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Aspects of the New Commonwealth immigration question and its impacts. A study in
policy making and elite politics, 1968-1981

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Synopsis

This thesis offers an analysis of policy making on aspects of the New Commonwealth immigration issue in Britain between 1968 and 1981. It concerns three formally distinct but profoundly interlocking issues: immigration control itself, the development of race relations policy and the pursuit of nationality law reform.

I argue that a populist critique of prevailing bipartisanship on the subject grew up around the notion that immigration policy, and the notion of multiracial Britain itself, was subject to a profound shortfall in political legitimacy. These arguments were introduced by Enoch Powell in 1968, but remained too controversially wedded to race issues to achieve purchase in the mainstream. A limited form of bipartisanship therefore survived this early assault, to be rephrased by Edward Heath as a managerial compromise that sought to accept stronger immigration controls (and, significantly, the reform of nationality law), justifiable in the national interest, and to remove the issues from the political sphere through strong administration and wide governmental discretion.

This compromise was subsequently weakened by threats to the governing competence that underlay it in the form of problems in the control system highlighted by officials (some of which became public knowledge), the possibility of a deterioration in race relations and an increase in immigration perceived to originate in policy defects and a more liberal management of entry by the Labour government.

These perceived failures permitted a restatement of the political legitimacy critique by individuals within the Conservative Party. In seeking to repudiate ideas of 'consensus' more broadly, the party under Margaret Thatcher's leadership reincorporated the populist idea that high minded and elitist bipartisanship was a failed form of governance, emphasising the redress of putatively valid public

grievances through a strengthened system of immigration control, designed to cure systematic weaknesses in regulating what had become largely secondary (family) migration, and through the realisation of the 1981 British Nationality Act, intended to close off the period of post-colonial migration.

List of Abbreviations

BDTC – British Dependent Territories Citizen
BOC – British Overseas Citizen
CCA – Churchill Archives Centre
CCO – Conservative Central Office
CoRD – Community Relations Department (Conservative Party)
CRD – Conservative Research Department
CPA – Conservative Party Archive
CPRS – Central Policy Review Staff
CUKC – Citizen of the United Kingdom and Colonies
HHC – Hull History Centre
LHASC – Labour History Archive Study Centre, Manchester
LPRD – Labour Party Research Department
OCW – Old Commonwealth
NCW – New Commonwealth
NA – National Archives, Kew
NCB – National Children's Bureau
NF – National Front
PEP – Political and Economic Planning
SCORRI – Select Committee on Race Relations and Immigration
UKPH – United Kingdom Passport Holder

Introduction

Immigration to Britain has been a profound source of change in the postwar era. The social and cultural processes mass migration set in train, through hitherto unimagined ethnic, cultural, religious, linguistic, culinary and all manner of other forms of diversity, continues to reverberate loudly in contemporary Britain. The processes of migration, inclusion and exclusion provides fecund subject matter not only for scholars, but for novelists and film makers, musicians and artists. Britain, then, has been fundamentally altered by the permanent settlement of New Commonwealth¹ migrants – demographically and otherwise – and the questions of quite how and why this happened have contributed towards both a healthy scholarship and immigration's persistence as an issue in contemporary politics.²

Indeed, immigration has been a consistent political issue, and in light of the salience of New Commonwealth (NCW) immigration, this thesis seeks to assess what the actual consequences of the evident concern with the subject were on the conduct of politics and policy making in Westminster and Whitehall.³ The thesis seeks to establish how party, political and administrative elites attempted to respond to the issue and how such actions impacted upon the conduct of high politics. I therefore

1 'New Commonwealth' (NCW) generally refers to the parts of the Commonwealth and colonies not included among the so-called 'Old Dominions' (OCW) (Australia, New Zealand, Canada) and it therefore includes the large majority of the Commonwealth's black and Asian population (in the Indian subcontinent and the West Indies). It has therefore gained credence as a kind of proxy term referring to migration of black and Asian citizens of the United Kingdom and Colonies (CUKC), the shared citizenship status ascribed by the British Nationality Act 1948 (see below).

2 In 2010, the very first question of the inaugural Prime Ministerial debate was on the subject of immigration. Asked by Gerard Oliver, it was: 'What key elements for a fair, workable immigration policy need to be put in place to actually make it work effectively?' *Transcript of First Prime Ministerial Debate*, 15 April 2010, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/16_04_10_firstdebate.pdf [accessed, 7 September 2011]

3 A similar question has recently been posed by Lauren McClaren, who sets out to analyse the impact on public trust in the rather nebulous space between politicians and publics. See, *idem.*, 'Immigration and Trust in Politics in Britain', *British Journal of Political Science*, 42, 1 (2012), pp. 163-85.

examine the fate of what could be a fractious, awkward and liminal area of consensual politics through an era of renewed political competition and the developing criticism of bipartisanship as an organising principle of governance. In immigration politics, this shift was writ large as a critique of what had been a self-conscious adoption of elite consensus, designed to delimit the boundaries of debate, in the face of a developing populism that expressly sought to address public anxieties and attack bipartisanship as fundamentally unrepresentative.

In the sense that this thesis tracks developments of political consensus and divergence, it exists within an established scholarly tradition.⁴ In examining the responses of Westminster political elites to postwar New Commonwealth immigration, too, the work falls into line behind scholars who have undertaken similar tasks focusing their archival research largely on earlier decades.⁵ In perpetuating these methodologies, the justification for this study is comparatively simple: there exists no archive-based single volume covering the period after 1968.⁶ The tradition in scholarship on the subject has been to regard New Commonwealth postwar migration in what is argued to be its entirety – that is to say, from the passage of the British Nationality Act 1948 to the passage of the British Nationality Act 1981. This approach has an intuitively appealing integrity to it. The passage of the 1948 Act⁷ marked an attempt at the maintenance of Commonwealth unity under British leadership and, in a more qualified way, British subjecthood, by extending formal citizenship to all members of the Commonwealth. The 1981 Act,⁸ largely as a

4 Ira Katznelson, *Black Men, White Cities: Race, Politics and Migration in the United States, 1900-30 and Britain, 1948-68* (London: Oxford University Press for Institute of Race Relations, 1973); Anthony M. Messina, *Race and Party Competition in Britain* (Oxford: Clarendon Press, 1989).

5 Randall Hansen, *Citizenship and Immigration in Post-war Britain: The Institutional Origins of a Multicultural Nation* (Oxford: OUP, 2000); Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca: Cornell UP, 1997); and (less strictly), Ian R. G. Spencer, *British Immigration Policy Since 1939* (London: Routledge, 1997). A similar time-frame, although with an emphasis on nationality law is provided by, Reiko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (London: Frank Cass, 2003).

6 While some of the archival material drawn upon here has been used before (in, for example, Yumiko Hamai, "Imperial burden" or "Jews of Africa"?: An analysis of the political and media discourse in the Ugandan Asians crisis (1972)', *Twentieth Century British History*, 22, 3 (2011), pp. 415-36, and E. H. H. Green, *Thatcher* (London: Hodder Arnold, 2006), Chapter 5), the large part of the documentary record presented here is previously unexploited.

7 See, for example, Randall Hansen, 'The politics of citizenship in 1940s Britain: The British Nationality Act', *Twentieth Century British History*, 10, 1 (1999), pp. 67-95; Kathleen Paul, 'The politics of citizenship in post-war Britain', *Contemporary British History*, 6, 3 (1992), pp. 452-73.

8 See, Chapter 7.

consequence of the immigration that is the stuff of this thesis, but also in recognition of Britain's paradigmatically-altered world role, closed off the imperial period and the gradual processes of decolonisation, by redefining British nationality to the exclusion of the Commonwealth.

This thesis offers an examination of policy making on what I term the 'immigration question' in the period between 1968 and 1981. This is constituted of three formally distinct but profoundly interlocking issues: New Commonwealth immigration itself; the developing structures of race relations law; and the re-drawing of British nationality law in a post-colonial world. I have adopted an alternative periodisation for two reasons: firstly, an in-depth documentary study of the whole period would be prohibitively long for a PhD thesis; and secondly, the weight of archival research on the 1950s in particular is already very heavy, owing to the fact that these have now been open and available to scholars for some time. More positively, the time-frame offers the opportunity to assess the incursions into policy making of populist ideas, questioning the legitimacy of government action on the immigration question, which were begun (at the elite level) by Enoch Powell in 1968, arguably realising their apogee under Margaret Thatcher's leadership.

Extant scholarship has emphasised two key questions regarding the issue: the first (admittedly very broad) being the relationship between ethnicity and the construction and perpetuation of immigration controls; the second being the significance of political bipartisanship as a means of managing the salience of potentially controversial immigration issues. These notions of immigration politics place great emphasis upon the actions of political elites, who are the main subjects of this thesis, and an understanding of the relationships that go in to making policy is also significant in framing the subject matter explored here. I shall address these in turn below.

Immigration and race issues

That ethnic diversity and immigration are tied together in postwar British history is practically self-evident. New Commonwealth migration has been one of the primary sources of contemporary British multiculturalism, which has been marked

'not so much by the emergence of a political movement but by a more fundamental movement of peoples.'⁹ Migrants entered a Britain still largely unfamiliar with ethnic diversity and difference, especially on such a scale, and countless examples of the 'quotidian injustices, structural disadvantages, and passionate hatreds' that discrimination and prejudice inspire and enable may be discovered.¹⁰

Indeed, Britons have been interrogating themselves on the question of how 'colour prejudiced' their society is for practically as long as postwar mass immigration has existed,¹¹ with the object of directing attention towards otherwise cloaked or ignored forms of deep-seated societal prejudice. Such work was imbued with the implicit optimism of potential social inclusion and this was most clearly expressed in the five-year study that resulted in the production of *Colour and Citizenship* under the editorial control of E. J. B. Rose.¹² This study too sought (among other aims) to establish just how prejudiced British people were and, in keeping with the objective, categorical outlook of the work as a whole, Mark Abrams devised a quasi-scientific spectrum of tolerance, leading to the conclusion that there existed only a small, hard core of individuals who were genuinely prejudiced, while the large majority of the British public were more-or-less tolerant of ethnic diversity.¹³ This was a disputable assessment, however, and Abrams' judgement tapped the vein of British identity casting the nation as fundamentally fair-minded and tolerant even as other quantitative studies presented seemingly unassailable evidence of endemic discrimination.¹⁴

The disjunct between an avowed, although subjectively-inclined, belief in the tolerance of Britons and a detailed, evidential perspective on the experiences of migrants has been explored by scholars emphasising the experiences of migrants and

9 Tariq Modood, *Multiculturalism: A civic idea* (London: Polity Press, 2007), p. 2.

10 Erik Bleich, *Race Politics in Britain and France: Ideas and Policymaking since the 1960s* (Cambridge: CUP, 2003), p. 1.

11 For some early examples of sociological analysis squarely directed at this question, see, Anthony Richmond, *Colour Prejudice in Britain: A Study of West Indian Workers in Liverpool, 1941-1951* (London: Routledge, 1954); Clifford S. Hill, *How Colour Prejudiced is Britain?* (London: Victor Gollancz, 1965).

12 E. J. B. Rose et al, *Colour Citizenship: A Report on British Race Relations* (London: Oxford UP, IRR, 1969).

13 The figures were: 35 per cent 'tolerant'; 38 per cent 'tolerant-inclined'; 17 per cent 'prejudiced-inclined'; and ten per cent 'prejudiced'. Rose, *Colour*, pp. 551-53. For a detailed critique of Abrams' approach, see, Daniel Lawrence, *Black migrants: white natives: A study of race relations in Nottingham* (Cambridge: CUP, 1974), Chapter 3.

14 See, for example, W. W. Daniel, *Racial Discrimination in England* (Harmondsworth: Penguin, 1968).

minority groups across British history.¹⁵ The so-called 'Sheffield school' have sought to encourage historians into the realisation that excluding subjects such as race and immigration from consideration produces 'narrow, elitist, chauvinistic and incomplete histories of Britain',¹⁶ by ignoring or forgetting the role of migrant groups in the long-run history of British identity.¹⁷ Moreover, such scholarship asks us to look to a wider definition of the role of race and intolerance in politics, beyond the electoral performance of extremist groups and periods of obvious turmoil, to examine how 'groups and ideas developed in the years between such climaxes.'¹⁸

Encompassing culture in seeking to explain political action, Tony Kushner points towards the capacity, for example, of comparatively subtle ideological incarnations of anti-Semitism abroad in Britain to shape government policy through a fear of organised racism, and to affect both state and public treatment of refugees.¹⁹ As Colin Holmes has pointed out, the persistence of opposition to successive migrant groups (whether Irish, Jewish, Polish, black or Asian), that transcends genetics and extends into culture, underlines the capacity of intolerance and racism to be reproduced in the absence of underlying theories about the distinct origins of man.²⁰ These movements of peoples to Britain are regarded as aspects of a conflictual continuum, extending into the postwar era to undermine cosy and inaccurate assumptions of British tolerance.²¹ Migrations and the reactions they engendered (conflictual perhaps, but also, more importantly, ambivalent and ambiguous), are seen to have constituted a key element in progressive reconstructions of the ideas of

15 For example, Tony Kushner & Kenneth Lunn (eds.), *Traditions of Intolerance: Historical Perspectives on Fascism and Race Discourse in Britain* (Manchester: MUP, 1989); Tony Kushner & Kenneth Lunn (eds.), *The Politics of Marginality: Race, The Radical Right and Minorities in Twentieth Century Britain* (London: Frank Cass, 1990); Colin Holmes, *John Bull's Island: Immigration and British Society, 1871-1971* (Houndmills: Macmillan, 1988); Colin Holmes, *A Tolerant Country? Immigrants, Refugees and Minorities in Britain* (London: Faber & Faber, 1991).

16 Tony Kushner & Kenneth Lunn, 'Editors' Introduction', in, idem. (eds.), *The Politics of Marginality*, p. xiii.

17 For a history of black people in Britain that encompasses several centuries of that experience, see, Peter Fryer, *Staying Power: The History of Black People in Britain* (London: Pluto, 1984).

18 Tony Kushner & Kenneth Lunn, 'Introduction', in, Kushner & Lunn (eds.), *Traditions of Intolerance*, p. 4.

19 Tony Kushner, 'Beyond the Pale? British Reactions to Nazi Anti-Semitism', in Kushner & Lunn (eds.), *Politics of Marginality*, p. 156.

20 Holmes, *Tolerant Country?*, p. 104.

21 Ibid., p. 105.

'Britishness' itself.²² For Laura Tabili, it is an understanding of the historical contingency of characteristics 'selected to define race and the meaning of racial difference' that lie behind an explanation of the '[i]ntolerance, bigotry and prejudice' underlying ethnic conflict.²³

At a narrower political level, for Gary P. Freeman, the contradiction between a British ideology of tolerance and obvious inequality, while it may have made postwar governments wary of the development of more sophisticated rights movements, was subordinated to the issue of larger concern, that immigration may bring about a nativist backlash, pressing compulsory repatriation onto the agenda of governments seeking to quell unrest.²⁴ This echoes Kushner's point that fear of dissolute racist attitudes transcending into organised movements may help shape policy preference,²⁵ and places control on immigration directly prior to the satisfaction of demands by minorities already in Britain. In examining British race policy, Adrian Favell points out that firm border controls establish the context within which race relations may be pursued.²⁶ The distinction between external control and internal harmony was obfuscated, however, by an elite justification of tightening immigration policy as a prerequisite for the creation of ethnic harmony²⁷ and, as Holmes argues, by a progressive shift in awareness through the 1970s towards race issues in Britain resulting from the persistence of antipathy and social disadvantage.²⁸

In emphasising the social and cultural constructions of race politics across time, scholarship such as Kushner's and Holmes' undoubtedly points up the fact that stringent periodisation of migration history may ignore significant continuities. However, the notion of contingency in defining racial difference, and the role of the

22 Tony Kushner, *The Battle of Britishness: Migrant Journeys, 1685 to the Present* (Manchester: MUP, 2012), p. 13.

23 Laura Tabili, 'The Construction of Racial Difference in Twentieth-Century Britain: The Special Restriction (Coloured Alien Seamen) Order, 1925', *Journal of British Studies*, 33, 1 (1994), pp. 55-56.

24 Gary P. Freeman, *Immigrant Labor and Racial Conflict in Industrial Societies: The French and British Experience, 1945-75* (Princeton: Princeton University Press, 1979), pp. 121-22.

25 Kushner, 'Beyond the Pale?', p. 156. On the movement from individual prejudice to group action, see, Kushner, *We Europeans?*, Chapter 6.

26 Favell, *Philosophies*, p. 110.

27 On the implications for race relations, see, Sarah Spencer, 'The Implications of Immigration Policy for Race Relations', in, idem. (ed.), *Strangers & Citizens: A Positive Approach to Migrants and Refugees* (London: Rivers Oram Press, 1994), pp. 307-22.

28 Holmes, *Tolerant Country?*, p. 62.

state in that process,²⁹ implies a capacity for immigration to be understood in successive, politicised phases. As Panikos Panayi has recently observed, Irish migrants attracted comparatively less attention in the twentieth century, as anti-immigrant hostility was reframed towards first Jewish, then German and finally post-colonial migrants.³⁰ Indeed, British political interpretations of 'race' in the postwar era, shaped significantly by looking to the American context, focused strongly upon 'colour':³¹ as will be illustrated, immigration policy was primarily concerned with the regulation of movements from the West Indies and, increasingly, the Indian subcontinent, and discrimination against 'coloured' people was the predominant matter of concern in shaping race relations law. As one study of the time had it, 'differential treatment and experiences of coloured immigrants as against other minority groups (such as Cypriots and Hungarians), leave no doubt that *the discrimination is largely based on colour*.'³² Party political efforts at integration were often directed towards Britain's new black and Asian citizens, whose engagement with the formal political process has been shown to be inconsistent.³³

This focus has been criticised as reductively ignoring the impact of manifestations of discrimination against other groups, for instance, the Irish in Britain.³⁴ Indeed, Irish migration maintained an anomalous position within immigration law and, despite its scale,³⁵ was left largely unregulated prior to Irish entry into the EEC (which would have rendered any national controls moot in the context of the Treaty of Rome).³⁶ Equally, Jewish political integration was an ongoing

29 Tabili, 'Construction of Racial Difference', pp. 55-56

30 Panikos Panayi, *An Immigration History of Britain: Multicultural Racism since 1800* (Harlow: Pearson Education, 2010), p. 224. Panayi observes that, while still the subject of hostility, the Jews themselves have become 'relatively invisible' in postwar Britain, due to integration and the predominance of New Commonwealth immigration.

31 Erik Bleich, *Race Politics in Britain and France: Ideas and Policymaking since the 1960s* (Cambridge: CUP, 2003).

32 Daniel, *Racial Discrimination*, p. 37 [emphasis added].

33 Marian FitzGerald, *Black People and Party Politics in Britain* (London: Runnymede Trust, 1987); Jessica R. Adolino, *Ethnic Minorities, Electoral Politics and Political Integration in Britain* (London: Pinter, 1998).

34 Mairtin Mac an Ghaill, 'The Irish in Britain: The invisibility of ethnicity and anti-Irish racism', *Journal of Ethnic and Migration Studies*, 26, 1 (2000), pp. 137-47; Mary J. Hickman, 'Reconstructing deconstructing 'race': British political discourses about the Irish in Britain', *Ethnic & Racial Studies*, 21, 2 (1998), pp. 288-307.

35 In 1951, Britain was home to approximately half a million Irish-born people. By 1961, that number had almost doubled. See, Paul, *Whitewashing*, p. 93. For a useful introduction, see, Enda Delaney, *The Irish in Postwar Britain* (Oxford: OUP, 2007).

36 On this anomaly, see, Paul, *Whitewashing*, Chapter 4. The 1974 Prevention of Terrorism Act, which

feature of postwar Britain.³⁷ The processes of constructing racial difference, as Hickman suggests,³⁸ contain within them their antithesis – the possibility that groups may be 'deracialised' through elite political discourse seeking to avoid accusations of racism,³⁹ or, potentially, to deny calls for action on discrimination.⁴⁰

My point here, then, is not to deny the fact that immigration was a heterogeneous phenomenon in the postwar era – indeed, one of the central political issues of immigration control, as will be illustrated, was the balancing of the restriction of New Commonwealth migration against the open right of return for the descendants of British emigrants abroad. It is simply to illustrate that a focus upon *New Commonwealth* immigration is justifiable in the period under examination, in the context of high politics, and in a study of this length.

An influential approach to postwar high politics that has placed the construction of racial difference very centrally has developed. This has been conceptualised as the 'racialisation' of politics,⁴¹ the term being reflective of the sociological assertion that, while 'race' no longer held value as a signifier after its scientific foundations were undercut,⁴² *racism* continued to exist as a socially-produced ideology,⁴³ and was given expression in state action primarily through immigration policy and nationality law. This can be looked upon as part of a broader desire for a more theoretically-grounded explanation of the ways in which governing elites had responded to the growth of race as a political issue, and one that acknowledged what Rex and Moore termed the 'immense practical political importance' of the New

empowered the Home Secretary to make orders preventing individuals suspected of the commission of terrorism entering Britain from Ireland, nevertheless illustrates the capacity of exogenous forces (in this case, the threat of terrorism) to politicise migration. See, Prevention of Terrorism (Temporary Provisions) Act 1974, Section 3.

37 See, for example, Geoffrey Alderman, 'Not quite British: The political attitudes of Anglo-Jewry', in, Ivor Crewe (ed.), *British Political Sociology Yearbook, Volume 2: The Politics of Race* (London: Croom Helm, 1975), pp. 188-211.

38 Hickman, 'Reconstructing', pp. 288-307.

39 Frank Reeves, *British Racial Discourse: A Study of British Political Discourse about Race and Race-Related Matters* (Cambridge: CUP, 1983), Chapter 6.

40 Mac an Ghaill, 'The Irish in Britain', pp. 137-47.

41 Robert Miles, *Racism and Migrant Labour* (London: Routledge & Kegan Paul, 1982); idem., *Racism after 'Race Relations'* (London: Routledge, 1993); idem., 'The racialization of British politics', *Political Studies*, 38 (1990), pp. 277-85.

42 Miles, *Racism after 'Race Relations'*, Chapter 1.

43 Rohit Barot & John Bird, 'Racialization: The genealogy and critique of a concept', *Ethnic and Racial Studies*, 24, 4 (2001), pp. 601-18.

Commonwealth immigration question.⁴⁴

The clearest exposition of the thesis as it related to policy making appeared towards the end of the 1980s, as the opening of the documentary record began to shed light on the private workings of government in the 1950s.⁴⁵ At its root, the examination of 'racialisation' in this context was the study of the purported process of 'expression and legitimisation of racism through the manner in which [the state] has regulated immigration'.⁴⁶ This relationship is summarised in the cyclical notion that 'racial scapegoating legitimised, and was legitimised by, a series of racist immigration laws that emerged in the 1960s and 1970s...[and] which marked the institutionalisation of racism'.⁴⁷ Thus, racialisation theorists offer a substantive and serious charge against postwar British governments by positing that the processes of societal inclusion and exclusion of migrants could be strongly influenced, indeed defined, by governmental actions (in particular immigration law⁴⁸); that, in fact, Westminster politicians took on a central role in creating and fostering a form of racism within the public they served.⁴⁹

This has profound implications for an understanding of the policy making process, and the attitudes of political elites. The work posed an explicit challenge to previous interpretations of political action on the subject, dismissively termed 'Whitehall's version of events' by one author,⁵⁰ which had emphasised the reluctant

44 Rex & Moore, *Race, Community and Conflict*, p. xiii & p. 1; John Solomos, *Race and Racism in Britain* (3rd Edition) (Houndmills: Palgrave Macmillan, 2003), p. 24; Kenneth Lunn, 'The British state and migration: more light on the Empire Windrush', in, Kushner & Lunn (eds.), *The Politics of Marginality*, pp. 161-74.

45 Bob Carter, Clive Harris and Shirley Joshi, 'The 1951-1955 Conservative Government and the Racialization of Black Immigration', *Immigrants and Minorities*, 6, 3 (1987), pp. 335-47. The authors returned to this subject matter periodically through the 1990s: Carter et al, 'The 1951-1955 Conservative Government and the Racialization of Black Immigration', in, Winston James (ed.), *Inside Babylon: The Caribbean Diaspora in Britain* (London: Verso, 1993), pp. 55-72; Carter et al, 'Immigration policy and the racialization of migrant labour: The construction of national identities in the USA and Britain', *Ethnic and Racial Studies*, 19, 1 (1996), pp. 135-57.

46 Robert Miles, 'The racialization of British politics', *Political Studies*, 38 (1990), p. 285.

47 Louis Kushnick, *Race, Class & Struggle: Essays on Racism and Inequality in Britain, the US and Western Europe* (London: Rivers Oram Press, 1998), p. 175.

48 Panayi, *Immigration History*, p. 205.

49 This argument is made particularly forcefully in, Michael Dummett & Ann Dummett, 'The role of government in Britain's racial crisis', in, Christopher Husband (ed.), *'Race' in Britain: Continuity and Change* (London: Hutchinson, 1982), pp. 109-10.

50 Paul, *Whitewashing*, p. 132. Given that one of Paul's criticisms of the 'Whitehall' interpretation is that its authors had not had sight of the documents (p. 233), and had therefore failed to grasp the central importance of race to the discussion of immigration in government, her work does not shy away from making strident statements about the period after 1965, when her own access to the

overturning of the principle of free entry in the face of public outcry.⁵¹ By drawing upon previously unavailable archival material that illustrated a Cabinet-level concern with immigration control as early as 1954, Carter et al posited the reverse: that, as legislation developed into the preferred course in Westminster, and without direct reference to public attitudes, politicians sought to construct a 'strong case' for restriction.⁵² In want of any practical reasoning behind such a move (evidence of social decay, or migrant involvement in crime, for example), elites fell back upon the construction of 'an ideological framework in which Black people were seen to be threatening, alien and unassimilable'.⁵³ This was manifested through and bolstered by a surreptitious and insidious 'educative campaign' that was intended to 'inculcate among the resident UK public the dangers of uncontrolled inward colonial migration',⁵⁴ and to develop 'a racialized construction of Britishness which excluded and included people on the grounds of "race" defined by colour'.⁵⁵ This 'revolved around the reconstruction of British subjects as immigrants, the transformation of immigrants into "coloureds", and the problematization of "coloured immigration"', in large part through elite public discourse emphasising the purported dangers of 'coloured' migration.⁵⁶ In this way, racially-motivated attacks on individuals were seen as 'indications of the effects of popular racism *fostered by the activities of the state*',⁵⁷ and the periodic emergence of instability and violence as an illustration of 'the success of policy makers' construction of subjects into aliens and proof that the language of the Cabinet room and parliamentary chamber had finally moved to the public highway'.⁵⁸

The more specific application of a racialised idea of citizenship by elites in policy making underpins later archival analyses. Drawing upon theoretical notions of citizenship as a means of establishing internal national unity and external exclusivity

documentary record ended.

51 See, for example, Nicholas Deakin, *Colour, Citizenship and British Society* (London: Panther, 1970);

Kenneth O. Morgan, *Britain Since 1945: The People's Peace* (Oxford: OUP), pp. 202-04.

52 Carter et al, '1951-55 Conservative Government' (1987), p. 335.

53 Ibid., p. 335 & p. 345.

54 Paul, *Whitewashing*, p. xiii.

55 Carter et al, '1951-55 Conservative Government' (1987), p. 345.

56 Paul, *Whitewashing*, p. xiii.

57 Kushnick, *Struggle*, p. 179 [emphasis added].

58 Paul, *Whitewashing*, pp. 155-56.

of foreigners,⁵⁹ and the view that debates about the content of citizenship have had a 'weak presence' in British history,⁶⁰ such work posits a binary divide between legal nationality and true 'belonging'. Kathleen Paul's work traces the inconsistencies of citizenship as a formal, legal, category and 'belonging' as an informal line drawn around an (in her thesis) narrow, ethnically homogeneous national community. This informal understanding ossified into a system of differential 'spheres of nationality' through the state's construction of immigration controls and an associated politics which, in line with racialisation theory, reified ethnic difference as the primary determinant of 'Britishness'.⁶¹ Building upon this idea of a racial distinction between citizenship and belonging, James Hampshire argues that immigration controls were employed explicitly as an aspect of 'demographic governance' (the use by the state of available tools to 'regulate and manage' the quantitative and qualitative aspects of population) that operated, for the large part of the postwar era, against individuals who were legally citizens, but who did not conform to ethnic notions of belonging.⁶² In the context of an increasingly mobile global population, states may regulate or promote inward and outward migration according to demographic imperatives such as ethnicity, age or gender, preferential skills quotas or concerns about health issues, and in postwar Britain, Hampshire claims, these state actions were imbued with the overarching aim of 'prevent[ing] the development of a multiracial society'.⁶³

59 See, Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992).

60 David Ceserani, 'The changing character of citizenship and nationality in Britain', in, David Ceserani, & Mary Fulbrook (eds.), *Citizenship, Nationality and Migration in Europe* (London: Routledge, 1996), pp. 57-73. See also, Eugenia Low, 'The Concept of Citizenship in Twentieth-Century Britain: Analysing Contexts of Development', in, Peter Catterall, Wolfram Kaiser & Ulrike Walton-Jordan (eds.), *Reforming the Constitution: Debates in Twentieth-Century Britain* (London: Frank Cass, 2000), pp. 179-200; Michael Freeden, 'Civil society and the good citizen: Competing conceptions of citizenship in Twentieth-Century Britain', in, Jose Harris (ed.), *Civil Society in British History: Ideas, Identities, Institutions* (Oxford: OUP, 2003), pp. 275-92.

