

Introduction

An Age of Rights

Shami Chakrabarti, the Director of Liberty – formerly the National Council for Civil Liberties – was one of eight flag bearers at the opening ceremony of the London Olympics in 2012. As she walked alongside the boxer Muhammad Ali, the United Nations Secretary-General Ban Ki-moon, Doreen Lawrence, mother of the murdered teenager Stephen Lawrence whose campaigning famously exposed institutional racism within the Metropolitan Police, the long-distance runner Haile Gebrselassie, Leyma Gbowee, a Nobel Prize-winning peace activist, Marina Silva, the Brazilian environmentalist and politician and Sally Becker, known as the Angel of Mostar for her humanitarian work in Bosnia during the 1990s, Chakrabarti was described as symbolizing ‘integrity’.

The organization which Chakrabarti led has not always been regarded as a manifestation of integrity. By way of contrast, almost immediately after the formation of the National Council for Civil Liberties in February 1934, the organization’s founder Ronald Kidd was labelled a ‘communist sympathiser’ by Special Branch. He was supposedly determined to manipulate a broad, but nominal, support for civil liberties within British society to promote a more extremist activism protective of the rights of those on the far left, especially members of the Communist Party of Great Britain (CPGB). According to the Commissioner of the Metropolitan Police, Kidd was ‘not a man upon whom any reliance can be placed as he is evidently out for one side of the case only’.¹ Equally contrasting with the image of Chakrabarti, dressed in white, a symbol of the Olympic spirit, was the even more recent media coverage of the organization’s engagement with two short-lived paedophile rights advocacy groups during the 1970s and 1980s. Here, commentators of all political hues did not see ‘integrity’ as an apt

¹ Commissioner of the Metropolitan Police Minutes, 1/11/35, The National Archives (hereafter TNA), Kew, Records of the Metropolitan Police Office (hereafter MEPO), MEPO 3/553.

descriptor of the NCCL's past record. Even Chakrabarti commented that this past association was 'a source of continuing disgust and horror'.²

Beyond the artistic vision of the film director Danny Boyle, the man responsible for the London 2012 Olympic Ceremony, many others would be loath to describe the contemporary version of Liberty as demonstrative of 'integrity'. Chakrabarti has been portrayed as 'the most dangerous woman in England' by *The Sun* newspaper columnist and former *Talk Sport* radio presenter Jon Gaunt. Such a moniker has been gleefully attached as a strap-line to Chakrabarti's book *On Liberty*, and she liked to play with the idea and its manifest absurdity in her public and media appearances.³ Even so, the contrast between the state's respect for Liberty's recent director and its contempt for the organization's first general secretary is telling. The contrasting images and relative statuses of Kidd and Chakrabarti are striking, the corresponding trajectory of their organization intriguing. What do they and it tell us about the changing politics of civil liberties and human rights activism over the life-span of this organization?

This book shows how such an evolution was possible. The history of the National Council for Civil Liberties (NCCL) provides the backbone of this account. Its longevity and the fuzziness with which it defined and articulated its legitimate spheres of interest offer a significant opportunity to historians. The NCCL, as with many NGOs, can be used as a prism through which political, cultural and social change can be examined. In particular, the NCCL's durability – it was formed in 1934 before being tentatively rebranded as 'Liberty' in 1989 – enables us to see shifts and continuities in forms of mobilization throughout the twentieth century. Aside from large charitable, humanitarian or voluntary organizations, few NGOs have a history that stretches back into the pre-war era. Of the non-party organizations within the NCCL's networks during the 1930s, precious few were still active by the 1990s. As such, it offers a rare chance to trace how older forms of politics have persisted in later-modern political systems, but also how adaptation and development have taken place to keep an organization founded in the 1930s relevant to the characteristics of the later twentieth and twenty-first century.

Definitional issues will be discussed further on in this introduction, but it would be highly misleading to present the evolution of the sector

² www.theguardian.com/politics/2014/feb/24/ed-miliband-labour-links-paedophile-information-exchange (consulted 24 February 2014).

³ S. Chakrabarti, *On Liberty* (London, 2014), see reverse cover; see also www.theguardian.com/world/2008/nov/27/humanrights-radio (consulted 5 May 2014).

through a familiar narrative encapsulating an expansion of rights and liberties throughout the twentieth century.⁴ Rather than a linear notion of progression, in which rights and liberties were constantly expanded, the book shows how organizations and activists were constantly engaged in an effort to negotiate, articulate and emphasize what liberties, rights and freedoms meant in relation to the very specific circumstance in which they were discussed.⁵ The NCCL, and the organizations with which it engaged, were often at the vanguard of discussions about both extensions and retreats of freedoms, about theoretical conceptualization and practical protection of rights and liberties; the concerns prioritized by different activists, organizations and movements were always highly contextual.

Taking a longitudinal approach helps detect and explain generational changes in the work of an organization, as well as shifts in fashion, techniques and methods of engagement used by activists. Although there is a shift taking place in British historiography, social movement politics has received great academic attention whereas the somewhat less glamorous, but equally committed, activism of numerous smaller, more professionally-oriented organizations have often been less appealing sites of historical inquiry. There are rich historical accounts and explorations of social movements like Amnesty International, the Campaign for Nuclear Disarmament (CND) or Greenpeace but similar work on smaller organizations is only recently forthcoming.⁶ It is just of late that studies which, through sector-wide analysis, highlight the broad political shifts and common trends of this form of politics by blending quantitative and qualitative, theoretical and empirical methods have drawn attention to the scale and breadth of these organizations in Britain. Taken as a sector, NGOs seem less

⁴ Various examples from different traditions include A. C. Grayling, *Towards the Light: The Story of the Struggles for Liberty and Rights that Made the Modern World* (London, 2007); F. Klug, *Values for a Godless Age: The Story of the United Kingdom's New Bill of Rights* (London, 2000) or E. Vallance, *A Radical Vision of History: Visionaries, Rebels and Revolutionaries – the Men and Women Who Fought for Our Freedom* (London, 2009).

⁵ T. H. Marshall, *Citizenship and Social Class* (New Edition: London, 1992).

