

A Negation of Liberalism: Militarism and Civil Liberties in WWI Britain

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On Christmas Eve 1916, the New York Times ran an editorial under the ominous heading “PEACE NOW IMPOSSIBLE.” The allies had apparently drawn a definitive line in the ideological sand declaring that there would be “No Conference until Prussianism is Overcome.” The editorial depicted Germany as a militant, destabilizing force in Europe “unchanged since the days of Frederick the Great and in its essence unchangeable”. In contrast, it depicted the Allies, and Great Britain in particular, as “leagued together for the overthrow of Prussian militarism”.¹ Both the timing and content of this editorial is intriguing. In 1916, the British Government was in the throes of a political and ideological revolution of almost unprecedented scale. However, this new ideology did not embrace liberal principles, nor did it reject Prussian Militarism as this article suggests. Rather, Britain’s political revolution during World War I was defined by exactly what it professed to be fighting. As historian Panikos Panayi asserts, “Britain had begun to adopt the militaristic characteristics which it had originally entered the war to fight”.²

Despite the common claim by the British government that they were fighting against militarism, the nation actually became increasingly militaristic throughout the war. For the most part, the government and British citizens had opted to exchange their

¹ Sydney Brooks, “PEACE NOW IMPOSSIBLE”, New York Times, December 24, 1916

² Panikos Panayi, “Germans in Britain During the First World War”, Historical Research, 64.153 (Feb. 1991): 74

long-held liberal principles and sacred civil liberties for a more Prussian-like model. Perhaps even more surprisingly, they were able to codify this philosophy with relatively little cognitive dissonance and a shocking level of public support. This is not to say that the movement was not met with some resistance. There were some that raised questions about the ideological basis for these new laws that severely restricted civil liberties. Dissenting voices, however, were in the extreme minority. In fact, many British citizens and members of the bureaucracy believed that these restrictive laws did not go far enough. A pervasive paranoia drove this legislation as well as the unnerving feeling that defeat would come just as easily from the streets of London as it might from the fields of Flanders.

Perhaps the most telling legislation of this political shift was the passage and enforcement of the code of regulations known as the Defence of the Realm Act, also known by its more innocuous sounding acronym, DORA. This act defined and framed the political trajectory throughout the course of the war and provided the necessary ideological and bureaucratic foundations for the enforcement of the Conscription Act and the Alien Acts. These three laws form the crux of the militarist shift in Great Britain and mark a period of severe restriction of Civil Liberties.

THE DEFENCE OF THE REALM ACTS

“At a time like this powers of dictatorship must be given to the government”

- Bonar Law M.P., February 1915

The first of the Defence of the Realm Acts was passed through Parliament on August 7, 1914, only three days after the declaration of war. In fact, it had been drafted

five years earlier by the secretive and largely paranoid MI5.³ This was one of two distinctive groups in Britain concerned with counter-espionage (created at the behest of, though operating largely outside of, the British Government).⁴ The essence of DORA was captured by the original, brief text of the first act which asserted that “His Majesty in Council has power during the continuance of the present war to issue regulations for securing the public safety and the defence of the realm...” and to authorize the trial by courts martial of any person found to be in violation of these regulations.⁵ In short, it allowed the executive to create regulations and laws without putting them to a vote, leading ultimately to martial law. Although the portion concerning trials by courts martial was ultimately watered down in a later consolidation of the act, the bill retained much of its original intent. This was a major step towards a more militaristic society.

Despite this potentially dangerous language and legal precedence, DORA managed to pass through both houses of Parliament without debate. The brevity of the discussion prior to its passage is accentuated by the fact that House Secretary Robert McKenna could print the entire debate in a footnote.⁶ The bill was amended and consolidated several times after its initial passage. All subsequent amendments to DORA, however, did nothing to erode the unprecedented claim to power by the executive. In fact, by February 1917 the short bill of only a few pages had grown to over 400.⁷

At its inception, DORA was mainly directed toward controlling the information and activity surrounding the British military, but as the realities of Total War began to

³ Tania Rose, Aspects of Political Censorship, 1914-1918 (Hull, England: University of Hull Press, 1995): 107

⁴ Nicholas Hiley, “Counter-espionage and security in Great Britain during the First World War”, The English Historical Review 101.400 (July 1986): 635

⁵ Charles Townsend, Making the Peace: Public Order and Public Security in Modern Britain (New York: Oxford University Press, 1993), 58

⁶ Townsend, 57

⁷ Rose, 107

take hold, the additional regulations became increasingly aimed at political sanction. Indeed, the legal potential to suppress political dissent was quickly turned into coercive practices. The implementation of DORA was taken to the extreme with increasingly invasive regulations restricting most aspects of public activity, including free speech, free press, and the right to assemble. DORA also allowed for an unprecedented level of government surveillance. Initially, there was little reason to fear political dissent. At the onset of the war, Great Britain had been struck with fervent jingoism and an expectation that the conflict would soon be over.⁸ However, as the war dragged on and the hopes of a quick victory dissipated, an agitated anti-war minority emerged and organized much to the chagrin of the government and British citizenry.