61 Paul, *Whitewashing*, pp. 183-84. Paul claims these spheres established (in the government's eyes) which 'Britons in law were true Britons at heart.'

62 James Hampshire, *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain* (Houndmills: Palgrave Macmillan, 2005), p. 3.

63 *Ibid.*, pp. 3-4. If anything, of course, the fact that a multiracial society did emerge suggests that 'demographic governance' was at best a limited and contingent strategy, constrained by other political factors. For Ian Spencer, the narrow and determined elite concern with limiting immigration actually encouraged temporary migrants to stay in Britain permanently and seek family reunification, ensuring that, while restrictive immigration policy 'ended the possibility that Asian and black Britain could continue to grow significantly from external sources...[it] did so in a manner and over a timescale that enabled multiracialism to become an established and important fact of British life.' See, Spencer, *British Immigration Policy*, p. 155.

Randall Hansen, in seeking actively to debunk racialisation, criticised not only the outcomes of the work of its most enthusiastic advocates, ('[a]t first glance...so simply deterministic as not to merit attention'), but of the research itself, which he characterised as incomplete, unrepresentative and fundamentally flawed in its undeserved 'moral condemnation of British governments'.⁶⁴ Hansen ridicules the notion that, during the 1950s (when pernicious manifestations of anti-immigrant hostility were prevalent and widespread), a 'liberal, xenophile public was talked into racism by elite duplicity'.⁶⁵ The very fact of evident public hostility renders arguments of manipulation by elites 'logically incoherent', and Hansen argues that the public actions of politicians, in seeking to minimise racial controversy, do not accord with the notion of an educative anti-migration campaign.⁶⁶ In largely rejecting an attack upon immigration policy as intentionally discriminatory or racist, however, Hansen accepts the possibility that, by operating most forcefully against migrants from the New Commonwealth, the immigration control system cannot be absolved of the charge that it remained functionally discriminatory.⁶⁷

At the political level with which this thesis is concerned, Hansen rejects the idea of a unifying objective to keep Britain white, and shows a constellation of elite preferences as would be typical of any complex area of policy, with some individuals holding strong opinions, while the majority regarded the immigration issue through the lens of other considerations.⁶⁸ Hansen's argument may be understood as a case of 'responsible issue management', balancing public hostility against other shaping forces acting upon elite decision-making, and responding to the judgement that New Commonwealth migration ought to be controlled.⁶⁹ Following Hansen's lead, this thesis, in returning to the archive, seeks to reconstruct and elucidate these 'constellations' of opinion as they were manifested in policy making through the 1970s in order to reassess the judgement that the politics of immigration remain 'still the same old story' of racially-motivated restrictionism, hidebound by 'the same

64 Hansen, *Citizenship*, pp. 12-13 & p. 253.

65 Ibid., p. 245.

66 Ibid., p. 15.

67 Ibid., pp. 248-50.

68 Ibid., p. 246.

69 Andrew Geddes, *The Politics of Migration and Immigration in Europe* (London: Sage, 2003), p. 32.

mixture of imperial, economic, and demographic imperatives of the late 1940s.⁷⁰

Immigration and consensus

It is virtually axiomatic that democratic polities, deriving their legitimacy from electoral politics, ought to represent public preferences in policy making.⁷¹ In the area of immigration, however, the desirability of a set of policies that simply transfer apparent public hostility to migration into the political sphere, with the possibility that minority rights are dangerously undermined or nativist movements encouraged, is questionable.⁷² For one thing, the general public can easily get the facts of complex policy wrong, and comparative studies of public opinion have suggested widespread and important misconceptions about the scale of arrivals and their purported social effects.⁷³ The conditions of a consensus that seeks to control the terms of debate – as it has been argued existed in Britain – can both reinforce such ill-founded, negative and hostile preconceptions of migrants by limiting the dissemination of knowledge,⁷⁴ and play a part in opening political space for outsider movements by restricting public discussion of the issue.⁷⁵ Moreover, the potential for demagoguery raises the prospect that 'passions rather than reason will motivate the public' in taking against migration.⁷⁶

Thus, while immigration has been categorised as a 'high potential' issue, in that it obviously carried with it significant salience, this potential was unrealised, it has been argued, due to significant intra-party divisions and a consequent inability amongst the electorate to differentiate party positions.⁷⁷ Opinion polls, crude

70 Paul, *Whitewashing*, p. 171.

71 Gary P. Freeman, Randall Hansen & David L. Leal, 'Introduction', in, Gary P. Freeman, Randall Hansen & David L. Leal (eds.), *Immigration and Public Opinion in Liberal Democracies* (London: Routledge, 2013), p. 1.

72 Ibid.

73 Rita J. Simon & James P. Lynch, 'A comparative assessment of public opinion toward immigrants and immigration policies', *International Migration Review*, 33, 2 (1999), pp. 455-67; Rita J. Simon & Keri W. Sikich, 'Public attitudes towards immigrants and immigration policies across seven nations', *International Migration Review*, 41, 4 (2007), pp. 956-62; Donley T. Studlar, 'Waiting for the catastrophe: Race and the Political Agenda', *Patterns of Prejudice*, 19 (1985), pp. 3-15.

74 Sarah Spencer, 'Conclusions and Recommendations', in, idem. (ed.), *Strangers & Citizens*, p. 332.

75 Peter Brimelow, 'Economics of immigration and the course of debate since 1994', in, Carol M. Swain (ed.), *Debating Immigration* (Cambridge: CUP, 2007), pp. 157-65.

76 Freeman et al., 'Introduction', p. 1.

77 David Butler & Donald Stokes, *Political Change in Britain: Forces shaping electoral choice* (1st Edition) (Harmondsworth: Penguin, 1969), pp. 420-25. See also, Shamit Sagar, 'Immigration and the

measures as they may be, have consistently illustrated that, with each turn of the restrictive screw, successive governments have received strong support for immigration control measures, cross-cutting party alignment.⁷⁸ In 1961, while 21 per cent of Britons surveyed supported the maintenance of free entry from the Commonwealth, some 67 per cent wished to see immigration brought under regulatory control through restrictive legislation.⁷⁹ In one summer 1963 poll, 84 per cent of respondents believed too many migrants had already been admitted to Britain.⁸⁰ The 1968 Commonwealth Immigrants Act,⁸¹ while it was decried from many corners of liberal opinion, marshalled overwhelming public support, and this applies equally to the 1971 Immigration Act.⁸² Overall, it has been argued, the British public would have been happier if postwar immigration had simply never happened⁸³ and these patterns of opinion helped inculcate the belief – expressed most clearly within the Conservative Party in the later 1970s – that the only policy the majority of the British public wanted or understood was a complete cessation to immigration.⁸⁴

The practical consequences of limits on public representation, it has been argued, may constitute a politically salient implementation 'gap' between the public preference for restriction, and policy outcomes that permit the continuation or even expansion of immigration.⁸⁵ Alternatively, a combination of the diffuse costs and concentrated benefits of immigration may inculcate a form of client politics, whereby organised lobbying groups from business or migrant communities can influence an

Politics of Public Opinion', *Political Quarterly*, 74 (2003), pp. 178-94.

78 See, Hansen, *Citizenship*, p. 14; Donley T. Studlar, 'Policy Voting in Britain: The Coloured Immigration Issue in the 1965, 1966 and 1970 General Elections', *American Political Science Review*, 72 (1978), pp. 46-64.

79 Cited in, R. A. Butler, *The Art of the Possible: The Memoirs of Lord Butler* (London: Hamish Hamilton, 1971), p. 206.

80 The commensurate figures for 1964 and 1966 were 81 per cent in each. See, Butler & Stokes, *Political Change in Britain*, p. 421.

81 See, Chapter 2.

82 See, Chapter 3.

83 Bo Särilvik & Ivor Crewe, *Decade of Dealignment: The Conservative victory of 1979 and electoral trends in the 1970s* (Cambridge: CUP, 1983), p. 242.

84 See, Chapter 6.

85 Gary P. Freeman, 'Modes of Immigration Politics in Liberal Democracies', *International Migration Review*, 29 (1995), pp. 881-902. On the 'implementation gap', see, James F. Hollifield, *Immigrants, Markets and States: The Political Economy of Postwar Europe* (Cambridge, Mass.: Harvard University Press).

expansive immigration policy in the face of disorganised public opinion, constrained by a lack of information and the unacceptability of anti-immigration arguments.⁸⁶ At the far end of this spectrum, it has been argued, British governing elites have suborned both black and white public opinion in 'a search for some relative autonomy on the issue' that would see the interests of the political centre – insulation from public demands and the transfer of responsibility for race issues from Westminster to 'local politicians, local bureaucrats, and local pressure groups' – satisfied.⁸⁷ While it is not the purpose of this thesis to enter into a quantitative examination of the role public opinion played in the shaping of immigration politics in Britain (which would constitute an entire study in itself), the question of how much these attitudes *ought* to influence policy is germane to an understanding of high politics.

This dispute has been conceptualised in British policy making as the pursuit of an elite 'consensus' on immigration, under the terms of which, Rab Butler characteristically argued, the two party leaderships came together, 'in espousing the twin policies of control and integration, [to] make it more difficult for the candidates of either to exploit colour problems for political advantage'.⁸⁸ Elites therefore *sought* a non-partisan politics on the issue in order both to elide party divisions and to manage and control the salience of the issue within what were perceived to be safe channels, such that the 'potential' of the issue could not be realised by opportunists.

In laying out a detailed periodisation of this consensus, Ira Katznelson identified three interlocking and overlapping phases of race politics in postwar Britain: between 1948 and 1961, a form of 'pre-political consensus', before the notion of race had developed into a discrete political phenomenon, and during which the main parties 'were in substantial agreement if not on what to do at least on what not to do'; between 1958 and 1965, a period of acute competition or 'fundamental debate' between political parties pursuing genuinely differing agendas on the subject,

86 Freeman et al, 'Introduction', p. 1.

87 Jim Bulpitt, 'Continuity, Autonomy and Peripheralisation: The Anatomy of the Centre's Race Statecraft in England', in, Zig Layton-Henry & Paul B. Rich (eds.), *Race, Government and Politics in Britain* (Houndmills: Macmillan, 1986), pp. 17-44. For alternative views, see, Saggar, *Race and Politics*, p. 175; Donley T. Studlar, 'Elite responsiveness or elite autonomy: British immigration policy reconsidered', *Ethnic & Racial Studies*, 3, 2 (1980), pp. 207-23.

88 Butler, *Possible*, p. 207.

motivated largely by differences over immigration control; and, between 1965 and the publication of his book (1973), a subsequent era of 'institutionalized consensus' by which the main political actors tacitly and explicitly agreed to limit discussion and debate, in order 'to depoliticize race once again.'⁸⁹

This scheme was later expanded by Anthony Messina to include a phase of 'repoliticisation' of race, by which the understanding between the main parties was eroded, the division between them broadened such that the policies of the Conservative governments after 1979 failed to attract bipartisan support and, ultimately, that race re-emerged as a partisan electoral issue.⁹⁰ Messina's broadly analogous take on the period of consensus turns on the argument that *intra*-party divisions engendered in the Conservative as well as the Labour parties by race-related issues, plus the persistence of apparently illiberal public sentiment, 'motivated [party] leaders to attempt to extricate race from British politics'.⁹¹ However, this consensus faced attack from within and without the main parties, as extra-parliamentary political movements aligned themselves as 'anti-consensus forces', attacking what Messina presents as an effective elite omerta on race politics.⁹²

Consensus is therefore seen to be at least as much a reactive as a proactive principle. For Messina, it was the very fact that the race issue became acutely political in the late 1950s that the main parties sought to delimit the boundaries of debate on the subject.⁹³ Likewise, for Katznelson, the prelapsarian era of pre-political consensus was ended '[l]argely as a result of the violent racial clashes that erupted in London and Nottingham in the summer of 1958, [as] the issues of race moved from the periphery to the centre of public debate.'⁹⁴ Because of this reactivity, the thesis points towards a difficulty in reconciling public opinion with elite political action: 'it is difficult not to conclude', Messina argues, 'that oligarchy in the Conservative and Labour parties was a serious impediment to meaningful party competition on race-

89 Ira Katznelson, *Black Men, White Cities: Race, Politics and Migration in the United States, 1900-30 and Britain, 1948-68* (London: Oxford University Press for Institute of Race Relations, 1973), pp. 125-26.

90 Anthony M. Messina, *Race and Party Competition in Britain* (Oxford: Clarendon Press, 1989), p. 126.

91 *Ibid.*, p. 21.

92 *Ibid.*, Chapter 5.

93 *Ibid.*, p. 21.

94 Katznelson, *Black Men*, p. 129.

related issues and, hence, to the representation of citizens' interests.⁹⁵ Indeed, public recognition of party political differences remained relatively poor through the period. Although crude characterisations of the Conservatives as 'tough' on immigration (especially after 1968) and the Labour Party as 'soft' were prevalent – views which, as we shall see, were not necessarily related to the parties' actions in government – even by the end of the 1970s, some 40 per cent of Britons thought no party had a better immigration policy than the others, and 30 per cent did not know even of any political disagreement on the subject.⁹⁶

This approach naturally begs the question of what brought the pursuit of bipartisan policy to an end. There are two primary diagnoses. First, that divergence on the issue stemmed from an interaction between shifting electoral circumstances and pressure from within the two main political parties to alter their agendas.⁹⁷ Thus, on the Conservative side, the centralising of anti-immigration attitudes marked by Margaret Thatcher's assumption of the party leadership and, on the Labour side, the efforts of racially liberal individuals in the National Executive Committee (NEC) and the Labour Party Race Action Group (LPRAG), marked the death-knell of consensus.⁹⁸ A second explanation posits that bipartisan policy was fundamentally altered by Enoch Powell's intervention in 1968.⁹⁹ 'The bipartisan consensus, so carefully fostered by the Labour government,' it is argued, 'was destroyed by the success of Powell's campaign' and, although this destruction 'was not immediately noticeable' because a nominal commitment to consensus remained within the Conservative Party leadership, Powell's deeper influence on the direction and tonality of policy was such that the division would henceforth be irredeemable.¹⁰⁰

A third thesis, put forward by Jeanette Money, offers us a useful distinction between depoliticisation and broad consensus.¹⁰¹ Money argues that, far from

95 Messina, *Race*, p. 103 & p. 190.

96 Särilvik & Crewe, *Dealignment*, p. 242. This actually represented a marked increase in public recognition of party difference (from 53 per cent failing to recognise any policy contrast in 1966). See, Butler & Stokes, *Political Change in Britain*, p. 422.

97 Messina, *Race*, pp. 126-27.

98 *Ibid.*, p. 148.

99 See, Chapter 1.

100 Layton-Henry, *Politics of Race*, p. 75.

101 Jeanette Money, *Fences and Neighbors: The Political Geography of Immigration Control* (Ithaca: Cornell UP, 1999), p. 100.

subjection to a conspiracy of silence, 'the [immigration] issue was debated regularly in the cabinet, in Parliament, and in the press'; that, although relatively marginal in their influence, expressions of anti-migrant opinion from within and without party politics, 'were not ignored but balanced by the governments of the day in devising immigration control policies; and that, ultimately, '[i]n comparison to Europe during the same time frame, immigration issues in Britain seem highly politicized.'¹⁰² Although the issue was governed within a bipartisan framework, Money argues, this was not indicative of an approach that denied the political validity of immigration *per se*. This approach is convincing insofar as it points towards the tensions and awkward political bargaining inherent in attempts to address race and immigration, and it invites us to look more deeply at why these issues persisted as political catalysts.

Indeed, despite its ubiquity, the idea of consensus as an underlying principle of postwar politics has developed into a somewhat disputed term in the academic lexicon. It was argued at the time that, despite policy confluences, there remained a gap between the parties in their 'conceptions of human nature, society and the state' such that, when obliged to support similar policies, the Conservatives and Labour did so for often contrasting reasons.¹⁰³ This has since been amplified into a re-examination of the postwar settlement which emphasises the continued role of ideological difference after 1945 and a questioning of the assumptions behind what was labelled 'Butskellism'.¹⁰⁴ At its most acute, this critique has been expanded into a rejection of 'consensus' as an intertextual product of the scholarly imagination.¹⁰⁵ Subsequent defences of the idea have offered a more limited, elite-focused set of agreements that framed postwar political debate around certain acceptable parameters, while permitting the continued existence of ideological and party

102Ibid.

103James B. Christoph, 'Consensus and Cleavage in British Political Ideology', *American Political Science Review*, 59, 3 (1965), p. 638.

104See, for example, Michael Freeden, 'The Stranger at the Feast: Ideology and Policy in Twentieth Century Britain', *Twentieth Century British History*, 1, 1 (1990), pp. 9-34; Neil Rollings, 'Poor Mr. Butskell: A short life, wrecked by schizophrenia?', *Twentieth Century British History*, 5, 2 (1994), pp. 183-205; Harriet Jones & Michael Kandiah (eds.), *The Myth of Consensus: New views on British History, 1945-64* (Houndmills: Macmillan, 1996); Dennis Kavanagh, 'Whatever happened to consensus politics?', *Political Studies*, 33, 4 (1985), pp. 529-46; E. H. H. Green, *Ideologies of Conservatism: Conservative Political Ideas in the Twentieth Century* (Oxford: OUP, 2002), Chapter 8.

105James D. Marlow, *Questioning the Post-War Consensus Thesis* (Aldershot: Avebury, 1996); see also, Kevin Hickson, *The IMF Crisis of 1976 and British Politics* (London: I. B. Tauris, 2005), p. 27.

divergence.¹⁰⁶ In questioning consensus as an organised system, Stephen Brooke argues for a conception of bipartisan policy agendas as 'not a linear development but a series of erratic blips, occasions when the paths of the competing parties crossed, rather than a constant narrowing of parallel lines.'¹⁰⁷ The consensus we can observe in immigration issues, while difficult to fit into a standard typology, conforms more clearly to this latter category of elite-negotiated debate parameters in discrete policy areas where political objectives could converge (in this case, minimising controversy).

The rejection of consensual politics as a whole is a familiar trope in the history of the 1970s. The failures of economic management (unemployment, inflation) and the apparent collapse of social democratic forms of representation (corporatism, leading to over-mighty unions and sectional interests), it was argued, had undermined the authority of successive governments to the detriment of the nation.¹⁰⁸ It is argued that Thatcherite politics utilised these alleged failings to its own ideological ends, such that, even if we accept the criticisms of the substance of consensus in the literature, we are left with the possibility that the *myth* of consensus could be as valuable as the reality; that '[t]he *idea* of consensus, as constructed by Thatcherism, was crucial to the whole Thatcherite project'.¹⁰⁹ The repudiation of consensus on these terms was a repudiation of its elitism and 'high mindedness' on subjects of public concern.¹¹⁰ Moreover, 'New Right' politics, it has been argued, was animated by a stronger conception of racial issues, and an underlying concern with the character of the nation that could influence policy outcomes towards migration issues.¹¹¹

106See, Hickson, *IMF Crisis*, pp. 29-30.

107Stephen Brooke, *Labour's War: The Labour Party During the Second World War* (Oxford: Clarendon, 1992), p. 342.

108Andrew Gamble, *The Free Economy and the Strong State: The Politics of Thatcherism* (Houndmills: Macmillan, 1988), p. 28.

109Green, *Ideologies*, pp. 238-39 [emphasis added]; Jones & Kandiah, *Myth of Consensus*. Indeed, it has been argued that the economic struts of the postwar settlement had been broken much earlier in the decade. See, Samuel Brittan, 'The Thatcher Government's Economic Policy', in, Dennis Kavanagh and Anthony Seldon (eds.), *The Thatcher Effect: A Decade of Change* (Oxford: Clarendon Press, 1989), p. 5

110As argued by, Dennis Kavanagh, *Thatcherism and British Politics: The End of Consensus?* (Oxford: OUP, 1987).

111Mark Mitchell and Dave Russell, 'Race, the New Right and State Policy in Britain', in, Kushner & Lunn (eds.), *Politics of Marginality*, pp. 175-90; Bhikhu Parekh, 'The "New Right" and the Politics of Nationhood', in, G. Cohen et al (eds.), *The New Right: Image and Reality* (London: Runnymede Trust, 1986), pp. 33-45; Philip Lynch, *The Politics of Nationhood: Sovereignty, Britishness and Conservative Politics*

In some respects, immigration 'consensus' reproduced the patrician bipartisanship Nicholas Owen highlights in discussions of decolonisation – that it was 'the work of statesmen, not party politicians'.¹¹² In this context, bipartisanship on immigration seemed to encapsulate everything wrong with the postwar settlement at its broadest, managing political debate in the interests of government and at the expense of the public through an agreement over what would be excluded from the policy agenda.¹¹³ However, if we take immigration consensus as a 'blip' rather than an expression of any more profound sense of political agreement between the parties, the rejection of inter-party agreement may take on a different significance as an expression of power relationships in the negotiation of policy preference within the main parties or, indeed, governments themselves.¹¹⁴ As Mark Pitchford has recently shown, the postwar Conservative Party 'consistently blocked the extreme right' both in the form of fascist parties and internal factions (the Monday Club in particular) from directly influencing immigration and race policy by promoting more progressive groups and indirectly adopting some right wing themes.¹¹⁵ This analysis, too, points towards the importance of centralising anti-immigration arguments as a prerequisite to the collapse of the idea of non-partisan politics.¹¹⁶

Anti-consensual critiques – at times made by those pushed to the fringes of the Conservative Party by this management strategy – as we shall see, were certainly couched in the language of public engagement and elite responsiveness, and discovering more about how these sentiments may have been internalised by party political elites, or transferred into policy making, is one of the objects of this thesis.

(Houndmills: Macmillan, 1999).

112 Nicholas Owen, 'Decolonisation and postwar consensus', in, Harriet Jones & Michael Kandiah (eds.), *The Myth of Consensus: New views on British History, 1945-64* (Houndmills: Macmillan, 1996), pp. 175-76.

113 For a discussion of this 'negative' perception of consensus politics, see, Dennis Kavanagh, 'The Postwar Consensus', *Twentieth Century British History*, 3, 2 (1992), p. 177. Kavanagh does not argue that this represents an accurate picture of consensus as a whole, only that it was presented as such by its opponents.

114 The notion of conflict between 'populists' and 'progressives' on the issue is examined in, Juliet Edmonds & Robert Behrens, 'Kippers, Kittens and Kipper-Boxes: Conservative Populists and Race Relations', *Political Quarterly*, 52, 3 (1981), pp. 342-48.

115 Mark Pitchford, *The Conservative Party and the Extreme Right, 1945-75* (Manchester: MUP, 2011), p. 226.

116 On the centralisation of populism, see, Stuart Hall, 'The Great Moving Right Show', in, Stuart Hall & Martin Jacques (eds.), *The Politics of Thatcherism* (London: Lawrence and Wishart, 1983), pp. 19-39.

While 'populism' (understood to mean 'the belief that the majority opinion of the people is checked by an elitist minority') has not been a particularly dominant force in postwar British politics,¹¹⁷ as the 1970s wore on, and immigration remained a controversial aspect of public politics, the increasing influence of such arguments permitted the development, by ambitious Thatcherite MPs¹¹⁸ and traditionalist intellectuals,¹¹⁹ of a recombinant strand of Conservative argument: that the party must reach out more effectively to frustrated mass opinion.¹²⁰ On immigration issues, this amounted to the overturning of a consensus seen by its opponents as part of a pernicious 'dictatorship of virtue',¹²¹ and arguments for a populist policy agenda that placed a premium on public 'anxieties' engendered by the inability to effectively regulate inward migration and the hypocrisies of a distant political class.

These critiques did not, however, necessarily amount to the death knell of immigration consensus. While bipartisanship was originally conceived to maintain a degree of Westminster control over the terms of the debate, it was drawn sufficiently broadly to permit of a significant flexibility. The definitions of the terms, 'control' and 'integration', were under-developed and open to successive re-interpretation. Looked at this way, with an acceptance of a degree of continuing politicisation of the issue, immigration may fit more comfortably into a typology of consensus that emphasises the capacity of elites to frame debates without denying the possibility of differing political influences. Thus, while its death as a useful guide of policy was proclaimed as early as 1975,¹²² the consensual principle retained a degree of purchase until well after the end of that decade.¹²³ Indeed, as Jim Tomlinson has argued, when

117Geoffrey K. Fry, 'Parliament and "Morality": Thatcher, Powell and Populism', *Contemporary British History*, 12, 1 (1998), pp. 139-47; Margaret Canovan, *Populism* (New York: Harcourt Brace Jovanovich, 1981).

118 Jonathan Aitken and Nigel Lawson are significant examples.

119Maurice Cowling (ed.), *Conservative Essays* (London: Cassell, 1978); Mark Garnett & Kevin Hickson, *Conservative Thinkers: The key contributors to the political thought of the modern Conservative Party* (Manchester: MUP, 2009), Chapter 7.

120On earlier anxieties about the Conservative electoral constituency, see, E. H. H. Green, 'The Conservative Party, the state and the electorate, 1945-64', in, Jon Lawrence & Miles Taylor (eds.), *Party, State and Society: Electoral Behaviour in Britain since 1820* (Aldershot: Scholar Press, 1997), pp. 177-200.

121Kenneth Minogue, 'Introduction', in, Patrick West, *The Poverty of Multiculturalism* (London: Civitas, 2005), pp. vii-xvi.

122Robert Moore & Tina Wallace, *Slamming The Door: The Administration of Immigration Control* (London: Martin Robertson, 1975), p. 107.

123See, for example, then Home Secretary Michael Howard's assertion, commending the Second

dealing with the consequences of the anti-consensual movements of the 1970s, 'we should not conflate the trajectory of policy, with its wide range of determinants, with that of doctrine which has its own peculiar dynamics.'¹²⁴ The purpose in re-examining the notion of consensus and bipartisanship within governing elites, then, is to investigate that policy trajectory, rather than to seek to reconstruct the dynamics of doctrinal development.

Immigration and policy making

Rodney Lowe argues that it is essential to understand the 'distribution of power and responsibilities' within government if archival research is to provide us with valuable insights.¹²⁵ The Cabinet, the prime minister, individual ministers and the civil service (and within that, individual departments) vie for position in a research project founded on governmental archives. This thesis is primarily concerned with the Home Office and the Foreign Office, who both exercised influence over questions of migration policy in the postwar era.¹²⁶ This crossover of bailiwicks sometimes resulted in institutional conflict, which it is possible to reconstruct through archival research. In taking a descriptive, rather than explicitly theoretical approach, the thesis examines these issues within the context of the broader political process, including interactions between civil servants, between officials and ministers, and between and within party leaderships.

The relationships between ministers (as nominal decision makers) and officials (as nominal policy advisers) are highly significant. As Peter Hennessy has noted, ministerial memoirs, especially those since the 1970s have occasionally read 'like

Reading of the Asylum and Immigration Bill to the House in 1995: 'This country has a proud record on good race relations. I am determined to do everything that I can to maintain that record. *Firm control of immigration is vital to achieve that objective.*' *Parliamentary Debates (Commons)*, vol. 268, col. 711, 11 December 1995 [emphasis added]; Sarah Spencer, 'The impact of immigration policy on race relations', in, Tessa Blackstone, Bhikhu Parekh & Peter Sanders (eds.), *Race Relations in Britain: A developing agenda* (London: Routledge, 1998), p. 74.

124 Jim Tomlinson, 'Tale of a death exaggerated: How Keynesian policies survived the 1970s', *Contemporary British History*, 21, 4 (2007), p. 430.