⁶ T. Buchanan, 'The Truth Shall Make You Free: The Making of Amnesty International', *Journal of Contemporary History*, 37:4 (2002), pp. 575–597; E. Larsen, *A Flame in Barbed Wire: The Story of Amnesty International* (London, 1978); S. Hopgood, *Keepers of the Flame: Understanding Amnesty International* (London, 2006); R. Taylor & C. Pritchard, *The Protest Makers: The British Nuclear Disarmament Movement of 1958–1965 Twenty Years On* (Oxford, 1980); H. Nehring, 'The British and West German Protests against Nuclear Weapons and the Cultures of the Cold War', *Contemporary British History*, 19:2 (2005), pp. 223–241; A. Grant & W. Maloney, *The Protest Business: Mobilizing Campaign Groups* (Manchester, 1997); M. Hilton, *Consumerism in Twentieth Century Britain: The Search for a Movement* (Cambridge, 2003).

idiosyncratic or 'small' and are, in fact, vital, perhaps even dominant, forms of contemporary political expression.⁷

But historical work on the NGO sector is only just emerging and, at present, seeks to define the debates around which the field will operate. It remains the case that smaller and often more 'moderate' campaign groups have been less appealing sites of inquiry for those interested in unpicking the history of activism than more radical politics or radical forms of action.⁸ This is problematic, not least because the distinctions between such mobilizations were frequently opaque, the boundaries between informal and expressive movements and the more structured NGOs or social movement organizations were often porous and the divisions between 'moderate' and 'radical' often questions of degree or nuance rather than sentiment.⁹ As this history of the NCCL seeks to demonstrate, shifting patterns of politicization can be seen by interrogating the relationships and boundaries between movements, political parties and NGOs. Tony Smythe, the NCCL's General Secretary in the late 1960s and early 1970s, noticed that his organization was defined by the 'curious no-man's land' it held in relation to alternative political mobilizations.¹⁰ Part of this curiosity was its location, in a space where different political agents and ideologies intersected, often with complex and unanticipated consequences. The wider networks in which more formal organizations and their activists were embedded meant that they were frequently sites hospitable to a degree of intersectionality, although

⁷ N. Crowson, M. Hilton & J. McKay (eds), *NGOs in Contemporary Britain: Non-State Actors in Society and Politics since 1945* (Basingstoke, 2009); W. Grant, 'Is the Study of Pressure Groups a fading Paradigm', Paper prepared for the 60th Annual Conference of the Political Studies Association of the UK, Edinburgh (2010), pp. 3–4; M. Hilton, J. McKay, N. Crowson & J. Mouhet, *The Politics of Expertise: How NGOs shaped Modern Britain* (Oxford, 2013); M. Hilton, "'Politics Is Ordinary": Non-Governmental Organizations and Political Participation in Contemporary Britain', *Twentieth Century British History*, 22:2 (2010), pp. 230–268.

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

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

¹⁰ T. Smythe, 'The Role of the National Council for Civil Liberties' in R. Benewick & T. Smith (eds), *Direct Action and Democratic Parties* (London, 1972), p. 275.

it remained the case that some intersections were more appealing and sustainable than others. Rather than see pressure groups superseded or eclipsed by movement activism, a more complex history is therefore required in which NGOs, movement organizations and social movements were drawn together as locations for the articulation and promotion of the political. There is, then, rich potential for unpicking such interactions at different levels, including the personal, national, global, comparative and local.¹¹

Within Britain, there was no distinct civil rights movement equivalent to that which emerged in the United States during the 1960s. This meant that the politics of civil liberties and civil rights, which new social movement theorists saw as crucial components of new post-material forms of activism, must, in such a specific national context, be understood in relation to the smaller organizations that were in constant negotiation with broader forms of movement politics.¹² The NCCL's shifting programme, which moved from emphasizing classic civil liberties issues to include group or minority rights reveals the changing political agendas of left-wing campaigners, as does its eventual embrace of a human rights agenda. The organization's history also demonstrates the evolution of the mechanisms accessible for political, social and cultural campaigning. The repertoires of action available, stretching from using contacts in political parties, lobbying national governments, making use of the mass media, building test case strategies in the European Courts, utilizing international rights standards and many other approaches, help show the multi-faceted trajectories of political mobilization.

As those studying the work of NGOs have shown, they were frequently engaged with issues requiring specialist knowledge and technical

¹¹ Some examples of local accounts include D. Payling, "'Socialist Republic of South Yorkshire': Grassroots Activism and Left-Wing Solidarity in 1980s Sheffield', *Twentieth Century British History*, 25:4 (2014), pp. 602–627; S. Wetherell, 'Painting the Crisis', *History Workshop Journal*, 76:1 (2013), pp. 235–249; C. Moores, 'Opposition to the Greenham Encampments: RAGE against the Obscene', *History Workshop Journal*, 78:1 (2014), pp. 204–227; for more global/transnational approaches see A. Jones, 'The Disasters Emergency Committee and the Humanitarian Industry in Britain, 1963–1985', *Twentieth Century British History*, 26:4 (2015), pp. 573–601; E. Baughan, "'Every Citizen of Empire Implored to Save the Children!'" Empire, Internationalism and the Save the Children Fund in Inter-War Britain', *Historical Research*, 86:231 (2013), pp. 116–137; for work more interested in the personal subjectivities of activists see C. Hughes, 'Left Activism, Succour and Selfhood', *Women's History Review*, 23:6 (2014), pp. 874–902.

