRS template. After strong opposition, Abse dropped the

³⁹⁴ LSE/SLL/6/15, Pollard to Cartwright-Sharp [c.01/07/1950]; Barnes to White, 30/01/1951.

³⁹⁵ TNA: PRO CAB128/19, CM(51)18th, 08/03/1951; CM(51)19, 12/03/1951.

³⁹⁶ Fergus Morton, 1887-1973. Lord of Appeal in Ordinary (1947).

³⁹⁷ TNA: PRO CAB128/17, CM(51)33, 03/05/1951.

³⁹⁸ LSE/SLL/6/15, Report of the committee on divorce [c.01/01/1952].

³⁹⁹ Minutes of SJCWWO, 08/11/1951, LPNEC/421/1278.

⁴⁰⁰ Quoted in Lee, *Divorce Law Reform*, pp31-32.

contentious clauses, and the bill to be passed as another minor reform.⁴⁰¹ The passage of the bill was to have one lasting effect. When Lord Silkin attempted to reinsert the separation grounds for divorce into the Act in the Lords, the Archbishop of Canterbury, Michael Ramsay, opposed the move. He would support reform if it were possible:

to find a principle at law of breakdown of marriage which was free from any trace of the idea of consent ... I would wish to consider it. Indeed, I am asking some of my fellow churchmen to see whether it is possible to work at this idea, sociologically as well as doctrinally.⁴⁰²

As Lewis and Wallis have shown, Ramsay had considerable encouragement from Conservative government ministers, and discussions had already started in the Church pointing to a preferred outcome of recommending that the courts have an inquisitorial role in granting divorces on the grounds of breakdown. This had been proposed as early as 1956 by the reforming lawyer Otto Kahn-Freund⁴⁰³ and had been adopted by the DLRU in its draft PMB in 1960.⁴⁰⁴ Ramsay appointed a committee whose members were selected to agree with the Church's established view on breakdown.⁴⁰⁵ This was probably intended to pave the way to a moderate Conservative reform, but had a greater impact in moving conservative opinion closer to the idea that the *de facto* break up of marriages should be matched by its *de jure* recognition.

⁴⁰¹ Lee, *Divorce Reform*, pp28-3; *The Times*, 09/02/1964.

⁴⁰² *HL Deb*, 21/6/1963, vol250 c1547.

⁴⁰³ 1900-1979. Academic labour lawyer.

⁴⁰⁴ Otto Kahn-Freund, 'Divorce Law Reform?', *Modern Law Review*, 19 (1956), p584.

⁴⁰⁵ Jane Lewis and Patrick Wallis, 'Fault, Breakdown, and the Church of England's Involvement in the 1969 Divorce Reform', *Twentieth Century British History*, 11/3 (2000), p321-324.

5.4.2: The Labour government 1964-1968: the Wilson Bill.

In retrospect, the reform of divorce law was very likely after Labour's election victory in 1964. The Morton Commission had disappointed. Divorce reform had support in Labour's ranks including the new Lord Chancellor, Gerald Gardiner. Abse, Lipton and White had a record of proposing reform from the Labour's backbenches and many senior members of the government were known to favour liberal reform. Negatively, Wilson remained cautious of any policy that might lose votes and there was little pressure from the labour movement or other organised campaigning.⁴⁰⁶

If divorce reform required small, pragmatic, steps, Labour's new Home Secretary, Frank Soskice, was the man for the job. For example, in 1965 Soskice allowed uncontested cases to start in the Crown Court with representation by solicitors reflecting what he saw as changed public opinion.⁴⁰⁷ Far-reaching and systematic reform was not Soskice's metier and no bigger programme of reform was envisaged. Again, progress was helped by Jenkins becoming Home Secretary in late 1965 and he entrusted the issue to the Lord Chancellor's Department and the newly established Law Commission under Justice Scarman.⁴⁰⁸ The Commission's 'first cockshy' in early 1966 was based on the principle of the legal equality of men and women and the ending of matrimonial offence.⁴⁰⁹ This process of reform was aided by there being no internal opponents of the reform. The Treasury had an interest since divorce was already the biggest call on the Legal Aid budget, but were satisfied that any increase in numbers could be balanced by making the process easier and

⁴⁰⁶ See below.

⁴⁰⁷ TNA: PRO CAB134/2001, H(65)133, 01/12/1965; CAB134/1997, H(65)29th [c.12/1965].

⁴⁰⁸ Leslie Scarman, 1911-2004. Then a High Court Judge. Head of the Law Commission (1965-1973).

⁴⁰⁹ TNA: PRO BC3/385, Gower, Matrimonial Causes – financial relief, 05/01/1966.

cheaper and were only concerned that the government should cost firm proposals⁴¹⁰ rather than proceeding through a PMB, a process over which they might lose control.⁴¹¹ The Department for Social Security might have been concerned about the cost of divorcées claiming benefits, but was relaxed since it was giving consideration to the issue of women and insurance-based benefits anyway.⁴¹²

There was opposition in the judiciary, notably from Lord Simon,⁴¹³ President of the Probate, Divorce and Admiralty Division, who opposed breakdown becoming the grounds for divorce. Instead, he favoured rationalising the legal definition of matrimonial offence and strengthening the legal powers to seek reconciliation.⁴¹⁴ Simon's view that the family was the principle consideration rather than women's rights can be seen in his ruling in the case of *S. v S.* c.1967. Mrs. S. had been granted a legal separation after six months of marriage on the grounds of Mr. S.'s desertion and wilful neglect. He was later imprisoned for an unrelated assault and around this time a child was born. Against Mrs. S.'s request for a divorce, Simon sought a reconciliation both to help the husband rehabilitate and to give him a stable home environment.⁴¹⁵ Later, writing to the Lord Chancellor's Department in 1969, he criticised the proposed reforms for putting the onus

⁴¹⁰ TNA: PRO T227/4185, Lucas [memo on] H(66)85, 14/11/1966.

⁴¹¹ TNA: PRO T227/4185, Rampton [memo on] H(67)104 25/09/1967.

⁴¹² For example TNA: PRO BN92/35 Impact of the Divorce Reform Bill (1969).

⁴¹³ 1911-2006. Conservative MP, Middleborough West (1951-1962). President of the Probate, Divorce and Admiralty Division (1962-1971).

⁴¹⁴ TNA: PRO BC3/592, Simon to Scarman, 15/07/1966.

⁴¹⁵ TNA: PRO BC3/377, [unheaded judgement] [c.1967].

on divorce, not marriage, and siding with those who 'without excuse disrupted their own marriages'.⁴¹⁶

Such judicial opposition reportedly encouraged Scarman to consider achieving reform piecemeal. The situation was transformed by the publication in July 1966 of the report of the Archbishop's group, *Putting Asunder*.⁴¹⁷ This presented the preordained conclusion that matrimonial offence should be replaced by irretrievable marital breakdown, established by a court investigation, as the basis for divorce.⁴¹⁸ In November 1966 the Law Commission published its response, *Field of Choice*, which laid out the alternative policies they considered workable. It made clear the Commission's support for breakdown as grounds for divorce and argued that the kind of investigation envisaged in *Putting Asunder* was not practicable.⁴¹⁹ Following a debate in the House of Lords later that month, the Law Commission and the Archbishop's group worked through their differences with a joint statement being published in July 1967. This proposed that breakdown should be the only grounds for divorce, but the Church's intention that the court should investigate such a breakdown was replaced with some more straightforward evidential indicators which were similar to the old matrimonial offences but without the burden of proof since they were now transformed into indicators of breakdown and would have no role in assigning guilt. More contentiously, it was proposed to allow the 'guilty' party to seek divorce, albeit after five years' separation. Two years' separation in itself was proposed as an indicator of breakdown if

⁴¹⁶ TNA: PRO BC3/585, Simon to Dobson, 24/02/1969.

⁴¹⁷ Monrad Paulsen, 'Divorce-Canterbury style', *New Society*, 4/8/1966.

⁴¹⁸ *Putting Asunder* (London: SPCK, 1966).

⁴¹⁹ *The Field of Choice* (London, HMSO, 1966) (Cmnd. 3123).

both parties agreed, which appeared to be divorce by consent.⁴²⁰ Critics, with some justification, argued this went further than the reformers claimed in undermining marriage. The limited Kahn-Freund/DLRU/*Putting Asunder* proposals had almost alchemically been transformed into something much more akin to those of the MLRS.

It was this consideration in the Law Commission that drove reform, rather than backbench pressure. This rapidly changing climate encouraged Abse to renew his campaign for reform after the 1966 election,⁴²¹ and in the summer of 1967 he led a group of MPs to meet Richard Crossman, the Leader of the House, to seek government action on divorce.⁴²² At the same time the DLRU began to have a renewed impact, although with neither an office nor full time officers this was largely down to Alistair Service who, fresh from the victory of the Abortion Act, started acting as its Parliamentary Liaison Officer.⁴²³ Their demands were those of the Church-Law Commission agreement⁴²⁴ with financial safeguards for dependent wives.⁴²⁵ The decision to proceed with a PMB was, however, the government's. In a memo of September 1967 Lord Chancellor Gardiner suggested a draft based on the agreement being handed to a suitable backbencher.⁴²⁶ The Cabinet Secretary, Burke Trend, suggested a select committee should look at the issue which he considered too much for a backbencher,⁴²⁷ but Cabinet accepted the PMB with a free vote.⁴²⁸

⁴²⁰ Report, *New Law Journal* 3/08/1967.

⁴²¹ Leo Abse, 'A new deal for divorce', *Tribune* 12/8/1966.

⁴²² 'Eye-to-eye on divorce: Leo and the Archbishop', *Daily Mirror*, 27/7/1967.