125 Rodney Lowe, 'Plumbing New Depths: Contemporary Historians and the Public Record Office', *Twentieth Century British History*, 8, 2 (1997), p. 255.

126 While the Home Office held ultimate responsibility for immigration and race relations policy, the Foreign Office maintained a Migration and Visa Department and a Nationality and Treaty Department throughout the 1970s, both of which took periodically active roles in policy debates.

submissions in a divorce case – “hamstrung by my officials”, “Whitehall applied the civil service veto”.¹²⁷ Indeed, complaints about obstruction of ministerial priorities by civil service thinking or operating procedures may certainly be found. For example, as Richard Crossman noted of the prevalence of official committees (policy committees, populated by civil servants, which mirror the agenda of ministerial Cabinet committees¹²⁸), ‘very often the whole job is pre-cooked in the official committee to a point from which it is extremely difficult to reach any other conclusion than that already determined by the officials in advance.’¹²⁹ Civil servants are thereby seen as imposing their received departmental views to the extent that ministerial options are closed down rather than opened up.¹³⁰

In reality, ministers and officials are inter-dependent. The expansion of government responsibilities in the postwar era and the increasing size and bureaucracy of the departments under their control (let alone the other aspects of ministerial work) mean ministers could not hope to know about or control everything that occurs in their department.¹³¹ Further, their lack of policy expertise results in a heavy reliance upon civil servants for ‘the transformation of policy goals into realistic plans’.¹³² Indeed, the majority of policy making happens within departments, where civil servants may take decisions highly relevant to policy independently of ministerial oversight.¹³³ While this is a truism of government, we can observe a balance of influence over time. As John Garrett argued, the two notably radical

127Peter Hennessy, *Whitehall* (London: Secker & Warburg, 1989), p. 485. This is in contrast to what Hennessy sees as the ‘team’ view of government in the late-1940s, with ministers and officials working more harmoniously (p. 137).

128The significance of official committees in immigration policy making has been highlighted before. See, Kunihiro Wakamatsu, ‘The Role of Civil Servants in the Formulation of Policy: An Analysis of the Policy Process on Commonwealth Immigration from 1948 to 1964’, (PhD Thesis, University of Warwick, 1998).

129Richard Crossman, *The Diaries of a Cabinet Minister, Volume One: Minister of Housing, 1964-66* (London: Hamish Hamilton and Jonathan Cape, 1976), p. 198. It has been argued, however, that Crossman’s irritation at official obstructionism was a consequence of his inexperience as a minister and his lack of knowledge of the Whitehall system. See, Kevin Theakston, *The Labour Party and Whitehall* (London: Routledge, 1992), p. 35.

130Brian Sedgmore, *The Secret Constitution: Analysis of the Political Establishment* (London: Hodder & Stoughton, 1980), p. 27.

131On ministerial ‘overload’, see, Hennessy, *Whitehall*, pp. 323-25.

132Gavin Drewry & Tony Butcher, *The Civil Service Today* (Oxford: Blackwell, 1991), pp. 154-61.

133Martin J. Smith, David Marsh and David Richards, ‘Central Government Departments and the Policy Process’, in, R. A. W. Rhodes & Patrick Dunleavy (eds.), *Prime Minister, Cabinet and Core Executive* (Houndmills: Macmillan, 1995) p. 60; Keith M. Dowding, *The Civil Service* (London: Routledge, 1995), p. 113.

governments of the postwar era – the Attlee and Thatcher administrations – successfully implemented their programmes while reducing the role of the civil service 'to the position of taking orders or executing decisions which had been taken by a Government.' During the 1950s, 1960s and 1970s, by contrast, the civil service managed 'a relatively stable political picture', with ministers operating within 'agendas fixed by their departments.'¹³⁴ While this agenda-setting (and the so-called 'departmental view') has been attacked by politicians who feel they have fallen foul of the 'civil service veto',¹³⁵ it has also been suggested that officials' sense of departmental self-interest results in a preference for a minister with a stronger character, and an ability to take decisions, as their representative to Cabinet.¹³⁶ These tensions periodically surfaced throughout the period and affected policy making.

Equally, relations between ministers and between Cabinet members and the Prime Minister provide important subject matter. Prime Ministers have the capacity to intervene in any policy area in that they have collective oversight,¹³⁷ and, as we shall see, successive premiers have made decisive interventions on migration issues. The establishment of the Policy Unit within Downing Street in 1974 offered systematic policy advice to the Prime Minister independent of the civil service, informed by policy expertise, access to official and ministerial committees and a 'strong political awareness'.¹³⁸ For Bernard Donoughue, who led the Unit until 1979, its most important outcome was that it 'increased the Prime Minister's capacity for effective intervention in other Ministers' policy areas', where willpower alone was not

134Treasury and Civil Service Committee, *The Role of the Civil Service: Interim Report*, HC 390, 1992-93, para. 286-87, quoted in, Kevin Theakston, *The Civil Service Since 1945* (Oxford: Blackwell, 1995), p. 3.

135As Tony Benn had it, 'they are always trying to steer incoming governments back to the policy of the outgoing government, minus the mistakes that the civil service thought the outgoing government made.' Quoted in, Hugo Young & Anne Sloman (eds.), *No Minister* (London: BBC Books, 1982), p. 20.

136Hugh Hecló & Aaron Wildavsky, *Private Government of Public Money: Community and Policy Inside British Governments* (Houndmills: Macmillan, 1974), p. 132. Indeed, ministers can – and do – overrule official advice, even if this may lead to some protracted conflict. See, Simon James, *British Cabinet Government* (2nd Edition) (London: Routledge, 1999), pp. 41-2.

137Martin J. Smith, 'Prime Ministers, Ministers and Civil Servants in the Core Executive', in, R. A. W. Rhodes (ed.), *Transforming British Government, Volume 1: Changing Institutions* (Houndmills: Palgrave Macmillan, 2000), p. 33

138Bernard Donoughue, *Prime Minister: The Conduct of Policy under Harold Wilson & James Callaghan* (London: Jonathan Cape, 1987), pp. 20-3.

enough.¹³⁹ This expertise and awareness, especially in the later 1970s, could be turned on controversial immigration issues in ways that undercut the power of departments (and the Home Secretary) to make policy.

Extending beyond these formal bureaucratic relationships, policy network theory has conceptualised policy making as the pluralistic and informal negotiation of power resources between interested actors.¹⁴⁰ In certain areas of policy, governments may be comparatively open to influence from outside Westminster and Whitehall, with a broad and inclusive policy network that encompasses many actors;¹⁴¹ in others, the policy network may be comparatively closed, with only trusted 'insider' groups granted access to power.¹⁴² We have already seen the notion of 'client politics' as a shaping force, but such theories are not entirely effective at explaining the specificities of British immigration policy.¹⁴³ As several institutional analyses have observed, the prevailing British political culture, effective party discipline and long-held constitutional norms of parliamentary sovereignty, have effectively underwritten the ability of governments to make restrictive immigration laws comparatively free from hindrance.¹⁴⁴

Although non-governmental organisations representing the interests of migrants to Britain have a long history, their activities often focused upon practical welfare issues or, increasingly, combating societal racism,¹⁴⁵ and their ability to secure access to the formal policy process has been partial.¹⁴⁶ Moreover, the notion of what

139Ibid., p. 24.

140See, David Marsh & R. A. W. Rhodes (eds.), *Policy Networks in British Government* (Oxford: Clarendon, 1992).

141For a summary of Rhodes' model of these networks, see, R. A. W. Rhodes, 'From Prime Ministerial Power to Core Executive', in, Rhodes & Dunleavy (eds.), *Prime Minister, Cabinet and Core Executive*, p. 30.

142J. J. Richardson & A. G. Jordan, *Governing Under Pressure: The Policy Process in a Post-Parliamentary Democracy* (Oxford: Blackwell, 1979)

143Gary P. Freeman, 'Britain: The Deviant Case', in, W. A. Cornelius, P. L. Martin and J. F. Hollifield (eds.), *Controlling Immigration: A Global Perspective* (1st Edition) (Stanford: Stanford University Press, 1994), pp. 297-300.

144Hansen, *Citizenship*, pp. 26-7; Christian Joppke, *Immigration and the Nation State: The United States, Germany and Great Britain* (Oxford: Oxford University Press, 1999), p. 18; Geddes, *Politics of Migration*, pp. 2-3.

145Matthew Hilton, Nick Crowson, Jean-Francois Mouhot & James MacKay, *A Historical Guide to NGOs in Britain: Charities, Civil Society and the Voluntary Sector since 1945* (Houndmills: Macmillan, 2012), pp. 73-5; Colin Holmes, 'Violence and Race Relations in Britain, 1953-1968', *Phylon*, 26, 2 (1975), pp. 113-24.

146I discussed this point with a former Home Office official who said that the main distinction was between immigration policy and casework. On the latter, migrant campaign groups were able to

is an 'insider' and what an 'outsider' group may fluctuate and, as a study of Amnesty International's interactions with the Foreign Office (inclusive) and the Home Office (exclusive) has suggested, this judgement may differ across Whitehall.¹⁴⁷ So, for example, while the Joint Council for the Welfare of Immigrants (JCWI), one of the main umbrella bodies for migrants' interests, presented research evidence to the Select Committee on Race Relations and Immigration (SCORRI) in 1969, this was met with Home Office arguments that the need for 'outside voluntary bodies' to devise or implement policy was 'exaggerated'.¹⁴⁸ Nor did labour market requirements systematically shape policy, and the postwar era was not marked by liberalisation of controls in the interests of business.¹⁴⁹ The judicial system, too, has been highlighted as a key institutional strut of British restrictionism, operating as it did under the stricture that 'the courts should not limit the freedom of action of the sovereign Parliament',¹⁵⁰ and this has been presented in contradistinction to the role of more interventionist judiciaries in opening up migration schemes against political imperatives.¹⁵¹

None of this is to suggest that there were no other factors influencing policy than elite preferences, but it does point up the need to empirically examine what these influences were, and this is the ultimate value of archival research. Whether we accept the idea of state autonomy or of a restricted policy network, there did exist a remarkable continuity of policy across the period, and the purpose of examining government archives on the subject is to reconstruct the debates that lay behind this

exercise influence; on the former, they largely were not. Confidential interview with former Home Office official, September 2012.

147Lars Christiansen & Keith Dowding, 'Pluralism or State Autonomy? The Case of Amnesty International (British Section): Insider/Outsider Group', *Political Studies*, 42 (1994), pp. 15-24.

148David Winnick Papers, Hull History Centre (HHC), DMW/41, 'Commonwealth Immigration: Advice for Dependants Overseas', Report by Sir Derek Hilton, 15 September 1969, para. 34. The JCWI noted with some displeasure the label 'outsider'. See, HHC, DMW/41, 'Commonwealth Immigration: Advice for Dependants Overseas', JCWI, 21 October 1969, p. 4.

149Dudley Baines, 'Immigration and the labour market', in, Nicholas Crafts, Ian Gazeley and Pat Thane (eds.), *Work and Pay in 20th Century Britain* (Oxford: OUP, 2007), p. 348. For some tentative conclusions about the economic effects of immigration on the British labour force (that it, in the main, has no discernible effect upon aggregate employment, participation, unemployment or wages), see, Christian Dustmann, Francesca Fabbri and Ian Preston, 'The impact of immigration on the British labour market', *The Economic Journal*, 115 (2005), pp. 324-41.

150David Marquand, *The Unprincipled Society: New Demands and Old Politics* (London: Fontana, 1988), p. 10.

151Hansen, *Citizenship*, p. 25; Virginie Guiraudon, 'Citizenship Rights for Non-Citizens: France, Germany and the Netherlands', in, Joppke, *Challenge*, pp. 272-318.

continuity. As Lowe argued, such research may show us policy initiatives that were unsuccessful, blocked or abandoned, and illustrate important changes in policy emphasis or content during drafting.¹⁵² Equally, studying party archives illustrates the development of policy in opposition – where parties have comparatively few resources, but may act under the influence of more explicit political imperatives – to illustrate problems of implementation, and provide a more balanced view of the role of the civil service in shaping overall policy outcomes.

Aims and methodology

We can summarise the aims of the thesis as follows:

1. To examine the significance of the New Commonwealth immigration issue to British political elites through an investigation into policy making on immigration control, race relations legislation and nationality law between 1968 and 1981.
2. Within this remit, to examine the fate of political bipartisanship on one particular and controversial set of issues, through a period during which 'consensus' politics faced significant challenges.
3. To provide a greater understanding of British immigration politics in a period which has not yet been fully studied through archival research.

In pursuit of these goals, I shall argue that the period after 1968 may productively be divided into two phases: the first, a form of managerialism that sought to incorporate what was perceived as the judgement of public opinion (that immigration controls must be tightened), to remove controversial issues from the political sphere, and to adopt a strict but fair policy position founded upon the national interest; the second, a form of populism that sought to couch anti-immigration arguments in terms of democratic legitimacy and governing competence, and to elevate what were presented as prevalent public 'anxieties' into the realm of policy making.

This thesis, then, is primarily about the interactions between Westminster

¹⁵²Lowe, 'Plumbing new depths', p. 254.

government, Whitehall administration and party elites. As Rod Rhodes points out, there are many sources of data available to us in seeking to study high politics: Hansard; official publications; media reports; memoirs, autobiographies and diaries; interviews; and Cabinet papers.¹⁵³ I have made use of each of these, supplementing archival research (with its inevitable lacunae) with interviews,¹⁵⁴ the study of party and private papers, and several requests under the Freedom of Information Act 2000 concerning files as yet unreleased under the thirty year rule.¹⁵⁵

There is nothing novel in such a methodology – it is the same approach as adopted by three other principle recent studies of the subject as a facet of high politics.¹⁵⁶ However, Panikos Panayi has recently criticised the 'high political' approach to the immigration question as lacking a degree of insight, or even curiosity, about the motivations of individual migrants. Whilst acknowledging such an administrative-political approach as a basic necessity,¹⁵⁷ Panayi criticises its authors as lacking in perspective, taking postwar immigration as too discrete a phenomenon and failing to appreciate the significance of cross border flows to earlier governments in earlier decades.¹⁵⁸ These restatements of 'Sheffield school' priorities are perfectly valid criticisms and they are well made by Panayi, who has done much to further the understanding of migrants and migration in British history.¹⁵⁹

At a different methodological level, Tony Kushner & Katharine Knox have

153R. A. W. Rhodes, 'From Prime Ministerial Power' to Core Executive', in, Rhodes & Dunleavy (eds.), *Prime Minister, Cabinet and Core Executive*, p. 32.

154In addition to the inevitable passage of time removing potential interview subjects, I experienced some reluctance among political actors now in the Lords to agree to interview, and the availability and willingness of subjects has naturally limited the utility of interviews as a methodological strut of this thesis.

155In instances where these were accepted, I was provided with brief summaries of file contents rather than substantive evidence. For this reason, I have regarded the material gleaned in this manner only as supplementary to the information-gathering process and at no point do I draw otherwise unsupported conclusions from it. Where I have cited these in the text, I have made clear the provenance of the information.

156Hansen, *Citizenship*; Paul, *Whitewashing*; Spencer, *British Immigration Policy*.

157This view is also taken – in a more qualified way – by Colin Holmes, who acknowledges, for example, that the pressures in official circles surrounding the passage of the 1962 Act is 'one occasion when access to government files...would be of great assistance.' See, Holmes, *Tolerant Country?*, p. 56.

158Panikos Panayi, *A Immigration History of Britain: Multicultural Racism since 1800* (London: Pearson, 2010), pp. 45-6.

159See, for example, Panikos Panayi, *Immigration, Ethnicity and Racism in Britain, 1815-1945* (Manchester: Manchester UP, 1994); idem., *Spicing Up Britain: The Multicultural History of British Food* (London: Reaktion, 2008).

illustrated the value of case studies in understanding 'interdependent and inseparable' global, national and local histories, and in restoring the 'humanity' of refugees and migrants often defined solely by these labels.¹⁶⁰ This may be highly productive in migration studies, since it transposes the nature of migration itself as a local and national political issue.¹⁶¹ Likewise, Kushner has more recently offered a view of the state of public hostility to migrants and minorities that, by mining the Mass Observation archives, takes seriously the question of public attitudes beyond opinion polls and elections, and that aims to understand the interstices between politics, ethnic difference and culture.¹⁶² Indeed, in the context of a developing strand of postwar political history so concerned with culture and the consumption of politics,¹⁶³ this thesis may seem a shade anachronistic in its focus upon the core executive and the production of politics.

Yet despite these criticisms, there remains room for historical analyses of policy formation in the gamut of immigration and race studies, crowded though it may be, providing we acknowledge its limitations. This is especially true of the decade under examination in this thesis, since a documentary review of government in the 1970s – when the issue of New Commonwealth immigration was certainly controversial – has only in the past few years become a possibility, and this offers an opportunity to bring new evidence to bear on one element of migration to Britain: the making of policy. Unquestionably, however, such an approach relies on elite perceptions of immigration, leaving migrants themselves as largely silent protagonists, and this is to be regretted. It is a view, nevertheless, that we find frequently in government archives of the period, where the homogenising effects of administration can depersonalise migration into an 'issue' marked for management. It is to this issue that I shall now turn.

160 Tony Kushner & Katharine Knox, *Refugees in an Age of Genocide* (London: Frank Cass, 1999), p. 1.

161 See, for example, Daniel J. Hopkins, 'National Debates, Local Responses: The Origins of Local Concern about Immigration in Britain and the United States', *British Journal of Political Science*, 41, 3 (2010), pp. 499-524

162 Tony Kushner, *We Europeans? Mass Observation, 'Race' and British Identity in the Twentieth-Century* (Aldershot: Ashgate, 2004); Tony Kushner, 'The Spice of Life? Ethnic Difference, Politics and Culture in Modern Britain', in Ceserani & Fulbrook (eds.) *Citizenship, Nationality and Migration*, pp. 125-145.

163 For an excellent example of such an approach, see, Lawrence Black, *Redefining British Politics: Culture, Consumerism and Participation, 1954-70* (Houndmills: Palgrave Macmillan, 2010).

Chapter One

Background

In this opening chapter, I offer a brief overview of events salient to the thesis, reaching back to 1964 and encapsulating the period covered by the detailed comments, which begin in chapter 2. This is offered to provide context to the subsequent chapters, which focus upon elite debates over the making of policy.

Implementing bipartisanship

The idea of removing immigration from the sphere of politics was powerfully shaped by events at the 1964 general election. At Smethwick in the West Midlands, Conservative candidate Peter Griffiths' unseating of Foreign-Secretary-designate Patrick Gordon Walker has become infamous because of the unabashedly racist language and imagery surrounding – if not emanating from the centre of – his campaign, the most notorious being the slogan, 'If you want a nigger neighbour, vote Labour'.¹ Griffiths was able to tap into an ongoing local (and regional) grassroots campaign against migration and it seems likely that this campaign – parallel to Griffiths' official platform, but very much sympathetic to his election – may have been the source of the most pernicious racist material.² Griffiths claimed to see anti-immigrant sentiments as valid manifestations of the broader public will, and painted Gordon Walker as an elitist, out of touch with the people of Smethwick.³ This all placed an unbearable pressure on the already eroding relations between Smethwick and Labour, which Gordon Walker could find no political means of arresting,⁴ and

1 *The Times*, 'Racial slogans reappear', 7 October 1964, p. 15.

2 On the influence of outside bodies on the campaign – and Griffiths' denial of them – see, Paul Foot, *Immigration and Race Relations in British Politics* (Harmondsworth: Penguin, 1965), p. 49.

3 His exact words were, on the topic of the most infamous slogan, 'I would not condemn anyone who said that. I regard it as a manifestation of popular feeling.' Quoted in, Foot, *Immigration and Race*, p. 44. For his part, Gordon Walker sought to portray Griffiths as a lone crank and a man out of touch with his party, 'fighting this campaign all on his own'. See, *The Times*, 'The bad name of Smethwick', 8 October 1964, p. 17.

4 In Iain Macleod's view, 'Gordon Walker caused his own defeat by his own cowardice' in failing to

Griffiths took the seat on a 7.5 per cent swing to the Conservatives.⁵

In the House, Wilson angrily decried the 'utterly squalid campaign of the Smethwick Conservatives' and, in a surprisingly *ad hominem* attack, said that Griffiths, 'until a further General Election restores him to oblivion, will serve his term here as a Parliamentary leper'.⁶ In many respects, however, this remained a rather hollow attack against an unpopular and weak target, that was part sop to party members shocked at the incursion of race (and, on its back, the Conservative Party) into areas previously stalwart Labour, and part distraction from the reversal of the party's principled opposition to the institution of controls – a mollifying effort to shore up back bench support for the quiet acceptance of unilateral legislative restriction.⁷

Indeed, the association of the Labour Party with somewhat progressive racial values was undoubtedly rooted in Hugh Gaitskell's strident opposition to the Commonwealth Immigrants Act two years previously,⁸ and Gordon Walker, too, had spoken out against the measure.⁹ In their 1964 manifesto, the Labour Party had accepted that immigration 'must be limited' and that, until a more equitable deal could be struck in consultation with the Commonwealth, the existing system would be retained.¹⁰ This new commitment to immigration control was balanced against a promise to legislate against racial discrimination in public places, and to provide

tackle head-on the racial elements of Griffiths' campaign. See, Edward Boyle Papers, MS 660/24086/1, Letter from Iain Macleod to Edward Boyle, 16 November 1964.

5 The national figure was a 3.2 per cent swing towards Labour.

6 *Parliamentary Debates (Commons)* vol. 701, col. 71, 3 November 1964. I mean here that the attack was 'surprisingly *ad hominem*' in the context of the gentlemanly conventions of Parliament, not that the Prime Minister was speaking candidly off-the-cuff. Wilson had planned his remarks and stoked the atmosphere within the House in preparation by referring to Gordon Walker's absence. In the words of one biographer, he 'relished the [resulting] furore'. See, Ben Pimlott, *Harold Wilson* (London: Harper Collins, 1992), p. 355.

7 Pimlott, *Wilson*, p. 355. In Crossman's opinion, the attack was designed to illustrate the gulf between those in the Conservative Party, like Edward Boyle and Iain Macleod, who were appalled at the behaviour of Griffiths and Alec Douglas-Home who, as leader, refused to disown him. See, Crossman, *Diaries vol. 1*, p. 46 (3 November 1964). Douglas-Home makes no mention of the episode in his memoir – perhaps he regarded Wilson's response as a manifestation of the 'slick [political] knockabout' at which he felt so uncomfortable, but at which Wilson excelled. See, Lord Home, *The Way The Wind Blows: An Autobiography* (London: Collins, 1976), p. 217.

8 Gaitskell claimed that the government had, instead of seeking to address problems of integration and intolerance through education, 'yielded to the cruellest clamour, "Keep them out"'. *Parliamentary Debates (Commons)*, vol. 649, col. 801, 16 November 1961.

9 In the House, Gordon Walker decried the 'ramshackle monstrosity' of the 1961 Bill. *Parliamentary Debates (Commons)*, vol. 649, col. 706, 16 November 1961.

10 F. W. S. Craig, *British General Election Manifestos, 1959-1987* (Aldershot: Dartmouth, 1990), p. 56.

assistance for areas where substantial numbers of migrants had settled.¹¹ These found expression in policy restricting public manifestations of discrimination, in the form of the 1965 Race Relations Act, and new restrictions on unskilled migrants, published in the 1965 White Paper, *Immigration from the Commonwealth* (Cmnd. 2739).

These measures were offered in a conciliatory spirit, as an expression of political bipartisanship,¹² and Home Secretary Frank Soskice offered a public-opinion-centred justification for the integration of anti-discrimination law and immigration control: 'the extension of control as the acceptance of its ultimate verdict, and the introduction of positive legislation to affect its content and check its most extreme manifestations.'¹³ Indeed, he had argued that at the centre of this dualistic political philosophy lay the desire simply to 'allay the public's fears' on the subject.¹⁴ A more pessimistic note was struck by Crossman, who confided to his diary his belief that '[e]ver since the Smethwick election it has been quite clear that immigration can be the greatest potential vote-loser for the Labour Party if we are seen to be permitting a flood of immigrants to come in and blight the central areas in all our cities.'¹⁵ This fear of electoral consequences was certainly a potent one, and underlay the offer of bipartisanship as effectively a limiting measure.

For the Conservatives, the issue of the Smethwick election, while hardly welcomed, initially provoked little more than ambiguity. The party examined the idea of using immigration as a political issue, drawing up proposals demanding the repatriation of illegal migrants and further restriction on entry, and offering no resistance to the introduction of a Private Member's Bill calling for an end to immigration for all those without a British grandparent.¹⁶ The prospect of anti-discrimination law, however, pointed up internal divisions within the party between individual MPs sympathetic to the measure's passage and those opposed in principle. The potential for dispute was recused, however, when the Home Secretary accepted

11 Ibid.

12 *Parliamentary Debates (Commons)*, vol. 709, cols. 443-44, 23 March 1965 (Frank Soskice).

13 Hansen, *Citizenship*, pp. 137-38.

14 Interview with Frank Soskice, quoted in, Katznelson, *Black Men*, p. 145.

15 Crossman, *Diaries vol. i*, pp. 149-50 (4 February 1965). Crossman also regarded the issue as the 'hottest potato in politics', and that Soskice's handling of it as Home Secretary promised little in the way of strong leadership.

16 Hansen, *Citizenship*, pp. 141-44.

(after the Second Reading) a conciliatory legal framework, rather than criminal sanctions, as the Bill's primary enforcement mechanism. This acceptance simultaneously allowed the Conservatives to maintain a somewhat awkward political accord,¹⁷ and fundamentally weakened the provisions of the legislation.¹⁸

The reversal on immigration controls and the limited nature of the Race Relations Act has encouraged the view that Wilson's government capitulated to illiberal public pressure in acceding to a bipartisanship founded on the dictum (forwarded by Roy Hattersley) that 'integration without control is impossible, but control without integration is indefensible.'¹⁹ Again, Crossman was more sceptical: 'We felt we had to out trump the Tories by doing what they would have done and so transforming their policy into a bipartisan policy.'²⁰ However, with the support of the Conservative leadership, the bipartisan strategy was largely successful in its goals – not only the passage of legislation, but, more importantly, removing the issue from open political debate. After Smethwick, any concerns of an outbreak of racial campaigning at the 1966 election were unrealised.²¹

Kenyan Asian 'crisis'

In 1967, however, the immigration issue re-emerged with a sharp increase in migration of Asian UK passport holders (UKPH) from Kenya, fleeing the negative effects of 'Africanisation' policies designed to redress the iniquities of colonialism. The creation of such equal opportunity, however, was complicated in Kenya (and other parts of East Africa) by the presence not only of white colonial settlers, but of a permanently resident Asian minority, whose perceived dominance of the economic sphere occasioned African resentment.²² Many of these Asian residents were not automatically given Kenyan citizenship under the independent constitution and,

17 Hansen, *Citizenship*, pp. 144-46.

18 On this, see, Peter Calvocoressi, 'The official structure of conciliation', *Political Quarterly*, 1 (1968), pp. 46-53.

19 Quoted in, Hansen, *Citizenship*, p. 26. On Labour's 'appeasement' in government, see, Layton-Henry, *Politics of Race*, Chapter 5. For a similar view, see, Dennis Dean, 'The Race Relations policy of the first Wilson Government', *Twentieth Century British History*, 11, 3 (2000), pp. 259-83.

20 Crossman, *Diaries*, vol. i, p. 299.

21 Butler, *Election 1966*, p. 117.

22 See, Donald Rothchild, *Racial Bargaining in Independent Kenya: A study of minorities and decolonization* (London: OUP/Institute for Race Relations, 1973), p. 214.

under little pressure from the British authorities to take it up, many voluntarily opted to retain their British passports.²³ The Immigration and Trade Licensing Acts of 1967 circumscribed commercial life and made all non-citizens subject to work permits, destabilising the Asian population. In these circumstances, many families arrived at the conclusion that, with little or nothing left for them in Kenya, and with no necessary right to go anywhere else, travelling to Britain had become a necessity. In the first ten months of 1967, they arrived at an average rate of over 1,000 per month.²⁴ By September, and within a week of the passage of Kenyatta's Immigration Act, reports emerged of spiralling migration motivated by fears of impending legal restrictions upon the Asians' rights to enter Britain.²⁵ This undoubtedly contributed towards the feeling – inside government and out – that immigration was slipping out of control.²⁶ The development of what was seen by at least one observer as 'an unforeseen loophole' in the immigration control system,²⁷ spurred an angry debate over the origins of the Kenyan exemption,²⁸ and drove government action in seeking to bring immigration back under control. By early 1968, the monthly arrival figures rose to 2,294²⁹ and in the final two weeks of February, around 10,000 Asian passport holders, fearing the possibility of restrictions on migration, came to Britain.³⁰

Inside Parliament, Duncan Sandys, alongside four other former Conservative ministers (Geoffrey Lloyd, David Renton, John Boyd-Carpenter and William Deedes), tabled a motion calling on the government to 'curtail the influx of immigrants into Britain.'³¹ Sandys had also threatened to introduce a Bill under the 10-Minute Rule by the end of February if the government refused to act. Outside Parliament, Enoch Powell began a series of speeches against the admission of

23 Rothchild, *Racial Bargaining*, p. 188.

24 *The Times*, 'Kenya Asians rush to Britain', 26 January 1968, p. 5. The official figures for the second half of 1967 were: July, 896; August, 1,493; September, 2,661; October, 1,916; November, 1,334; December, 1,907. See, *Parliamentary Debates (Commons)*, vol. 758, col. 393W, 15 February 1968.