¹² J. Habermas, *Theory of Communicative Action – Volume 2* (Cambridge, 1987), p. 392; C. Offe, 'New Social Movements: Challenging the Boundaries of Institutional Policies', *Social Research*, 52:4 (1985), p. 832.

proficiency.¹³ This book shares some of the concerns relating to class and activism that accounts of social movements raise, but also flags up some of the tensions which NGO models of politics generated between expertise and mass membership, between centralized structures and grassroots, between democratic political instincts and hierarchical organizations. The contributions of public-minded professionals, who were playing an expanded role in the post-war era, were crucial to development of the NGO, but the role of mass membership was less certain beyond a revenue raising function.¹⁴

NGOs and social movements are also revealing because of the roles they had as locations for creating and establishing dominant meanings in politics.¹⁵ Civil liberties organizations were no different. In keeping with an expanded notion of the political, which draws attention to wider political culture and ways of communicating the political outside, but in relation to, party, state and nation, this book sees NGOs as vital locations of political interaction, as sites of interpretation, as framers of 'common schemes of perception'.¹⁶ But they were more than simply creators of discourse and locations of interaction. The work and practice or, perhaps, labour of NGOs should not be downplayed in analysing the political. NGOs have taken up a wide range of activities, including service provision, research, lobbying and assuming watchdog roles, each of which is important.¹⁷ Considering the *work* of the NCCL, not just its outputs, ideologies or connections with other forms of politics, permits

¹³ Hilton, 'Politics Is Ordinary', pp. 230–268; T. Evans, 'Stopping the Poor Getting Poorer: The Establishment and Professionalisation of Poverty NGOs, 1945–95', in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, pp. 147–163.

¹⁴ Most obviously in F. Parkin, *Middle Class Radicalism: The Social Bases of the British Campaign for Nuclear Disarmament* (Manchester, 1968). For the professional society see H. Perkin, *The Rise of the Professional Society: England Since 1880* (3rd Edition: London, 2002); B. Conekin, F. Mort and C. Waters, 'Introduction' in B. Conekin, F. Mort and C. Waters (eds), *Moments of Modernity: Reconstructing Britain 1945–1964* (London, 1999), pp. 14–15; Y. Li & D. Marsh, 'New Forms of Political Participation: Searching for Expert Citizens and Everyday Makers', *British Journal of Political Science*, 38 (2008), pp. 247–272.

¹⁵ J. McKay & M. Hilton, 'Introduction' in Crowson, Hilton & McKay (eds), *NGOs in Contemporary Britain*, p. 9.

¹⁶ J. Lawrence & M. Taylor, 'Introduction: Electoral Sociology and the Historians' in J. Lawrence & M. Taylor (eds), *Party, State and Society: Electoral Behaviour in Britain since 1820* (Aldershot, 1997), pp. 17–19; L. Black, *Redefining British Politics: Culture, Consumerism and Participation, 1954–70* (Basingstoke, 2010), pp. 3–4. For an emotional approach see M. Francis, 'Tears, Tantrums and Bared Teeth: The Emotional Economy of Three Conservative Prime Ministers, 1951–1963', *Journal of British Studies*, 41:3 (2002), pp. 354–387; M. Francis, 'The Labour Party: Modernisation and Restraint' in Conekin, Mort & Waters, *Moments of Modernity: Reconstructing Britain*, pp. 152–170; P. Bourdieu, *The Logic of Practice* (Gateshead, 1990), pp. 114–116.

¹⁷ McKay & Hilton, 'Introduction', pp. 9–10.

the unpacking of more abstract or technical ideas about civil liberties, rights and freedoms from legal and political settings, by also embedding these in the social and cultural historical contexts in which rights are realized.¹⁸

Civil liberties organizations are especially useful as sites for tracking such trends. Because civil liberties questions frequently related to the activities of those negotiating political, legal, cultural and social boundaries of acceptability, organizations like the NCCL were spaces in which it is possible to detect historical limits of inclusion and exclusion.¹⁹ They were hosts to those operating around the parameters of acceptability and interlocutors for those existing on the margins of the state. Amongst other things, civil liberties organizations are, therefore, sites revealing the limits of tolerance towards the civil liberties of others. As Charles Tilly points out, notions of rights are vital for understanding forms of political identities. Rights and obligations 'depend on negotiated claims linking members of established political categories'.²⁰ Civil liberties organizations were places where such claims were negotiated and articulated.

A key tension present both throughout this book and at the heart of any form of meaningful civil liberties politics is the plausibility of reconciling the importance of civil liberties for radical, divisive and sometimes controversial political causes with their existence as a set of more mainstream enthusiasms and commitments. Supporters of civil liberties as a statement of values are many and varied, especially in the abstract; it is difficult to find people arguing broadly against civil liberties within twentieth-century Britain. Even movements suggestive of political ideologies which have not been historically predisposed to the protection and promotion of civil liberties – including those from the far right or far left – have been outspoken advocates of freedom of speech and assembly, which were, after all, often necessary conditions for radical movements' existence within liberal democracies.²¹ On the other hand, the practice of civil liberties activism necessitated engagement with

¹⁸ As taken by K. Cmiel, 'The Emergence of Human Rights Politics in the United States', pp. 1231–1250, *The Journal of American History*, 86 (1999), pp. 1231–1250 for the USA or D. Clément, *Canada's Rights Revolution: Social Movements and Social Change, 1937–82* (Vancouver, 2008).

¹⁹ Ewing & Gearty, *The Struggle for Civil Liberties*, p. 418.

²⁰ C. Tilly, 'Political Identities in Changing Politics', *Social Research*, 70:2 (2003), pp. 605–620, p. 610.

²¹ A good recent example might be the organization Civil Liberty, founded in the mid-2000s, which largely campaigns for the rights of those from the far right. www.theguardian.com/uk/2007/feb/03/partyfunding.thefarright (accessed 5 January 2015); www.civilliberty.org.uk/about.htm (consulted 5 January 2015).

controversial and divisive issues. Making civil liberties meaningful outside the bland platitudes of a general consensus often implied engaging on issues which tested the certainties of such convictions. This is one of the many paradoxes at the centre of the history and theory of rights and liberties.

Civil Liberties, Rights and Human Rights in the Twentieth Century

The shifting political interests and methods of engagement of the NCCL have been determined by the evolution of thinking about civil liberties, civil rights and human rights during the twentieth century. Civil liberties organizations, including the NCCL, were often loath to precisely define the parameters and frameworks underpinning their work. While it is possible to differentiate between the concepts of civil liberties, human rights and civil rights, the history of the British civil liberties lobby demonstrates a certain degree of flexibility of definition on the part of campaigning organizations. Within a 1975 Penguin Special Book, sponsored and informed by the NCCL, Barry Cox observed that although a 'rights consciousness' ran deep, 'it is very fuzzy, perhaps because our liberties are so imprecise'.²² Such imprecision was not necessarily a problem for civil liberties organizations as it allowed them to engage with various issues which might under a tighter set of definitions be considered separate, belonging to distinct civil liberties, civil rights or human rights discourses.