⁴²³ Lee, *Divorce Law Reform*, p79.

⁴²⁴ TNA: PRO BC3/378, DLRU leaflet 'Divorce in a modern Society' [c.01/06/1967].

⁴²⁵ TNA: PRO BC3/377, [Press release of Mr RV Banks speech to the DLRU at Caxton House, 17/08/1967]; *The Times*, 18/8/1967.

⁴²⁶ TNA: PRO T227/4185, Pittam, [memo on] Divorce law reform H(67)104, 22/09/1967.

⁴²⁷ TNA: PRO PREM13/2754, [Trend's memo to the PM on] Divorce Law Reform (CC(67)154), 10/10/1967.

After the Labour backbencher Bill Wilson⁴²⁹ had won fourth place in the November 1967 ballot, it was Crossman who suggested he take the divorce bill.⁴³⁰ Scarman had already drafted instructions for the bill which specified keeping it simple and focused on the grounds for divorce.⁴³¹ It was clear that this was a PMB with the government in control.⁴³²

The small band of campaigners did play a role. By the second reading an informal alliance to push for reform had become established. Service was a regular both in the corridors of Westminster⁴³³ and as a correspondent with the Law Commission which supplied the DLRU with facts and stratagems, for example, suggesting they attempt to win over the Mothers' Union.⁴³⁴ The Law Commission itself proved adept at working behind the scenes. In January 1968 the lawyer and writer John Mortimer⁴³⁵ wrote critically in *The Observer* that the proposals were compromised, with legislators fixing 'one eye on their swinging image and the other nervously fixed to the reaction of the Archbishop of Canterbury'.⁴³⁶ The Commission drafted a response, and gave it to Joan Rubinstein,⁴³⁷ a member of the Archbishop's group which she sent to *The Observer* which

⁴²⁸ TNA: PRO CAB128/42, CC(67)59, 12/10/1967.

⁴²⁹ 1913-2010. Labour MP, Coventry S/SE (1964-1983).

⁴³⁰ Crossman, *Diaries of a Cabinet Minister: Volume III*, p564; *The Times*, 11/11/1967; *The Guardian*, 11/11/1967.

⁴³¹ TNA: PRO BC3/387, LES[Scarman] to Gower, 26/10/1967.

⁴³² TNA: PRO BC3/378, [Unsigned] to Dobson, 24/11/1967.

⁴³³ Michael Kandiah and Gillian Staerck, *The Abortion Act 1967* (London: ICBH, 2002), p26.

⁴³⁴ TNA: PRO BC3/378, Service to Cartwright Sharp, 31/01/1968.

⁴³⁵ 1909-2009. Lawyer and author.

⁴³⁶ John Mortimer, 'Divorce', *The Observer* 28/1/1968.

⁴³⁷ No biographical information.

published the repost.⁴³⁸ Meanwhile, Abse, previously without a good word to say for the Church, built a close working relationship with Robert Mortimer, Bishop of Exeter, the chair of the *Putting Asunder* group and a lord spiritual⁴³⁹ and kept Scarman informed.⁴⁴⁰

While *Putting Asunder* represented the Church's attempt to relate to a more secular world,⁴⁴¹ the reform camp was motivated by a more immediate concern with changing family relationships. The Law Commission, in the person of John Cartwright Sharp,⁴⁴² a longstanding member of the SLL, was in correspondence with Philip Lewis⁴⁴³ of All Souls College, Oxford, who told him, 'pooling of earnings was very popular with younger couples when both are earning. They budget, save, and each take their pocket money on an equal footing. [Robert] Zweig⁴⁴⁴ thinks that this arrangement is spreading with young couples.'⁴⁴⁵ This created a pressure for easier access divorces since the two parties were more financially independent. A similar point was made by Abse at the second reading of Wilson's Bill in early 1968, 'the family is becoming more democratic, more egalitarian. It is becoming a place where money is shared, where the house may be purchased jointly'.⁴⁴⁶ As a

⁴³⁸ TNA: PRO BC3/378, Letter to the editor of *The Observer*, [c.28/01/1968]; Rubinstein to Gower 31/01/1968; Letter, *The Observer*, 04/02/1968.

⁴³⁹ Leo Abse, *Private Member* (London: MacDonal, 1973), pp122-3.

⁴⁴⁰ TNA: PRO BC3/380, Abse to Scarman, 01/02/1968.

⁴⁴¹ Chadwick, *Michael Ramsey*, pp149-151.

⁴⁴² c.1919-2000. Barrister, Lord Chancellor's Department from 1951, Secretary of the Law Commission (1968-1978).

⁴⁴³ No biographical information.

⁴⁴⁴ Probably a reference to Robert Zweig, *The Worker in an Affluent Society*, 1961.

⁴⁴⁵ TNA: PRO BC3/385, Philip [Lewis] to Michael [Cartwright Sharp], 10/06/1966.

⁴⁴⁶ *HC Deb*, 09/02/1968, vol758 c895.

Freudian, Abse also feared 'the cruel repression of our libidinal drives',⁴⁴⁷ something which also underpinned his support for contraception and homosexual law reform.

Not all of the Anglican episcopacy were in the reform alliance. Late in 1967 Mortimer told Abse that he was unsure whether he could carry the Church with him on the proposals.⁴⁴⁸ This proved true at the highest level. Soon after the Wilson Bill was published Archbishop Ramsay stated that he thought that the Law Commission had broken with their agreement in proposing divorce by consent.⁴⁴⁹ Canon Bentley (like Mortimer a conservative who supported reform⁴⁵⁰) wrote to the Law Commission reassuring them that this was the Archbishop backsliding, and that he would have to back down.⁴⁵¹ He did not, and continued to oppose the reform. The following year, as the second (Jones) divorce PMB was progressing through the Commons, Ramsay wrote to the Prime Minister that he had remained silent on 'social questions' even though he 'feared that vital questions were being decided without the necessary leadership of the Government'. The Archbishop's concern was that the bill was neither based on the idea of breakdown nor did it offer divorced women enough protection.⁴⁵² The Prime Minister's response was to restate the government's and, above all his own, neutrality on the issue.⁴⁵³ This stance contradicted the correspondence being passed to the Law Commission who discussed how to 'soften up' the

⁴⁴⁷ Abse, *Private Member*, p84.

⁴⁴⁸ TNA: PRO BC3/378, Divorce Law Reform Bill: Note of a meeting, 27/11/1967.

⁴⁴⁹ 'Primate replies'. *The Evening Standard* 19/1/1968; Archbishop of Canterbury, 'My doubt about divorce bill', *Sunday Times* 11/2/1968; TNA: PRO BC3/380, 'Divorce Reform bill The Archbishops article in the Sunday Times' (Cartwright Sharp), 12/02/1968.

⁴⁵⁰ Lewis and Wallis, 'Fault, Breakdown and the Church of England', p320; Chadwick, *Michael Ramsey*, p151.

⁴⁵¹ TNA: PRO BC3/380, Bentley to Cartwright Sharp, 16/02/1968.

⁴⁵² TNA: PRO PREM13/2754, Cantuar to Wilson, 30/04/1969.

⁴⁵³ TNA: PRO PREM13/2754, Wilson to Cantuar, 13/05/1969.

Primate,⁴⁵⁴ again by using his own committee's report and members against him.⁴⁵⁵ None of this had much effect and when the Jones Bill (the successor to the Wilson Bill, see below) reached the Lords in June 1969, Dr. Ramsay spoke against and abstained.⁴⁵⁶ Having opened the gates to reform, a faction of the Church could not stop its progress. It is clear that the Law Commission put no great store in religious opinion, one official noting:

If a party's religious convictions are offended by divorce there is no need for that party to take proceedings. If the party is proceeded against he can continue to regard himself as so far as his religion is concerned as a married person and behave accordingly.⁴⁵⁷

The arguments used by the opponents of reform also showed the limited impact of religion. Thus Norman St. John Stevas, while asserting his belief in the sanctity of marriage, accepted that in a 'pluralist and secular society' his view would not determine the actions of others, and therefore called instead on the collective 'moral consensus' of society, although without success.⁴⁵⁸ Marriage was more a civil than religious institution, subject to political not moral discourse.

One obstacle to reform was the financial plight of many divorcées. While many reformers highlighted the need to address this, they lacked clear proposals. The Labour government had started well in protecting women. After the Lords overturned a case law right of a deserted woman to the matrimonial home in 1965,⁴⁵⁹ the Lord Chancellor suggested to Baroness

⁴⁵⁴ TNA: PRO BC3/383, Cartwright to Bourne, 15/05/1969.

⁴⁵⁵ TNA: PRO BC3/383 Divorce Reform Bill, Comments on the Archbishop of Canterbury's Letter to the PM, Gower, 15/05/1969.

⁴⁵⁶ 'Divorce Bill's 88 majority in Lords', *The Times*, 1/7/1969; *HL Deb*, 30/6/1969, vol303 cc342, 441.

⁴⁵⁷ TNA: PRO BC3/585, Divorce Reform Bill: Commons-Report Notes on amendments, 23/04/1969.

⁴⁵⁸ *HC Deb*, 09/02/1968, vol758 cc888-9.

⁴⁵⁹ 'End Of The "Deserted Wife's Equity"', *The Times*, 14/5/1965.

Summerskill that this could be a matter for a PMB⁴⁶⁰ resulting in the Matrimonial Homes Bill, 1967.⁴⁶¹ Further reform was more difficult. Roy Jenkins had set up a departmental committee to look at maintenance payments in 1966 under another SLL stalwart, Jean Graham Hall,⁴⁶² but the proposals were slight⁴⁶³ as they had to be without a positive welfare intervention to support divorced but dependent women. Some hoped for a more equal future, as Service wrote in 1968 divorced women would continue to face hardship until women became economically independent through work, something that could be, he added, supported with more childcare.⁴⁶⁴ Such promise of a better tomorrow was of little help to dependent women facing the real prospect of hardship.