25 *The Times*, 'Kenya Asians queue for Britain', 6 September 1967, p. 5.

26 Confidential interview with former Home Office official, February 2010.

27 Enoch Powell, quoted in, *The Times*, 'Immigration net loosened', 19 October 1967, p. 10.

28 For a full discussion of the disagreement between Duncan Sandys and Iain Macleod and a careful unpicking of who was right and why, see, Randall Hansen, 'The Kenyan Asians, British politics, and the Commonwealth Immigrants Act, 1968', *Historical Journal*, 42, 3 (1999), pp. 809-34.

29 The National Archives, Kew (NA), CAB 129/135, C(68) 34, 'Immigration Legislation', Memorandum by the Home Secretary, 12 February 1968, Appendix II.

30 Layton-Henry, *Politics of Race*, p. 68.

31 Quoted in, *The Times*, 'Migrants law may be made stronger', 13 February 1968, p. 1.

individuals and families 'who had not belonged to Britain before and never dreamt that they did'³² and connected it ominously with the broader challenges of immigration.³³ Edward Heath's response to this campaign was somewhat equivocal in seeking to balance the popularity of Sandys' campaign (his motion had by then attracted over 90 Conservative signatories³⁴) against the concerns of some Shadow Cabinet members (including Iain Macleod, Edward Boyle and Robert Carr) who argued that restriction would be discriminatory and divisive. It was, Heath said, important that the absolute right of UKPH in Kenya to come to Britain was respected, but that a phasing of entry might be necessary 'in light of the social conditions existing in Britain.'³⁵

On 27 February, the government introduced a Bill to control the migration of the Kenyan Asians through a quota system.³⁶ Despite strong criticism in the press over its apparently unprincipled institution of immigration controls on barely-concealed racial considerations,³⁷ the 1968 Commonwealth Immigrants Bill sped through its parliamentary stages in three days. The decision to enact controlling legislation certainly stemmed in part from the perception abroad in the Labour Party, after the Smethwick election result, that immigration issues – and appearing weaker than the Conservative Party on the subject – could only cost the party votes.³⁸ Moreover, entering the Home Office under the 'blackest gloom' of the Sterling devaluation crisis, James Callaghan was determined not to be a slave to events.³⁹

'Rivers of Blood'

In April, Enoch Powell delivered a speech that has become infamous for offering a doom-laden forecast of a Britain riven by communal violence emerging from the development of a critical mass of alien, unassimilable immigrants and their

32 Quoted in, *The Times*, 'Immigration net loosened', 19 October 1967, p. 10.

33 *The Times*, 'Mr Powell urges immigrant curb', 10 February 1968, p. 3.

34 Perhaps more surprisingly, some 15 Labour MPs had signed an amendment calling for some kind of legislation. See, Layton-Henry, *Politics of Race*, p. 68.

35 Quoted in, *The Times*, 'Tory leaders urge phased entry', 22 February 1968, p. 1.

36 On the development of the Bill, see, Chapter 2.

37 *The Times*, 'Race relations work put back 10 years!', 2 March 1968, p. 9.

38 Layton-Henry, *Politics of Race*, p. 69

39 Kenneth O. Morgan, *Callaghan: A Life* (Oxford: OUP, 1997), p. 274; Hansen, *Citizenship*, p. 160.

descendants. Powell offered anecdotal evidence from correspondents (real or imagined) who had experienced the deleterious consequences of mass immigration first hand. The now-infamous quotations about the black man holding the 'whip hand over the white man' and the lonely, isolated old woman with 'excreta pushed through her letterbox' by 'piccanninies' were ascribed to others to give them the rhetorical force to support Powell's argument that high politics had failed to give voice to the 'thousands and hundreds of thousands [of people]...not throughout Great Britain, perhaps, but in the areas that are already undergoing the total transformation to which there is no parallel in a thousand years of English history.' As an inoculation against these nightmarish outcomes, and as the basis for his subsequent justification of his dithyramb, Powell presented an elucidation of what he claimed was a Conservative Party policy centred upon 'stopping, or virtually stopping, further inflow, and...promoting the maximum outflow' of migrants. Immigration control without repatriation would be valueless, he argued, since the rate of growth of the 'immigrant-descended population...would leave the character of the national danger unaffected'. Thus, while supporting the notion of equality before the law, Powell argued that race relations law enshrined a position whereby 'the immigrant and his descendants' were elevated to a privileged class, which was wrong-headed because, '[the] discrimination and deprivation, the sense of alarm and of resentment, lies not with the immigrant population but with those among whom they have come and are still coming.'⁴⁰

The response to the speech was remarkable. Although there were those on the front bench who wished to harness the support which might stem from the speech,⁴¹ a queue of Shadow Cabinet ministers approached Heath to express their ill feelings. William Whitelaw, Quintin Hogg (who, as Home Affairs spokesman, had particular grounds for anger), Edward Boyle, Peter Carrington, Iain Macleod and Robert Carr all made clear their shared belief that Powell had overstepped the bounds of acceptable conduct and that his rejection of the responsibilities of front bench

40 For a full reproduction of the speech, see, Bill Smithies & Peter Fiddick, *Enoch Powell on Immigration* (London: Sphere, 1969), pp. 35-62.

41 Edward Heath, *The Course of My Life: My Autobiography* (London: Hodder & Stoughton, 1998), p. 455. Demurely, Heath does not name names.

politics meant he was unfit to serve in it.⁴² This anger over the rupturing of protocol⁴³ and loyalty was compounded by the sensitivity of the subject matter of the speech and the apocalyptic terms in which he couched it. In the circumstances, Heath was faced with few options but to sack his errant colleague.

In a statement announcing Powell's dismissal, Heath decried the speech as 'racialist in tone and liable to exacerbate racial tensions'⁴⁴ and his decisive action was largely well received in the political realm and amongst broadsheet editors, who detected racism and political self-interest behind Powell's 'statesmanship'.⁴⁵ However, there quickly emerged a significant groundswell of public support for Powell and fervent opposition to his dismissal. Powell received thousands of letters in the aftermath, claiming that only a dozen or so were hostile to his stance. Again, cameras were present to record his struggling under a '40,000 postbag'.⁴⁶ Heath and Conservative Central Office also received many letters, often abusive or obscene, upbraiding the party hierarchy for their actions in removing Powell.⁴⁷ There was industrial action too, as several hundred striking London dock workers marched on Westminster chanting, 'We want Enoch!'⁴⁸ The following day, six hundred porters

42 Macleod, Carr and Boyle all threatened to resign if Powell was not sacked; Whitelaw, Hogg and Heath were all 'furious' (William Whitelaw, *The Whitelaw Memoirs* (London: Aurum, 1989), p. 64); Margaret Thatcher's response was, by her own admission, rather less emphatic: 'I said that I really thought it was better to let things cool down for the present rather than heighten the crisis [by sacking Powell]. Ted was having none of it...In the short term it prevented our gaining the political credit for our policy of controlling immigration more strictly.' (Margaret Thatcher, *The Path to Power* (London: Harper Collins, 1995), pp. 146-47).

43 Powell had circumvented the usual party channels for approving content of Shadow Cabinet speeches and distributed the text to the press the day before he delivered it. One of Whitelaw's primary criticisms of Powell's actions was that he ought to have consulted the leadership fully before proceeding (See, Whitelaw, *Memoirs*, p. 64); Hogg, too, regarded Powell's failure to inform his colleagues of his intentions as outside the 'essential collegiality of...shadow cabinet' (Lord Hailsham, *A Sparrows Flight* (London: Collins, 1990), p. 370).

44 Quoted in, *The Times*, 'Powell out of Shadow Cabinet', 22 April 1968, p. 1.

45 See, for example, *The Times*, 'An evil speech', 22 April 1968, p. 11. There was significant reporting of the ongoing impact of the speech throughout the following week, including Edward Leadbitter's abortive attempts to prosecute Powell under the incitement to racial hatred provisions (Section 6) of the 1965 Race Relations Act (*The Times*, 'Labour MP sends out call for prosecution', 23 April 1968, p. 2). Ultimately, this failed as the Director of Public Prosecutions declined to take the matter further because of the probable lack of success (see, *The Times*, 'No prosecution', 4 May 1968, p. 9), an eventuality which reignited the debate over the freedom of speech implications of the Act's provisions. On the question of Powell's ambitious nature see, *The Times*, 'Tories plan positive line over Bill', 23 April 1968, p. 1.

46 *The Times*, '40,000 Powell postbag', 25 April 1968, p. 2.

47 Heath claims that the receipt of these letters actually strengthened his resolve against capitulation to Powell. Heath, *Course*, p. 455.

48 *The Times*, 'Dockers march for Powell', 24 April 1968, p. 1. As Martin Walker illustrates, however,

from Smithfield Meat Market also marched to Parliament, brandishing placards and presenting Powell with a petition of 2,000 signatures supporting his stance.⁴⁹ One opinion poll suggested that 69 per cent of the British population disapproved of Heath's action in sacking Powell, while another suggested 82 per cent support for Powell's views about immigration.⁵⁰ This was, for Crossman, 'the real Labour core, the illiterate industrial proletariat who have turned up in strength and revolted against the literate'.⁵¹

Powell's subsequent speeches distanced him still further from the official Conservative line. He focused on the dire consequences for British towns and cities of the increasing 'coloured' birth rate, warning of the danger of 'internecine violence' resulting from the growth of the 'immigrant-descended' population⁵² and arguing for the creation of a Ministry of Repatriation.⁵³ Further, and more ominously, Powell wholly rejected the notion of a distinction between the migrant population and their descendants, born and raised in Britain:

The West Indian or the Asian does not, by being born in England become an Englishman. In law he becomes a United Kingdom citizen by birth; in fact he is a West Indian or an Asian still. Unless he be one of a very small minority – for number, I repeat again and again, is of the essence – he will by the very nature of things lose one nationality without acquiring a new one.⁵⁴

In such speeches, Powell proved himself able to tap into and channel a powerful but hitherto diffuse anti-immigration sentiment which neither main party

pre-existing industrial grievances played a key role in the dockers' march: 'Not all dockers felt strongly enough to join the demonstration. There were 4,400 strikers...but only 800 on the march [to Westminster]. It is also significant that the organized union movement was not at its strongest in the docks at this time since they had just reluctantly accepted heavy redundancies which the Devlin Report [on the Port Transport Industry] had advised. The dockers had an industrial grievance and morale was low even before Powell spoke. By contrast, the dockers refused to march against the Ugandan Asians in 1972, when they were united and confident in the wake of their successes in securing the release of dockers who had been imprisoned in Pentonville.' (Martin Walker, *The National Front* (Houndmills: Macmillan, 1977), p. 110).

49 *The Times*, 'Widespread split over Powell's race speech', 25 April 1968, p. 1.

50 Douglas E. Schoen, *Enoch Powell and the Powellites* (Houndmills: Macmillan, 1977), p. 37.

51 Crossman, *Diaries iii*, p. 29.

52 *Parliamentary Debates (Commons)*, vol. 791, col. 256, 11 November 1969.

53 *The Times*, 'Powell view is inhuman, Heath says', 19 January 1970, p. 1.

54 Quoted in, Smithies & Fiddick, *Powell on Immigration*, p. 77.

had yet been able to successfully express.⁵⁵ More than that, he illustrated a widespread popular frustration with the tenets of bipartisan policy⁵⁶ and highlighted the dissatisfaction with anti-discrimination law 'which many people did not understand and did not support.'⁵⁷ The effects of Powell's intervention extended into the policy sphere as his increasingly strident pronouncements were met with responses from Heath announcing tough proposals, designed to undercut his rival's arguments in the run up to the 1970 election.⁵⁸

Ugandan Asian 'crisis'

In August 1972, Edward Heath's government faced a repetition of the 1968 'crisis' when Idi Amin announced that any Asian residents who did not hold citizenship must leave Uganda within 90 days. Although the capacity for a crisis, 'similar to the one over the Kenyan Asians', had been highlighted in early 1970,⁵⁹ the prospect of concessions from Harold Wilson's government was slim, as the Minister responsible made clear at the time: the main priority was keeping the overall rate of immigration down and this '[had] to be regarded as the starting point of what might usefully be done...in East Africa.'⁶⁰ The development of 'Africanisation' policies similar to those implemented in Kenya had been comparatively slow under Milton Obote's regime,⁶¹ and the Ugandan government had pursued a somewhat conciliatory line in 1971.⁶² Despite his personal animosity towards Obote,⁶³ Heath certainly saw the advantages of a bilateral approach to the problem and however awkward this accord may have been, Heath was willing to allow the matter to rest, at

55 Hansen, *Citizenship*, p. 182.

56 Schoen, *Enoch Powell*, pp. 34-44.

57 Layton-Henry, *Politics of Race*, p. 71.

58 See, Chapter 2.

59 NA, FCO 50/344, Letter from Sir George Sinclair to Michael Stewart, 17 February 1970.

60 NA, FCO 50/344, Letter from Evan Luard to Sinclair, 25 February 1970.

61 This may have stemmed from Obote's enjoyment of British financial aid. CPA, CRD/3/6/14, Memorandum from Patrick Cosgrave to Edward Heath, 11 March 1970; Hansen, *Citizenship*, p. 198. Despite this, rates of Asian emigration from Uganda had been high under Obote's regime – over 24,000 individuals had departed between 1969 and 1971. On this earlier migration, see, Kushner & Knox, *Refugees*, p. 267.

62 This included offering citizenship to many Asian residents who had been left effectively stateless by the maladministration of nationality law after independence. See, NA, FCO 50/345, Note for the Record, E.G. Le Tocq, 24 November 1970; NA, FCO 50/345, Kampala Tel. No. 1101, 24 November 1970.

63 On this, see, John Campbell, *Edward Heath: A Biography* (London: Jonathan Cape, 1993), p. 338.

least temporarily, because it offered stability.⁶⁴ Amin's confrontational actions, however, threatened to overwhelm the quota system established under the 1968 Commonwealth Immigrants Act.⁶⁵

Diplomatic efforts to influence Amin in the wake of the announced expulsion proved ineffective,⁶⁶ and a British mission sent to negotiate with the Ugandan government had very little success at extracting concessions.⁶⁷ Having exhausted the possibility of diplomatic influence, the government envisioned a politically delicate balance between accepting responsibility for those Asians who held UK passports and simultaneously avoiding shouldering what might be seen in public as an excessive burden – a burden which would 'inevitably' fall upon 'the areas [of the country] which faced real problems as a result of a concentration of Asians.'⁶⁸ To this end, negotiations with India, Pakistan, the Old Commonwealth nations, the United States, African nations and EEC Member States to facilitate the acceptance of some of the expellees were set in train.⁶⁹ The Prime Minister was resolved, however, not to accept responsibility for any individuals not holding UK passports: 'It must be made categorically clear to all concerned at once that we accept responsibility *only for the holders of British passports* and *we will not accept a single one of any of the others*. That is the responsibility of the United Nations.'⁷⁰ But the slow activity of the UN High Commission for Refugees (UNHCR) in establishing a presence in Kampala meant a

64 NA, FCO 50/345, Letter from 10 Downing Street to McCluney, 2 December 1970.

65 The British High Commission in Kampala had experienced sit-in demonstrations and groups of placard-waving teenagers protesting about immigration control. As the Africanisation measures bit harder, the perception grew in the High Commission that the Asians were trying to 'force the hand' of the British authorities by placing pressure upon them to prioritise their claims for quota vouchers. (See, NA, FCO 50/344, Letters from Lea to Streeton, 23 March 1970 and 16 April 1970; Letter from Le Tocq to Shuffrey, 23 April 1970). These developments may well have contributed directly towards the clandestine migration from Ugandan that Heath faced upon entering office.

66 See, NA, PREM 15/1258, Nairobi Tel. No. 1844, 11 August 1972; Dar es Salaam Tel. No. 387, 10 August 1972; Blantyre Tel. No. 1463, 11 August 1972; Addis Ababa Tel. No. 410, 15 August 1972.

67 Indeed, the remit of the mission had been narrow – to secure a postponement of the deadline or a widening of the categories of exemption, rather than to avert the eventuality itself. Indeed, the head of the mission, Geoffrey Rippon, had acknowledged Amin's right to 'require foreign nationals to leave its territory' and accepted responsibility for those holding British passports. NA, PREM 15/1258, Terms of Reference for Mr. Rippon's discussions with President Amin, Paper for IC Committee Meeting, 11 August 1972; PREM 15/1258, Minute from Duty Clerk to Prime Minister, 13 August 1972, p. 1.

68 NA, PREM 15/1258, Visit of Chancellor of Duchy of Lancaster to East Africa, Note of a meeting at Chequers, 16 August 1972, p. 3.

69 Ibid., p. 4.

70 NA, PREM 15/1260, Minute from Simcock to Angel, 15 September 1970, p. 1 [emphasis added].

clear dividing line between UKPH and stateless Asians would be difficult for the British authorities to draw as the deadline for the expulsion loomed.⁷¹ This contributed towards a certain governmental scepticism, if not alarmism,⁷² and planning for the most extreme case became the norm as it was increasingly evident that Amin would not back down.⁷³

The struggle for domestic approval of the government's actions was equally difficult to win. Over half of Britons surveyed disapproved of the government's actions and believed the expellees ought not to be allowed settlement.⁷⁴ In early September, Douglas-Home made a television broadcast in which he sought to put the government's case in both legal and moral terms: in addressing this 'great human problem...the British people as a whole will see the clear duty which rests upon us'.⁷⁵ But from whence did this duty stem? Was the arrival of the refugees a function of their status as British passport holders, or a moral obligation stemming from the Asians' status as refugees?⁷⁶

Kushner and Knox suggest that the Ugandan expellees were widely understood to be 'immigrants' rather than 'refugees' – individuals to whom Britain owed a responsibility, and whose arrival pointed up the broader issues of inward migration and economic decline in the form of employment and housing pressures.⁷⁷ Indeed, there was concern that, without a form of official guidance, the refugees might '[make] their way to Leicester etc., without [the government] having any

71 NA, PREM 15/1973, Minute from Home Secretary to Prime Minister, 3 November 1972.

72 Heath's government had made contingency plans for military action to rescue British citizens from Uganda, should the situation turn hostile. NA, PREM 15/1259, Military assistance in the evacuation of certain UK citizens from Uganda, Memorandum from Minister of State for Defence Procurement to Prime Minister, 6 September 1972. The Cabinet Secretary (Sir Burke Trend) advised Heath that, in light of Amin's unpredictability, the potential for an evacuation in the face of Ugandan resistance was 'a real situation and, possibly, an imminent one', and to fail to prepare might be a choice Heath would later regret. (See, NA, PREM 15/1259, Minute from Sir Burke Trend to Prime Minister, 6 September 1972).

73 One striking example of this was the proposal that the Asians might be sent to live on 'an island asylum which could take significant numbers...for settlement on areas presently undeveloped'. However, despite the apparent appeal of such a course, the chances of finding a suitable haven were deemed remote. (NA, PREM 15/1973, The Solomon Islands and the Asians, 28 December 1972).

74 Quoted in, Messina, *Race*, p. 113.

75 CPA, CCO 20/66/20, Ministerial Broadcast by Foreign Secretary, 31 August 1972.

76 Yumiko Hamai, "'Imperial burden" or "Jews of Africa"?: An analysis of the political and media discourse in the Ugandan Asians crisis (1972)', *Twentieth Century British History*, 22, 3 (2011), pp. 415-36.

77 Kushner & Knox, *Refugees*, p. 287.

chance of influencing them to the contrary'.⁷⁸ This concern was mirrored at the local level as councils in (among others) Leicester, Ealing and Wembley placed a series of advertisements in the Ugandan press emphasising the potential difficulties migrants would face in these areas.⁷⁹ Moreover, it was a truth held by all main parties that the dispersal not only of these refugees, but of migrants more generally, was key to maintaining good community relations and avoiding ghettoisation.⁸⁰ In practice, this meant directing the refugees to areas of low migrant settlement, at times (as in the case of Glasgow) seemingly in spite of other social conditions such as housing supply.⁸¹ However, the dispersal policy as pursued was not a success and refugees did settle, peacefully and successfully, in traditional migrant centres like Leicester.⁸²

Politics outside the mainstream

The episode stimulated anti-immigration opinion, which was increasingly focused outside the mainstream. Within the Conservative Party, the Monday Club launched a 'Halt Immigration Now' campaign.⁸³ The National Front (NF) was able to expand, taking up Powell's arguments (albeit in an 'intellectually cheapened' form⁸⁴), 'due to the failure of the Conservative Party to make much political capital out of the immigration issue.'⁸⁵ Indeed, the Front reached a peak membership of 17,500 during the Ugandan crisis,⁸⁶ and attempted to infiltrate the Monday Club to gain influence

78 NA, PREM 15/1260, Minute from Home Secretary to Prime Minister, 14 September 1972, p. 2.

79 See, *The Times*, 'No more Asians here, Leicester will insist', 5 September 1972. For an example of one of these adverts, printed in the *Uganda Argus*, see, Valerie Marett, *Immigrants Settling in the City* (Leicester: Leicester University Press, 1989), p. 39.

80 One Labour Party Research Department memorandum argued that those refugees without existing ties to certain areas ought to be encouraged to settle in places where pressure on housing was not so acute – such as the new towns. (See, LHASC, LPRD Memoranda, Home Policy Committee: The Ugandan Asians, RD431, September 1972, pp. 2-3).

81 See, Kushner & Knox, *Refugees*, pp. 274-75.

82 However, one comparative study of mass exoduses regards the Ugandan Asians as the most internationally widespread of all diasporas resulting from expulsion. See, Nicholas van Hear, *New Diasporas: The mass exodus, dispersal and regrouping of migrant communities* (Seattle: University of Washington Press, 1998), p. 71.

83 See, Pitchford, *Conservative Party*, pp. 199-200. This public criticism angered Heath and, as he acidly put it in a letter to the Club's chairman on the subject of the Ugandan Asians, '[w]e hold that it is in the interests of the British people that the reputation of Britain for good faith and humanity should be preserved. I had assumed that this was also one of the purposes of the Monday Club.' Quoted in, Campbell, *Heath*, p. 393.

84 Favell, *Philosophies*, p. 106.

85 Richard Thurlow, *Fascism in Britain: A History, 1918-1985* (Oxford: Basil Blackwell, 1987), p. 276.

86 *Ibid.*, p. 290. Roger Eatwell recommends caution in accepting such estimates of Front

in the Conservative Party.⁸⁷ After 1972, the NF pursued both electoral politics and street protest. These strategies culminated in 1974, where, at the February general election, the Front were able to build upon encouraging local election results,⁸⁸ and, in June, when a march through London's West End to Red Lion Square that degenerated into violence and resulted in one death.⁸⁹ By the time of the October election, the NF had become far better known on the national political scene and were able to field some 90 candidates at the election. Although there was a slight increase in across the board votes (up 0.3 per cent), this disguised a diminishing of local support (performance in the West Midlands was relatively poor) and an electoral breakthrough remained elusive.⁹⁰

In becoming an effective recipient of the spoils of political discontent, the NF struggled to manipulate the political agenda more broadly. Indeed, immigration issues were central to the Front's success, and periods of immigration controversy contributed heavily towards its membership base.⁹¹ In 1976, 'crisis' in immigration policy again emerged as the Malawian government, claiming to be under pressure to reduce the country's population of Asian non-citizens,⁹² put in place sanctions that promoted a spike in migration to Britain.⁹³ By May, voucher applications from UK passport holders were being received at two and a half times the normal rate (with

membership, since its support was episodic and there was a high turnover. See, *idem.*, 'Fascism and political racism in postwar Britain', in, Kushner & Lunn (eds.), *Traditions of Intolerance*, p. 226.

87 Walker, *National Front*, p. 119. Walker claims that the 'feebleness' of Heath's response to the Ugandan Asian crisis had facilitated some defections from the Monday Club to the National Front's cause (p. 135).

88 In April 1973, the Front gained 10,000 votes across 16 wards in Leicester and achieved an average of 6.8 per cent in the GLC elections. In May, the Front achieved their best ever result (16 per cent) in a West Bromwich by-election otherwise dominated by voter apathy – the first time a Front candidate had retained his deposit. In June, the local election results showed further gains, with the NF attracting up to 22 per cent of the vote in Nottingham and 24.9 per cent in Staines. For full details of these achievements, see, Walker, *National Front*, pp. 141-44.

89 For a detailed examination of the protest, see, Richard Clutterbuck, *Britain in Agony: The Growth of Political Violence* (London: Faber & Faber, 1978), Chapter 13.

90 See, Walker, *National Front*, p. 175.

91 Stan Taylor, *The National Front in English Politics* (Houndmills: Macmillan, 1982), pp. 100-01.

92 NA, FCO 45/1859, Possible expulsions of United Kingdom passport holders', JIC(A) (72) (N) 116, 25 April 1974, p. 2. In some respects, this was an especially odd development in Malawi, since Banda had actually accepted permanent responsibility for some 500 expellees from Uganda only three years previously, when he had claimed to want to 'be of help' to the government. See, NA, PREM 15/1259, Blantyre Tel. No. 1518, 18 August 1972; NA, FCO 50/409, Letter from Haydon to Foster, 18 September 1972; NA, FCO 50/408, Foreign Office Tel. No. 812, 25 September 1972.

93 The severity of these measures had surprised officials in London. NA, FCO 45/1859, Letter from Smedley to Wildman, 26 March 1975.

117 entered between 1 April and 13 May 1975).⁹⁴ In June, the British press reported that more than 100 Asians per month were arriving in Britain and that as many as 6,000 could be expected to seek residence in the coming year.⁹⁵ In the absence of any national mechanism for their reception, responsibility for the migrants fell upon local authorities.⁹⁶ A press scandal was stoked when two families were accommodated for five weeks by West Sussex County Council in a hotel at a total cost of some £5,000 – precisely because, the Council's chief executive maintained, there was insufficient suitable accommodation available.⁹⁷ Similarly, the case of Robert Relf (imprisoned over a sign advertising his house for sale 'to an English family')⁹⁸ and, more disturbingly, the apparently racially-motivated murder of a young Sikh man in Southall,⁹⁹ served to politicise migration issues.

These events coincided with local elections, at which the NF were able to improve their performance and a by-election where far right parties shared 44.5 per cent of the vote.¹⁰⁰ The following year, the NF pushed the Liberal Party into fourth place at the Greater London Council (GLC) elections.¹⁰¹ At a march in Lewisham in August, the NF came into violent conflict with anti-racist Socialist Worker Party protestors.¹⁰² Later in the same month, the Front came third in a by-election at Ladywood (a constituency with a very high black and Asian population) despite gaining a paltry 888 votes.¹⁰³ The organisation went into sharp decline after 1978,

94 NA, FCO 45/1860, Letter from Ritchie to Reid, 13 May 1975.

95 *Daily Telegraph*, 'Malawi starts to hound out its Asians', 29 June 1975, p. 2.

96 *Parliamentary Debates (Commons)*, vol. 896, col. 227, 23 July 1975 (Alexander Lyon). In answering this question, Lyon did not even acknowledge that the arrival of the Malawian Asians was politically or administratively significant, since it did not go beyond allocated voucher quotas and was therefore not extraordinary.

97 *The Times*, 'Homeless Asians likely to be moved to former workhouse by end of week, council says', 5 May 1976, p. 4; NA, FCO 45/1860, Letter from Sheila Stevens (UKIAS) to Hensby, 13 May 1975.