Persecutions began in the summer of 1915 when police targeted Fenner Brockway, a committed pacifist and editor of the *Labour Leader*, the official newspaper of the Independent Labor Party.⁹ Brockway vociferously espoused anti-war views in print and at numerous public meetings, many of which were attended by undercover police.¹⁰ Under the protection of DORA regulation 51, police continuously hassled and questioned Brockway and even raided the offices of the International Labour Press, seizing 7000 copies of nineteen different pamphlets.¹¹ Although Brockway managed to win the government case brought against him in 1915, accusing him of producing “seditious material”, he was eventually convicted and subsequently imprisoned in 1916 for producing anti-conscription literature. There were thousands of cases similar to

⁸ K. D. Ewing and C.A. Gearty, *The Struggle for Civil Liberties: Political Freedom and the Rule of Law in Britain 1914-1945* (New York: Oxford University Press, 2000), 62

⁹ Rose, 46

¹⁰ Deian Hopkin, “Domestic censorship in the first world war”, *Journal of Contemporary History* 5.4 (Oct. 1970): 166

¹¹ Rose, 47

Brockway's throughout the war and when the government's efforts to intimidate or silence them failed, the pro-war public more than willingly continued the persecutions. In one extreme example, a Lancashire man who expressed an interest in pacifism fell victim to a virulent pro-war public. After news of his apparent betrayal spread, he was inundated with over 5000 pamphlets, 100 bound volumes, and thousands of leaflets through the mail, leaving him with a postage bill of £21.¹²

Individuals were not the only targets of this sweeping infringement on civil liberties. The British government also strove to silence publications through intimidation and regulations under DORA. In the spring of 1917, the liberal magazine *The Nation* came under scrutiny of the War Office, who banned it from circulation overseas along with at least 66 other publications. Outraged at this apparent overreach of governmental control editor, H. W. Massingham wrote to the War Office to discover the reasoning behind the sudden ban. He was told that matter in his periodical had been used in German propaganda. Massingham pointed out at least 26 similar instances in other periodicals in the next two issues that had received no sanction and the ban was roundly criticized as a piece of "grotesque stupidity" by the American press.¹³ The War Office claimed that the *Nation* was in violation of Regulation 27: production of material "intended to cause disaffection, interfere with the prosecution of the war", or harm their relations with foreign powers.¹⁴ It was eventually concluded that the real reasoning behind the ban was a supposed financial link between *The Nation* and a leading anti-war advocate in the Union of Democratic Control, a pacifist group wrongly assumed to be

¹² Hopkin, 166

¹³ Rose, 50-53

¹⁴ Rose, 107.

funded by Germany money. Indeed, unfounded paranoia commonly drove the government to commit similar incursions on civil liberties.

In October 1917, the British government was ultimately forced to rescind the ban on *The Nation* due to a strong backlash from the international Liberal press. With America on the verge of joining the Allied cause, Britain could not risk an ideological dispute with their staunchly liberal American allies. Seeking to avoid a similar incident but unwilling to abandon political censorship altogether, the War Office turned its full attention to silencing pacifist and socialist propaganda and in 1916 passed the deeply contested Regulation 27C. This regulation required all publications be submitted to the Press Bureau's government censor 72 hours prior to print for official approval.¹⁵ *The Nation*, in its first publication after the lifting of the ban, led with a critical article on Regulation 27C, titled "Assassination of Opinion" calling this ordinance "the heaviest yet struck at our liberties".¹⁶

MILITARY CONSCRIPTION

"We shall win only by adopting German methods... we ourselves may become a militarist nation with conscription."

- L. T. Hobhouse, July 1915

The timing of this escalation of political censorship in 1916 and 1917, evidenced by the introduction of regulations 27 and 27C, was not coincidental. The Asquithian Parliament had not prepared for a prolonged war and by mid-1915 the need for organized manpower had become increasingly apparent. The realization that Britain could not

¹⁵ Hopkin, 162-164

¹⁶ Rose, 54

defeat the German war-machine with volunteerism alone forced many liberals to choose between military victory and adherence to their principles. Considering this ideological conundrum and the tentative support for conscription at the time, paranoid and conservative forces saw any dissent surrounding the issue as an immanent danger.