In the absence of an immediate solution, first wave feminists opposed reform. Summerskill told the Law Commission in 1967 there was no pressing need for divorce law reform, just reform of maintenance and matrimonial property law⁴⁶⁵ and opposed reform in the Lords. The SPG also opposed reform without protection for women⁴⁶⁶ and at the time the second reading of Wilson's Bill asked Joyce Butler⁴⁶⁷ to call a meeting of feminist groups in the House of Commons⁴⁶⁸ although no meeting was called. The non-feminist NCW's support for reform was conditional on these

⁴⁶⁰ TNA: PRO CAB134/1999, H(65)51, 14/06/1965; *HL Deb*, 25/05/1965, vol266 c825.

⁴⁶¹ Olive Stone, 'Matrimonial Homes Act 1967', *Modern Law Review*, 31/3 (1968), p305; 'Move To Increase Wives' Rights', *The Times*, 19/2/1966.

⁴⁶² No biographical information.

⁴⁶³ Maintenance Cases Plea *The Times*, 05/10/1966

⁴⁶⁴ Letter, *New Society*, 11/4/1968.

⁴⁶⁵ TNA: PRO BC3/378 Bogies-Rolfe to Dobson, 10/11/1967.

⁴⁶⁶ SPG newsletter June 1968, Women's Library, FL538/5SPG/J/60-93.

⁴⁶⁷ 1910-1992. Labour MP, Wood Green (1955-1979).

⁴⁶⁸ SPG Executive 12/03/1968, Women's Library, FL524/SPG/a162-194.

concerns being met⁴⁶⁹ and thought that this might only be solved in the long-term by women having independent National Insurance contributions based on their own careers.⁴⁷⁰ According to *The Economist* the only women's organisation that supported reform was the Townswomen's Guild.⁴⁷¹ Perhaps the depth of opposition amongst women's groups was shallow, as Joan Vickers (a supporter of reform) told the Commons at the second reading of Wilson's bill, of the 21 women's organisations affiliated to the Status of Women Committee which she chaired, only two had expressed reservations about the bill.⁴⁷²

Feminist and women's organisations' opposition to reform dovetailed with that of social conservatives. *The Daily Telegraph* made its opposition clear in 1966, emphasising that, 'married couples have a duty to society to maintain and strengthen, even at the cost of their happiness, the institution of lifelong marriage'.⁴⁷³ Summerskill moved towards an overtly conservative position, not only arguing that reform was 'a Casanova's Charter', but that 'marriage may have lost some of its flavour in this permissive society' and even opposed young couples without children divorcing since this would create a habit of divorce that would undermine marriage.⁴⁷⁴ At the Wilson Bill's second reading in the Commons in February 1968, religious, socially conservative and women's

⁴⁶⁹ CMA/SA/ALR/A.4/4/518-601, NCW Circular on Divorce Law Reform, 21/11/1967; TNA: PRO BC3/378 Boulind to Lord Chancellor, 23/11/1967.

⁴⁷⁰ TNA: PRO BC3/380, Divorce Law Reform, March 1968.

⁴⁷¹ 'Divorce: another chance', *The Economist*, 14/12/1968.

⁴⁷² *HC Deb*, 09/02/1968, vol758 c846.

⁴⁷³ 'Individuals or institutions', *New Society*, 10/11/1966.

⁴⁷⁴ *HL Deb*, 30/06/1969, vol303 cc309, 312, 345.

opposition combined in the form of St. John Stevas, Jill Knight and Irene Ward.⁴⁷⁵ This fragmented opposition was too little to stop the Wilson Bill being given a comfortable majority of 159 to 63.⁴⁷⁶

It was divorced women's financial support, rather than social conservatism, that was to be the major obstacle to reform. Abse used a meeting with the Lord Chancellor's Department (LCD) in November 1967 to push for greater attention to be given to deserted women's support in order to appease the 'Lady Summerskill lobby'. Although some concessions were made, the LCD was concerned not to 'enable the flood gates to be opened so far as financial provision is concerned.'⁴⁷⁷ The Law Commission recognised that the government might be asked to suspend the bill's operations until such measures had been made.⁴⁷⁸ With the bill going to committee in the Commons in the spring of 1968, Service, who was acting as an unofficial whip, reported back to the Law Commission that more would need to be done to ensure the bill's passage since there was a growing uneasiness about the protection women would receive.⁴⁷⁹

When in the summer of 1968 the Wilson Bill went to the Lords it became clear that the lack of provision for women was a problem and the weight of debate and amendments could sink the bill, Edith Summerskill alone claiming to have the drafts of fifty amendments. Service's relationship with the Law Commissioners had become cosy enough for him to write to the Commissioners with a list of baronesses he had lined up to speak in the Lords, with a request for them to look over the

⁴⁷⁵ Move to halt divorce Bill *The Times*, 8/2/1968.

⁴⁷⁶ *HC Deb*, 09/02/1968, vol758, cc810-907.

⁴⁷⁷ TNA: PRO BC3/378, Abse to Cartwright Sharp, 15/11/1967; Divorce Law Reform Bill: Note of a meeting held on 27/11/1967; Note, Gower, 22/11/1967.

⁴⁷⁸ TNA: PRO BC3/583, Divorce bill: Instructions of Parliamentary Counsel, 27/10/1967.

⁴⁷⁹ TNA: PRO BC3/380, Service to Cartwright Sharp, 11/04/1968.

points they would make to calm concerns on protecting women.⁴⁸⁰ Nonetheless, Abse and Service were both worried that concerns about a woman's financial support after being divorced against her will had no answer.⁴⁸¹ Even Labour's NJCWWO, who had said little on the issue, came out for matrimonial property being considered first.⁴⁸² Scarman was of the view that the bill would have to be reintroduced at the next session with some more tangible protection for divorced women⁴⁸³ and it was still in the Lords at the end of the Parliamentary season and fell.

5.4.3 Divorce reform 1968-1970: The Jones Bill.

In November 1968 Gardiner proposed a new PMB with government time and increasingly euphemistic 'drafting assistance'.⁴⁸⁴ This line was agreed by the Cabinet's Parliamentary Committee (Harold Wilson's experiment with an inner Cabinet)⁴⁸⁵ and another Labour backbencher, Alec Jones, placed ninth in the Private Members' Ballot, adopted the bill.⁴⁸⁶ The Cabinet agreed this approach, with the bill being put down early to ensure its passage with the guarantee that the government should take it over if necessary.⁴⁸⁷ The bill did not need this extra help and received a second reading in December 1968 by 183 votes to 106.⁴⁸⁸

⁴⁸⁰ TNA: PRO BC3/381, Service to Cartwright Sharp, 01/07/1968.

⁴⁸¹ TNA: PRO BC3/380, Comments on amendments to the divorce bill, [c.11/04/1968].

⁴⁸² TNA: PRO BC3/381, Lockwood to Caldwell, 23/07/1968.

⁴⁸³ TNA: PRO BC3/381, Scarman to Abbott, 09/07/1968.

⁴⁸⁴ TNA: PRO PREM13/2754, [Trend's memo on] Divorce Law Reform Bill P(68)12, 07/11/1968.

⁴⁸⁵ Peter Hennessy, *The Prime Minister* (London: Penguin, 2000), 319-322.

⁴⁸⁶ 1924-1983. Labour MP, Rhondda West/Rhondda (1967-1983).

⁴⁸⁷ TNA: PRO CAB128/43, CC(68)46th, 12/11/1968.

⁴⁸⁸ *HC Deb*, 17/12/1968, vol775 c1134.

There was still nothing in the new bill that allayed the fear that women could be seriously disadvantaged. Early in 1969 another Labour backbencher, Edward Bishop,⁴⁸⁹ published his Matrimonial Property Bill, probably written by Olive Stone, a reader in law at the LSE.⁴⁹⁰ The bill proposed to split all property and savings accumulated over the course of a marriage equally on divorce.⁴⁹¹ Unsurprisingly the bill attracted the support from SPG,⁴⁹² MWA, NCW and Labour's NJCWWO.⁴⁹³ The Labour Party's women's officer, Betty Lockwood,⁴⁹⁴ had a meeting with Bishop to discuss his bill.⁴⁹⁵ The DLRU supported the bill too.⁴⁹⁶ Notably the TUC Women's Advisory Committee (TUC-WAC) did not. The TUC had a long record not discussing these 'non-industrial' issues demonstrated in 1962 the TUC-WAC rejected a request to affiliate to the MWA since marriage was not a workplace issue.⁴⁹⁷ In 1969 Bishop's bill was rejected since they thought it one sided and without most women's support,⁴⁹⁸ perhaps because working women, less economically dependent on men, felt less threatened by divorce.

In January 1969 the PLP backed the Bishop Bill, causing the Prime Minister to back down from his intention to whip the payroll vote against the bill's second reading that same month. Instead Cabinet allowed a free vote on the bill's principle. The government did not endorse the bill's

⁴⁸⁹ 1920-1984. Labour MP, Newark (1964-1979).

⁴⁹⁰ CH Rolph, 'Women and society marriage and money', *New Statesman*, 24/1/1969.

⁴⁹¹ 'Financial protection for wives in new Bill', *The Times*, 3/01/1969.

⁴⁹² SPG newsletter, January 1969, Women's Library, FL538/SPG/J94-113.

⁴⁹³ NJCWWO 16/1/1969, *LPNEC*/958/353.

⁴⁹⁴ b.1924. National Women's Officer of the Labour Party 1967-1975.