98 *The Times*, 'Man is jailed over house-sale board', 8 May 1976, p. 2. In the wake of his release (after a hunger strike), Relf campaigned for the National Front at the Thurrock by-election, where their candidate took 6.6 per cent of the vote. See, Walker, *National Front*, p. 197; Layton-Henry, *Politics of Race*, p. 100.

99 *The Times*, 'Determined stand against prejudice', 9 June 1976, p. 4.

100 In Leicester, the NF averaged 16.6 per cent of the vote; in Bradford, 10.9 per cent; and in Wolverhampton, 9.2 per cent. See, Layton-Henry, *Politics of Race*, p. 101.

101 Paul Whiteley, 'The National Front vote in the 1977 GLC elections: An aggregate data analysis', *British Journal of Political Science*, 9, 3 (1979), p. 371.

102 See, Clutterbuck, *Britain in Agony*, 213-19.

103 Layton-Henry, *Politics of Race*, p. 102.

and were routed at the 1979 election.¹⁰⁴ This decline, it is argued, was a consequence of attacks by the Anti-Nazi League (ANL) (formed in the wake of the NF's GLC election performance), which sought explicitly to target the NF's activities, and the adoption of a stronger anti-immigration rhetoric (and stronger policy proposals) by the Conservative Party under Margaret Thatcher's leadership.¹⁰⁵

1981 Riots

The violence of clashes between the NF and the ANL, which became most acute at Southall in April 1979, began to illustrate the role of the police in race issues.¹⁰⁶ At a more fundamental level, the issues of policing Britain's multiracial inner-cities were pointed up luridly in the early 1980s by riots in Brixton and Toxteth. Indeed, in seeking to explain the outbreak of rioting in multiracial areas, few (prominent among them Enoch Powell) were willing to argue that 'it was the concentration of the ethnic minority population in cities that was the problem.'¹⁰⁷ Rather, a decline in police-community relations (especially with young black people, and especially over stop and search powers) was highlighted as an underlying cause of the riots.¹⁰⁸ This decline stemmed from prejudice within the police, the concentration of black and Asian citizens within social strata the police were duty-bound to 'control and segregate' and their vulnerability to situations which attracted police attention.¹⁰⁹ Unemployment, too, and the lack of opportunity to overcome entrenched deprivation were seen as social evils behind the breakdown of law and order.¹¹⁰ These were problems of urban decay, economic decline and the apparent inadequacies of

104Layton-Henry, *Politics of Race*, pp. 105-06.

105Messina, *Race*, pp. 120-23.

106The death of a protestor, Blair Peach, was of great moment. The release of a report into the death in 2010 suggested police culpability. See, *The Guardian*, 'Blair Peach killed by police at 1979 protest, Met report finds', 27 April 2010, p. 1.

107Simon Heffer, *Like the Roman: The Life of Enoch Powell* (London: Weidenfeld & Nicholson, 1998), pp. 845-47. Subsequent riots in 1985, however, have been suggested as leading to a more obvious characterisation of the rioters as 'culturally alien', promoting the questioning of the multi-racial society. See, Holmes, *Tolerant Country?*, pp. 10-11.

108John Benyon, 'Spiral of Decline: Race and Policing', in, Layton-Henry & Rich, *Race*, pp. 228-36; see also, Diane Frost and Richard Phillips (eds.), *Liverpool '81: Remembering the Riots* (Liverpool: Liverpool University Press), Chapter 2.

109Robert Reiner, *The Politics of the Police (2nd Edition)* (Hemel Hempstead: Harvester Wheatsheaf, 1992), p. 102 & p. 108

110Benyon, 'Spiral of Decline', p. 231.

government programmes to redress disadvantage and retain the faith of black and Asian community leaders.¹¹¹

The actions of the Conservative Party in government,¹¹² it has been argued, effectively ended the immigration issue as it had persisted through the postwar era.¹¹³ The sharp reduction in migration after the passage of the 1981 British Nationality Act, the increasing prominence of concern over the social mobility of the descendants of New Commonwealth migrants and the outbreak of the urban disorders each contributed towards a shift to concerns of race relations through the 1980s.¹¹⁴

This takes us beyond the scope of the present work, and I shall now turn to the examination of policy making in the period.

111 Brian D. Jacobs, *Black Politics and Urban Crisis in Britain* (Cambridge: CUP, 1986), pp. 190-91

112 See, Chapter 6.

113 Donley T. Studlar, 'Waiting for the "catastrophe": Race and the political agenda in Britain', *Patterns of Prejudice*, 19, 1 (1985), pp. 3-15.

114 Saggar, *Race and Politics*, pp. 128-29; Studlar, 'Waiting for the "catastrophe"', pp. 12-13.

Chapter Two:

The emergence of anti-consensus populism, 1968-70

If the 1966 election was marked by a failure of race issues to re-emerge into partisan conflict, the 1970 election marked a fundamental shift towards the possibility that race could be exploited for national (as opposed to local, as in the case of Smethwick in 1964) electoral gains. This chapter examines the emergence of a populist critique of bipartisanship in the wake of a spike in immigration and the enactment of new race relations measures, designed to expand significantly the remit of anti-discrimination law. Enoch Powell's attacks on bipartisanship, although still well outside the Conservative mainstream, had a clear and substantial audience, and this chapter examines how the threat was reconciled by Heath, who continued to argue that immigration could be controlled in the national interest and that race issues could be managed to achieve public order.

1968 Race Relations Act

On assuming the role of Home Secretary in 1966, Roy Jenkins had resolved to 'strike a more upbeat note on race relations than had hitherto been forthcoming'.¹ Frank Soskice was seen by several of his contemporaries as a rather weak Home Secretary, whose position on race relations was equivocal and whose pedantic legalism had limited his ability to create meaningful institutions to combat racial discrimination.² The new Home Secretary sought to invest the burgeoning race institutions created in 1965 with a self-perpetuating drive, appointing Mark Bonham-Carter (like Jenkins, an avowed social liberal) as Chair of the Race Relations Board (RRB). Bonham-Carter had struck this deal on condition that, after a year's operation of the Act, he could campaign for new laws and, under his leadership, the Board

¹ Roy Jenkins, *Life at the Centre* (London: Macmillan, 1991), p. 188.

² Jenkins, *Life*, p. 175; Crossman, *Diaries vol. 1*, p. 149; Dennis Dean, 'The Race Relations policy of the first Wilson Government', *Twentieth Century British History*, 11, 3 (2000), p. 268.

implemented the measures while equally emphasising their limitations.³

By 1967, far from having influenced public opinion in the way all parties to the 1965 Act had hoped, the framework it instituted had been exposed as insubstantial and largely ineffective. In February, Jenkins had confidently promised that the government would not 'shirk' the issue of discrimination in employment and would pursue new legislation if it was revealed to be necessary.⁴ In April, the publication of a report by Political and Economic Planning (PEP) revealed the continuing prevalence of discrimination in areas not covered by the Act and in the same month, the first Report of the Race Relations Board itself detailed a list of 11 specific inadequacies in the law and its implementation.⁵ Some race organisations had entered complaints they knew to be outside the scope of the Act in order to expose its practical shortcomings as a measure to address actually existing forms of discrimination, and 238 of the 327 complaints entered to the Board since its inception were deemed *ultra vires*.⁶ The Labour Party, too, had conducted research and the resulting report sounded a note of urgency – without 'immediate steps' to reduce discrimination, 'relations between the coloured members of the community (particularly the British-born children of immigrants) and the white, will deteriorate to a position fraught with dangers to all aspects of communal rights'.⁷

Jenkins, alongside Bonham-Carter, pressed the case for a new law, using the data PEP had collected to strengthen arguments for revision.⁸ Concerns were raised,

3 Rose et al, *Colour and Citizenship*, p. 520.

4 See, *The Times*, 'Race laws "will not be shirked"', 24 February 1967, p. 2.

5 The PEP Report was heavily critical of the Act's inability to address discrimination in employment and housing. The PEP researchers (one English, one Hungarian, one West Indian) submitted applications for jobs and to landlords and estate agents to establish an 'objective' view of discrimination. Despite being equally well-qualified, the English tester was offered a job in 15 cases out of forty, the Hungarian in 10 cases and the West Indian in just one. In housing, there still existed massive, open discrimination – in 1965 it was estimated that 89 per cent of private rented accommodation did not allow 'coloureds' and the PEP researchers found that some who *did* allow non-whites asked for a higher rent from the West Indian tester. See, W. W. Daniel, *Racial Discrimination in England* (Harmondsworth: Penguin, 1968); *Report of the Race Relations Board for 1966-67*, HC 437, 26 April 1967, pp. 12-15.

6 Dean, 'Race', pp. 280-81; *Report of the Race Relations Board for 1966-67*, HC 437, 26 April 1967, p. 8. 17 of the accepted cases were settled, 57 deemed unsubstantiated and three were referred to the Board for further investigation.

7 Labour History Archive Study Centre (LHASC), Labour Party Research Department (LPRD) Memoranda, Race Relations Working Party Report, Re. 171, June 1967, p. 1.

8 The speaking notes distributed to Jenkins' colleagues placed the emphasis heavily upon these findings, suggesting that the 1965 Act had shown that the law worked in principle and that the 1968 Act would correct its practical shortcomings. Merlyn Rees Papers, Leeds University, MS

however, that by marking as criminal or immoral opinions which were regarded as being widely held in Britain (for example, that migrants held divided loyalties at least until they had established roots in Britain, or that their first priority ought to be to work to integrate themselves into the host society) new legislation might discourage compliance with the law and result in a stratification of politics on the issue.⁹ In other words, there existed a view that the active pursuit of political action on the subject may have been, even in the circumstances, a mistake, and one that might cut dangerously against public opinion to undermine the tenets of bipartisan policy. Nevertheless, Jenkins brought the question of a new law before the Home Affairs Committee the following month, where, despite concerns of parliamentary time, '[h]e got his way easily'¹⁰ and on 26 July, announced that fresh legislation would be laid.¹¹ The resulting Bill was to operate as a corrective to the faults of the 1965 Act and to fulfil promises made to Bonham-Carter to 'give some enforcement teeth to the Board.'¹²

The Bill made unlawful discrimination on grounds of 'colour, race or ethnic or national origins'¹³ in the provision of goods, facilities or services to the public.¹⁴ Clauses 3 and 4 extended the same provisions into employment, banning discrimination in recruitment, working conditions and dismissal¹⁵ and to cover trades unions and employers' organisations. Clause 5 prevented discrimination in provision of accommodation and, although there were exceptions, these primarily sought to clarify the Bill's position on what level of 'discrimination' was permitted within the private sphere.¹⁶ This was an important caveat, because strengthening the law and extending it into previously private spheres opened afresh the debate about the distinction between personal freedom and government intervention.¹⁷ The Act

1743/1, The Race Relations Act 1968: Speaking Notes, undated.

9 LHASC, LPRD Memoranda, Race Relations Working Party: A note on Race Relations, Re. 174, June 1967, p. 1.

10 Crossman, *Diaries i*, p. 433.

11 *Parliamentary Debates (Commons)*, vol. 751, col. 744, 26 July 1967.

12 Jenkins, *Life*, p. 211.

13 Race Relations Bill 1967, Clause 1.

14 Race Relations Bill 1967, Clause 2.

15 Although Clause 8 established a grace period of 2-3 years for businesses employing fewer than 10 people.

16 Clause 7 stipulated, *inter alia*, that if the person providing the accommodation also resided there, that discrimination in provision of accommodation would not be unlawful.

17 This was primarily a right-wing, Conservative Party concern. Ronald Bell, for one, spoke out

therefore represented a set of significant extensions, clarifications and corrections to the existing legal framework, and these legal developments went hand-in-hand with financial grants for areas with significant migrant populations.¹⁸ These were consolidated into the Urban Programme – a means of providing grant aid to various social projects, which was subsequently elevated into a key strand of successive governments' efforts to mollify societal disadvantage.¹⁹

The Shadow Cabinet was split three ways over the issue, between those, like Iain Macleod, who broadly supported the Bill, others who were more sceptical about the specific measures, if not the underlying principles (including Heath and Quintin Hogg) and still others who were implacably opposed (including Enoch Powell).²⁰ Faced with the prospect of further internal divisions, as well as open conflict with hostile backbenchers, the Shadow Cabinet took the compromise decision to table a reasoned amendment, accepting the need for a new law, but which opposed the Bill as presented. This delicate strategy was made highly problematic as immigration into Britain was thrust into public notice and as Enoch Powell sought to make political capital out of both the sudden increase in migration and the expansion of the anti-discrimination laws.

Commonwealth Immigrants Act, 1968

In October 1967, the Ministerial Committee on Commonwealth Immigration, under Roy Jenkins' chairmanship, had chosen to defer discussion of the potential restriction on arrival of Asian UK passport holders (UKPH) from Kenya²¹ until January 1968, in the hope that Commonwealth Office negotiations with India

against the 'deep and damaging encroachments into the proper sphere of personal decision.' Without a strict public order justification, there existed no necessity to make law 'in such sensitive areas for a purely social purpose.' See, *Parliamentary Debates (Commons)*, vol. 763, cols. 101-04, 23 April 1968. For a contrary backbench position, see Dr. Winstanley's intervention (*Parliamentary Debates (Commons)*, vol. 763, col. 120, 23 April 1968).

18 In 1967, 57 local authorities with migrant populations exceeding two per cent received grants totalling £3 million. See, *Parliamentary Debates (Commons)*, vol. 763, col. 54, 23 April 1968.

19 For a full review of this policy agenda, see, J. Edwards, & R. Batley, *The Politics of Positive Discrimination: An Evaluation of the Urban Programme, 1967-77* (London: Tavistock, 1977).

20 William Whitelaw, *The Whitelaw Memoirs* (London: Aurum, 1989), p. 63; Edward Heath, *The Course of My Life: My Autobiography* (London: Hodder & Stoughton), pp. 291-92; Margaret Thatcher, *The Path to Power* (London: Harper Collins, 1995), p. 146.

21 See, Chapter 1.

and Pakistan might yield an agreement to accept some of those leaving Kenya and that migration pressure might lessen.²² Nevertheless, Jenkins had consulted Crossman – the Leader of the House – about the possible need to make space on the agenda for quick legislation to deal with the Kenyan Asian question.²³ On taking up the role of Home Secretary, James Callaghan quickly arrived at the conclusion that restrictive legislation had become a distasteful necessity.²⁴ In Cabinet, Callaghan argued that 'the increased flow [of Asian UKPH]...might become a flood' and that, 'unless the influx could be greatly reduced, there was a very real risk that our efforts to create a multi-racial society in this country would fail.'²⁵ He took the Chair of a specially-convened Cabinet Committee 'with the air of a man who had made his mind up.'²⁶ Ignoring the wholly legally valid, but entirely politically impotent proposition that, whether or not Britain had made a formal commitment to accept the Asians in such circumstances, they had the perfect right to migrate there,²⁷ Callaghan pressed the argument that the Kenyan Asians had 'no greater claim on merits to settle in the United Kingdom than have Commonwealth citizens living in independent Commonwealth countries or citizens of the United Kingdom and Colonies living in colonies.'²⁸

Only George Thomas, the Commonwealth Secretary, stood against the proposals *in toto*, arguing in Cabinet that such legislation was 'wrong in principle, clearly discriminatory on grounds of colour and contradictory to everything that we stood for.'²⁹ Thomas argued that the exodus of skilled individuals and the effect upon the Kenyan economy had occasioned alarm in some quarters of the Kenyan government³⁰ and hoped to use this to encourage Kenyatta to slow down the rate of

22 NA, CAB 129/135, C (68) 34, 'Immigration Legislation', Memorandum by the Home Secretary, 12 February 1968, p. 1; James Callaghan, *Time and Chance* (London: Collins, 1987), p. 265.

23 Crossman, *Diaries ii*, p. 526.

24 Callaghan, *Time*, p. 266.

25 NA, CAB 128/43 CC(68), 13th Conclusions, 15 February 1968, p. 8.

26 Crossman, *Diaries ii*, pp. 678-79.

27 See, Hansen, *Citizenship*, p. 162.

28 NA, CAB 129/135, C(68) 34, 'Immigration Legislation', Memorandum by the Home Secretary, 12 February 1968, Annex, p. 3.

29 NA, CAB 128/43, CC(68) 13th Conclusions, 15 February 1968, p. 9.

30 NA, CAB 128/43, CC(68) 13th Conclusions, 15 February 1968, p. 9. More than £4 million had been wiped off the value of the Nairobi stock exchange. See, *The Times*, 'Anxiety in Kenya at exodus', 16 February 1968, p. 5.

emigration.³¹ Wilson, however, supported his Home Secretary, and was 'ready to impose the quota that very day' – it was only opposition from Roy Jenkins³² that secured a delay in action and a resolution to send a mission under Malcolm MacDonald to attempt to negotiate with Kenyatta. However, MacDonald returned empty-handed and, when the Cabinet reconvened a week later, the decision was taken to legislate.³³ The situation was now clear:

the moral and legal objections to [legislation], and the problems which it would raise for us internationally and administratively...were thought to be outweighed by the consequences for the social services, in terms of additional expenditure, and for our race relations policy, if the flow of immigrants from Kenya was allowed to continue unchecked.³⁴

Preparations for introducing the new law were set in train and Callaghan was empowered to announce the government's intentions to the House.³⁵ As Crossman noted, while such a restriction of British passport holders would previously have been unthinkable to those round the Cabinet committee table, '[n]ow they were quite happy reading aloud their departmental briefs in favour of doing just that.'³⁶

The question of new controlling legislation opened up a fresh vista in the intellectual-political conflict between Jenkins and Callaghan. Jenkins was appalled at Callaghan's 'illiberal' attitudes when presiding over a Home Office in which he had done so much to stimulate progressive tendencies³⁷ and he was concerned that the Race Relations Bill would be swept away by Callaghan's commitment to the Labour core vote.³⁸ Moreover, the attitude Callaghan struck on the question of the new

31 However, Kenyatta lacked the political will or the manoeuvrability to reverse his policies and in any case, the pressure to migrate remained extremely strong. By late February, the domestic situation in Kenya and the apparent imminence of British controlling legislation combined saw airline tickets with a face value of £148 changing hands for £500 on the black market. See, *The Times*, 'Black market in air tickets at £500', 24 February 1968, p. 1.

32 Jenkins 'was convinced that if we plunged into this in the kind of spirit Callaghan showed we would have offended any decent instinct.' (Crossman, *Diaries ii*, pp. 684-85).

33 NA, CAB 128/43, CC(68) 14th Conclusions, 22 February 1968, pp. 4-7.

34 NA, CAB 128/43, CC(68) 14th Conclusions, 22 February 1968, p. 5.

35 *Parliamentary Debates (Commons)*, vol. 759, cols. 659-61, 22 February 1968.

36 Crossman, *Diaries ii*, p. 679.

37 Campbell, *Jenkins*, p. 127.

38 Jenkins sought to ensure that the Bill progressed sufficiently far that Callaghan could not reverse it. See, Jenkins, *Life*, p. 211.

immigration Bill disturbed Jenkins (who had, of course, entertained the possibility of similar legislation) more than the issue of whether or not control ought to be extended.³⁹ Indeed, it was Callaghan who wore the taint of the Commonwealth Immigrants Act more than any other individual and he later recorded his displeasure that Jomo Kenyatta had largely escaped obloquy for effectively forcing the Asian population to leave Kenya through transparently and vindictively discriminatory laws, while he himself had attracted such vituperative personal criticism.⁴⁰

The chosen method of control was to stipulate a 'qualifying connection' with the UK. In order to qualify, an individual must, in addition to holding a passport issued by UK authorities, be born, naturalised or adopted in the UK itself or have a father or paternal grandfather who was so born, naturalised or adopted.⁴¹ This, of course, precluded the entry of all but a tiny minority of the Asians in East Africa, most of whom held no such connection. The Bill also introduced more general measures stiffening immigration controls, by extending from 24 hours to 28 days the period during which examination by an immigration officer must begin,⁴² by permitting immigration officers to demand a medical examination prior to approving entry and by changing the rules on admission of children under 16 to be valid only if both parents had already been admitted.⁴³ But these measures were of comparatively small significance, and the purpose of the Bill was undoubtedly to check the uncontrolled arrival of Asian UK citizens who were politically controversial.

The long-promised implementation of the Wilson Committee's recommendations⁴⁴ on the establishment of a statutory immigration appellate authority had been discussed (and rejected) as a possible means of tempering the obviously restrictive character of the proposals.⁴⁵ Although the broader strengthening measures were regarded largely as necessary and logical clarifications of the law, a

39 Crossman, *Diaries ii*, pp. 684-85.

40 Callaghan, *Time*, pp. 266-67. Indeed, so caustic was the treatment Callaghan received, his wife cancelled their 30-year subscription to *The Guardian*. See, London School of Economics (LSE), Hector Hetherington Papers, HETHERINGTON/14/6, Points from a meeting with Jim Callaghan, 9 April 1968, p. 3.

41 Commonwealth Immigrants Bill 1968, Clause 1.

42 Commonwealth Immigrants Bill 1968, Clause 4.

43 Commonwealth Immigrants Bill 1968, Clause 2.

44 These were eventually passed as the 1969 Immigration Appeals Act, which instituted a statutory appellate authority.

45 NA, CAB 128/43, CC(68) 14th Conclusions, 22 February 1968, p. 6.

Times leader argued that '[t]he tougher the law becomes the more important it is to make certain it is applied fairly...This serious omission [of the Wilson proposals] confirms the impression that, whatever its merits, this [Commonwealth Immigrants] Bill is being rushed with a haste that approaches panic.'⁴⁶ This panic, it was surmised, was a function of the ethnicity of the migrants in question and a dishonourable negation of British responsibilities.

The spectacle of anti-racist and ethnic minority political groups protesting against the Bill seemed to undermine Callaghan's arguments that future racial harmony was contingent upon the institution of controlling legislation⁴⁷ and Labour appeared to have abandoned, at one fell swoop, its support for the multi-racial Commonwealth ideal, or at least were implying that, while Commonwealth multiracialism was to be applauded, Britain ought to be exempted from its precepts. Opening the Second Reading debate, Callaghan had argued that the Bill's origins lay 'neither in panic nor in prejudice but in a considered judgement of the best way to achieve the idea of a multi-racial society.'⁴⁸ While it is difficult to agree with this assessment, the censorious tone of liberal opposition found little sympathy in, and indeed, appeared wholly incongruous with the mass of public opinion.⁴⁹

Heath and Powell

It has become virtually an historical cliché to observe that Heath was a technocratic, management-oriented politician. There was, in the terms of his biographer, an 'intellectual vacuum at the heart of Heath's policies'⁵⁰ and he displayed a comfort with the details of policy which rarely characterised his approach to 'big questions' and ideological themes. His alleged anti-intellectualism was accompanied on the one hand by an infamous *froidueur* and on the other by a rather

46 *The Times*, 'Hasty law makes bad cases', 23 February 1968, p. 9.

47 David Ennals, the Minister of State at the Home Office, had prepared his resignation. He told Barbara Castle that he had been mistaken in his belief that restriction in the name of race relations was essential. (Barbara Castle, *The Castle Diaries, 1964-70* (London: Weidenfeld & Nicholson, 1984), p. 390).

48 *Parliamentary Debates (Commons)*, vol. 759, col. 1242, 27 February 1968.

49 According to Gallup, there was some 72 per cent support for the introduction of the measure nationally. Quoted in, Hansen, *Citizenship*, p. 164, n. 61.

50 Campbell, *Heath*, p. 30.

staid-seeming political style and notoriously prolix speechmaking. In contrast, Powell's politics was infused with his 'taste for melodrama, his determination to inject passion into the commonplace run of things.'⁵¹ This variance underscored the widening disparity in the late 1960s between their opposing brands of Conservatism. Heath's, built upon EEC membership and modernisation of the state, which presented immigration as a manageable phenomenon and did not seek an overt politicisation of race, and Powell's deeply personal, nationalist politics which offered, in place of a Eurocentric modernism, 'a vision of the Conservatives as the party of capitalism and nationhood, rejecting [EEC] entry, defending the Union and urging repatriation.'⁵²

Powell's April 1968 speech⁵³ had encapsulated ideas of nation and immigration, framing them, in profoundly anti-consensual terms, as a rejection of elite political action on race issues. Heath's response had been to fight off Powell's broader allusions while integrating a tough stance on immigration into the Conservative Party platform. For Heath, this was an exercise in denuding Powell's arguments of their emotional exterior; for his opponents, it was evidence of capitulation. Accused by Harold Wilson of 'inflammatory' rhetoric and 'dancing to Powellite tunes', Heath angrily denied that Conservative policy had toughened, claiming he had been 'absolutely consistent since before the 1966 election'. He continued: 'I stripped the whole thing of any sort of emotion and set out a realistic policy.'⁵⁴ Indeed, Heath had attempted to tread a fine line between his own relative liberality on the race issue, his distaste for the politics of immigration and his determination to bring migrant numbers under tight but equal and fair control. Powell's attacks had forced him into expanding on a proposed immigration policy before he felt clear on which course to take.⁵⁵ Without having himself developed any

51 Ferdinand Mount, *Cold Cream: My Early Life and Other Mistakes* (London: Bloomsbury, 2009), pp. 266-67.

52 Philip Lynch, *The Politics of Nationhood: Sovereignty, Britishness and Conservative Politics* (Houndmills: Macmillan, 1999), pp. 22-3.

53 See, Chapter 1.

54 Quoted in, *The Times*, 'Heath shifty and slick, says Callaghan', 28 January 1969, p. 1.

55 Douglas Hurd, *Memoirs* (London: Little Brown, 2006), p. 183. At the time, Hurd resolutely argued (along with Heath) that there had been no capitulation to the Powellite agenda on race. The position Heath adopted was, as Hurd maintains in his memoir, an elaboration of the existing line which had been consistent since 1966. (See, Hugo Young (Ion Trewin, ed.), *The Hugo Young Papers: Thirty Years of British Politics – Off the Record* (London: Allen Lane, 2008), p. 6).

more sophisticated agenda on the issue, Heath was in some respects better able to be flexible and to appropriate what was seen as the judgement of public opinion in favour of stricter control. This was decried in some quarters as Heath's opportunistic manipulation of the controversy around Powell to present 'as an act of judicious moderation' a policy which would otherwise have been condemned⁵⁶ and has attracted criticism from some scholars, who accuse Heath of being deliberately mealy-mouthed in his criticisms because of a desire to integrate Powell's underlying message into official party policy.⁵⁷

In a speech in York in September, Heath was at pains to emphasise, in the terms as well as the timing of the speech, that the backbone of Conservative policy had existed prior to 'the passion of last spring'.⁵⁸ At the strategic level, the party sought to underline the message that a government under their leadership would be better able to control 'the quantity, quality and geographical distribution of future immigration'.⁵⁹ To this end, Heath proposed a universal system of work permits, 'limited to a specific job with a specific employer at a specific place' as a cornerstone of 'realistic' Conservative policy, intended to equalise the treatment of Commonwealth migrants and aliens by immigration authorities. This was an apparent toughening in policy proposals and it was matched with a hardening of rhetoric:

The number of immigrants entering Britain, both under the voucher system and as dependants, must be *severely curtailed*. Each individual granted an entry voucher *must be justified as essential for the purpose stated*. Each dependant *must be justified on humanitarian grounds*. It is not Conservative policy to stop all immigration into Britain, however attractive such a policy may seem from the point of view of simplicity or directness.⁶⁰

As Mark Pitchford points out, 'Heath's move presented Powell with a choice: accept this as a step in the right direction, or remain outside the official party line and show

56 Maurice Cowling, 'Mr Powell, Mr Heath, and the Future', in, John Wood (ed.), *Powell and the 1970 Election* (Kingswood: Elliot Right Way Books, 1970), p. 15.