The issue of military conscription had been a hotly debated topic in British Parliament since before the Boer War. With the rise of the Liberal party in 1905 and its unquestionable commitment to volunteerism as a pillar of its doctrine, the idea of compulsion was at first met with serious resistance in the Liberal-dominated Parliament. In January 1916, however, in one of the most profound, about-face political shifts of the war, the newly formed coalition government, led by the Liberal Prime Minister H. H. Asquith, passed the first of two military conscription acts. The “Batchelor Bill” required the enlistment of all single males ages 18-41. This bill was followed in May by the second Military Service Act requiring compulsory service of all males, regardless of marital status, between the ages of 19 and 41.¹⁷ The militaristic nature of this bill is undeniable and as one scholar asserts conscription “represented perhaps the most controversial curtailment of individual liberty imposed during the prosecution of the war”.¹⁸

The political consensus that allowed for this unprecedented maneuver did not occur easily or expeditiously. The political ramifications of supporting this bill were not lost on the liberal members of parliament. Realistically, a vote for these militaristic measures represented nothing less than the admission that liberal principles were not

¹⁷ James McDermott, “Conscience and the Military Service Tribunals during the First World War: Experiences in Northamptonshire”, *War in History*, 17.1 (Jan. 2010): 61

¹⁸ Matthew Johnson, “The Liberal War Committee and the Liberal Advocacy of Conscription in Britain, 1914-1916”, *The Historical Journal*, 51.2 (Jun. 2008): 400

compatible with the realities of a prolonged war.¹⁹ Even David Lloyd George who eventually became an avid supporter of conscription stated in June 1915 “I would do anything short of failure to avoid conscription; militarism in any shape is most hateful and no-one but fools go for it”.²⁰

An aggressive conservative campaign, however, in conjunction with increasing pressure from a pro-conscription press and public, forced Liberals to reconcile their principles with national necessity.²¹ The response was slow but the trajectory was unmistakable. The pro-conscription Liberal War Committee was formed in mid-1915 and gained members and clout in the ensuing months. Prior to that, Prime Minister Asquith implemented a National Register, the logical first step toward military conscription. *The Nation* condemned these MPs as “heretics and “lost sheep” but Liberals strove to negate these claims.²² In fact, despite the traditional assumption of militarism as anathema to Liberalism, the vast majority of pro-conscription Liberals did not view their support for compulsion as outside the confines of their professed ideology. As *The Times* reported in December 1916 “[t]hey hold that their liberalism is as good as anybody else’s, and will not change their name or surrender their title because one of their leaders has plumped for a more vigorous prosecution of the war”.²³ Some pointed to the existence of compulsory education and taxation as enforcement for their argument. Others looked to foreign precedent, such as existing military conscription in Liberal countries such as Switzerland

¹⁹ Johnson, 400

²⁰ John Gordon Little, “H. H. Asquith and Britain’s Manpower Problem, 1914-1915”, *History*, 82.267 (Jul. 1997): 405-406

²¹ Peter Fraser, “British War Policy and the Crisis of Liberalism in May 1915”, *The Journal of Modern History*, 54.1 (Mar. 1982):9

²² Johnson, 399-400

²³ Johnson, 412

and Australia.²⁴ Indeed, even among radical dissenters, not a single liberal put forth a moral objection, preferring instead to concentrate on potential economic or national unity problems.

Despite the Liberals' claim that this legislation was in line with liberal principles, the actual implementation of the Military Service Act represented nothing less than the complete negation of liberalism. Its passage and execution resulted in some of the most profound incursions on civil liberties in the war. For example, prior to the introduction of conscription, only literature deemed likely to discourage recruiting was liable to be seized, but after May 1916, the publication of *any* statement thought to be prejudicial to military discipline or critical of compulsion could also be indicted as an offence under the Defence of the Realm Acts. Anti-war sentiment was gaining influence and popularity by the summer of 1916 and the government strove desperately to stop this trend. Once the act became law, the War Office instructed Chief Constables to tear down "undesirable" posters and take steps to stop the production of anti-conscription and pacifist literature. The government also circulated lists of "hostile Pamphlets" and scores of under-regulated police forces conducted raids on the premises of organizations both on and off the list. For example, in June 1916 a raid on the offices of the No Conscription Fellowship resulted in the seizure of over 30,000 pamphlets, membership lists, petty cash and even postage stamps. Two days later the National Council Against Conscription was subjected to similar treatment.²⁵ The severity and destructive nature of these raids indicated that the government did not just want to impede the efforts of these organizations but destroy them altogether.