⁴⁹⁵ NJCWWO, 22/1/1970, *LPNEC*/1010/1185.

⁴⁹⁶ 'Financial protection for wives in new Bill', *The Times*, 03/01/1969.

⁴⁹⁷ WAC, 14/08/1962, MRC/TUCA, MSS.292B/823/1.

⁴⁹⁸ WAC(3), 05/02/1969, MRC/TUCA, MSS.292B/61.5/3

detailed provisions which they held to be unworkable.⁴⁹⁹ The problem of finding a viable and politically acceptable bill evaded the government. The Law Commission had started to consider such reform as early as 1966⁵⁰⁰ and by 1969 had developed a shopping list of reforms to change provisions that were 'no longer defensible in modern society' on the basis of equality between men and women in marriage. These included allowing a cuckold husband to seek damages for adultery, which the Law Commission thought placed him in the 'role of a ponce',⁵⁰¹ but the core issues of women's maintenance remained unresolved. So, in order to ease the passage of the Jones Bill during its committee stage, the government undertook to take the principles of the Bishop Bill forward through government legislation, and to amend any divorce law reform so that it would not come into force until this was done.⁵⁰² This became the Matrimonial Property and Proceedings Bill, given its second reading in January 1970.⁵⁰³ It was rushed through Parliament being given its Royal Assent on the day that Parliament was dissolved before the 1970 general election.⁵⁰⁴

Back in May 1969, with the third reading debate on the Jones Bill approaching, Cabinet continued supporting the bill with government time.⁵⁰⁵ The Lord Chancellor highlighted that this would help manage the Labour backbenches at a difficult time for the government.⁵⁰⁶ This should have been the role of the chief whip, Bob Mellish, but he was using his position to oppose the bill, although

⁴⁹⁹ [PLP minutes] 23/1/69, item 70 [and attached memo], 23/01/1969, LHASC/PLP.

⁵⁰⁰ TNA: PRO BC3/385, Law Commission – Matrimonial and related proceedings Financial relief, 06/07/1966.

⁵⁰¹ TNA: PRO HO398/23, H(69)19th, 10/10/1969.

⁵⁰² 'Ministers' anxiety on Divorce bill', *Daily Telegraph*. 24/4/1969.

⁵⁰³ *HC Deb*, 28/01/1970 vol794, cc1558-629.

⁵⁰⁴ *HC Deb*, 29/5/1970 vol801 c2131.

⁵⁰⁵ TNA: PRO CAB128/44, CC (69)23, 15/05/1969.

⁵⁰⁶ TNA: PRO CAB129/142, CP(69)51, 13/05/1969.

his remained an isolated voice.⁵⁰⁷ With fears that the bill would fall again for lack of time, Mellish attracted criticism for acquiescing to a request by a Conservative opponent of reform (and a divorcé), Sir Lionel Heald,⁵⁰⁸ to give time to a critical motion on the government's decision to allow time for a PMB before the report and third reading debate. Not only was this a potential filibuster, but it introduced a motion of censure when a only a one line whip was out.⁵⁰⁹ None of this stopped the bill being passed easily by 109 votes to 55.⁵¹⁰ Its passage through the Lords was also smooth. The bill passed by 122 to 34.⁵¹¹ It was given a third Lords reading without division in October 1969.⁵¹² Combined with the 1970 Matrimonial Property and Proceedings Act, the Divorce Act came into force in 1971.

5.4.4: Conclusions on divorce reform.

This divorce law reform, despite its form as a conscience issue, was a Labour reform. *Putting Asunder* was the product of discussions between the Church and a Conservative government, and pointed to a much more limited reform. A Labour government, with much less attachment to the established Church, walked through the door that *Putting Asunder* opened. While the Anglican proposal was for the courts to establish that a marriage had irretrievably broken down, the Labour proposals took features such as separation and adultery as indicators that marriages had broken down. This made the law closer to the more radical tradition of reform in the MLRS which, although inactive since 1960, had left a reservoir of support for divorce on the grounds of

⁵⁰⁷ TNA: PRO PREM13/2754, 'PLG' [Gregson] to the PM, 09/05/1969.

⁵⁰⁸ 1897-1981. Conservative MP, Chertsey (1950-1970). Attorney General (1951-1954).

⁵⁰⁹ TNA: PRO CAB128/44, CC(69)27, 12/06/1969.

⁵¹⁰ *HC Deb*, 12/05/1969, vol784 cc1852-2073.

⁵¹¹ TNA: PRO PREM13/2754, Lord Chancellor to PM, 02/07/1969.

⁵¹² *HL Deb*, 13/10/1969, vol304 cc1253-88.

separation alone. The MLRS had never developed deep roots in the Labour Party, but had influenced enough in Labour's political elite and its hinterland to facilitate reform. With the Church divided and other opponents weak, these reformers imposed their vision despite a lack of enthusiasm displayed by the Prime Minister.

These reformers were joined by one (barely) extant pressure group, the DLRU which had little impact after 1945. Only in 1967 through Alistair Service did its star rise again, but more as a one-man-band than organised pressure. He formed part of a loose coalition for reform including longstanding supporters in the Law Commission, the Lord Chancellor (Gerald Gardiner) aided by Abse on the backbenches. Some of these reformers tentatively linked women's moves towards greater equality in the public sphere to mitigate the effects of divorce on dependent women. This was in contrast to the remnants of the first wave of feminism, who instead argued to protect women's dependent status in their different roles in the private sphere, and this united equal rights and difference feminists. These feminists' concerns were widely shared, and this did lead to some reform of the financial support for divorcées.

The 1960s can be seen as a further step in the decline of the patriarchal family. The moral underpinning of this had been supplied by religious ideas but the Church of England under Dr. Michael Ramsay came to reflect the changing mores of society rather than being a rampart against change. The first wave feminists were a remnant, and soon to be eclipsed by the rise of the second wave. Although the second wave had no noticeable impact on the development of policy of divorce in this period, the social changes they reflected were already in train, and these affected divorce reform. There was, however, no women's movement that was yet able to give voice to

this, only isolated voices such as Joan Lestor⁵¹³ who argued women's economic dependence needed to be addressed, not men's alleged promiscuity.⁵¹⁴ In the 1920s the feminist movement had shown its ability, to a degree, to change the Labour movement, and this was to happen again in the 1970s. But the inchoate second wave was not ready to do this in the 1960s.

As more women worked, the idea that they could be economically independent of men rose. For women who didn't work, the welfare state offered at least some bearable alternative to an unbearable marriage. As companionate marriage and symmetrical family became a popular ideal (although not necessarily a reality) against a union of necessity, so did the potential for disillusion with it. As with contraception, Dora Gaitskell provided a singular voice suggesting that divorce might benefit women too. She told the Lords in 1969, 'despite the great strides we have made towards sex equality, the idea that men more easily tire of women than women of men is still prevalent'. Divorce, she continued, was as much of a right for women as for men.⁵¹⁵ Indeed, when the law came into force in 1971 the number of petitions for divorce issued by women outnumbered those by men two-to-one.⁵¹⁶ Far from being a 'Casanova's charter', divorce reform offered women freedom from their husbands. As Jane Lewis has pointed out, the divorce reform was an important step to women becoming legally separate individuals, 'in so doing, family law tended to run ahead of a social reality in which women and men were not fully individualised in the sense of being self-sufficient.'⁵¹⁷ If this can be understood as equality, it was equality in the negative sense, not a positive intervention to transform women's position in the private sphere.

⁵¹³ 1931-1998. Labour MP, Eton and Slough/Eccles (1966-1983, 1983-1997).

⁵¹⁴ *HC Deb*, 06/12/1968, vol774 c2046.

⁵¹⁵ *HL Deb*, 30/06/1969, vol303 c343.

⁵¹⁶ Coleman, 'Population and Family', p62.

⁵¹⁷ Lewis, *The End of Marriage*, p213.

Indeed, as Lewis notes, one of the few areas where women are still not individuated from their partners is in the benefits system.⁵¹⁸

5.5: Conclusion.

Ronald Butt⁵¹⁹ was very much writing the first draft of the *rightist critics'* history of the 1960s in his *Times* column⁵²⁰ This was evident in June 1969 when he complained of the process of PMBs:

Future historians may well consider that the existence of a Labour Parliament since 1964 has been of more real significance to the life of the nation than the existence of a Labour Government ... through the impact Private Members' Bills on social issues that have become law since 1964, the Labour Parliament, for good or ill, has had a significant effect on the life of the nation that was hardly calculable before 1964.⁵²¹

The Times' post-bag swelled with a *Who's Who* of sixties reformers in response, pointing out how wrong Butt was. Antony Grey insisted that pressure groups 'at most stages of the Parliamentary game ... are apt to feel like helpless spectators'.⁵²² Leo Abse attested that 'the changing conventions around Private Members' Bills' had led to far greater government help.⁵²³ Michael Cartwright Sharp added, in a considerable understatement, that government had offered 'technical and legal assistance at all stages and on all amendments tabled'.⁵²⁴ As has been shown,

⁵¹⁸ *Ibid.*, p98.

⁵¹⁹ 1920-2002. Journalist.

⁵²⁰ Obituaries, *The Guardian*, 20/12/2002; *The Telegraph*, 18/12/2002.

⁵²¹ *The Times* 20/6/1969.

⁵²² Letter, *The Times* 24/6/1969.

⁵²³ Letter, *The Times*, 25/6/1969.

⁵²⁴ Letter, *The Times* 23/6/1969.

only abortion law reform was even partially the result of pressure group activity, only this bill originated in a draft made outside of government, and only here did the government even approach neutrality.