57 For example, Paul, *Whitewashing*, pp. 178-79.

58 Quoted in, *The Times*, 'Conservatives tighten net for immigrants', 21 September 1968, p. 8.

59 CPA, CCO 20/66/19, Minute from Douglas Hurd to Brendan Sewill, 1 January 1969.

60 Quoted in, *The Times*, 'Conservatives' tighten net for immigrants', 21 September 1968, p. 8 [emphasis added].

his true feelings over black immigration'.⁶¹ To be sure, Powell's tapping of anti-immigration sentiment, and his increasingly vociferous calls for greater restriction and large-scale repatriation demanded responses from Heath, who announced a four-point plan in September 1969: that Commonwealth citizens would only be admitted under work permit conditions and would no longer automatically gain the right to permanent settlement; that these work permits would be renewable annually; that admission of dependants would be at the government's discretion; and that the decision on the migrant's right to enter would be taken in the country of origin, not the UK.⁶²

The effect of Powell's attacks on Conservative Party policy undoubtedly turned on his popularity. For John Campbell, Heath continued to need Powell, who held enormous working and lower-middle class appeal, and who was personally more popular than the leader so much that, '[r]eluctantly...and without appearing to embrace his views, Heath was bound to trim his sails...to catch the Powellite wind.'⁶³ This does not render Heath's rejection of Powell's message necessarily disingenuous; he smashed Powell's front bench career partially in the name of Shadow Cabinet integrity, but also because the sentiment of the speech was so unequivocally opposed to the calming doctrine Heath sought on the issue. In responding uncharacteristically forcefully to a speech Powell gave in early 1970 – where he called Powell's suggestion that assistance for areas of migrant settlement ought to be contingent upon a substantial scheme of voluntary repatriation, 'an example of man's inhumanity to man absolutely intolerable in a Christian, civilised society' – it seems clear that Heath was attempting to draw a line under his acceptance of further restrictions.⁶⁴ Indeed, despite their periodic ferocity, the public struggles between Heath and Powell eventually resulted in a Conservative manifesto that went little further than Heath had indicated at York in September 1968 and in his four-point plan. The manifesto promised to 'establish a single system of control over all immigration from overseas'; to invest in the Home Secretary 'complete control' over the future direction and

61 Pitchford, *Conservative Party*, p. 168.

62 CPA, CCO 505/4/63, 'Conservative Policy on Immigration', 25 January 1969; Hansen, *Citizenship*, p. 188.

63 Campbell, *Heath*, p. 245.

64 *The Times*, 'Powell view is inhuman, Heath says', 19 January 1970, p. 1.

implementation of policy; to restrict the right of future migrants, who would enter the country on a work permit 'limited to a specific job in a specific area for a fixed period', to send for dependants; and to establish provision for voluntary repatriation.⁶⁵

Nevertheless, the sense that the leadership was drifting right was widely held and Edward Boyle's decision to depart parliamentary politics is often cited as evidence that the Tory left were to some degree on the wane.⁶⁶ When Whitelaw expressed concern that the party risked veering too far right, Heath huffed that they were bound to do so 'if the left continued to make trouble for the leadership.'⁶⁷ The existence of such deep division within the Shadow Cabinet had, Thatcher later alleged, dulled the discussion of issues of principle in favour of more mundane fare⁶⁸ and Heath's avowals of a policy based upon strict control tempered by equality before the law were both within the intellectual mainstream and acceptable to most on the front bench.⁶⁹

To be sure, Powell's doctrine incorporated an instinctive, romantic idea of nationhood⁷⁰ that it is difficult to imagine Heath embracing. His politics traded upon a language of national character which was in perhaps terminal decline by the late-1960s, its meaningful content substituted by the 'lowest-common-denominator whiteness of the English'.⁷¹ As a consequence of these failures and erosions, it has been argued, Powellism revived English nationalism through 'the obscene form of racism'.⁷² He emphasised homogeneity and unity, common heritage and ancestry.⁷³ More importantly, however, 'Powellism' was a political force, concerned with a

65 F. W. S. Craig (ed.), *British General Election Manifestos, 1959-1987* (Aldershot: Dartmouth, 1990), p. 127.

66 See, for example, Philip Ziegler, *Edward Heath: The Authorized Biography* (London: Harper Press 2010), p. 208.

67 Mark Garnett & Ian Aitken, *Splendid! Splendid! The Authorized Biography of Willie Whitelaw* (London: Jonathan Cape, 2002), p. 79.

68 Thatcher, *Path*, pp. 143-44.

69 Iain Macleod felt particularly strongly on the issue and made clear his departure from Shadow Cabinet orthodoxy by voting against the Second Reading of the 1968 Commonwealth Immigrants Bill.

70 Julia Stapleton, 'Citizenship versus patriotism in Twentieth-Century England', *The Historical Journal*, 48, 1 (2005), p. 173.

71 Peter Mandler, *The English National Character: The History of an Idea from Edmund Burke to Tony Blair* (New Haven: Yale University Press, 2006), p. 227.

72 Tom Nairn, *The Break-up of Britain: Crisis and Neo-Nationalism* (2nd Edition) (London: Verso, 1977), p. 269.

73 Shamit Saggar, *Race and Politics in Britain* (2nd Edition) (Hemel Hempstead: Harvester Wheatsheaf, 1992), p. 113.

conception of what Andrew Gamble refers to as the 'politics of support', that sought to revivify a popular Conservatism by reflecting views and interests 'not represented in the consensus politics of the two main parties.'⁷⁴ Until he took up the cause of Unionism in Northern Ireland, Powell remained within – even loomed over – the Conservative Party, rather than drifting off to lead any Tory ginger group, or the National Front, or any other organisation preoccupied by race, that would have marked a truer exile from the pursuit of parliamentary power.

1970 Election

There was much scepticism about Heath's capacity to lead the party to victory, and contingency plans had been hatched to replace him in June 1970.⁷⁵ However, a last-minute swing in opinion towards the Conservatives coincided with Powell's late decision to throw his weight behind the campaign. Despite its faults, he argued, Britain remained 'great' because it maintained its freedom: 'On Thursday your vote decides whether that freedom shall survive or not. You dare not entrust it to any Government but a Conservative Government.'⁷⁶ Heath and Powell were by this stage completely alienated, and the endorsement of such a popular candidate can at best have been cold comfort for the party leader – he later saw it as a wholly cynical move against his leadership.⁷⁷

This episode has given rise to the belief in some quarters that Powell's last-minute support won the election for the party and the view that Powell had been the midwife to Heath's Prime Ministerial career is expressed clearly by one of Powell's more awestruck biographers:

The sadness and irony of the history of the Conservative Party in this period lies in the fact that Edward Heath owed his victory to a man whose views he had consistently rejected, but who enjoyed a national support that Heath himself was

74 Andrew Gamble, *The Conservative Nation* (London: Routledge & Kegan Paul, 1974), pp. 121-22

75 Mark Garnett, 'Planning for power: 1964-1970', in Stuart Ball & Anthony Seldon (eds.), *Recovering Power: The Conservatives in Opposition Since 1867* (Houndmills: Palgrave Macmillan, 2005), p. 193; Garnett & Aitken, *Splendid*, p. 85.

76 John Wood (ed.), *Powell and the 1970 Election* (Kingswood: Elliot Right Way Books, 1970), p. 124.

77 '[Powell] assumed, as many people did, that we should lose the election and that, having supposedly demonstrated both his robustness and his loyalty to the party, he would then be in a position to challenge for the leadership.' Heath, *Course*, pp. 455-56.

never to achieve.⁷⁸

Unsurprisingly, Heath wholly rejected this view.⁷⁹ As we have seen, he staunchly maintained that Conservative policy owed little or nothing to Powell's 'passions'. Despite the popularity of his rival and the apparently foregone conclusion of the election result, Heath emerged victorious in both contests, and determined that the damaging consequences of the Kenyan Asians crisis and all that came with it would not plague his plans for a rational approach to immigration policy. Nevertheless, the possibility that Powell influenced the outcome of the election, or the terms on which the Conservative Party fought certain aspects of it, suggest that 1970 was the first election in postwar British history where race and immigration an appreciable influence on the outcome.⁸⁰

But how appreciable? Taking a quantitative view, the Nuffield survey shows that 26 per cent of Conservative candidates argued for no further increase in immigration to Britain, while 12 per cent publicly advocated for voluntary repatriation of migrants who failed to settle and find work. By contrast, no Labour candidates mentioned preventing further immigration or advocated voluntary repatriation; only two per cent mentioned anything to do with immigration at all, stating their support for the ideal of a multi-racial society (against six per cent of Conservatives doing the same). Although more than one quarter of prospective Conservative MPs had mentioned the issue in campaign addresses, immigration and race were far from the most significant subjects for debate during the campaign. An economic critique of the Labour Party's record in government unsurprisingly formed the main thrust of Conservative campaigning, with inflation far and away the most discussed issue (mentioned by 92 per cent of candidates).⁸¹

Rather than a party-wide effort to stimulate debate on the issue, then, it is Powell's personal influence which has preoccupied commentators and scholars. As Jon Lawrence has recently observed, the developing tendency of BBC election coverage to press candidates into head-to-head debates over controversial issues

78 Patrick Cosgrave, *The Lives of Enoch Powell* (London: The Bodley Head, 1989), p. 272.

79 Heath, *Course*, p. 455.

80 Hansen, *Citizenship*, pp. 191-92.

81 David Butler, *The British General Election of 1970* (Houndmills: Macmillan, 1971), pp. 437-38.

(which, in 1970, meant the challenge of Powellism) lent a shape to the television media presentation of the campaign and allowed Powell, despite his lack of official status in the party, and the predominant focus of the election candidates on economic issues, to capture some 20 per cent of the news coverage.⁸² One study estimated that the Conservatives accrued a 6.7 per cent boost due to the belief that they would be more likely to keep immigrants out than the Labour Party – a perception inculcated at least in part by Powell's association, however unofficially, of the party with a more restrictive position.⁸³ Yet another study suggested the Conservatives accrued overall a 1.5 per cent swing thanks to their association with the issue.⁸⁴ More sceptical about the impact of Powell on white voters in particular, David Butler argues, citing disproportionately low swings towards the Conservatives in seats with high ethnic minority populations in cities like Manchester, Bradford, Leicester and Leeds, that 'the evidence...Powell helped the Labour Party by mobilising support for it from coloured immigrants is extremely strong.'⁸⁵ The view that immigrant voters had assisted in securing at least one Birmingham seat certainly was present in the Labour Party.⁸⁶

But perceptions of the electoral impact of race were not uniform. In early June, Tony Benn had stirred the waters with a speech in which he provocatively claimed – in response to Powell's speeches – that 'the flag of racialism that has been hoisted in Wolverhampton is beginning to look like the one that fluttered 25 years ago over Dachau and Belsen.'⁸⁷ When the speech 'exploded', both Wilson and Heath responded with anger, the former chiding Benn to keep off race issues and the latter calling for his head.⁸⁸ Indeed, Wilson had been keen to avoid bringing racial issues

82 Jon Lawrence, *Electing Our Masters: The Hustings in British Politics from Hogarth to Blair* (Oxford: OUP, 2009), p. 206.

83 Donley T. Studlar, 'Policy voting in Britain: the coloured immigration issue in the 1964, 1966 and 1970 General Elections', *American Political Science Review*, 72 (1978), p. 47.

84 W. L. Miller, 'What was the profit in following the crowd? The effectiveness of party strategies on immigration and devolution', *British Journal of Political Science*, 10, 1 (1980), p. 36.

85 Butler, *Election 1970*, p. 406.

86 Birmingham Handsworth, which claimed an ethnic minority population of 12.1 per cent. See, *The Times*, 'Varied reactions on race', 20 June 1970, p. 3.

87 *The Times*, 'Onslaught on Powell by Wedgwood Benn', 4 June 1970, p. 1.

88 Tony Benn, *Office Without Power: Diaries, 1968-72* (London: Arrow Books, 1988), pp. 287-89. As was becoming common practice in such circumstances, Benn received a large quantity of mail, '2:1 against' his sentiments, running the gamut from the Powellite to 'people who were worried about what was happening and were glad that it had been brought out into the open.'

explicitly into the election campaign,⁸⁹ and he later claimed that Benn's intervention had actually *cost* the party five seats.⁹⁰ While Heath too had striven to limit the use of race-related issues by Conservative candidates, his party seemed nevertheless to have benefitted from it. Rather than substantive questions of politics, Benn found the media preoccupied only with the 'sensational or trivial, or personal things'⁹¹ and this, too, suggests possible reasons for Powell's impact.

One study argues for a short term 'Powell effect' – that he did not influence the long-run pattern of public opinion, which was entrenched and hostile, but he did break with Conservative Party tradition by reaching out directly to the electorate, accruing a significant amount of personal popularity by doing so.⁹² Specific results suggest that Powell's influence may have operated most markedly in certain localities, primarily in proximity to his own Wolverhampton South West constituency,⁹³ but there is no way to accurately establish what influence he may have had nationally.⁹⁴ Powell was personally electorally secure – he managed an 8.3 per cent swing in his own favour, doubling his majority. Less well-known proponents of his philosophy on migration (particularly those from outside the West Midlands) certainly failed to secure the same levels of support.⁹⁵ Even within the West Midlands however, the tendency was not uniform. Despite its past associations with the worst excesses of racial campaigning, electors in Smethwick again returned Andrew Faulds (Labour) to Westminster. As Faulds' election agent had it, 'Smethwick...had Powellism before and...got tired of it.'⁹⁶ The question facing Heath and his associates within the party was whether the same could be said of the country at large.

89 Ziegler, *Wilson*, p. 351.

90 Tony Benn, *Against The Tide: Diaries, 1973-76* (London: Arrow Books, 1989), p. 92.

91 At a later speech, this time on the subject of industry, the television crews abandoned the meeting when it became clear that he would not be repeating his controversial comments. See, Benn, *Diaries, 1968-72*, p. 291; Lawrence, *Masters*, p. 212.

92 Donley T. Studlar, 'British public opinion, colour issues and Enoch Powell: a longitudinal analysis', *British Journal of Political Science*, 4 (1974), pp. 378-79.

93 Places like Dudley (9.2 per cent swing to the Conservatives), Brierly Hill (9.2 per cent) and Birmingham, Northfield (8.6 per cent); see also, Layton-Henry, *Politics of Race*, p. 79.

94 Butler, *Election 1970*, p. 406.

95 For example, the Conservative candidates for Ormskirk (Harold Soref) and Islington East (R. Devonald-Lewis) who both shared Powell's convictions, managed only 2.9 per cent and 2.8 per cent respectively, below the national average of 4.8 per cent and well below the 8.5 per cent swings seen in West Midlands constituencies. See, *The Times*, 'Varied reactions on race', 20 June 1970

96 Quoted in, *The Times*, 'Varied reactions on race', 20 June 1970, p. 3.

Conclusion

The expansion of race relations law and the re-emergence of immigration as a political issue lay at the bottom of the development of a populist critique of policy after 1968. Powell criticised immigration and race politics, and the consensus which had prevailed over both, as not only wrongheaded in effect, but lacking in democratic legitimacy by design. The British public, he suggested, had been misled by a deeply unresponsive political class, who had rejected their true function as statesmen. The restrictionist impulse behind such an assault was met by the Conservative Party leadership with an attempt to stiffen policy proposals, responding to the idea that control was seen as ineffective with measures that would (it was hoped) undercut those arguments. Yet Powell's critique also sought to reintroduce a refreshed sense of English nationalism into politics, and he criticised ethnic diversity as impossible to reconcile with national unity. In doing so, Powell was in the intellectual vanguard and, while he may have suggested the central tenets of what might become a populist politics the Conservative Party could adopt, these ideas were as yet ill-formed, highly controversial, and too far outside the mainstream of politics to be considered seriously by the party as a strategic approach to the issue. Moreover, they had found no sympathy with the party leadership. In repudiating these ideas, Heath placed a heavy emphasis upon the capacity to govern in what was seen to be the national interest. On entering government in 1970, the Conservative Party would seek to create a system of immigration law that was strongly administered and offered wide discretionary powers, with the objective of future security and the removal once more of the issues Powell had traded upon so effectively from the sphere of political debate.

Chapter Three:

Consolidating managerialism: Immigration and the Heath government, 1970-74

In chapter 1, I suggested the emergence of a critique of immigration policy focused upon the rejection of prevailing bipartisan politics as unrepresentative and damaging. In this chapter, I examine the attempts by the Heath government to institute a system of strong administration and law to negate criticisms of elite unresponsiveness. The 1971 Immigration Act represented the apogee of this strategy, providing a framework within which governments could regulate immigration and that could be altered without recourse to further primary legislation. Heath recognised that the mastery over immigration control so central to his strategy would remain elusive until Britain could redefine its nationality law to the exclusion of Empire and this chapter illustrates a previously unappreciated pursuit of such legislation in the early 1970s.

'Selsdon Man' in power

Despite the focus on anti-immigration sentiment at the election, more recent scholarship has illustrated the beginnings of a tendency within both main parties during this period to look to black and Asian Britons as a new demographic, and as a potential reservoir of votes. The perceived value of ethnic minority electors was clear to some in the Conservative Party and, in addition to reducing absolute numbers of migrants entering Britain and facilitating (passively or actively) black and Asian political engagement, the party came to see the importance of 'recognis[ing] the electoral potential of Britain's new citizens.'¹ But this had to be balanced against

1 N. J. Crowson, 'Conservative Party activists and immigration policy from the late-1940s to the mid-1970s' in Stuart Ball and Ian Holliday (eds.), *Mass Conservatism: The Conservatives and the Public since the 1880s* (London: Frank Cass, 2002), p. 163.

'concerns that continued migration threatened Britain's national identity and challenged the very values Conservatism stood to protect.'² There was an analogous development in the Labour Party, which revealed not only the contested inheritance of 'Labourism' itself, but the practical discrepancies between an elite which had largely accepted the parliamentary party's *volte-face* on immigration restriction and the majority of members who perceived no wrongdoing in the racial implications of immigration control in the early 1960s.³ Both parties were somewhat unbalanced in managing their responses to postwar immigration, but Labour appeared to have been the primary beneficiaries of black and Asian votes, practically by default. Doubtless, this owed something to Labour's association with policies that served the interests of those voters – unemployment, housing, education, regeneration⁴ – and the association of the Conservative Party with a more openly anti-immigration strand of politics.

The Labour Party began to question itself more deeply on the subject after losing office. Yet this self-examination did not at this stage look upon the fight against racial inequality as a necessary part of the commitment to the achievement of equality more broadly.⁵ Doubtless, this owed something to the allure of arguments that ethnic minorities could benefit from a generalised approach to equality, thus avoiding direct appeals to minority interests which may have been antagonistic to their white support base.⁶ Labour's governmental responses to the existence of racial inequality had remained in an awkward balance between the creation of self-consciously race-related, specific, initiatives and the perpetuation of universalist welfare principles. It was from this central inconsistency that future disputes would stem.⁷

There were those within the Conservative Party who had begun to realise that

2 Ibid., p. 165.

3 Steven Fielding, 'Brotherhood and the brothers: responses to "coloured" immigration in the British Labour party, c.1951-65' *Journal of Political Ideologies*, 3, 1 (1998), pp. 79-97.

4 Shamit Saggat, 'Analysing race and elections: some conceptual and theoretical concerns', in Idem (ed.), *Race and British Electoral Politics* (London: UCL Press, 1998), p. 28.

5 For instance, the Fabian analysis of the 1964-70 Labour government's record in office did not deal directly with the question of racial inequality and was primarily concerned with the inabilities of government to increase public spending under conditions of economic stagnation. See, Peter Townsend & Nicholas Bosanquet, *Labour and Inequality* (London: Fabian Society, 1972), p. 7.

6 Saggat, 'Analysing race', p. 28.

7 See, Chapters 3 & 4.

the appearance of being tough on immigration, although in many respects a prerequisite of political strength and sure-footedness on the issue, hampered any nascent attempts to encourage those voters to side with the party – whatever else they may have held in common.⁸ This argument, however, remained marginal while it could also be held that the potential influence of ethnic minority votes, so entrenched in already safe Labour seats,⁹ could also be held to be marginal to Conservative electoral performance. The evidence of the 1970 election did little to foster the notion that the Tories were on the cusp of capturing black and Asian votes.

Indeed, the purchase which any developing pro-migrant attitudes could gain in the Conservative Party was also limited by the approach Heath adopted more broadly. The last minute addition to the Selsdon Park agenda of a strong commitment to law and order contributed significantly towards the now-unpopular myth of Selsdon as a swing to the right.¹⁰ This, like many other broad-brush characterisations of Heath's politics, has since been dismissed as profoundly misleading.¹¹ For John Campbell, although the representation of Heath's strategy as a decisive break with consensus politics (subsequently betrayed by the failure of his convictions) is little more than a Thatcherite post-rationalisation, it was nevertheless an argument made possible by the (self-conscious) lack of clarity inherent in Heath's 'going along with an aggressively free market rhetoric he did not accept.'¹²

On immigration, too, Heath had been seen, throughout his conflict with Powell, as tacking, to a greater or lesser degree, towards a position less sympathetic to migrants and more sympathetic to Powell. Yet, he was undoubtedly a reasonably moderate social liberal – a 'One Nation' Tory – who certainly did not wish to associate himself with the divisive 'passions' of his former colleague. It had been, from Heath's perspective, the underlying message of their conflict that government could control immigration stringently and in the national interest, without

8 Crowson, 'Conservative Party', p. 163.

9 As illustrated by, Donley Studlar, 'British public opinion, colour issues and Enoch Powell: A longitudinal analysis', *British Journal of Political Science*, 4, 3 (1978), pp. 371-81.

10 Garnett, 'Planning', pp. 211-14; Ziegler, *Heath*, p. 216.

11 Peter Hennessey, *The Prime Minister: The Office and its Holders since 1945* (Harmondsworth: Penguin, 2001), pp. 333-36.

12 Campbell, *Heath*, pp. 266-67. This view has been largely echoed by Heath's official biographer who notes: 'Heath's own contributions [to the Selsdon conference] were moderate in tone but certainly inclined towards the radical right.' See, Ziegler, *Heath*, p. 215.

descending to 'un-Christian' attitudes of intolerance. Although his appointment of Reggie Maudling as Home Secretary itself raised questions about the sincerity of the social order implications – and by dint of that, the wider priorities of the Home Office under a Heath government – of 'Selsdon Man',¹³ the election victory that had installed him as Prime Minister owed at least a portion to the emanation of a tough philosophy on future immigration controls. Although certainly a moderate, Maudling was seized of the view that 'race relations could not be established on a satisfactory basis so long as fear of a possibly unlimited influx continued and, therefore, a stricter control of the number of new arrivals was desirable in the interests of race relations themselves';¹⁴ a narrow reading of the central tenets of the bipartisan policy pre-1968. In the Queen's Speech debate, Heath stated that the aim of policy was to ensure

justice to all those who are already in this country, whatever their race, creed or colour may be, to set the public mind at rest on this issue so that there cannot be any further justification for existing passions and so that there can be absolutely no reason for apprehension on the part of immigrants who are already settled here.¹⁵

Maudling was certain that immigration was a key issue upon entering government¹⁶ and in late June, he made clear to the Prime Minister that it presented a set of acute, interrelated difficulties. Firstly, the arrival in the UK, via intermediary countries in Europe, of Asian UKPH from Uganda and Kenya without the appropriate documentation. This 'queue jumping' had only previously been averted by 'wishful thinking and a stiff policy with the airlines', but the problem had become more pressing, as several groups travelling in this way had been placed in UK detention, or else sent back to the European countries they arrived from.¹⁷ Maudling believed pressure would have to be placed upon the Kenyan and Ugandan authorities in the immediate term to ensure they would be willing to re-admit those individuals

13 Lewis Baston, *Reggie: The Life of Reginald Maudling* (Stroud: Sutton, 2004), p. 390; Andrew Roth, *Heath and the Heathmen* (London: Routledge & Kegan Paul, 1972), p. 210.

14 Reginald Maudling, *Memoirs* (London: Sidgwick & Jackson, 1978), p. 158.

15 *Parliamentary Debates (Commons)*, vol. 803, col. 95, 2 July 1970; Heath, *Course*, p. 456.

16 Maudling, *Memoirs*, p. 158.

17 NA, PREM 15/444, Minute from Home Secretary to Prime Minister, 24 June 1970, pp. 1-2.

and families not granted admission to the UK, as the existing situation could not hold.¹⁸ The issue of queue jumping, however, could not be avoided or wished out of existence indefinitely, and the Home Secretary supported a 'substantial concession' to the East African governments in terms of the voucher quota under the 1968 Act.¹⁹ Although an increase in voucher issue cut against the grain of the strong policy the party had advocated in opposition, it might be rendered politically acceptable if the government were seen to be taking 'strong measures' in other areas promised in the Manifesto.²⁰

Indeed, it had been the intention of the promise to create 'a single system' of control to underwrite these strong measures and to provide immigration policy with a secure foundation. But the Home Office cast doubt on government's ability to achieve even this underlying aim. Maudling's message to Heath was simple:

I must advise you that there are real problems about having a single entry system. The first is that if we do not retain some limit on numbers (there is none for aliens) the rate of new Commonwealth immigration might increase sharply. The second is the special position that must be granted to citizens of the Common Market countries, who, if we join, will have a right to come here for employment.²¹

In place of a wholesale reframing of immigration policy, Maudling offered the notion of a more limited measure, focused exclusively upon Commonwealth immigration.²² This was a view shared by the Foreign Secretary and the Employment Secretary.²³ The Foreign Office were particularly keen to approach fresh legislation in stages, rather than in one fell swoop, since Commonwealth governments were sensitive to changes in British law and 'we must do our best, by explaining the reasons for our

18 The problems of queue jumping were largely resolved by mid-July, through pressure on major airlines not to carry passengers without full documentation and informal discussions with the transit countries through which the Asians passed not to allow them to land. See, NA, PREM 15/444, Minute from Foreign Secretary to Prime Minister, 13 July 1970.

19 NA, PREM 15/444, Minute from Home Secretary to Prime Minister, 24 June 1970, p. 3.

20 Ibid.

21 NA, PREM 15/444, Minute from Home Secretary to Prime Minister, 24 June 1970, pp. 3-4.

22 This was reflected in the nomenclature adopted by officials. Files relating to the Bill bear the title 'Commonwealth Immigrants Bill', aligning it with the existing tradition of legislation, rather than the more expansive 'Immigration Bill' which was adopted later in the process.

23 NA, PREM 15/444, Minute from Secretary of State for Employment to Prime Minister, 25 June 1970; Minute from Foreign Secretary to Prime Minister, 3 July 1970.

action, to minimize the adverse effect of the criticism we can expect to be levelled at us.¹²⁴ Moreover, as Maudling had observed, the potential for equalisation, after entry into the EEC, to create a situation in which European citizens were treated, *prima facie* at least, more favourably than those from the Commonwealth threatened not only to undermine the principle of equal treatment, but to antagonise still further specific Commonwealth relationships and, as would become clear, point up significant ideological fault lines within the Conservative Party itself.

Both the Home and Foreign Secretaries had shown themselves somewhat reticent about overturning Departmental orthodoxies in the early period of government and, in response to these developments, Heath made clear his two-pronged strategy: firstly, to attend to the manifesto promise of controlling immigration, and to re-assert his commitment to a unified system of control, the pursuit of a Bill to equalise treatment of Commonwealth citizens and aliens (it was important, Heath maintained, to avoid taking 'two bites at the cherry' by postponing the equalisation of treatment provisions until later in the Parliament²⁵); and secondly, driven by Heath personally, action to explore the possibility of nationality law reform.

This dual strategy had one unifying aim, as expressed by the Prime Minister: 'Our objective must be to defuse politically the problems of immigration, both at home and in the Commonwealth context, as soon as possible.'²⁶ Or, as one senior Foreign Office official had it, 'it seemed the Prime Minister's intention was to snatch the initiative from his potential critics and introduce policy changes with a minimum possible delay.'²⁷ Heath viewed the announcement of immigration legislation placing Commonwealth citizens and aliens on an equal footing as the *sine qua non* for increasing the numbers of entry certificates for East African Asians and while he appreciated Home Office difficulties, Heath was determined that a new approach was fundamentally necessary, 'because conditions have changed, and changed so much that we cannot continue our traditional loose policies...All immigration now needs to be completely controlled.'²⁸

24 NA, PREM 15/444, Minute from Foreign Secretary to Prime Minister, 3 July 1970.

25 NA, PREM 15/444, Minute from Prime Minister to Home Secretary, 3 July 1970.

26 Ibid.

27 NA, FCO 50/351, Minute from Heddy to Streeton, 29 June 1970.

28 NA, PREM 15/444, Minute from Gregson to Angel, 3 August 1970.

Conditions certainly had changed, but how much that change was down to natural fluctuation, and how much down to the emergence of Powellism as a challenge from the political right, Heath was not willing to contemplate. Whichever, it would not be 'practical politics to give any indication at all of an increase in the number of United Kingdom passport holders in East Africa'. When the government of the day had granted the Asians citizenship rights, he argued, the prospect of them being unable to live in their countries of residence had not been factored in and Heath actually thought the Foreign Office ought to be 'a good deal tougher with the East African countries over this.'²⁹

Nationality reform [i]

The attempts made at nationality reform in the early 1970s have been relegated not even to the status of a footnote to history, being absent from studies of the period, and even from Heath's own memoirs. Although Heath's concern with reform has been briefly discussed by Randall Hansen, his interpretation sheds light on only one side of the issue. Hansen relays Enoch Powell's assessment that Heath shared his belief 'in the need to redefine nationality in the post-imperial age'.³⁰ Hansen also draws upon John Campbell's assertion that Heath had become disillusioned with the Commonwealth project, seeing it as an impediment to Britain's 'national interest' in the European integration.³¹ This argument firstly leaves unclear the extent to which Heath actually pursued reform when in government and secondly implies that whatever commitment he may have had to drawing up a new scheme of nationality law was a function of his ideological prioritisation of European over Commonwealth integration.