²⁴ Johnson, 413-14

²⁵ Rose, 48-50

It was during this time that the brief ban on *The Nation* occurred as well, although the government became less concerned with press censorship after 1917 and turned their full attention to pacifist propaganda by August of that year. Indeed, the surveillance and investigations of organizations conducted by Home Office official Basil Thomson paved the way for the implementation of Regulation 27C. Infringements such as these continued despite the fact that Thomson was unable to prove the War Office's suspicion that the pacifist and anti-conscription movement was supported by German money. Although many individuals and liberal newspapers denounced these measures as draconian, ultimately, they were very effective. As one official of the Home Office observed in 1919, the tactics "practically put an end to pacifist leaflets".²⁶

Conscientious objectors also fell victim to the suspension of civil liberties under the increasingly militarized British bureaucracy. The Military Service Act did in fact allow for exemption from its measures under extenuating circumstances, including conscientious objection, provided that it could be proven. This decision was delegated to a network of local tribunals, who would hear and judge all claims of objection to service on moral grounds. Given the stigma attached to anti-war views and the inherent ambiguity surrounding the interpretation of "conscience", the tribunals' executions of these trials were rarely fair or consistent. As one modern historian asserts, "the most trenchant criticism of the tribunals is that, having been given the option of granting conscientious objectors unconditional exemption from military service, they chose not to exercise it".²⁷

²⁶ Rose, 60

²⁷ McDermott, 64

Even when grounds for absolute exemption were undeniable, as was the case with Quakers or Seventh Day Adventists, the tribunals refused to acknowledge the moral legitimacy of their claims. The tribunal judges preferred instead to assign them to non-combatant service, such as the Friends Ambulance Corps, or require them to find employment in war-related industries. The reasoning for this offense on such basic civil liberties seemed to be that the tribunal wanted all objectors to experience some degree of personal sacrifice as a quid pro quo for their special status exemptions from combat. In one extreme circumstance, conscientious objector John Thomas Gray was ordered into non-combatant service despite a previous ruling ordering him to find employment of “national importance”. The decision was reversed after the Northamptonshire tribunal found that his wages had increased from 16 shillings per week (as a butcher/slaughter man) to 25 shillings, and he had thus endured no measure of hardship.²⁸ This emphasis on sacrifice was also exploited by opportunistic employers, as in the case of one Wellingborough farmer who offered significantly underpaid employment to conscientious objectors ordered to work on the land.²⁹

THE ALIEN ACTS

But bitter memories I shall carry
until my life departs from me
as the people whom I loved once
treated me so shabbily.

- Richard Noschke, Interned German, 1916

While the ideological battle over compulsory service continued throughout the war, another less visible and far less studied restriction of civil liberties was being

²⁸ McDermott, 71

²⁹ McDermott, 72

committed against the German minority in Britain. Prior to the outbreak of war, there was a profound paranoia of the German population within secret service groups such as MI5 as well as certain radical conservative sects in Parliament. However, their fears were not completely unfounded. Prior to the war, there were a number of known German spies operating within Great Britain, however, they were closely watched and allowed to continue operations largely for counter-espionage purposes. However, on August 3, 1914 the Secret Service arrested twenty-two known German spies, and began the close monitoring of nearly 200 other individuals. With the full force of the Special Branch behind the effort, the entire pre-war German spy network was destroyed within the first week.³⁰

Despite these exceedingly effective measures to combat the threat of German interference in state and military affairs, Parliament took measures to control the remainder of the German alien population as well. Similar in language and intent to the Defense of the Realm, the first Alien Restrictions Act passed expeditiously through Parliament on August 5, 1914, the day after the British declaration of war. Like DORA, it allowed the government the authority to pass any subsequent orders in Council pertaining to the any activities of German aliens. The act prohibited any alien from entering or leaving Britain without a permit and required those who remained to register with the local police station. Additionally, Germans were restricted from traveling more than five miles without a permit and could not reside in areas deemed militarily sensitive. They could not own arms, ammunition or any means of communication and subsequent orders gave the Home Secretary power to close down German clubs and newspapers.³¹ The

³⁰ Hiley, 637

³¹ Panayi, 65

British Nationality and Status of Aliens Act followed shortly and declared that all British women married to German Aliens would have their British citizenship revoked and be reclassified as an enemy alien.³²

Although the catalyst for the initial Alien Act of 1914 was paranoia within the government, public opinion and an angry British public ultimately drove further legislative escalation and curtailment of individual liberties. Reports of German atrocities coupled with military defeats and mounting war deaths kindled the growing frustrations of the public. The subsequent anti-German riots, beginning in October 1914, provided a convenient surrogate enemy and stopgap for their anger.³³ These riots often followed a specific event and usually resulted in the destruction of German property, occasional physical violence, and widespread psychological and social abuse. The government and the police did little to quell these uprisings, either out of fear or indifference, and the capricious nature of public opinion led to an inconsistent government policy on the alien question.³⁴