Care should be taken not to read too much significance into these reforms being passed as PMBs. This gave backbenchers and peers licence to mould and amend bills, and this was significant for the Abortion Bill. Additionally, Bishop's Matrimonial Property Bill helped create a significant addition to divorce reform. These measures' status as PMBs was not part of any over-arching government strategy. Holden has suggested that the 1964 Murder (Abolition of Death Penalty) Bill, a PMB with a free vote, was a template the reforms considered here,⁵²⁵ but this should not be overemphasised. First, Murder Bill was a PMB of a very peculiar type, alluded to in the Queen's Speech and with government whipping on procedural issues. Second, it did not come through the Private Members' Ballot but was debated entirely in government time. Third, it is not the case that ALRA or divorce law reformers took their lead from the Murder Bill. The Herbert Bill in 1937 was a PMB,⁵²⁶ divorce reformers had published draft PMBs in 1958 and 1960, and Abse had successfully piloted a PMB through Parliament on divorce in 1963. On abortion, the Reeves PMB of 1951 was the template for ALRA campaigning. Reformers saw these as real chances to change the law, not simply a way of raising the issue in Parliament and beyond. Fourth, there were no signs that the government had intent beyond capital punishment. Immediately after the 1966 election the government attempted to squeeze the time for PMBs only backing down under backbench pressure later that summer.⁵²⁷ The idea of using PMBs seems to have occurred to

⁵²⁵ Holden, *Makers and Manners*, p118-22; 'End of the road for handing', *The Times*, 5/12/1964.

⁵²⁶ Richards, *Parliament and Conscience*, pp52-54,135;

⁵²⁷ 'Earlier backbench bills', *The Times* 28/4/1966 *The Times* 16/6/1966.

Harold Wilson only by degrees, particularly after the Abortion Bill started its progress through Parliament. Thus while the abolition of hanging might have suggested to government a tactical use of PMBs, the development of their use appears to be more the pragmatic method to avoid alienating Catholics in the Cabinet⁵²⁸ and traditionalists of all types in the electorate.

The degree to which these were 'conscience issues' and thus subject to free votes needs to be considered in this context. Richards sees these PMBs as a vehicle for pushing through religiously linked moral change, but where religious divides did not coincide with party boundaries.⁵²⁹ The current research does not completely support this view. These measures were facilitated by the Church of England ceasing to oppose reform, consistent with the development of Marwick's secular Anglicanism. While there was no precipitous collapse in traditional morality, it certainly undermined the degree to which these reforms were considered moral issues. Family life and gender roles therein were more open to being subject to political debate. There was some lineage of these issues having been considered in the labour movement. Contraception had been the subject of Labour Party campaigns in the 1920s. A radical liberalism too, exemplified by HG Wells and CEM Joad's⁵³⁰ Progressive League that helped germinate both ALRA⁵³¹ and possibly the MLRS,⁵³² scintillated briefly in the interwar years. This left little trace in the broader Labour Party after 1945, and pressure for these reforms did not come up through party structures. These were top-down reforms supported by progressive liberally minded actors many of whom were Labour-aligned, and opposed by social conservatives of all stripes. Campaigns for change focused on the

⁵²⁸ *HL Deb*, 30/6/1969, vol303 cc314-315.

⁵²⁹ Richards, *Parliament and Conscience*, pp197-9.

⁵³⁰ 1891-1953. Philosopher and broadcaster.

⁵³¹ Hall, *Stella Browne*, pp205-6.

⁵³² Stephen Pollard, Letter, *The Guardian*, 11/12/1946.

labour movement were not a feature of these 1960s reforms. However, all these reforms can be seen as tinged with class. As Alice Jenkins highlights in *Law for the Rich*, it was working class women who resorted to back street abortionists. Equally, working class people needed local authority contraception clinics and even with Legal Aid, were less able to access the divorce process.

By the 1960s the first wave of feminism was a remnant. As Shelia Rowbotham recalled, perhaps a little unfairly, she saw these campaigners as, 'shadowy figures in old fashioned clothes, somehow connected to headmistresses who said you should not wear high heels or make up. It was all very prim and stiff and mainly concerned with keeping you away from boys.'⁵³³ They had no impact on contraception and abortion, although their opposition to divorce was an element in the campaign for better financial support for divorcées. Weeks' point that without a women's movement, women's equality was not a feature of these reforms is offered some support by this research, but there are key elements of equality in the discussions about divorce and contraception that are not linked to the feminist movement. More generally, these reforms were a move in the direction of equality. Hera Cook rightly concludes, the moral double standard 'faltered and lost all certainty',⁵³⁴ but these moves were not motivated as such by clear ideas of women's equality. If anything, removing gendered class inequalities was a greater motivation. As Lena Jeger put it prior to reform: 'Abortion is like equal pay. The women who are best off get it.'⁵³⁵

⁵³³ Quoted in Sandbrook, *White Heat*, p700.

⁵³⁴ Cook, *The Long Sexual Revolution*, p339.

⁵³⁵ Hindell and Simms, *Abortion Law Reformed*, p39.

The radical critics suggest that these reforms were the opposite of progress towards equality, that they were the reassertion of women's oppression. Stuart Hall has argued for the 'vital and continuing force of religion in the articulation of moral ideologies and regulation of moral practice' in these reforms, but the above analysis shows even opponents of reform tended to avoid such religious modes of expression. Suggestions of 'strong and restrictive political control'⁵³⁶ are equally groundless. Although there are always social pressures acting on the individual, ostensible control in this period weakened. Sally Sheldon writes that the 1967 Abortion Act can be 'understood as an adoption of more continuous, regulatory and coercive mechanisms of controlling individuals and populations' and 'was actually largely motivated by the legislators' desire to facilitate a closer control over this private and hitherto inaccessible sphere'.⁵³⁷ As the analysis here shows, there is very little to support these claims. After the 1967 Act, abortion was probably under-regulated allowing exploitative clinics with poor medical standards able to operate.

The radicals have made similar points in relation to divorce. Carole Smart has argued that the reforms of the sixties:

[do] not ... indicate that the law regulates the family less or that it has a more libertarian institution. Instead the law has facilitated a shifting of large-scale dissent from legally controlled marriage. Moreover it has legitimated an increased surveillance over families, particularly where there are children, through welfare agencies.⁵³⁸

⁵³⁶ Hall, 'Reformism and the Legislation of consent', pp5, 16-9.

⁵³⁷ Sally Sheldon, *Beyond Control* (London: Pluto, 1997), p5.

⁵³⁸ Smart, *The Ties That Bind* p56

The evidence here is that in reforming divorce, the government explicitly rejected the power of the courts to investigate breakdown. The 1969 Divorce Act led directly to the Special Procedure of 1977,⁵³⁹ where the vast majority of divorces were granted without a formal court hearing at all. Regarding contraception, the reforms were not as Elizabeth Wilson suggests, more concerned with controlling the sexuality of women rather than liberating them.⁵⁴⁰ The law was silent on unmarried women receiving advice, and the FPA and local authorities were gently encouraged by central government to liberalise their provision. It is possible to see these policies as practical solutions to specific problems, but pragmatism has an underlying ideology that makes it far from value-free. This ideology was an individualised and negative equality exposed by the ebbing of traditional morality which in part was the moral justification for women's separate role, the link between sex and procreation and the sanctity of marriage.

Moves positively promoting women's equality were not a feature of the 1960s reforms. Not only was contraception and abortion poorly integrated into the welfare state, but other areas that could have positively transformed gender roles in the private sphere were little developed in the 1960s. Childcare and welfare payments have not been considered here partly due to pressure of space but largely because these were on the periphery of government thinking with little coherent reform. Vicky Randall has shown that there was some thought given to the childcare needs of working mothers with an emerging lobby for pre-school care in the 1960s, but affected little policy at this time.⁵⁴¹ Similarly, both the government and the Labour Party gave consideration to women

⁵³⁹ Colin Gibson, *Dissolving Wedlock* (London: Routledge, 1994), p109.

⁵⁴⁰ Wilson, *Only Halfway to Paradise*, pp98-99.

⁵⁴¹ Vicky Randall, *The Politics of Child Daycare in Britain* (Oxford: OUP, 2000), pp56-66.

in relation to cash benefits and taxation, without any major policy outcomes in this period.⁵⁴²

Thus, it was the removal of barriers to gaining access to abortion, contraception and divorce that underpinned policies affecting women's equality in the private sphere in the 1960s

⁵⁴² Summary of Committee Meetings December 1969, *LPNEC/1007/1025*.

Chapter 6: Conclusion.

The first conclusion of this thesis the reforms of the 1960s were moves towards greater equality. The strongest current in the historiography has been that of the radical critics who suggest that these reforms were not simply weak, but controlling and freedom-denying. This approach might have made sense in the 1960s and 1970s where the weaknesses, incompleteness and ambiguity of the reforms were their most obvious features in the eyes of those who wanted greater social justice. The longer, historical view allows a different picture to emerge, showing reforms which were a movement in the direction of greater equality, laying the foundations of the equality state. That increasing distance puts these reforms in to this perspective can be seen in Jeffrey Weeks' *Politics and Society*. In the second edition (1989) Weeks argues that the reforms tended to 'sustain and strengthen social control.'¹ In the third edition (2012), in line with the analysis developed in this thesis, he writes of a 'great series of reforms' in the 1960s.²

Many radical critics, from Stuart Hall's 1980 analysis onwards, have used a Foucauldian analysis to argue that regulation was removed from the authoritarian state and placed in dispersed networks of power which, if anything, regulated life more thoroughly. This thesis suggests a different picture. The reforms of the 1960s tended to undermine the power that was dispersed through society, the power of an employer to pay women less, or a landlord to racially discriminate. Similarly, in a pre-reform Britain divided by class and wealth, those who could pay for an abortion in a private clinic or contraceptive advice from a private medical practitioner had much easier to access these services. Working class women had to rely on backstreet abortions or the goods

¹ Weeks, *Sex, Politics and Society*, (2nd edition), p252.