In fact, Heath certainly was a strong advocate of reform as Prime Minister. However, he was not wedded to the re-imagining of the British national community and nor was his consideration of reform drawn solely, or indeed primarily, from concerns over EEC membership – his was a largely instrumental view of citizenship as a political tool. The motivations behind his advocacy of reform, although

²⁹ Ibid.

³⁰ Quoted in, Hansen, *Citizenship*, p. 180.

³¹ Campbell, *Heath*, pp. 336-41.

determinedly in line with his broader commitment to a European future for Britain, were rooted firmly in his experience of the political problems of immigration. His aims were two-fold: firstly, to bring immigration under closer and more efficient political control and to end the damaging debates that had emerged in the run up to the 1970 election; and secondly, to attempt to avert future immigration crises as had occurred over the Kenyan Asians in 1968. Where nationality reform acted as a suitable means of achieving these goals, Heath supported it; where it conflicted with his preferred outcomes, other methods were adopted. But much of this judgement was left up to senior Home Office civil servants, many of whom believed that to alter nationality law so soon after immigration controls had been enacted (especially upon the UKPH in East Africa) would be unworkable and that dismantling the entire framework in order to start again was too administratively difficult and in any case too politically contentious.³² As a result of their advice, Heath was diverted away from reform more than once because the problem he wished to solve (the apparent inadequacies of state control over migration) were seen as more simply or more effectively dealt with by recourse to other means.

In July 1970, Heath wrote to Maudling, expressing his view that '[t]he whole question of British citizenship is one which now needs to be speedily resolved...and I would like work to be put in hand on this.'³³ A working Party of officials was duly convened from the Home and Foreign Offices, with the remit to establish the possibility of creating a United Kingdom citizenship, 'which would broadly correspond with...immigration control.'³⁴ When no report was forthcoming by June 1971, Heath minuted his Private Secretary, Peter Gregson, asking what progress had been made in 'sorting out citizenship'.³⁵ Heath reiterated that he thought it necessary 'as quickly as possible' to institute 'a single UK citizenship'.³⁶ Revealing the importance of the Kenyan Asian crisis to his thinking, Heath warned that '[w]e mustn't wait for this to catch us up again unprepared'.³⁷

32 Confidential interview with former Home Office official, February 2010.

33 NA, PREM 15/444, Minute from Prime Minister to Home Secretary, 3 July 1970.

34 NA, PREM 15/956, Report of the Working Party on the Review of Nationality Law, 6 December 1971, p. 1.

35 NA, PREM 15/956, Note from Prime Minister to Peter Gregson, 4 June 1971.

36 NA, PREM 15/956, Note from Prime Minister to Peter Gregson, 8 June 1971.

37 NA, PREM 15/956, Note from Prime Minister to Peter Gregson, 7 June 1971.

The officials of the Working Party, however, took a rather more cautious view, arguing that it was 'not practicable at present to create a United Kingdom citizenship' along the lines Heath imagined. Again, passport holders abroad proved problematic:

If such a citizenship were created, it could hardly be denied to such categories of United Kingdom passport holders in East Africa (who do not possess the citizenship of the United Kingdom and Colonies by virtue of connexion with the United Kingdom or a remaining colony) or they would be left with no right of entry to any country or even territory in the world. But to grant them citizenship of the United Kingdom *would be to defeat one of the main objects of creating such a citizenship.*³⁸

The officials' message, however, was not entirely devoid of encouragement for the ultimate objective of reforming nationality law – indeed, they suggested that the long-term aim of reform be maintained, 'with a view to introducing it when the East Africa problem has been settled.'³⁹ In other words, the very eventuality Heath sought to provide against by introducing a new law of nationality – a repetition of the 1968 crisis – could only now be precluded by the admission of the anomalous passport holders in East Africa through the quota system.

It was therefore unsurprising that these recommendations did not deter the Prime Minister, and in a further minute to Gregson, he made clear his belief that the issue could not be 'left to lie there'.⁴⁰ Heath was indeed unwilling to let it lie and he commissioned a fresh review from the Home and Foreign Offices. His determination was restated in January 1972:

It may be true that for the moment the fuss over the Kenyan Asians appears to have died down but if we do nothing we run the risk of finding ourselves almost without notice and certainly with no protection in a similar situation as far as citizens of the United Kingdom and Colonies are concerned in other parts of the world – and in far greater numbers...

It therefore seems to me to be vitally necessary that in addition to the preparation of

38 NA, PREM 15/956, Report of the Working Party on the Review of Nationality Law, undated [emphasis added].

39 Ibid.

40 NA, PREM 15/956, Minute from Prime Minister to Peter Gregson, 4 January 1972.

minor changes in Nationality Law as a prelude to early consolidation, proposed by the working party, we should press ahead with all the plans and drafting necessary to create a UK citizenship. It may well be that the next Commonwealth Conference will be the occasion on which this should be announced; but in any case the preparation of such legislation is in itself difficult and time-consuming and there is not time to be lost.⁴¹

It would not be long before Heath's prophesy was at least partly fulfilled, although not in the way he had imagined.⁴² By this time, however, the imperative to enact new controlling legislation had given rise to a new Act of Parliament and, hand in hand with Heath's commitment to a fresh scheme of nationality law, went the desire for a strong, permanent and equal system of immigration control.

Immigration Act, 1971

The question of redrawing citizenship can be seen as an expression both of deeper arguments about Britain's future political alignment and an attempt to finally address the pressure upon successive governments not only to reduce immigration in terms of absolute numbers, but to achieve mastery over it – to avoid situations in which cross-border flows appeared to some to be (whether or not they actually were) out of control. Nationality reform, then, was imbued with special significance not through its quasi-constitutional aspects, nor its impacts upon national identity, which were little in evidence in Heath's thinking, but by its utility as a means of achieving the party's political objectives. By the same token, the Immigration Bill, drafted in 1970-71, when Heath's interest in citizenship law had first been piqued, was made the more important because, as official investigations of nationality reform proved frustrating and it became clear that fresh law would not immediately be forthcoming, it came to represent an alternative means by which a distinction between Commonwealth citizens and British residents could be installed.

Both the 1962 and 1968 Commonwealth Immigrants Acts were subject to

⁴¹ NA, PREM 15/956, Minute from Prime Minister to Peter Gregson, 4 January 1972.

⁴² Although Heath was correct to say that further crises were possible, his concern was primarily with the co-called 'Queen's Chinese', of whom there were around 100,000 resident in Malaysia with no citizenship status other than CUKC. Were they to be expelled, they would have nowhere to go but Britain. See, *Parliamentary Debates (Commons)*, vol. 843, col. 770, 23 October 1972.

annual renewal under the Expiring Laws Continuance Bill and, as such, a consolidation of these existing measures (although one which left the parallel migration-for-settlement voucher system established by the 1968 Act intact) without necessity for annual renewal, represented a significant step in bringing immigration under tighter, more efficient control. Nor was this solely a Conservative initiative. Roy Jenkins had, in 1967, told the House (in fact during the Expiring Laws Continuance Bill debate) that 'work for the complete recasting, *on a permanent basis*, of the whole of immigrant control legislation, *for both aliens and Commonwealth citizens*' had begun.⁴³ Making the legislation permanent and expanding its bases was quite naturally seen as fundamental to the maintenance of stability and governmental control in the context of a system that had deliberately introduced temporality and frequent review as means of minimising controversy and disagreement.

Thus, the explicit aims of the new law did not extend to permitting free entry for descendants of British citizens abroad. Indeed, such an exemption was in many ways at cross purposes with government's broader intentions. The Bill as presented to Parliament was in essence a compromise measure that sought to balance concerns about reducing immigration in the name of domestic political expediency; to satisfy the objections of those in the Old Commonwealth who wished to see a return to uncontrolled migration; to mollify the impact on Commonwealth relations which might result from a new bid to enter the EEC; and, in light of Heath's concern with nationality reform, institute a scheme which could provide a template for (or at least strike a harmonious note with) a redefinition of citizenship in the medium term. In pursuit of these ends, the Bill began by reproducing informal assurances to Old Commonwealth citizens of ease of passage and ended by making the key determinant of exemption an individual's relationship with the British polity. This was the most significant change in policy since the enactment of the 1962 law and in making these foundational alterations, the Bill was transformed from a relatively modest measure seeking to consolidate control over immigration across the Commonwealth into the foundation stone of a separate British citizenship.

In more prosaic terms, the Bill was predicated upon the notion that different

⁴³ *Parliamentary Debates (Commons)*, vol. 754, cols. 458-59, 15 November 1967 [emphasis added].

groups of migrants came to Britain for different reasons. On average, official figures indicated that some 50,000 aliens entered Britain each year to take up employment, of whom fewer than half stayed for more than one year. Only around one-in-six aliens ultimately chose to settle in Britain, having completed the residence requirements. In contrast, Commonwealth immigrants were seen to migrate for the express purpose of settlement. Between 4,000 and 5,000 employment voucher holders had been admitted on average per year between 1967 and 1970 (although this figure was declining each year⁴⁴). Once these voucher holders had been admitted, they were free to bring their dependants – at an average rate of 2.7 per voucher holder.⁴⁵

This practical understanding of the reasons behind migration was coupled with a lingering pessimism about the ability of migrants of different cultural backgrounds to 'assimilate' into British society: European aliens, who arrived in smaller numbers were additionally desirable because 'they come from a cultural background fairly akin to our own', whereas Commonwealth citizens were more numerous and culturally heterogeneous, meaning 'the task of assimilation as experience so bitterly shows is all but impossible.'⁴⁶ Arguments of this sort, as we have seen, were already beginning to sound arcane and in this instance cultural obstacles to integration were employed only as secondary or tertiary arguments in favour of the new law; it was certainly not the case that law was drafted upon the central premiss of the undesirability of culturally incommensurable blocs.

Qualms about the equalisation provisions rested upon two issues. Firstly, primary New Commonwealth immigration was already down to a minimum: 'there is virtually no room for reduction if we stick to our policy...of admitting the wives and young children of immigrants already here. The fact is that immigration of heads of families is already down to a trickle.' In terms of Category B vouchers (those for skilled workers), there were in fact insufficient migrants to fill the quotas.⁴⁷ (Heath nonetheless revealed his opinions in the margin – 'with over 600,000 unemployed

44 5,461 in 1966; 4,978 in 1967; 4,691 in 1968; 4,010 in 1969. (See, NA, CAB 129/154, CP(70) 126, Immigration Bill, Memorandum by Home Secretary, 31 December 1970).

45 Ibid., p. 2.

46 NA, PREM 15/444, Draft Paper by Home Secretary, July 1970, p. 3.

47 NA, PREM 15/444, Draft Paper by the Home Secretary, July 1970, p. 1.

there can be no justification for admitting any [new heads of families].⁴⁸) Secondly, there remained tension over how the plans would be implemented. The 'fundamental dilemma' faced by government appeared to be that,

[i]f we put the Commonwealth citizen on the same basis as what at present is practice for aliens and abolish the quota which at present only applies to Commonwealth citizens, the result would be a great increase in coloured immigration. Either, therefore, we must continue to have a quota for the Commonwealth immigrant or we must introduce totally new and severely more restrictive powers towards the entry of aliens.⁴⁹

The desirability of maintaining a degree openness, or at least flexibility, with regard to aliens (who were not the intended targets of the legislation), the additional administrative difficulties of imposing control upon them and the fact that the maintenance of a quota system solely for the Commonwealth would expose the government to accusations of discrimination, left a quandary which, until resolved, detained the progress of the Bill. Overarching these issues was the spectre of a sharp increase in 'coloured' immigration that would be anathema to the basic underlying aims of the Bill and not 'practical politics'.⁵⁰ Moreover, full equalisation of control was regarded as an illusory goal by officials. This was in part because of the difficulties outlined above and in part because, should the UK enter the EEC, it would be obliged to open its borders to other Member States under the Treaty of Rome, rendering any limits on European aliens moot.⁵¹ This combination – of an already slow flow of migrants, the possibility that the system of control to which the Prime Minister was apparently wedded might in fact cause an increase in migration and the possible impacts of EEC entry – raised questions about the purpose of the Bill as a whole. The government seemed to be committed to new legislation, whether

48 Ibid. The connection between migration and employment was one which exercised Heath. The following month, he again reminded colleagues that the domestic economic situation ought to preclude further migration: 'I do not agree with any immigrants being admitted unless they have been previously granted a work permit – and with 600,000 unemployed there is no need of them.' See, NA, PREM 15/444, Minute from Roberts to Smith, 7 August 1970.

49 Ibid., p. 3.

50 NA, FCO 50/352, Minute from Heddy to Streeton, 6 August 1970.

51 NA, CAB 129/154, CP(70) 126, Immigration Bill, 31 December 1970.

or not there was an obvious problem to be solved⁵²

In parallel with these attacks on the principles of equalisation, a somewhat revanchist current of opinion began to emerge from the Foreign Office that sought to re-establish Old Commonwealth privileges within the structures of the new law. This lingering belief was expressed by the Head of Chancery at the New Zealand High Commission. Tonkin believed that 'family associations and links with Britain had been seriously and unnecessarily affected' by the character of British immigration policy and suggested the effective extension of the 1968 Commonwealth Immigrants Act across the whole Commonwealth – exempting from control any person with at least one parent or grandparent born or naturalised in the UK or Dependent Territories – as a solution. Such an approach, he argued, should be seen as a 'rationalisation' of policy and the removal of what New Zealanders at least thought of as 'discriminatory measures against those British Subjects [sic] who have direct personal and family relationships with Britain.'⁵³

This idea found some purchase in the Foreign Office and officials set out to defend a line of argument which put the exemption of 'belongers' at the heart of the immigration control system. The exemption, combined with stringent controls on other Commonwealth migrants, including the extension of police registration, a quota for the dependent territories and absolute discretion for the Home Secretary was regarded as a defensible line – treating citizens of independent foreign countries alike while exempting descendants of Britons abroad.⁵⁴

The Home Office, however, were hostile to such proposals and it was Maudling's decided view, arguing that exemptions of this kind could be seen as discriminatory and would free vast numbers of individuals from immigration control,

52 Hannan Rose, 'The Immigration Act 1971: A case study in the work of Parliament', *Parliamentary Affairs*, 26 (1972), pp. 183-96.

53 NA, FCO 50/338, Letter from Tonkin to Heddy, 15 April 1970. The measures would be 'greatly welcome' in Australia and 'would have a most beneficial effect...on public opinion, would free a substantial number of visitors from controls which are deeply resented, and...would be unlikely, in practice, to lead to any significant increase in the numbers of Australians actually settling in Britain.' (NA, FCO 50/352, Canberra Tel. No. 914, 18 August 1970); Similarly, in New Zealand, the prospect was warmly greeted – the High Commission foresaw 'immense political dividends' but a very minor increase in actual migration resulting from the exemption. (NA, FCO 50/352, Wellington Tel. No. 450, 19 August 1970).

54 NA, FCO 50/353, Minute from Stanley to Heddy, 3 September 1970.

that a grandparental concession ought not to be made.⁵⁵ Ultimately, the Home Office questioned whether such a concession was even necessary, given that the Bill proposed no changes for visitors, students or working holidaymakers⁵⁶ – the vast majority of migrants from the Old Commonwealth. The Bill was rather a measure designed to regulate the entry of those who came for employment 'in the true sense' (in other words, with a job to come to, be it temporary or permanent), the numbers of whom were negligible from the Old Commonwealth nations (fewer than 100 per year from Canada and New Zealand and around 200 per year from Australia).⁵⁷

There was little surprise in the Foreign Office, where Maudling's arguments were taken to be the inevitable outcome of 'stiff opposition' towards the scheme which had been present in the Home Office for some time.⁵⁸ The notion had been given 'a very fair run' but had been 'defeated by the Home Secretary's arguments of administrative difficulties'⁵⁹ and Douglas-Home agreed to 'give up the idea of exempting people with a British born parent or grandparent at the port of entry or on acceptance at our posts abroad.'⁶⁰ Despite apparently accepting the Home Office line on the matter, the Foreign Office continued to press for special treatment for the Commonwealth and dependencies, leading one Home Office official to lament that he had been 'losing patience with the Foreign Office, who have a desire to secure exceptional treatment for all sorts of people.'⁶¹

By the time the Bill reached Cabinet for discussion, however, Waddell found himself apologising for the brief's 'seeming to harp on the theme of special treatment for the white Commonwealth'. This was, he said, because 'No. 10 have told Sir Philip Allen⁶² that the Prime Minister will want to be able to say to the Prime Ministers of Australia and New Zealand at [the Commonwealth Prime Ministers' Conference in]

55 NA, FCO 50/353, Minute from Home Secretary to Foreign Secretary, 9 September 1970.

56 Indeed, Home Office officials were largely relaxed about the possibility of leaving what privileges Old Commonwealth countries could be seen to exercise intact. As one had it, the government could simply continue to publicise the fact that 'people [from the Old Commonwealth] who apply in good faith are unlikely to have any great difficulty in securing entry.' (See, NA, FCO 50/352, Letter from Lee to Heddy, 13 August 1970).

57 NA, FCO 50/353, Minute from Home Secretary to Foreign Secretary, 9 September 1970.

58 NA, FCO 50/353, Minute from Heddy to Stanley, 11 September 1970.

59 NA, FCO 50/353, Minute from Stanley to Tomlinson, 14 September 1970.

60 NA, FCO 50/353, Minute from Foreign Secretary to Home Secretary, 2 October 1970.

61 NA, HO 376/170, Minute from Waddell to Sir Philip Allen, 22 December 1970, p. 1.

62 Then Permanent Secretary at the Home Office.

Singapore that the Bill will not make any difference to Australians and New Zealanders.⁶³ The existing documentary record does not make clear Heath's reasoning. However, we have already seen his desire to implement a fresh nationality law and it is hardly stretching reason to surmise that, having been frustrated in this aim, and in the hope of instituting a full equalisation of control, Heath saw such an exemption as both germane to citizenship law in the future and as a means of securing the goodwill of Old Commonwealth governments in the context of his realignment of British interests along European lines.

Whatever Heath's private motivations in seeking to mollify Old Commonwealth opinion, his intervention meant that by the time the Bill came to Cabinet at the end of December 1970, exemptions which had been dismissed by Ministers and officials alike were not only included, but elevated to a central conceit of the legislation. The Bill defined those holding 'right of abode' (those free to live in the United Kingdom and come and go 'without let or hindrance')⁶⁴ as any individual born in, or with a parent or grandparent born in, the United Kingdom, or who had become a citizen through adoption or registration.⁶⁵ The scheme was termed 'patriality'.⁶⁶ This measure was a concoction of the Civil Service, operating in one of its most roundabout modes. The Home Office's draughtsman, having been given instruction to draw up a means of redefining those subject to immigration control in such a way that avoided the undifferentiated terminology of previous law (particularly the blanket term 'immigrant') had been extremely pleased with his work in formulating the concept.⁶⁷ In accepting and promoting this as a legislative alternative to the promulgation of new citizenship law, Heath once again proved that his concern was primarily related to the ongoing impacts of immigration and the second-order consequences of the 'loose' system he criticised on taking up office.

The adoption of patriality had two other, less welcome effects. Firstly, it exposed the government to criticism that it was acting in a 'racialist' manner by

63 NA, HO 376/170, Minute from Waddell to Home Secretary, 4 January 1971.

64 Immigration Bill 1970, Clause 1 (1).

65 Immigration Bill 1970, Clause 2 (1).

66 *Patrial* (n.): Of, or belonging to or designating a person's native country or region (source: Oxford English Dictionary).

67 Confidential interview with former Home Office official, February 2010.

introducing a concept into British law that formalised distinctions between citizens, apparently on grounds of ethnic origins. The second was that it resulted in yet another delay in the introduction of a distinctive United Kingdom citizenship, 'for which the case was abundantly clear'.⁶⁸ The potential problems of replacing the 1948 Act and instituting a new citizenship law had been highlighted by internal Conservative Party investigations as well as official advice.⁶⁹ The 1971 Act was therefore firmly within the tradition of immigration law in contributing towards an erosion of the bases of Commonwealth citizenship, while maintaining the 1948 scheme as an overriding, normative statement of Britain's relationship with (in particular) the Old Dominions.⁷⁰

Voluntary Repatriation

The element of the Bill which now stands out as most inconsistent with liberal democratic politics, and most likely to irritate racial peace, is voluntary repatriation. To be sure, however, there was significant public support for it, evident even before Powell's 1968 speech⁷¹ and there was no novelty in the notion that the government might give aid to migrants who failed to settle in Britain.⁷² However, after the 1970 election, the reliance upon the notion of 'exceptional need' which underpinned the existing scheme was highlighted as problematic if the government's intention was, as civil servants supposed it to be, expansion of voluntary repatriation.⁷³ Indeed, the Home Office had anticipated parliamentary pressure and officials were unsurprised that certain Ministers were keen to pursue repatriation to its maximum extent while retaining the voluntary principle.⁷⁴

The Manifesto promise to 'give assistance to Commonwealth immigrants who wish to return to their countries of origin' was fulfilled in the 1971 Bill and although

68 Hansen, *Citizenship*, p. 193.

69 CPA, CRD 3/16/4, 'Integration of the law relating to aliens and Commonwealth immigrants', undated; Memorandum from Patrick Cosgrave to Edward Heath, 19 March 1970.

70 Karatani, *Defining*, pp. 168-70.

71 Schoen, *Powellites*, pp. 42-50; Studlar, 'British public opinion', p. 377.

72 The existing scheme was administered by the Supplementary Benefits Commission (SBC) and the grant of aid was highly contingent, based upon disability, poverty and long term unemployment.

73 NA, AST 36/277, Minute from R.D.F. Whitelaw to Turner, 13 August 1970. Whitelaw had heard the qualms both of the Supplementary Benefit Commission's lawyers and the Treasury.

74 Confidential interview with former Home Office official, February 2010.

it has been argued that the provisions implemented 'transformed a potentially sinister programme into a limited, almost benign programme',⁷⁵ this transformation was somewhat at odds with the aims of senior Cabinet figures, who sought to balance a rather more active, wide-ranging scheme against the broader political imperative to address the threat from Powell.

Officials had secured inter-Departmental agreement that the successor to the existing scheme would be little more than a statutory assertion of the same principles, entailing no significant increase in funds or traffic.⁷⁶ However, this compromise was quickly marked as politically inadequate. William Whitelaw argued that the proposals as agreed by officials were the minimum of possible action and that they would be 'lucky to get away with' so little.⁷⁷ He suggested, somewhat ominously, that '[t]here would be heavy pressure on the Government to extend financial assistance to immigrants returning to their own countries far more widely than was at present proposed and it might prove necessary to make concessions to that feeling.'⁷⁸ While he regarded the proposals as a 'reasonable opening position', Whitelaw wholly ruled out the possibility of announcing the official compromise.⁷⁹ It was essential that the scheme appear to be freely and widely employable and, in seconding Whitelaw, Quintin Hogg 'commented that the eagerer the Government appeared to be to use the power, the better.'⁸⁰ Maudling, too, believed that many of the party's own supporters, 'including some who have hitherto loyally refrained from going along with Powell' would be critical of the voluntary repatriation scheme as drafted – it would be seen as a 'rigging' of the (already limited) measures and therefore 'much less effective than our Party's proclaimed policies'.⁸¹ Needless to say then that such supporters might be induced to question the loyalty which had fortified them against defection to the Powellite cause, were it to become apparent that the legislation failed to meet their expectations.

75 Hansen, *Citizenship*, p. 194 (n. 61).

76 NA, HO 376/170, Letter from Forsyth to Sir Philip Allen, 12 February 1971; Minute from Waddell to Home Secretary, 16 February 1971, p. 3.

77 NA, HO 376/170, Minute from Bohan to FitzGerald, 9 February 1971.

78 NA, HO 376/170, Minute from Waddell to Home Secretary, 16 February 1971, pp. 2-3.

79 NA, HO 376/170, Minute from Bohan to FitzGerald, 9 February 1971.

80 *Ibid.*

81 NA, T 353/61, Letter from Home Secretary to Chancellor of the Exchequer, 10 September 1971.

The problem for the government was clear: 'to find something between the present arrangements, which strictly limit help to the destitute, and a commitment to provide assistance to any Commonwealth citizen who wished to go home'. Within this, however, '[t]here could be no question of a Powellite approach which regarded children born in this country of Commonwealth citizens as part of the immigrant community which should be considered for repatriation.'⁸² Maudling resolved that the most propitious solution was, as Whitelaw had advocated, to broaden the guidance on the funding available.⁸³ This displeased the Treasury (who had sought strict control on spending) and, when confronted, Maudling replied that 'he had always intended to make some positive use of the power in this Clause.'⁸⁴

However, the scheme was never extended sufficiently far to be regarded properly as a method of social engineering, and it was certainly more modest than the analogous policy in France.⁸⁵ Clause 29 of the Bill permitted the Home Secretary to make payments 'to meet or provide for expenses of persons who are not patrial in leaving the United Kingdom for a country or territory where they intend to reside permanently'.⁸⁶ In the House, while Maudling put forward the argument that a limited extension of the existing scheme beyond the exceptional need principle was defensible, even potentially beneficial to race relations, he was nonetheless at pains to emphasise that there would be no 'large scale programme of repatriation'.⁸⁷ Nonetheless, the provisions were attacked as damaging to community relations and as concessions to the restrictionist right.⁸⁸

The administration of the scheme was, at least in part to minimise the taint of

82 NA, HO 376/170, Immigration – Repatriation: Note of a Meeting, 16 February 1971.

83 Ibid.

84 NA, T 353/15, Minute from Forsyth to Carroll, 19 February 1971.

85 For a comparison of the British and French contexts, see, Catherine Puzzo, 'Immigration Controls in Britain and France (1970-1986): A Comparative Study' (Ph.D. Thesis, University of Surrey, 2000), pp. 140-46.

86 Immigration Bill 1970, Clause 29. The stipulation that the potential recipients be 'not patrial' has underlain many of the most trenchant critiques of voluntary repatriation. (See, Miles & Phizacklea, *White Man's Country*.) This interpretation reads patriality as a wholly racially-derived category, rather than as a question of freedom of movement into and out of Britain. The Home Office expressed concern that the repatriation provisions might be seen as a 'free tourist scheme' by those who were free to come and go. (NA, HO 376/170, Minute from J. G. Pelling to Sir Philip Allen, 8 January 1971).

87 *Parliamentary Debates (Commons)*, vol. 813, cols. 53-54, 8 March 1971.

88 Ibid., col. 147 (Roy Jenkins).

governmental inducement, delegated to the International Social Service (ISS) and here again we see an effort to defuse a potentially controversial political subject by recourse to administrative means. After a year's operation, some 30 families had taken advantage of the measures.⁸⁹ There was, then, a disjunct between the expansive principles expressed in private and the limited nature of the administration of the scheme through the ISS.⁹⁰ The scheme therefore stands as a significant example of the government's addressing of restrictionist critiques within a limited scheme of administration that would operate at least nominally within the national interest. It also points up the difficulties faced by government in reconciling these conflicting priorities and of the Conservative Party in addressing questions of party unity.

Despite arguments that the Bill was 'very much his child',⁹¹ Powell was deeply opposed to key elements of it. His criticism of patriality was withering, likening it to the Nazi party's discriminatory standard, '*Großmutter nicht in ordnung*' (grandmother not in order)⁹² and he claimed that the caveated repatriation measures were an affront to the stated aims of the party in government.⁹³ In the parliamentary debates, Powell and Callaghan both made clear their belief that a full revision of the law on nationality was required – ironically, both echoing Heath's private advocacy of reform, although both were of course ignorant of the coincidence. In fact, Labour's objections to the Bill, tainted as their own record was by the 1968 Act, were rather tamely restricted to this point about demanding nationality reform⁹⁴ – a trend which contributed towards an atmosphere of pessimism about the direction of immigration politics generally and the seeming unwillingness of either party to speak up for the interests of black and Asian Britons.⁹⁵ Although viewed in some quarters at least as

89 *Parliamentary Debates (Commons)*, vol. 847, col. 1648, 7 December 1972 (David Lane).