Liberty in its current guise operates under the tag-line 'Protecting Civil Liberties: Promoting Human Rights'. In 1945, it held national and international conferences to discuss the creation of a transnational human rights network. From 1968, it described itself as belonging to a global human rights movement, yet it felt ambivalent about engaging with European human rights mechanisms. While the NCCL did not generally involve itself in social and economic rights, it was increasingly concerned with cultural and minority rights from the 1960s. In 1980, it went as far as to consider renaming itself, 'Rights'.²³ By the 1980s and 1990s, international human rights standards and European rights mechanisms were increasingly important to the NCCL's framing of activities as it became an important advocate of the creation of the United Kingdom's Human Rights Act in 1998.

²² B. Cox, *Civil Liberties in Britain* (Harmondsworth, 1975), p. 11.

²³ Changing the NCCL's Name: Discussion Document (1980), U DCL 670/2.

What such flexibility has meant is that the evolution of human rights within the UK must be understood in relation to the consistent activism of civil liberties organizations. Although historians of human rights are correctly eager to trace the development of these in relation to more global trends, the significance of the diffusion of human rights into nation states also requires attention. Increasingly, historians emphasize the contemporary nature of the ascent of human rights; with some making the case that it was only during the 1970s that human rights made a 'break-through' on the global stage.²⁴ Such arguments challenge two alternative, but previously dominant, narratives. First, they call into question the extent to which human rights became important as ideological frameworks in the post-war world order.²⁵ Second, they dispute attempts to situate the history of human rights in much longer time-frames, which in some cases have been stretched all the way back as far as ancient times.²⁶

Linked to these questions of periodization are questions of approach. In summing up recent efforts to write the history of human rights, Stefan-Ludwig Hoffmann argued that human rights must be traced 'diachronically and transnationally' through understanding how historical conflicts about human rights were 'incorporated into their different meanings'. Such an approach requires narrating human rights not 'teleologically as the rise and rise of moral sensibilities, but rather as the unpredictable results of political contestation'.²⁷ It is therefore vitally important to assess the specific implications, powers and limitations that were packaged with human rights at the conjunctures in which they were becoming meaningful for activists.

Hoffmann is correct to stress the significance of tracing human rights beyond the parameters of the state and through different eras. Moreover,

²⁴ See, for example, S. Moyn, 'The Return of the Prodigal: The 1970s as a Turning Point in the History of Human Rights', in S. Moyn & J. Eckel (eds), *The Breakthrough: Human Rights in the 1970s* (Pennsylvania, 2014), pp. 1–14; M. C. Morgan, 'The Seventies and the Rebirth of Human Rights' in N. Ferguson, C. Maier, E. Manela & D. Sargent (eds.), *The Shock of the Global* (London, 2010), pp. 237–250; S. Moyn, *The Last Utopia: Human Rights in History* (London, 2010).

²⁵ E. Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (London, 2005); J. Winter, *Dreams of Peace and Freedom: Utopian Moments in the Twentieth Century* (London, 2006), pp. 99–120; M. Mazower, 'The Strange Triumph of Human Rights, 1933–1950', *Historical Journal*, 47:2 (2004), pp. 379–398; P. G. Lauren, *The Evolution of International Human Rights* (Philadelphia, 2003).

²⁶ There are various different 'starting points' for the history of human rights. L. Hunt, *The French Revolution and Human Rights: A Brief Documentary History* (Boston, 1996); L. Hunt, *Inventing Human Rights: A History* (London, 2007); Micheline Ishay even traces the idea back to the classical era, M. Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (London, 2004).

²⁷ S. Hoffmann, 'Introduction: Genealogies of Human Rights' in S. Hoffmann (ed.), *Human Rights in the Twentieth Century* (Cambridge, 2011), p. 4.

paying attention to the specific contexts in which human rights came into being necessitates reflection on how these evolved within, as well as beyond, nation states. As the works of Samuel Moyn and Mark Mazower stress, the new frameworks for human rights politics often served to assert the power and integrity of the nation state.²⁸ The role of the state as both 'principal violator and essential protector' of human rights implies the continued importance of understanding how these related to nations.²⁹ Civil liberties organizations therefore provide a window of understanding into the political contestations which saw the emergence and consolidation of human rights as more than a set of 'values for a godless age', 'the only political-moral idea that has received universal acceptance', or an idea that 'unites left and right, the pulpit and the state, the minister and the rebel, the developing world and the liberals of Hampstead and Manhattan'.³⁰

Within the UK, civil liberties NGOs were the vital interlocutors for translating global human rights into national settings; they were often responsible for testing the effectiveness of international rights standards; it was NGOs like the NCCL that sought to translate the moral and utopian language of human rights, as best they could, into the everyday. Such a task was not straightforward. Translating global rights in national settings was an idiosyncratic business; while the UDHR is often viewed as a seminal marker in the history of human rights, its first mention within *The Times* newspaper was within a reader's letter which hoped that the declaration might delegitimize the 'closed shop' practice of the trade union movement.³¹ Obviously, there was a human rights discourse observable in the UK, as articulated by Amnesty International from 1961, but this was largely framed in relation to non-UK citizens, to gross infringements of human rights in authoritarian or totalitarian regimes, rather than a practice that related to the operations of the nation state's legal and political systems.

It is, perhaps, understandable that civil liberties organizations have been less eager to identify their work in relation to theoretically or historically robust conceptualizations of rights. Had they done so their fields of interests might have been restricted, the moral and legal

²⁸ Moyn, *Last Utopia*, p. 212; Mazower, 'The Strange Triumph'.

²⁹ J. Donnelly, *Universal Human Rights: In Theory and Practice Second Edition* (London, 2003), p. 15.

³⁰ L. Henkin, *The Age of Rights* (New York, 1990), p. xi; F. Klug, *Values for a Godless Age: C. Douzinas, The End of Human Rights: Critical Legal Thought at the Turn of the Twentieth Century* (Oxford, 2000), p. 1.