² Weeks, *Sex, Politics and Society*, (3rd edition), p325.

supplied by dingy rubber goods shops. This was usurped by a state structured civic order, an order that was to become the British equality state.

The next question is, therefore what drove this reform process? One popular answer is that it was the product of campaigning activity by pressure groups and broadly defined movements that could be described as counter-cultural.³ The organised pressure groups considered here such as the Abortion Law Reform Association (ALRA), the Divorce Law Reform Union (DLRU) and the Campaign Against Racial Discrimination (CARD) are often seen as central to change. The evidence presented here suggests that it is easy to over-estimate the impact of these groups. CARD was probably the most effective, playing a pivotal role particularly in the amendment of the 1965 Race Relations Bill. That CARD was no longer engaged in lobbying activity by the end of 1967 is at least part of the explanation for the weaknesses of the 1968 Race Relations Act. CARD was not, however, the centre of the campaign to reform the 1965 Act. This was co-ordinated by Mark Bonham-Carter who was chair of a state body, the Race Relations Board, from early 1966. Similarly, in abortion law reform, the role of ALRA tends to be overstated. The backbench MPs who sought reform through Private Members' Bills from 1951 onwards sometimes acted without ALRA's advice, and the Parliamentary tactics that ensured that the 1967 Abortion Act was an effective piece of legislation were much more those of the Home Secretary, Roy Jenkins, and Minister of Health, Kenneth Robinson. In the reform of the provision of contraception, equal pay and, to a large degree, divorce, there were no effective extra-parliamentary pressure groups for change operating in the 1960s.

³ Marwick, *The Sixties*, p17.

It is possible that some of the pressure groups had a longer term impact as their ideas became embedded, particularly in the Labour Party. It could be argued the Marriage Law Reform Society (MLRS), which had ceased to exist by 1960, was a key factor in establishing the idea of separation as grounds for divorce particularly within the Labour Party. CARD helped popularise the US/Canadian model of combating discrimination through conciliation, civil law and administrative bodies (although arguably this was mainly Anthony Lester working through whatever organisations existed). ALRA established the social clause as a legal ground for abortion (although its final medical form was the work of government). Doubtless, these ideas could have been introduced by social entrepreneurs without pressure groups, but this misses the point. Reformers like Robert Pollard, Lester and Glanville Williams sought, and in some cases helped establish, pressure groups to further their ideas.

This suggests the permeation thesis might be an over-generalisation. Marwick's claim that the form of cultural change in the 1960s occurred through permeation of these ideas into the existing social structure, selectively transforming it, rather than overthrowing it,⁴ receives some support in this thesis. Caveats have to be added to this. Beyond the truism that any popular idea starts out as the idea of minority, the role of movements such as ALRA, CARD, DLRU do not fit the template of small groups whose ideas permeated, by stages, society. Indeed, there is little evidence that pressure groups were central to the reform process. ALRA remained small but still the best example of such a process. The Family Planning Association (FPA), although large, was politically detached. At the time of the late 1960s reform of divorce, the MLRS (whose proposals were in part enacted) had not existed for ten years and the DLRU appeared to have one active member.

⁴ Arthur Marwick, 'The Cultural Revolution of the Long Sixties', *International History Review*, 27/4 (2005).

There was no active campaign for equal pay between 1954 and 1969 and by the time the trade union based equal pay campaign (NJCCWER) was formed, the process that led to legislation was in motion. Similarly, claims for the continuity of first wave feminism and its salience to the reform process in the 1960s have little support in the findings presented here.

The corollary of there being limited organised pressure for change through these groups is that the immediate impetus for change came from above. What permeated society came not from counter-cultural practice but from within the political elite, or more precisely the Labour and liberally-minded part of it. What was important for reform to happen was, in part, the presence of a reforming minister in government. Only abortion law reform was created in Parliament (and note, not by ALRA), but even here the form of the bill, a lightly regulated medicalised measure, was in line with the Home Office and Ministry of Health's wishes. In other areas it was in large part about the ministers. Moves against racial discrimination legislation were retarded by Soskice, Crossman and Gunter, and facilitated by Jenkins, Greenwood and Castle. The lack of reform on the police's negative attitude on race was, to a degree, due to Callaghan's arrival at the Home Office. None of the Private Members' Bills considered here were the sole result of private member's activity (and indeed, they seldom are). Divorce reform was entirely driven by the Law Commission, and the amendment to contraceptive policy was also a government measure.

For the Home Office to become reforming after Jenkins' appointment necessitated a more liberal permanent secretary than Sir Charles Cunningham, which Jenkins achieved with the appointment of Sir Philip Allen⁵ in early 1966.⁶ Below this level, reform-minded civil servants such as Derek

⁵ 1912-2007. Civil Servant, Permanent Secretary, the Home Office (1966-1972).

Morrell and Jack Howard Drake found their own way to places where they could aid reform. There is no evidence here to support a *Yes Minister* view of the Civil Service, but rather of departments taking the lead of their ministers if those ministers are were both knew what they wanted to achieve and had the Prime Minister's backing.

What emerges from the history of these policy areas is not the importance of a counter-cultural movement, but the importance of networks in policy making.⁷ Policy making on racial equality developed before sexual equality for a reason. At the time of the 1964 election there was already a network of individuals with an interest in the policy, Mason at the Institute of Race Relations (IRR), Peppard at the National Committee for Commonwealth Immigrants (NCCI), academics like Little, Banton and Moore and campaigning lawyers like Lester, Thornberry and Bindman. It was not simply that this network existed, but that it had an institutional structure through voluntary bodies, journals, public bodies and other agencies where its ideas could be disseminated through publications such as the IRR's *Race*, the Fabians' *Venture*, and the revisionist *Socialist Commentary*. Importantly, it was plugged into policy making through Labour's NEC Commonwealth Sub-committee and the party's research department. At this stage, it did not extend to the trade unions, the TUC's International Department were not in this network and it was not until Keith Morrell established Trade Unionists for Race Relations in 1969 that this began to change. The policy network already existed in 1964, and predated CARD. It was large made up of white, educated, liberals.

⁶ Jenkins, *A Life at the Centre*, pp181-184.

⁷ This goes a little further than the ideas presented in, for example, David Marsh and RAW Rhodes, Marsh (eds.), *Policy networks in British government* (Oxford: Clarendon Press, 1992).

With women's equality, such a network was underdeveloped, although academics like Nancy Seear and Margherita Rendell along with the Status of Women Committee and other first wave groups offered some institutional setting. Labour Party women's structures stood to one side of the policy developments analysed here until the late 1960s, and structures representing women in the trade union movement only began to develop significance when women in the trade unions started to assert their interests around the same time. Journalists such as Mary Stott⁸ at *The Guardian* often appeared as lone voices. This was related to the weakness of the first wave of feminism by the 1960s. On the evidence of this thesis, it is difficult not to take the discontinuist view that there was a rupture between the first and second waves of feminism. Although some first wave groups still existed, it is impossible to see any having an impact in relation to women's equality in the 1960s. The weakness of feminism and networks on women's equality is part of the reason why the development of policy on women's equality was underdeveloped and why the early institutions of the equality state were solely focused on racial equality.

Voluntary groups were just one element of these networks, but an important one. This was particularly the case with welfare services for immigrants that was delivered by voluntary agencies, often in conjunction with local authorities from the 1950s. Additionally, there was some national leadership to this voluntary effort offered by the National Council for Social Service and the IRR, and this became the first basis of the institutions of the equality state with the Commonwealth Immigrants Advisory Committee (CIAC) in 1962 and the NCCI in 1964. With contraception, the FPA played more the role of the provider of services than a campaigning body for more extensive state services. ALRA, on the other hand, resisted pressure from the Marie

⁸ 1907-2002. Journalist, editor of *The Guardian's* women's page (1957-1972).

Stopes Memorial Clinic to set up a welfare wing, and there was no suggestion that the DLRU had the resources to offer advice.

These voluntary groups were important in that they developed policy in areas that were considered to be in the private sphere. Just as the state of a couple's marriage was not a matter for state interference and necessitated being dealt with by voluntary action,⁹ so the welfare of immigrants and advice on contraception were seen as issues where the state did not want direct involvement. In both cases the existence of a voluntary network allowed local authorities to fund a low level of service if they wished without the central state taking a view on what were seen as private, individual, matters. As the state became more interested in these policy areas, the voluntary groups were drawn closer to mainstream state institutions. The voluntary sector was thus a conveyor of issues previously considered private matters for the individual into the realm of public policy. This was also a source of weakness. The unwillingness of the FPA to upset conservative opinion by offering advice on contraception to unmarried people, and the desire of local voluntary liaison committees to work only by persuasion were part of the voluntary ethos. This led to activity sometimes constrained by public opinion rather than being equipped to transform it.

This interplay of the public and the private was important for the development of policy for racial equality. So long as inequality was seen as something which was the result of purely private choices, then the ability of the state to act was limited. The views of Sir Joseph Simpson, the Metropolitan Police Commissioner (see section 2.4), are particularly telling here. The police did

⁹ Jane Lewis, David Clark and David Morgan, *'Whom God Hath Joined Together': The Work of Marriage Guidance* (London: Routledge, 1993).

not see it as any part of their duty to regulate peaceful, private, activity which could include discriminatory and exclusionary behaviour. To assert that racial discrimination was wrong, and a society where black and Asian people were integrated was a legitimate goal of state policy, necessitated that these been seen as issues in the shared public sphere. The boundary of the state had to be extended into civil society, into employment, pubs and associational culture leaving only the home and family as a truly private sphere. The process of the creation of the CIAC, the NCCI, the passing of the 1965 Race Relations Act, the creation of the RRB and the passing of the 1968 Race Relations Act are all stages in the shifting of that boundary.