No plans had existed for wholesale internment prior to 1914; however as anti-German sentiment grew so did calls for more radical and militaristic methods of alien control and restriction. The tipping point for mass internment came on May 7, 1915 when a German U-boat torpedoed and sank the Lusitania, resulting in the deaths of over 1000 civilians. Anger mounted in Britain as the bodies of victims accumulated on the shores of Ireland and, as one woman recalls, “For several moments I hated the race that made war on women, and war on children, and I would have given anything for

³² Nicoletta F. Gullace, “Friends, Aliens, and Enemies: Fictive Communities and the Lusitania Riots of 1915”, *Journal of Social History*, 39.2 (Winter 2005): 345

³³ Gullace, 351-352

³⁴ Panayi, 66

revenge”.³⁵ This ethnic hatred spilled out into the streets and for several days Britain was rocked by the most violent and destructive riots of the war. Friendships and loyalties to longtime neighbors were abandoned with little hesitance. Liverpoolian Pat O’Mara recalls one instance during the riots in which a local butcher who was “allegedly born in Germany” came out of his shop “pipe in mouth and with his usual broad smile” only to be greeted with a kick in the stomach and a barrage of bricks thrown through the window of his shop.³⁶ By the end of the riots, nearly £200,000 worth of damage had been done while police and local officials had stood by silently or, in some cases, actively participated in the riots.

The sinking of the Lusitania in May of 1915 effectively silenced the moderate voices in the government and many MPs feared that failure to respond aggressively would lead to government unpopularity. Thus, on May 13, Prime Minister Asquith announced to the Commons that all German males of military age (aged seventeen to fifty-five) would face internment while German females would be repatriated. The flurry of legal appeals from naturalized and alien Germans following the implementation of this policy is tragically ironic as it illustrates the faith they still possessed in the power and fairness of English law. Despite this initial optimism, by November 15 the British government had interned 32,440 German and Austrian men.³⁷

The experience of internment is a multifaceted story of tragedy and isolation. However, the internees were not physically abused or nutritionally deprived. Even one modern expert characterizes their treatment as “fair” and asserts that the greatest enemy

³⁵ Gullace, 348

³⁶ Gullace, 352-353

³⁷ Panyani, 66

was boredom.³⁸ However, this treatment of the situation fails to capture the more devastating psychological and indirect effects of internment. For example, many of the interned Germans had spent more of their lives in Britain than Germany and despite this, had still been betrayed and abandoned by their communities, friends, and in some cases, families. Additionally, many internees had been separated from wives and children and were consequently unable to provide for them, see them, or even contact them. Even when presented with the opportunity to relocate to a camp closer to their families, many men opted to remain at a distance so as not to see first hand the distress experienced by their families as a direct result of internment. Indeed, the wives and children of internees suffered greatly, if not more so, than the men themselves. Many women and children fell into severe destitution without the presence of a male breadwinner. In fact, Quaker archives document many cases of wives and children who succumbed to disease and death from malnutrition.³⁹

It has been noted by several historians that the experiences of Germans in Britain during World War One is largely understudied and historically overlooked, even by German scholars. As Nicoletta Gullace asserts, the British public responded “not by exterminating its enemies, but by legislating against them”. It is this seemingly undramatic course of action that may be to blame for its historical obscurity. After all, the treatment of Germans in Britain was far from a pogrom, however, the lawful curtailment of civil liberties on this minority bred tragedy nonetheless.

³⁸ Panyani, 67-68

³⁹ Gullace, 358

Although such severe restrictions on personal and civil liberties would have seemed anathema to liberals in pre-war Britain, ironically, most of the criticisms surrounding DORA and the Alien Acts were that they did not go far enough. Similarly, prior to World War One, reliance on volunteerism was Liberal military dogma, and any allusion to its implementation before 1914 was immediately met with vehement opposition. Despite this full-fledged swing towards a more militaristic society, it is important to consider the extreme and unprecedented circumstances that inevitably came with a modern total war. The general public and Liberal members of Parliament only supported these militaristic measures because they were under the impression that they would end with the conclusion of the war. Despite these high hopes, all three forms of laws continued in some form beyond the armistices of 1918. However, the ideological shift that laid the foundation for the passage of such radical and militaristic laws is nothing short of revolutionary considering the long liberal interlude that preceded the Great War.