³¹ *The Times*, 16 December 1948, p. 5.

frameworks through which they articulated their political claims potentially limited. Throughout the NCCL's history, there was a degree of pragmatism in its activities, which meant that defining itself as specifically aligned with a coherent 'version' of civil liberties, civil rights or human rights often seemed irrelevant.

In Canada, Dominic Clément has been able to conceptualize civil liberties organizations as being distinct from human rights bodies. He shows that Canadian civil liberties activists, in contrast to those advocating a politics of human rights, avoided promotion of social, economic and cultural rights.³² Clearly, such distinctions can be understood historically and theoretically, but as put into practice by civil liberties campaigners in the UK, they were less clear cut. It is obviously possible and useful to distinguish between civil liberties and political rights, economic and social rights, their different histories and the different constituencies granted 'rights' and 'liberties'.³³ It is equally plausible to differentiate, as Isaiah Berlin famously did, between negative and positive freedoms.³⁴ However, part of the appeal of rights talk as a political project has been its capacity to adapt to incorporate different types of rights and constituencies. Newer generations of rights, including those relating to technological change associated with the twentieth century, such as the right to an unpolluted environment, alongside guarantees of privacy and genetic property have more recently emerged where other

³² Clément, *Canada's Right Revolution*, p. 7.

³³ Within a British context this framework was mapped by T. H. Marshall and his description of the emergence of civil, political and then social rights within T. H. Marshall, *Citizenship and Social Class* (New Edition: London, 1992: first published 1950); For the creation of nation states and the increasing importance of socialism throughout this period that proved vital to such developments see E. J. Hobsbawm, *Nations and Nationalism since 1780: Program, Myth, Reality* (2nd Edition: Cambridge, 1992), pp. 89, 124; P. Saunders, 'Citizenship in a Liberal Society' in B. S. Turner (ed.), *Citizenship and Social Theory* (London, 1993), pp. 57–90; S. Berger, 'Democracy and Social Democracy', *European History Quarterly*, 32:1 (2002), pp. 13–37; the emergence and consolidation of women's rights might have its own distinct trajectory, as does the assertion of the rights claims of women, homosexuals, ethnic minorities and alternative groups; C. Bunch & S. Frost, *Women's Human Rights: An Introduction* in C. Kramarae & D. Spender (eds), *Routledge Encyclopedia of Women: Global Women's Issues and Knowledge* (London: Routledge, 2000); E. Friedman, 'Women's Human Rights: The Emergence of a Movement', in J. Peters & A. Wolper (eds), *Women's Rights, Human Rights: International Feminist Perspectives* (London, 1995), pp. 18–35; A. Fraser, 'Becoming Human: The Origins and Development of Women's Human Rights', *Human Rights Quarterly*, 21:4 (1999), pp. 853–905; S. Brooke, *Sexual Politics: Sexuality, Family Planning and the British Left from the 1880s to the present day* (Oxford, 2012).

³⁴ I. Berlin, 'Two Concepts of Liberty' in I. Berlin, *Four Essays on Liberty* (Oxford, 1969), p. 125.

older rights might fall out of fashion or relevance.³⁵ To some extent, the NCCL took a magpie-like approach to human rights and civil liberties, borrowing and adapting, bounding and expanding its agenda, depending on its priorities.

Such flexibility is understandable; the politics of rights and liberties is far from straightforward. After all, the framing of multiple different types of rights within the most famous statements of rights from Magna Carta to the UDHR has reinforced a general lack of clarity, while recent legal textbooks happily conflate civil liberties with human rights.³⁶ Given such conceptual ambiguities, the paradoxical nature of rights and liberties is frequently exposed.³⁷ Rights can provide an empowering discourse for improving the lives of those impoverished economically, politically, socially and culturally.³⁸ Human rights has offered a strengthening discourse for securing and improving rights on the grounds of culture, race, sexuality or gender; but has also been charged with creating an atomized, individualist political culture.³⁹ Human rights were a crucial component of decolonization, yet they have also been identified as a driving force behind neo-colonialism, aiding in the

³⁵ Bobbio, *The Age of Rights*, p. 69; K. Mahoney & P. Mahoney, *Human Rights in the Twenty-First Century: A Global Challenge* (London, 1993), p. 5; H. Widdows & H. Marway, 'Philosophical Feminist Bioethics: Past, Present and Future', *Cambridge Healthcare Quarterly*, 24:2 (2015), pp. 165–174.

³⁶ A. R. White, *Rights* (Oxford, 1985), p. 134; R. Stone, *Textbook on Civil Liberties & Human Rights* (Oxford, 2006); D. Feldman, *Civil Liberties and Human Rights in England and Wales* (Oxford, Press, 2003).

³⁷ Douzinas, *The End of Human Rights*, p. 21; Cmiel, 'The Recent History of Rights', p. 132, N. Stammers, *Human Rights and Social Movements* (London, 2009), pp. 102–130; J. W. Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (London, 1996).

³⁸ Social justice models of rights, as advocated by the likes of Thomas Pogge, demonstrate the capacity for a language of rights to provide a framework for the readjustment of capitalist economics to respond to the needs of the global poor. See T. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2nd Edition: Cambridge, 2008); T. Pogge, *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* (Oxford, 2007). For other social justice models of rights see J. Rawls, *A Theory of Justice* (Cambridge, 1979), p. 3; H. Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy* (Princeton, 1980), p. 5.