When it came to policy on women, the relationship between the public and the private sphere was different. There had been, from at least the nineteenth century, a public interest in women's role in the home. This was expressed both in state policy, for example through limitations of women's working hours that did not apply to men, and morality prescribing the behaviour that was considered suitable for a woman. Such morality was sometimes the basis of law, for example in divorce or abortion, or was a constraint on the development of state policy, as with contraception, and it shaped protective legislation that restricted women's working hours in industry but not nursing. Thus, the pursuit of policy to create greater gender equality did not require the state to intrude into the private sphere since it was already there. To an extent, women's equality could be furthered by purely negative measures with the state withdrawing laws and policy that restricted women's choice. In abortion law reform, particularly, this is what the state did. With equal pay, the law required that private (as well as public) employers abjure from paying men and women different rates when employed on similar work.

Thus, most of the measures that the state took in relation to both women and racial minorities remained negative in character. The anti-discrimination measures of the two Race Relations Acts and the Equal Pay Act required that those acting in defined parts of the public sphere (or what might be considered the most public parts of civil society) were not to discriminate, although in the case of women this was limited to the issue of pay alone. When it came to positive measures of equality that required the state to change something, progress was more limited. The extension of the grounds for abortion and the lessening of restrictions on state funded contraception advice were not accompanied by funding to allow greater availability of abortion in the NHS or free contraception. To a degree this did follow under Edward Heath's Conservative administration in the early 1970s but a voluntary body, the British Pregnancy Advisory Service, has remained a major provider of abortion since its inception on the day the Abortion Act came in to force in 1968.¹⁰ Easier divorce was accompanied by a law which required ongoing support of the economically more dependent partner, but no extra state support. State childcare and benefits, in particular, were not the subject of great reform in the 1960s. Measures of positive equality that would have created greater gender equality in both the public and private spheres were largely absent.

With racial equality, there was some limited movement towards positive measures of equality. Section 11 funding and the Urban Programme saw some moderate targeting of resources towards black and Asian people to address the inequalities that they suffered although this was a limited appendix of the equality state, which remained more embedded in negative equality and the removal of obstacles. As Ruth Glass noted, one problem was that society was already highly

¹⁰ Chalmers and Marsh, *Abortion Politics*, p54. As the Birmingham Pregnancy Advisory Service.

unequal and this meant that black and Asian people who faced discrimination found themselves suffering disproportionately from the uneven distribution of resources. If society had been more equal generally, the consequences of discrimination would have been less severe. So although in 1966 black and Asian minorities constituted less than 2% of the population,¹¹ targeted programmes such as the Urban Programme were likely only to provide partial palliatives since they could not hope to tackle these wider inequalities.

There has been a great deal of debate about the existence, significance and decline of the post-war consensus. If such a consensus was established around 1945, mainly covering economic policy and a redistributive welfare state, it only lasted thirty years.¹² Culturally, the world in which we live is one originating in the 1960s. It is one of pop culture, public displays of sexuality, consumerism, personal liberty and disrespect for the political elite. The changes that began to promote racial and women's equality were part that 1960s cultural revolution too, with the state taking more responsibility for creating a civilised social order. These changes are an element to the developing settlement in which we still live, much of what started in the sixties has continued to inform government and it has already lived longer than the post-war consensus. The changes of the 1960s have persisted. In 1951 Evelyn Waugh¹³ complained 'The Conservative party have never put the clock back a single second',¹⁴ and it remains true that the Conservatives have never seriously unwound what began to be woven in the 1960s. The reforms in women's and racial

¹¹ Rose et al, *Colour and Citizenship*, p97.

¹² Dennis Kavanagh, *Thatcherism and British politics : the end of consensus?* (Oxford: OUP, 1987).

¹³ 1903-1966. Novelist.

¹⁴ Frances Donaldson, *Evelyn Waugh - Portrait of a Country Neighbour* (London: Weidenfeld & Nicolson, 1967), p15.

equality of the 1960s Labour governments created an armature around which the equality state has grown.

Annex 1: Policy making in the Labour Party and the TUC.

The annual conference is the Labour Party's sovereign policy making body, but this exaggerates reality in two ways. In this time period the party leadership could almost always rely on the support of the unions which controlled the majority of the vote at conference, and if things did not go the leadership's way, they could always ignore the conference. When the party was in power, the unions preferred to negotiate with the government behind closed doors. When out of power, the occasional vote for unilateral nuclear disarmament withstanding, the unions rallied behind the leadership to return them to power. The annual conference was important for the local constituency parties, it being their annual chance to vote on issues at the national level. Here the ties of loyalty were not so strong.¹

The next tier of policy-making after the conference was centred on Labour's NEC, elected at annual conference sectorally. A number of places were reserved for women, but they did not represent women, being elected by all the delegates to the conference and thus tending to be the solidly loyalist representatives favoured by the union leaders. The NEC would meet monthly and take the policy decisions for the party. Under it were a series of Sub-committees, the Commonwealth Sub-committee had responsibility for issues concerning black and Asian immigrants until the early 1960s, when responsibility transferred to the Home Policy Sub-committee. On occasion, the NEC would set up study groups and working parties to investigate policy, designed to bring in a wider range of opinions and expertise. The party's headquarters (often referred to as Transport House) had a small but vigorous research department (not to be

¹ Lewis Minkin, *The Labour Party Conference* (Manchester: MUP, 1980), pp316-326.

confused with the Communist aligned Labour Research Department), mostly in tune with the revisionist wing of the party. They would produce the policy documents on which the NEC policy making process thrived. The policy that resulted from this process could be issued by the NEC or sent to conference to have that added stamp of approval. The NEC also elected the General Secretary, for most of this period, Len Williams, who held much effective power in conjunction with the party leader.

The party had no formal structure for black and Asian members, although the British Overseas Socialist Fellowship, an affiliated society, played a limited role in this regard (see chapter 3). Women could be members of affiliated organisations to the Labour Party (apart from some male only affiliated trade unions early in the twentieth century) and join as individual members when this was introduced in 1918. Rather than have its own women's committee in 1919 the Labour Party adopted a curious relationship with the Standing Joint Committee of Industrial Women's Organisation (soon the 'Industrial' was switched to 'Working', SJCWWO). This had been formed in 1916, it did not become an affiliated body but remained nominally independent although the Labour Party Women's Officer (appointed by and accountable to the NEC) served as its secretary. As a non-affiliated body the SJCWWO had no rights within the party structures, sending neither delegates nor resolutions to the party's conference.² This committee oversaw the Labour Women's Conference established in the 1920s, again an odd body somewhat to one side of party structures. Only in 1952 was the National Labour Women's Advisory Committee established³ as a solely Labour Party body, and in 1953 the SJCWWO became National Joint Committee of Working

² Christine Collette, *The Newer Eve* (London, Palgrave Macmillan, 2009), p66-69.

³ Minutes NLWAC, 6/3/1952, LPNEC(428/381).

Women's organisations (NJCWWO) as an odd appendage of indeterminate purpose.⁴ Women in local parties were entitled to establish and attend women sections and send delegates up the party structures, but this in no way excluded them from other party structures. Women's structures in the Labour Party, apart from a brief spell of excitement in the 1920s, were on the whole a strangely apolitical affair.

The Parliamentary leadership was quite beside this structure. The leader was elected by MPs only, as was the Parliamentary Committee (as the Shadow Cabinet was officially called). Labour MPs met as PLP, but without formal powers, and a variety of liaison committees attempted to co-ordinate these groups with the NEC and Transport House.

Strictly speaking, the Trade Union Congress is a gathering that meets once a year, and elects a General Council (GC) consisting of senior trade unionists. It is the GC that is the policy making body of the TUC, with delegated Sub-committees. The International Committee, for example, made much of the running in issues of race and immigration. The TUC had no women's committee, its Women's Advisory Committee (TUC WAC) was, as its name suggests, not a policy making committee. The staff of the TUC were generally not trade unionists, but employed researchers, and it is typical that the General Secretary came up through its staff. Thus the General Secretary is not a powerful figure, but a servant of the GC whose lead they must follow. There was no black and Asian minorities officer or representation in this period, and although there was a women's officer with Nancy Adam's appointment in 1932, she had no staff, sitting in the Organisation Department. The responsibility for equal pay policy for many years rested in the

⁴ Collette, *The Newer Eve*, pp113-114.

Economic Department, where Len Murray was very clear that he was glad that women's officer at this time, Chipchase would now be 'saddled' with the policy, 'you're welcome to it' he wrote.⁵

Policy on immigration and race was serviced by the staff in the International Department. In the sixties the department was headed by J. Alan Hargreaves and under him most of the detailed work being carried out by the TUC's specialist in this field was Marjorie Nicholson.

⁵ Chipchase to Murray, 15/10/1962, MRC/TUCA, MSS.292B/119/1.

Annex 2: Terminology used in this thesis.

Race

There is no such thing as race. No scientific basis exists for separating humanity into races, rather race is socially constructed in a process of racialisation. This process leads to people believing in the existence and salience of race, an ideology of that can only be called racism. Thus, it is racism that creates race, racism is not a response to race. So while I have avoided describing groups as races, or people as member of races here, there is little option to use terms such as racial discrimination, racial equality and race as terms to describe the thing that has been socially constructed by racism. 'Race relations' with all its colonial heritage and implied communalism is used because this is how this area of policy was described at the time. If I were in the business of coining neologisms, I might replace 'race' with 'visible minorities subject to racism', or 'vimstors' for short. Instead I have tended to use 'minority' with or without the qualification 'racial' but certainly not 'ethnic' which assumes a common culture. I have tended to rely on 'black' and 'Asian' to identify the main minorities in the UK.