³⁹ G. Eley, '“An Embarrassment to the Family, to the Public and to the State”: Liberalism and the Rights of Women' in D. Geppart & R. Gerwarth (eds), *Wilhelme Germany and Edwardian Britain* (Oxford, 2008), pp. 143–172; C. Bunch, 'Women's Rights as Human Rights: Towards a Re-vision of Human Rights', *Human Rights Quarterly*, 12:4 (1990), pp. 486–498, J. Oloka-Onyango and S. Tamale '“The Personal Is Political” or Why Women's Rights Are Indeed Human Rights: An African Perspective on International Feminism', *Human Rights Quarterly*, 17:4 (1995), pp. 691–731; V. Spike Peterson & L. Parisi, 'Are Women Human? It's Not an Academic Question', in T. Evans (ed.), *Human Rights Fifty Years On: A Reappraisal* (Manchester, 1998), pp. 132–160.

creation of an informal American empire.⁴⁰ Such tensions suggest why the history of human rights is so perplexing. In an age witnessing greater violations of individual rights, and wider disparity between the wealthy and the poor than any previous epoch, the worldwide ‘agreement’ on the importance of human rights during the twentieth century is clearly problematic.⁴¹ Paradoxes are not limited to global understandings of human rights; they are also a feature of historical accounts of the evolution of British liberties and rights. While the British Marxist historians sought to articulate radical visions of liberty, E. P. Thompson also acknowledged that ‘patriotism, nationalism, even bigotry and repression were all clothed in the rhetoric of liberty’. Rights were as useful in supporting the era of ‘Old Corruption’ or the Whiggish reforms of nineteenth-century liberalism as they were to forms of emancipatory radical politics.⁴² Of course, nowhere is such a tension more obvious than in histories of the British Empire, in which an emphasis on ‘British Liberty’ sat ambiguously with the more repressive processes associated with colonialism.⁴³

⁴⁰ For human rights and decolonization see A. W. Simpson, *Human Rights and the End of Empire Britain and the Genesis of the European Convention* (Oxford, 2001), pp. 844–873, 1056–1101; R. Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia, 2010), pp. 59–111; R. Burke, ‘From Individual Rights to National Development: The First UN International Conference on Human Rights, Tehran, 1968’, *Journal of World History*, 19:3 (2008), pp. 275–296. For neo-colonialism and human rights see T. Evans, ‘Introduction: Power, Hegemony, and the Universalization of Human Rights’, in Evans, *Human Rights: Fifty Years On*, pp. 2–23; N. Chomsky, ‘The United States and the Challenge of Relativity’, in Evans, *Human Rights Fifty Years On*, pp. 24–56; for more recent critiques of human rights see J. Bricmont, *Humanitarian Imperialism: Using Human Rights to Sell War* (New York, 2006); M. Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes against Humanity* (London, 2004) & L. Allen, *The Rise and Fall of Human Rights; Cynicism and Politics in Occupied Palestine* (Stanford, 2013).

⁴¹ Douzinas, *The End of Human Rights*, p. 2; E. J. Hobsbawm, ‘Barbarism: A User’s Guide’, *New Left Review*, 206:1 (1994), pp. 44–54; E. J. Hobsbawm, *The Age of Extremes* (2nd Edition: London, 1994), pp. 1–17; S. Power, *A Problem from Hell: America in the Age of Genocide* (New York, 2002), provides a powerful narrative outlining the failure of the international community to respond to gross infringements of human rights since the UDHR.

⁴² Thompson, *The Making of the English Working Class*, p. 85; W. D. Rubenstein, ‘The End of “Old Corruption” in Britain, 1780–1860’, *Past & Present*, 101:1 (1983), pp. 55–86; P. Harling, ‘Rethinking “Old Corruption”’, *Past & Present*, 147:1 (1994), pp. 127–158; E. Biagini, *Liberty, Retrenchment and Reform: Popular Liberalism in the Age of Gladstone* (Cambridge, 1992), pp. 30–84.

⁴³ C. Hall, *Civilizing Subjects: Metropole and Colony in the English Imagination, 1830–1867* (Cambridge, 2002); C. Hall, K. McClelland & J. Rendall, *Defining the Victorian Nation: Class, Race, Gender and the Reform Act of 1867* (Cambridge, 2000); R. Huzzey, ‘Concepts of Liberty: Freedom, *Laissez-faire* and the state after Britain’s abolition of slavery’, in C. Hall, N. Draper & K. McClelland (eds), *Emancipation and the Remaking of the British Imperial World* (Manchester, 2014), pp. 149–171.

Seeking conceptual clarity in defining civil liberties and human rights is important, but does, to some extent, underplay the specific contexts in which such freedoms have been understood and used; civil liberties, human rights and rights have frequently meant many things to many different people.⁴⁴ Attempts to define and clarify exactly what constituted ‘a right’ have often failed to produce any concrete conclusions. Founded on ontological and epistemological differences, the possibility of resolving such conundrums seems unlikely and, certainly, falls outside the scope of this work. In place of offering a clear guide to what constitutes a civil liberty or human right, this study builds on the historical works which show how ideas about human rights have reflected the contextual settings in which they have been articulated and the ambitions of those articulating such rights.⁴⁵ Because of this, the history of human rights within Britain must be understood in the context of the history of civil liberties. While these concepts are often used interchangeably, their histories have become increasingly intertwined. For all the comparisons that can be made with the evolution of human rights politics in other nation states, it is precisely this tangled history that makes the emergence and increasing authority of human rights discourses within twentieth century Britain distinctive and important.

From Civil Liberties to Human Rights?

This book traces British civil liberties activism from the 1930s until the present day. It does not cover every campaign that the organization mounted; taking a longitudinal approach inevitably requires certain omissions. The Liberty Archive (as it is now called), held at the Hull History Centre, consists of over 1000 boxes stretching from the formation of the NCCL until the present day. Some of these can have up to twenty-five sub-sections, covering various aspects of the organization’s work. The archive is a deep and complicated entity, the host of all sorts of asides and long-forgotten civil liberties concerns and interests, many of which warrant greater attention but cannot be accommodated within the space available here. That the first thirty years of the NCCL cover only one hundred of the boxes is demonstrative of the increasing workload, professionalism and technical information required for mobilizing an effective politics from the 1960s onwards, but also the impossibility of mapping the entire range of activities taken on by this engaged and active organization, which had, at some points, over twenty members of staff.

⁴⁴ M. Mazower, *No Enchanted Palace* (Oxford, 2009), p. 9.

⁴⁵ Hoffmann, ‘Introduction’, Mazower, ‘The Strange Triumph of Human Rights’, p. 379.

The first two chapters examine the period between 1934 and 1948. Here, civil liberties politics must be understood in relation to forms of 'popular front' politics which sought to occupy ideologically shared ground between inter-war socialism and liberalism. Chapter 1 demonstrates the broad appeal of civil liberties during the age of the dictators. Wide-ranging agreement over civil liberties' importance can be found in examining the memberships and campaigns of various civil liberties organizations active in the 1930s. The NCCL, a group of left-liberal intellectuals named For Intellectual Liberty, the civil liberties committee of the Federation of Progressive Societies and Individuals, and the even more obscure Movement for a Hundred Thousand, which based its programme on a civil liberties agenda, all endeavoured to use civil liberties issues to form broad-based political movements seeking to represent a form of 'popular front' politics grounded on common left-liberal assumptions. Unity was, however, achieved only fleetingly or, in some cases, not at all as the structures of 1930s political culture limited the space available for successful mobilization and the alliances generated by such groups proved unsustainable. Political parties' scepticism of the need for 'non-party' but nonetheless 'political' bodies, sections of the trade union movement's desire to ensure that working-class 'rights' politics remained within their institutions, the CPGB's association with civil liberties activism and the concerted efforts of the Home Office, Special Branch and Security Services to undermine groups, served to restrict the nascent mobilizations.

Here a common theme emerges; the potential for unity was thwarted by ideological tensions and the ambiguous meanings implicit within various civil liberty projects. Activists came into direct and problematic relationships with those on the political extremes and the NCCL engaged with divisive and controversial issues, including policing, domestic extremism and colonialism. Despite such challenges, civil liberties politics persisted in the form of the NCCL. This owed much to the commitment and persistence of its activists alongside the continued potential for the state to limit individual or collective freedoms, but it also meant that the organization struggled to consistently engage the mainstream institutions it sought to challenge.

The second chapter discusses British organizations' efforts to move 'popular front' style civil liberties activism into a broader human rights politics during and immediately after the Second World War. With the Atlantic Charter (1941), the Charter of the United Nations (1945) and the UDHR (1948) all asserting the significance of human rights at the centre of the global political world order, various British organizations

attempted to mobilize a form of transnational human rights politics. These included the NCCL, the organizational committee of the *Daily Herald* which ran a 'Rights of Man' debate in 1939, the Freedom Defence Committee which operated in response to the failings of the NCCL in the mid-1940s, a short-lived post-war NGO established by Harold Laski and others, and The League for Freedom and Dignity of Man founded in 1946 by Arthur Koestler and George Orwell, along with an unnamed civil liberties and human rights body associated with the publisher Victor Gollancz and leader of the American Civil Liberties Union, Roger Baldwin (1950–1951).

A potentially coherent conceptualization of political, social and economic rights emerged from the British left during this era, yet these organizations were unable to express such a development clearly and mobilize accordingly. This reflected the continuing collapse of the alliances forged during the 1930s, the pressures and controversies generated by lobbying for civil liberties in the context of a war effort, and the difficulties in articulating political positions distinct from the ideological polarization that emerged with the onset of the Cold War. Furthermore, tensions between the new global understanding of rights and national traditions of rights and liberties also emerged, which highlighted the divisions in the NCCL's membership. Perhaps as important, however, was that the universalism of human rights politics appeared out of context with civil liberties narratives locating the emergence of rights through British constitutional developments, or radical national discourses associated with the history of the 'freeborn Englishman'. In both cases, it was the nation state and not a sense of global solidarity that provided a crucial framework for ideas about rights. While civil liberties movements declined in significance on the domestic and international scene, the mid-1950s saw the emergence of a new and much less controversial role for the NCCL, through developing test case strategies on issues unassociated with partisan politics, such as mental health.

The next two chapters of the book discuss the relationship between civil liberties activism, rights-based activism and the emergence of social movement politics during and beyond the 'long 1960s'. This period witnessed a rights-consciousness that became central to political activism, and the NCCL proved receptive to such an evolution. The 1960s were an important time, as a generational shift in the organization's membership and leadership, alongside the recruitment of a highly informed, professional, paid staff and the assembling of numerous expert volunteers working on specialized campaigns, meant that it distanced itself from a 'pro-Soviet' reputation and became relevant once more.

Although it remained an organization with links to left-wing politics, the new expertise accrued helped it establish a more independent reputation.

The NCCL's experiences during the 1960s suggest that many issues identified as distinctive to new social movement models of politics were equally likely to be located within older, more formal bodies. Organizations like the NCCL provided a platform for 'progressive professionals' to pursue a radical politics in a practical fashion. The decade witnessed the development of similar organizations able to draw on both 'old' and 'new' politics to support a wide range of progressive issues. These organizations sought to engage with manifestations of counter-cultural politics alongside more mainstream and institutional forms of politics. The 1960s was not quite a distinct decade of revolution, but a period in which politics changed through drawing on the old and the new, driven by both the expert and the 'do-it-yourself' activist.

The relationships between civil libertarians and manifestations of 'new left' politics strengthened during the 1970s as the NCCL's politics and membership more overtly embraced the rights-based politics of the new social movement. More than any other era, it was during this decade that the NCCL most closely engaged with forms of identity politics. A dynamic women's rights group, which eventually operated at the centre of the body, was an important catalyst to such a development. In addition, such activism appeared once more radical because civil liberties concerns became embedded in issues apparently demarking the sense of 'crisis' looming over 1970s Britain. The NCCL had a stake in many divisive issues in a fraught period of British social and political history, most obviously with regard to Northern Ireland, race relations and industrial relations. As with the 'popular front' around which civil liberties attempted to rally during the 1930s, 'rights' had some potential as a force for uniting the various strands of the left. Like the 1930s, however, a unified politics was never quite established as the politics of rights served to fragment into multiple, different rights claims often unlinked with each other. The proliferation of rights-based activism, frequently framed around the demands of specific groups, subsequently failed to translate into a broader inclusive human rights movement.