There is a popular habit of using terms relating to culture as euphemisms for race. Thus 'ethnicity' is sometimes misused by some to describe national origins, not culture. Another popular usage 'multicultural' being used to describe Britain after mass immigration.⁶ This implies a racialised and

⁶ For such polite, but meaningless, use of the term, see Hansen, *Citizenship and Immigration*, p v, who suggests that he is studying the transformation of Britain into a multicultural society, the term obscures more than it enlightens since his book is entirely about issues of immigration by racial minorities from the New Commonwealth and touches not at all on their relationship to British culture.

essentialist view of immutable culture that stays with the descendents of immigrants through the generations.⁷ I have tended to use the neutral 'diversity', which is not as anachronistic as it sounds, occasionally being used in the 1960s. Unlike race, culture is real. Immigrants may be culturally different from the host population (a Gujarati peasant), or be culturally similar (a university educated Anglophile Jamaican). The culture of their descendents will change, exactly how needs to be established, not assumed. 'Multicultural' has two distinct meanings, as a description of a society containing multiple cultures, or as policies which incorporate this division in a constructive way. This multicultural policy may understand society to be constituted by separate 'communities'. Again, the existence of such cohesive self-identifying groups should not be assumed. I tried to avoid using 'communities', but it is difficult to avoid where policy assumes it. Its incorporation into the term 'community relations' in the late 1960s was an attempt to recognise that the children of immigrants faced problems, but the implication that they formed a community is not necessarily right.

'Immigrant' has a clear meaning, here someone who was normally resident outside the UK taking up UK residence. The term 'immigration' is often racialised, ignoring high levels of white immigration. I have attempted to qualify immigrants and immigration with 'black and Asian' in its first use and then assumed it in later use in any given passage.

⁷ Paul Gilroy. *Between Camps* (Harmondsworth: Allen Lane, 2000), p104.

Gender

The problems of sex and gender are altogether easier to deal with. 'Sex' is a biological fact (and that it is more complex and mutable than male-female does not impinge upon the analysis here) and 'gender' is a social construction. They are not synonyms. I have mainly used the terms 'sexual equality' or 'women's equality' (these were demands made by and for women). There is a nuance in the use of the term 'gender equality' but I have used this as a synonym for sex equality.

'Abortion' is used to describe a deliberate intervention to terminate a pregnancy without a live birth. I have attempted to avoid value laden language ('unborn child') and the clinical ('foetus') and focus on the position of the 'pregnant woman'. I have also avoided the partisan language of the abortion debate ('pro-choice' or 'anti-life'). Here, supporters of reform of the abortion laws will be called 'pro-reform' or 'reformers' reflecting that they wanted to liberalise the legal grounds for abortion. Similarly the term 'anti-reform', 'opponents of reform' and so on, describes those who opposed changes in the law to make abortion more readily available although many were willing to accept abortion in limited circumstances.

Here 'contraception' is used to describe practices, devices and substances used to avoid women conceiving (without splitting hairs about whether a fertilised ova of a few cells constitutes conception). The use of this term can obscure the distinction between devices and substances to which the Catholic Church was opposed, and practices which it accepted (*coitus interruptus*, the rhythm method). I do not wish to use the value laden language of 'artificial' and 'natural' contraception, but terms such as 'Catholic opposition to contraception' should be read in this context. The terms 'birth control' and 'family planning' are both terms coined by the American

birth control advocate Margaret Sanger.⁸ These were more than euphemisms. They were deliberate attempts to make contraception a respectable practice within marriage. The terms 'birth control clinics' and 'family planning clinic' is unavoidable, this is what they were called.

Nationality

'Britain' or 'UK' is used to describe the state that is the subject of study. Much of the legislation considered here applied only to England and Wales, some of it to Scotland and very little of it to Northern Ireland. These issues of variable policy within the UK state are not the subject here and are not discussed except when they illustrate a wider point.

⁸ 1879-1966. American contraception campaigner.

Annex 3: Statistical tables.

Levels of immigration to the UK

Table 1: Estimated net immigration from the New Commonwealth 1953-1962⁹

Year	West Indies	India	Pakistan	Others	Total
1953	2,000	-	-	-	2,000
1954	11,000	-	-	-	11,000
1955	27,500	5,800	1,850	7,500	42,650
1956	29,800	5,600	2,050	9,350	46,800
1957	23,000	6,600	5,200	7,600	42,400
1958	15,000	6,200	4,700	3,950	29,850
1959	16,400	2,950	850	1,400	21,600
1960	49,650	5,900	2,500	-350	57,400
1961	66,300	23,750	25,100	21,250	136,400
1962*	31,800	19,050	25,080	18,970	94,900

* First six months prior to the Commonwealth Immigrants Act coming into effect.

⁹ House of Commons Library, Research Paper No. 56, *Commonwealth Immigration to the UK from the 1950s to 1975* (London: HMSO, 1976). Cited in Layton-Henry, *The Politics of Immigration*, p13.

Table 2: UK international migration, 1964-1980¹⁰

Year	Total immigrants	New Commonwealth Immigrants	New Commonwealth emigrants	Net New Commonwealth immigration	Net total immigration.
1964	211.0	60.0	17.3	42.7	-60.4
1965	206.3	52.0	19.1	32.9	-78.0
1966	219.2	49.7	21.2	28.5	-82.4
1967	225.0	57.5	17.7	39.8	-84.0
1968	221.6	57.6	19.0	38.6	-56.0
1969	205.6	48.9	19.7	29.2	-87.1
1970	225.6	40.8	20.6	20.4	-65.1
1971	199.7	36.0	16.3	19.7	-40.4
1972	221.9	34.6	20.3	14.3	-11.4
1973	195.7	23.8	13.5	10.3	-50.1
1974	183.8	27.2	13.6	13.6	-85.3
1975	197.2	34.9	13.5	21.4	-41.2
1976	191.3	33.5	13.5	20.0	-19.1
1977	162.6	25.4	13.3	12.1	-46.1
1978	187.0	33.7	13.4	20.3	-5.5
1979	194.8	41.4	15.0	26.4	+6.2
1980	173.7	29.6	14.9	14.7	-55.4

¹⁰ Adapted from RB Mitchell, *British Historical Statistics* (Cambridge: CUP, 1988), p84.

Women's and men's' employment and pay.

Table 3: Average weekly wages and hours of men and women in selected industries¹¹

Year	Men		Women		Hourly pay gap (%)*
	Wages (£)	Hours	Wages (£)	Hours	
1948	6.90	46.7	3.71	41.4	39.3
1949	7.13	46.8	3.93	41.5	37.8
1950	7.52	47.6	4.12	41.8	37.6
1951	8.30	47.8	4.49	41.3	37.4
1952	8.93	47.7	4.81	41.7	38.4
1953	9.46	47.9	5.12	41.8	38.0
1954	10.22	48.5	5.41	41.8	38.6
1955	11.15	48.9	5.77	41.6	39.2
1956	11.90	48.5	6.16	41.3	39.2
1957	12.58	48.2	6.49	41.0	39.4
1958	12.83	47.7	6.70	41.0	39.2
1959	13.55	48.5	7.05	41.4	39.0
1960	14.53	48.0	7.42	40.5	39.5
1961	15.34	47.4	7.73	39.7	39.8
1962	15.86	47.0	8.04	39.4	39.5
1963	16.75	47.6	8.41	39.7	39.8
1964	18.11	47.7	8.95	39.4	40.2
1965	19.56	47.0	9.60	38.7	40.4
1966	20.30	46.0	10.07	38.1	40.1
1967	21.38	46.2	10.50	38.2	40.6
1968	23.00	46.4	11.30	38.3	40.5
1969	24.85	46.5	12.19	38.1	40.1
1970	28.05	45.7	13.99	37.9	39.9
1971	30.93	44.7	15.80	37.9	39.8
1972	35.82	45.0	18.30	37.7	39.0
1973	40.92	45.6	21.16	37.9	37.8
1974	46.63	45.1	27.01	37.7	30.7
1975	59.58	43.6	34.19	37.4	33.1
1976	66.97	44.0	40.61	37.0	27.9
1977	72.89	44.2	44.31	37.4	28.2
1978	83.50	44.2	50.03	37.4	29.2
1979	96.94	44.0	58.24	37.4	29.3
1980	113.06	43.0	68.73	37.5	30.3

* The pay gap is calculated at the deficit in women's hourly pay as a percentage of men's hourly pay.

¹¹ Adapted from Mitchell, *British Historical Statistics*, pp176-178

Table 4: Labour force participation rates, Great Britain, 1931-1991¹²

	Men	Women	All	Women as percentage of Labour Force
1931	90.5	34.2	60.7	29.8
1951	87.6	32.7	58.6	29.5
1961	86.3	37.5	62.8	31.3
1966	84.1	42.2	64.6	34.3
1971	81.5	42.6	61.1	36.5
1981	77.8	45.5	61.0	38.6
1991	73.3	49.9	61.0	42.7

¹² Halsey and Webb, *Twentieth Century Social Trends*, p292.

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Each individual who could be considered an actor in this story has, where possible, been given a brief biographical footnote. This material does not go beyond 1970 unless there is a good reason. The sources used are *Who's Who/Who Was Who* (www.ukwhoswho.com), *Oxford Dictionary of National Biography* (www.oxforddnb.com), and broadsheet obituaries. Occasionally, wider sources have been used.

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