Alliances which made sense and proved dynamic in the 1960s and 1970s were tested during the final decades of the twentieth century. The final sections of the book examine the emergence of the contemporary human rights lobby and its relationship with the evolution of civil liberties organizations. It argues that the consolidation of human rights owed as much to changes in the operational contexts, organizational priorities and the evolving forms of left-wing and liberal politics during the final two decades of the twentieth century as to a whole-hearted ideological

commitment to human rights. Tellingly, human rights and professional, independent, hierarchically managed and 'respectable' NGO activism developed alongside each other informed by the need to challenge 'Thatcherism' outside of party political or traditional social movement structures. Unable to engage with governments paying scant attention to civil liberties lobbying, human rights critiques enabled NGOs to challenge the systems within which governments and the security services operated as efforts to challenge the electoral hegemony of the Conservative Party failed. A desire to analyse and change the 'rules of the game' was manifest in forms of constitutional reform politics. With the traditional nation state apparatus seemingly non-responsive, human rights framed in an international context appealed.

The concept of human rights became an authoritative rationale, vital for civil liberties bodies to critique an elected government through a 'globally agreed' moral language. The Human Rights Act (1998) was to some extent the culmination of a process of normalizing and integrating human rights within the British system which was itself a response to the intransigence of the Conservative Governments of the 1980s. While the emphasis given to human rights in the post-war world had multiple roots and owed much to what had gone before, it was only in the late 1980s and the 1990s that human rights really 'became meaningful' to UK citizens. These meanings would expand as human rights became increasingly emphasized within the work of the equalities bodies following the introduction of the Human Rights Act.

Yet human rights legislation proved no panacea or, indeed, utopia. On the one hand, moving to a human rights framework permitted NGOs to pursue their work in a hostile climate. On the other, the move to a human rights strategy was, somewhat ironically, accompanied by a shrinking of the NCCL's rights-based agendas that had developed through the 1960s and 1970s. A focus on the rights iterated within the European Convention on Human Rights enabled NGOs to effect policy and ensure human rights become a meaningful category in British law, but in so doing drew organizations towards a set of relatively conservative rights and structures. The ascent of the NGO and dominance of human rights had certain shared evolutionary assumptions and while rights-based activism became somewhat blander and often more legalistically framed than had been the case previously, it was this that permitted human rights to enter the political mainstream through a gradual introduction into the programmes of the Labour and Liberal Democrat Parties.

Even so, the work of the civil liberties lobby has been transformed through the integration of the language of rights and human rights. Such a change has been linked to the political cultures in which organizations

work, but also reflected that moral politics was accompanied by a consistent sense of pragmatism from within civil liberties and human rights NGOs. This transformation both produced and represented significant changes in the characteristics of twentieth-century political and social activism. Nonetheless, it would also be unwise to read this history as the triumph of human rights as a dominant ideological or practical framework for the civil liberties activism of the twenty-first century. Rather, the continued work of civil liberties and human rights groups during the 1990s and the early 2000s, including the work of Liberty and a range of single-issue mobilizations against proposals for the introduction of ID cards or terror legislation and its policing implications, shows the continued value of civil liberties traditions to campaigners. Able to resist any backlash on human rights following the introduction of the Human Rights Act, apparently 'controversial' rulings from within the European Courts and the identification of the UK's rights legislation with a set of values associated with the programmes of the Labour Party, the significance of activism based on civil liberties has not been lost even in an age of human rights.

There was an ascendancy of human rights in the twentieth century, but it is important to reflect upon how they diffused and integrated within the politics, institutions and mechanisms of the nation. For all the universalism of the language of human rights, these subjects have often reaffirmed the persistence of the nation state around which ideas about rights and citizenships were bound. Reflecting the pragmatism of the modern NGO, it has been vital to bind the subject of human rights with traditional concepts of civil liberties. 'Civil liberty' remains a useful rhetorical tool for activists when the concept of human rights appears to carry less weight.

Human right may have become a 'last utopia' through which all political concerns were reformulated, but it would be a mistake to assume that this is necessarily a permanent feature within the UK's legal and political structures.⁴⁶ Certainly, the resilience of the Human Rights Act and the UK's commitment to the ECHR are being tested by apparent public scepticism, media hostility and critical verdicts of sections of the Conservative Party.⁴⁷ NGOs and campaigners wishing to reemphasize the value of the UK's human rights legislation are fighting against a significant portion of the media and elements within right-wing political parties, but they also grapple with some of the limits of the human rights

⁴⁶ Moyn, *Last Utopia*, p. 223.

⁴⁷ *The Conservative Manifesto 2015: Strong Leadership, a Clear Economic Plan, a Brighter, More Secure Future* (London, 2015), pp. 58, 60, 73.

regime they helped to construct.⁴⁸ NGOs were better equipped to influence elites, pursue technocratic methods of engagement and propose legalistic approaches to rights protection than to construct a whole-hearted cultural embrace of human rights that was communicated to wider sections of the population.⁴⁹ It is understandable that a theme of the NCCL's campaigning during the 2000s was to create a culture of rights, a position which betrayed some of the limits of the organization's endeavours to introduce human rights legislation during the 1990s.⁵⁰

At the same time as the NGO sector works to rearticulate the value of the Human Rights Act, civil liberties arguments remain useful in combating potentially repressive legislation.⁵¹ The ascent of human rights was contingent, disputed and unanticipated, and almost frequently greeted with predictions of its demise.⁵² Within such a context a journey from civil liberties to human rights seems less certain and permanent; civil liberties arguments are once more proving essential to combating repressive legislation. Such developments further demonstrate how historically contingent rights and freedoms have been.

⁴⁸ A range of interesting mobilizations are taking place around the need to defend the Human Rights Act. These include the existing NGOs, but also bodies seeking to expand knowledge of human rights like Adam Wagner's Rights Info organization. <http://rightsinfo.org/about/> (consulted May 2015); see also Chakrabarti, *On Liberty* pp. ix–xvii.

⁴⁹ K. Nash, *The Cultural Politics of Human Rights: Comparing the US and UK* (Cambridge, 2009), p. 28.

⁵⁰ Liberty and Civil Liberties Trust Annual Review 2004 (London, 2004), p. 8.

⁵¹ L. Gies, *Mediating Human Rights: Media, Culture and Human Rights Law* (Abingdon, 2015).

⁵² See Douzinas, *The End of Human Rights*; S. Hopgood, *The Endtimes of Human Rights* (New York, 2014); S. Moyn, *Human Rights and the Uses of History* (London, 2014), pp. 146–147.