90 By the mid-1970s, the ISS were concerned that the low profile they had been obliged to strike on the issue actually contributed towards a perception that they were allied with 'the secretive forces who are believed to want to remove immigrants from Britain.' (See, NA, HO 376/205, The Role of the International Social Service in the Administration of Section 29, Immigration Act 1971: A Background Paper, undated; Letter from Miss W. I. Rouse to Burleigh, 6 April 1976).

91 Schoen, *Powellites*, p. 74.

92 Maudling, *Memoirs*, p. 159; Hansen, *Citizenship*, p. 195; *Parliamentary Debates (Commons)*, vol. 813, col. 80, 8 March 1971.

93 *Parliamentary Debates (Commons)*, vol. 847, col. 1649, 7 December 1972.

94 Sagar, *Race and Politics*, pp. 116-17.

95 The development of this feeling was highlighted at a conference organised by the Institute for Race Relations in February 1971 at which '[pessimism] was most apparent amongst the coloured

something less than a capitulation to Powell, there remained a sense that the Act represented 'a victory for restrictionists' and a measure liable to increase tensions within the Commonwealth and anxieties over race relations at home.⁹⁶

Nationality Reform [ii]

Heath had predicted, correctly, that the unreformed system of nationality law left British governments prey to the possibility of exposure to substantial and unregulated arrivals of British nationals from East African states and other areas of the Commonwealth – this had been his underlying objective in pursuing reform in the first instance. The arrival of some 28,000 expellees from Idi Amin's Uganda⁹⁷ had pointed up this vulnerability and, while Heath has been congratulated on the liberality his government displayed during the crisis,⁹⁸ particularly in the face of strident public hostility,⁹⁹ Heath acknowledged the political necessity to delimit the government's liability.¹⁰⁰ This was undoubtedly a function of his concern to maintain a tight control over the extension of the issue into the political sphere, which could tend (especially in cases such as the Ugandan Asians') to regenerate attacks upon the legitimacy of government action. Indeed, the crisis provided fuel for Enoch Powell who directed his criticisms towards the perceived iniquities of policy, the potentially destructive effects of diversity and the disregard with which the concerns of the domestic populace were greeted in a distant Westminster – that it represented an

speakers. One after another felt that race relations in Britain were moving towards open conflict...The general feeling was that the [Labour] party's leadership had compromised itself in the restrictive legislation it had passed.' See, *The Times*, 'Compulsory immigrant repatriation forecast', 5 February 1971, p. 2.

96 *The Times*, 'Commonwealth uneasy over proposals for voluntary repatriation', 22 February 1971, p. 3.

97 See, Chapter 1.

98 Hansen, *Citizenship*, p. 204; Layton-Henry, 'Heath Government', p. 234; Hamai, 'Jews of Africa', p. 435.

99 Such was the volume of correspondence on the issue, a special section had to be established to deal with it. Clare Short served on this specially-convened unit as a civil servant. She describes the 'enormous quantity of abusive, racist mail' the episode generated. See, Clare Short, *An Honourable Deception? New Labour, Iraq and the Misuse of Power* (London: Free Press, 2004), p. 12. On the National Front responses to the arrival of the Ugandan Asians, which included the occupation of local council chambers and pickets at airports, see, Walker, *National Front*, pp. 133-36.

100 On the Prime Minister's view that only those refugees holding UK passports, and no others, ought to be accepted for settlement, see, NA, PREM 15/1260, Minute from Simcock to Angel, 15 September 1970, p. 1.

illustration of 'the yawning gulf between...government and nation.'¹⁰¹ This culminated in Powell's bringing a resolution at Conference in October 1972 (where immigration had been deliberately excluded from the agenda¹⁰²), condemning the acceptance of the refugees, and stoking his personal conflict with Heath.¹⁰³ While he was outflanked by the Young Conservatives,¹⁰⁴ who won a wrecking amendment congratulating the government on its actions in accepting the responsibility,¹⁰⁵ the episode was framed in terms of party loyalty rather than principle, and the vote had not explicitly sought to reveal whether individuals supported or opposed the entry of the refugees.¹⁰⁶ Indeed, any triumphalism over Powell's defeat at conference was short-lived. It was salutary to remember, warned one senior Conservative, that 'winning the case in Blackpool is not the same as winning it in the country, where we are a very long way from winning it.'¹⁰⁷

After the 1972 crisis, Heath sought, firstly, to ensure that government was 'in a position to counter the announcement of any [future] expulsion with immediate practical proposals'¹⁰⁸ and secondly, further emphasising his instrumental view of a single UK citizenship, by taking charge of a Cabinet committee to revivify work on nationality law. This committee's remit was made clear: 'a primary consideration [in developing new nationality proposals] must be the extent to which any particular proposal diminished our vulnerability to immigration pressure, and would be recognised by public opinion in this country as having that effect.'¹⁰⁹ Nevertheless, arguments against reform continued to emerge from the Home Office and Carr argued that changing the law might undermine the government's main objective by fostering 'an atmosphere of uncertainty in which our current major problem, *which*

101 Quoted in, *The Times*, 'Decision shows yawning gap between government and nation, Mr Powell says', 13 September 1972, p. 4.

102 Campbell, *Heath*, p. 393.

103 *The Times*, 'Mr Heath takes up Mr Powell's challenge', 11 October 1972, p. 1.

104 In something of a reversal of their previously held position on Powell and immigration more broadly – they had praised the 'political honesty' of Peter Griffiths at Smethwick in 1964 and Powell was their 'pin-up MP' in the late 1960s. (Black, *Redefining British Politics*, p. 88).

105 *Nineteenth Annual Conference of the Conservative and Unionist Associations*, p. 73; Hansen, *Citizenship*, p. 201.

106 *The Times*, 'Victory for moderation', 13 October 1972, p. 17.

107 CPA, CCO 20/66/20, Letter from William Deedes to Francis Pym, 16 November 1972.

108 NA, PREM 15/1641, Minute from Prime Minister to Home Secretary and Foreign Secretary, 29 January 1973.

109 NA, FCO 53/526, Cabinet: Immigration Control, GEN 139(73), 5th Meeting, 25 July 1973.

was to avoid another mass expulsion of United Kingdom Passport Holders (UKPH), would become more difficult to solve'.¹¹⁰ Heath's priorities necessarily lay elsewhere by 1973, and the issue was shunted into an official committee, to maintain some activity until after the next election, again placing significant autonomy in the hands of the civil service.¹¹¹

Nationality reform was also beginning to garner a wider political appeal and, in 1972, a Labour Party NEC Study Group published an Opposition Green Paper, *Citizenship, Immigration and Integration*. This group had argued that many of the inconsistencies and iniquities which blighted existing policy were a direct consequence of the 1948 British Nationality Act and the subsequent legislation to regulate migration which operated alongside it and within its structures. It had become necessary, they argued, either to restore the 'positive content' of citizenship – including the right of abode to all citizens abroad, negating the impact of the 1971 Act – or to draw up a wholly new one.¹¹² More importantly, the Green Paper marked the restarting of the Labour Party's attempts to respond to the immigration issue, having felt comfortable hiding behind a quiet, bland rejection of Powellism during the early period in opposition. A largely supportive statement had emerged from the NEC over the Ugandan Asians crisis¹¹³ and in Parliament, too, Shirley Williams praised the government's actions.¹¹⁴ But for both main parties now, nationality reform was a priority and the government felt secure enough to make direct reference to the hitherto secret work on the subject.¹¹⁵

Immigration Rules

The Immigration Act operated by the promulgation of secondary legislation to set specific rules on entry and, in November 1972, the first of these were laid

110Ibid., p. 2 [emphasis added].

111NA FCO 53/365, Letter from FitzGerald to Scott, 28 December 1973.

112LHASC, LPA, Study Group on Immigration: Minutes and Papers, 11 June 1969–29 April 1971, Draft Report of the Study Group on Immigration, undated; *Citizenship, Immigration and Integration*, Labour Party Opposition Green Paper (1972), p. 33.

113LHASC, LPRD Memoranda, Home Policy Committee: The Ugandan Asians, Shirley Williams, RD 431, September 1972.

114*Parliamentary Debates (Commons)*, vol. 843, col. 264, 18 October 1972.

115*Parliamentary Debates (Commons)*, vol. 847, cols. 1660-1, 7 December 1972.

before parliament.¹¹⁶ These Rules sought to implement the work permits system the government had promised in their Manifesto and to incorporate the freedom of movement provisions of the Treaty of Rome into British law. They therefore introduced a distinction between Commonwealth and EEC nationals entering the UK for employment. Of the former, only holders of current work permits were to be admitted, 'subject to a condition permitting him to take or change employment only with the permission of the Department of Employment.'¹¹⁷ EEC nationals, on the other hand, while admitted initially for six months only, would have no condition imposed 'restricting his employment or occupation in the United Kingdom'.¹¹⁸ This system, the Home Secretary argued, fulfilled the government's promise to equalise control over Commonwealth citizens and aliens, instituted the 'strictest possible control' over migration for employment, and in doing so reflected 'the wishes and interests of the British people.'¹¹⁹

Despite these justifications, and the legal and logical necessity of dealing with both EEC and Commonwealth migration, Heath's government were defeated and the Rules were voted down. They fell foul of parliamentary dissent in part because of their encroachment into, and the blurring of the boundaries between, the twin debates of Europe and immigration. The provocative nature of the subjects, combined with Heath's uncompromising, periodically brusque style as Prime Minister, and a festering bitterness over the policy reversals of 1972 (not the least of which was the acceptance of responsibility for the Ugandan Asians), to foster an atmosphere in which the opportunity to teach the leadership a lesson was, for many backbenchers, one too good to miss.¹²⁰ Heath's 'fatal tendency' to subordinate party demands to national politics and to seek a role for himself as a national statesman (again, as had undoubtedly been the case with the Ugandan Asians) contributed

¹¹⁶The Rules were laid before parliament and, unless a motion was brought calling for a debate and a division on their *rejection*, they would automatically pass into use by Entry Clearance Officers and other concerned officials. This at once centralised further power within the Executive and opened up the possibility that specific sets of Rules might be voted down – as was the case in 1972.

¹¹⁷House of Commons, *Statement of Immigration Rules for Control on Entry*, (HC 1971-72, 509), 23 October 1972, para. 26.

¹¹⁸*Ibid.*, para. 54.

¹¹⁹*Parliamentary Debates (Commons)*, vol. 846, cols. 1357-59, 22 November 1972.

¹²⁰Philip Norton, 'Intra-Party Dissent in the House of Commons: A case study. The Immigration Rules 1972', *Parliamentary Affairs*, 29, 4 (1976), pp. 404-20.

materially towards a right-wing critique of his leadership¹²¹ and in this case succeeded in uniting, not for the first time, sometimes disparate opponents against a government with whom several backbenchers held outstanding grievances. The opposition of the Labour Party to the Rules then virtually guaranteed defeat and a three—line whip was insufficient to prevent them falling, 240 to 275.¹²²

The Rules were reintroduced in January 1973, reinstating the grandparental concession to Britons abroad¹²³ and extending the period of admission for working holidaymakers (overwhelmingly from the Old Commonwealth) to five years.¹²⁴ These revised Rules did not alter the (unalterable, given the stipulations of the Treaty of Rome) position of EEC citizens and maintained the controls on admission of citizens of New Commonwealth countries, but they did mark a separation of the two schemes, whose confluence had proven so controversial.

By the time it came into force on 1 January 1973, then, the Immigration Act instituted the full scheme of patriality and consigned migrants from India, the West Indies and other New Commonwealth countries, despite the maintenance of the existing scheme of shared citizenship, to a position arguably inferior to that of EEC member state nationals. This impression was somewhat reinforced by the definition of UK national submitted to the EEC under the Treaty of Rome, which effectively reproduced patriality by mandating that only those who held right of abode under the 1971 Act would be eligible for free movement under the Treaty's provisions.¹²⁵ Given the opportunity to, largely unilaterally, draw up a definition of British nationals, the government had, despite (or more likely because of) the contortions of the existing nationality system, offered a definition largely consonant with immigration control.

Conclusion

In this chapter I have suggested that Heath's strategy in government was a

121Iain Gilmour & Mark Garnett, *Whatever Happened to the Tories: The Conservatives since 1945* (London: Fourth Estate, 1997), p. 290.

122*Parliamentary Debates (Commons)*, vol. 846, col. 1455, 22 November 1972.

123House of Commons, *Statement of Immigration Rules for Control on Entry: Commonwealth Citizens* (HC 1972-73, 79), para. 27.

124Ibid., para. 28.

125Dummett & Nicol, *Strangers*, p. 213.

form of managerialism. This was intended to remove immigration from the political sphere by placing the issue into secure administration, governed broadly in the national interest and within a system that provided the government with maximum discretion over the management of migration. This stemmed from Heath's desire to 'defuse politically the problems of immigration' through swift legislation, an equalisation of control and a fresh definition of nationality law. These initiatives were devised to provide such discretion and leverage, removing the possibility of a right wing critique of migration governance that could appeal, above the heads of government, to what seemed to be trenchantly hostile public opinion. Thus, Heath's government sought to balance feeling within the party that the Conservatives ought to adopt stronger, more Powellite policies (especially on voluntary repatriation) in order to negate right wing criticisms and to secure the leadership's after the 'passions' of 1968. In some respects, the strategy was the ultimate outcome of Heath and Powell's personal conflict.

To be sure, the very beginnings of a renewed inter-party antagonism emerged. Labour had opposed key elements of the 1971 Immigration Act, albeit remarkably tepidly; the party had rejoined the debate on future policy through the publication of suggested nationality reforms;¹²⁶ and most significantly, the party had contributed towards a parliamentary defeat for the government over the Immigration Rules. Yet the very conditionality of this party competition points up the deeper problem Heath faced. The government had faced stark criticisms of the measures in the Immigration Act from their own backbenches (Powell included); both official and internal party reports concluded that nationality reform – Heath's preferred solution – ought to be delayed and kept secret; and the Rules defeat was heavily contingent upon questions of Conservative Party loyalty, Heath's apparently high-handed manner and the broader implications of his government's strategy – especially the divisive issue of European integration. The party and the national interest were, then, held in an awkward tension. Moreover, Heath's efforts to ensure unity and cool political debate through the institution of a strong system of control were undercut

¹²⁶As the documents show, this was essentially a *confluence* of interests, but this was not clear publicly, where Heath's government were generally content to make at best oblique references to the review of nationality law.

by his necessary and admirable defence of liberality and moral obligation in the case of the Ugandan Asians, when the predominant rhetoric of his leadership had been that such 'loose' practices had been the central failing of previous policy. So long as the notion that migration issues were effectively controlled persisted, the populist critique of a 'yawning gulf' between government and governed could be contained; when it was challenged (as we shall see over the coming chapters) the notion of using policy management to balance anti-immigration attacks became increasingly problematic.

Chapter Four

Losing Control? Threats to governing competence, 1974-76

Over the course of the past two chapters, I have suggested that two basic modes of immigration politics had were emerging – one focused upon governance and policy, the other upon the restoration of a form of nationalist politics and the redress of putatively valid forms of public anti-immigration sentiment. This chapter raises the question of from where any impulse towards political change and the redefinition of immigration as a field of political debate and divergence emerged. For Messina, this impulse developed from a confluence of shifting electoral circumstance and strong and growing pressures within each party to redirect the policy agenda.¹ Messina's explanation thereby locks away the potential sources of change into the scheme of party competition through which he seeks to analyse the shifting character of race-related politics more broadly. This chapter argues that it was in fact the partial collapse of the administrative compromise wrought by Heath's government (and its predecessors) that encouraged nascent perceptions of the immigration issue not specifically for party competition, but for elite action and leadership. Party competition on the subject, I argue, then re-emerged as a consequence of deeper currents within the parties themselves only subsequent to and as a consequence of the collapse of the administrative compromise and the explicit rejection of primary responsibility for the issues at hand by civil servants. This is a theme I shall develop across the following two chapters. In pursuance of this, I posit here a highly significant but previously under-explored discord between politicians and administrators.

¹ Messina, *Race*, pp. 126-27.

1974 Elections

The predominant theme of the February 1974 General Election – 'Who governs?' – gave the contest a significantly more nebulous character than the predominantly economic pillar of the 1970 election. Despite this, there was relatively little incursion of race and immigration politics as a means of filling the vacuum. Both main parties promised to review nationality law, tied to future immigration policy, in their manifestos. For Labour, this primarily meant a reorganisation of immigration policy grounded in a fresh definition of nationality, 'in particular to eliminate discrimination on grounds of colour.'² Fresh legislation was also held out as a possibility by the Conservatives, pending the outcome of the review Heath's government had set in train.³ Although the Liberals stopped short of offering a full reexamination of the legal bases of nationality law, they nonetheless promised a Royal Commission to 'urgently examine and clarify the rights of UK and Commonwealth citizens' to migrate to Britain, and to repeal aspects of the 1971 Immigration Act they deemed discriminatory.⁴

By 1974, then, all parties acknowledged the inherent problems of the 1948 British Nationality Act and offered alternatives, to a greater or lesser degree motivated by a desire to negate the accumulated criticisms of the existent immigration control scheme. Indeed, immigration control had, as the Conservatives were keen to observe, been tightened significantly. This had, as we have seen, been intended to delimit critiques of immigration politics away from contentious matters of principle by placing the focus upon policy and administration and, although the 1970 election seemed to have revealed the potential potency of immigration as an electoral issue, by 1974 the ardour of the main parties to the debate had cooled decidedly. The Conservative manifesto continued to propound Heath's determination that his government had set the cap on large scale immigration, reducing it to a 'small and inescapable minimum', dictated predominantly by the national interest, or else by legal or moral obligations upon the state to citizens or dependants abroad. The

² Craig, *General Election Manifestos*, p. 192.

³ *Ibid.*, p. 181.

⁴ *Ibid.*, p. 208.

question of control within the existing system had been addressed, and henceforth all that remained was to rectify the awkwardness and inconsistency of nationality law.

Despite this intended undercutting of the immigration issue, Enoch Powell – *eminence grise* of the 1970 election – arguably maintained his ability to influence the pattern of results, this time having announced that he would not stand in the election himself.⁵ In this instance, however, Powell's motivation stemmed from his opposition to EEC integration rather than any specific attack on immigration. Indeed, contrary to his strategy in 1970, this time Powell exhorted his supporters to vote for the Labour Party. He offered the Labour leadership advance (if cryptic) notice of his intentions, advising them to peak their campaign only after he spoke on Saturday 23 February.⁶ When he did speak, there was no explicit 'vote Labour' message, but rather a frontal assault on Heath's alleged betrayals of party and public in taking Britain into the EEC and a discussion of renegotiation of Britain's relationship with Europe that constituted 'a clear, definite and practicable alternative...[presented] by a party capable of securing a majority in the House of Commons and sustaining a government',⁷ in which there remained little room for ambiguity. The split between Powell and the Conservative Party was here made irrevocable and his increasingly open endorsement of Labour (Powell later said he would actually vote for Wilson's party), it has been argued, caused swings in the West Midlands that may have been sufficient in marginal seats to contribute materially towards the fall of the Heath government.⁸

Nationality reform [iii]

In administrative terms, the dominance of 1974 by electioneering affected the progress of developments in the sphere of nationality law more than any political debate – indeed, as we have seen, all the main parties were by then committed to

5 *The Times*, 'Exit Enoch Powell, lonely fighter', 8 February 1974, p. 2.

6 Bernard Donoghue, *Downing Street Diary: With Harold Wilson in No. 10* (London: Jonathan Cape, 2005), p. 31 & 37; Heffer, *Roman*, pp. 704-07. (Donoghue here suggests Powell's speech took place on Monday 25th.) Although Heffer claims that Joe Haines and Harold Wilson had dictated that Powell be given 'a clear run' to dominate the press after the speech, Donoghue himself was apparently nonplussed about Powell's attacks on Heath ('[c]an't hurt us' was his pithy assessment).

7 Quoted in, Heffer, *Roman*, p. 706.

8 Ramsden, *Appetite*, p. 405.

some form of review. As a consequence, the official record suggests a lack of meaningful action and a hiatus in the development of political arguments and, to a lesser extent, practical solutions to the question of creating a British citizenship. In light of the crises which dominated the year preceding the February election, the government had decided '(a) not to proceed immediately with legislation and (b) that some kind of holding operation [was] necessary to cover the gap between the ending of the [nationality law] review and legislation.'⁹ All parties had been keen to minimise public discussion of the review and its potential consequences (much of the material was designated Top Secret) and confidentiality was certainly the watchword – telegrams had been despatched to High Commissioners, detailing the proposals and asking for assessments, but staff had been instructed to destroy these communications once they had replied.¹⁰

Nevertheless, by the time of the February election, some senior Home Office officials were seized of the view that nationality reform, while undoubtedly plagued by technicality and therefore requiring official and expert attention, was primarily 'a topic of great importance *in the political field*'.¹¹ Concern was even expressed that 'we really ought not to prepare legislation simply on the basis of what seems right to Ministers and officials without first stimulating public discussion...the [eventual] legislation might well be better if it were built on a firm basis of intelligent public discussion'.¹² The Foreign Office, too, although rather less keen on the necessity of public discussion,¹³ were of the opinion that legislation ought to be brought in good time.¹⁴ This developing pressure – to place the question of nationality reform back into the public political sphere – marked the beginnings of a trend in the attitudes of officials towards placing contentious matters squarely back into the realm of political debate. However the officials presented it, there was little political enthusiasm for pursuing nationality law reform at any speed. It was the view of David Ennals,

9 NA, FCO 53/365, Letter from FitzGerald to Scott, 28 December 1973.

10 NA, FCO 53/365, Minute by Dixon, 2 April 1974.

11 NA, FCO 53/365, Letter from FitzGerald to Scott, 28 December 1973 [emphasis added].

12 Ibid.

13 '[T]he working of the 1948 Nationality Act has shown up so many changes for which there is already abundant evidence that public discussion of it could do no more than prove an already proven case'. See, NA, FCO 53/365, Minute from Scott to Sinclair, 2 January 1974.

14 NA, FCO 53/365, General election: contingency planning, 13 February 1974.

Minister of State at the Foreign Office, that, although 'great merits' attached to the proposed shape of the new law, it ought to be 'put on ice until after the next election.'¹⁵ Alexander Lyon (Minister of State, Home Office) had initially been hostile towards officials' suggestions of stimulating public discussion on nationality reform and did not support the establishment of a committee that would hold public hearings.¹⁶ After the October election, with the government in possession of a somewhat stronger (although hardly unassailable) public mandate, a (closed) Committee of Ministers and Officials was convened under Lyon's chairmanship, to look into the question.¹⁷ The group continued to meet over the following months, but although they had made 'a good start' by June 1975, there remained sufficient problems to ensure that detailed proposals could not, for the time being, be put forward and the activities of the group remained secret.¹⁸

Administration of immigration controls under Labour

Although it had had a rather faltering start over the nationality question, the partnership of Jenkins and Lyon in the Home Office set the new Labour government on a course that was to prove liberalising, even activist, in its renewed focus on the pursuit of integration, equal opportunity and in attempting to reconcile the demands a multicultural society. Wilson had suggested, in giving Jenkins the Home Office brief rather than his favoured choice of the Foreign Office, that if he wished to operate as

15 NA, FCO 53/365, Minute by Coles, 25 March 1974.

16 NA, HO 213/2418, Illegal entrants and nationality law, Note of a meeting on 19th March 1974 between the Home Secretary and Mr. Lyon, p. 2. This reticence was not in evidence when Lyon announced, in his speech to the UKIAS Conference in April, that the government hoped '[b]efore the end of this Parliament...to define a UK citizen for the first time in history', after which all British citizens would have free right of entry, and all others would 'be equally subject to immigration controls'. Foreign Office officials were somewhat perturbed by this public statement (NA, FCO 53/408, Minute from Hensby to Rigney, 7 April 1975) and it generated hostile reports in the foreign press, to the effect that Australians and New Zealanders may be obliged to take up British citizenship if they chose to remain in Britain. (NA, FCO 53/408, Canberra Tel. No. 317, 8 April 1975; see also, Wellington Tel. No. 176, 8 April 1975) Ennals admonished his Home Office opposite number for failing to keep his own counsel on the matter, pointedly noting that he was 'surprised to see that you referred publicly to the possibility of a definition of United Kingdom citizen which has till now been kept confidential...[nationality law] has implications for foreign policy.' (FCO 53/408, Letter from Ennals to Lyon, 9 April 1975).

17 Much of the recorded history of this group – MISC 64(75) – appears to be lost, although a partial record of meetings can be found in, NA, FCO 53/408.

18 NA, FCO 53/408, Minute from Home Secretary to Prime Minister, 16 June 1975. The subsequent development of nationality law review is explored in Chapters 5 & 6.

a 'semi-detached member of the Government, it was the most suitable department from which to play such a stand-off role.'¹⁹ In some respects, as we shall see, Jenkins did operate remarkably independently of his Prime Minister. But Jenkins was by then motivated by an somewhat altered intellectual, practical and ideological evaluation of the Home Office's role which, rather than liberal reformism, placed the maintenance of the 'proper authority' of the state (in combatting terrorism and upholding the rule of law) at its core, albeit balanced against the promotion of the rights of individuals.²⁰ Despite Jenkins' self-avowed re-assessment of his Department's proper activity, one of his colleagues noted that, while initially somewhat listless in the pursuit of reform, '[he] was clearly determined to re-emerge as a liberal radical'²¹ and this is the view which has generally prevailed.²²

The new government proved keen to utilise the extensive administrative discretion now placed in the Home Office as a quick route to altering the prevailing system without recourse to legislation. As on nationality reform, however, the new government found the relationship with the civil service occasionally problematic. An early order of business was to address certain retrospective elements of the 1971 Immigration Act. The legislation had expanded the powers of the Home Secretary to deport any Commonwealth citizen who had entered Britain without presenting himself to an Entry Clearance Officer (ECO) or otherwise without appropriate entry clearance and the drafting of the Act created retrospective artefacts requiring correction.²³ Swift action on the matter was regarded as important because Lord Avebury had initiated a Bill in the Lords to rectify the fault, and the Home Secretary was keen to avoid giving the impression that any so-called amnesty or extenuating exemption from the rules stemmed from pressure brought to bear by these developments.²⁴

19 Jenkins, *Life*, p. 371.

20 *Ibid.*, p. 376.

21 Castle, *Diaries, 1974-76*, pp. 61, 72.

22 We are repeatedly reminded that Jenkins, liberal credentials firmly intact, was again the architect of reform of race relations law. See, for example, Anthony Lester, 'From legislation to integration: Twenty years of the Race Relations Act', in Blackstone et al (eds.), *Race Relations*, p. 24; Bleich, *Race*, p. 88; more cautious in his judgement is, Layton-Henry, *Politics of Race*, p. 153.

23 Immigration Act 1971, Part 1, Sch. 2 and s. 33. That these measures applied to Commonwealth citizens who had entered before the application of the Act was affirmed in *Azam v Secretary of State* (1974). See, Clayton, *Immigration*, p. 591.

24 NA, HO 213/2418, Illegal entrants and nationality law, Note of a meeting on 19th March 1974

In April, Jenkins announced that he would not use the powers granted to the Home Secretary under the Act to remove anyone who had entered illegally before 1 January 1973 (the date the Act came into force).²⁵ The Foreign Office, and Callaghan as Foreign Secretary, found this extension of the amnesty principle, beyond that which had been outlined by Shirley Williams in June 1973 (to grant amnesty to individuals who had entered Britain before 28 April 1971)²⁶ unhelpful, since it might result in administrative difficulties for posts abroad, an unwelcome boost for the developing illegal immigration 'industry' and would cast doubt upon whether the new government had the 'stomach for controlling immigration'.²⁷ However, the Foreign Office position was defeated by the sheer weight of opposition among ministerial colleagues – David Ennals, Minister of State, had found himself in a minority of one in opposing the measures at the Home Affairs Committee²⁸ – and Jenkins' hardened resolve. Callaghan and his officials, concerned about a repetition of this embarrassment at Cabinet proper, and against their better judgement, acquiesced to Jenkins' proposals.²⁹

Despite estimates that taking such a measure would directly affect fewer than 3,500 individuals,³⁰ there was significant opposition to the amnesty from portions of the Conservative Party, some of whom believed that it would broadcast a potentially damaging message to the world (much as Callaghan predicted) – 'that this Government is a pushover for those who want to achieve objectives outside the law'³¹ and was 'soft' on illegal immigration³² – and there was further disquiet at the number of dependants these regularised migrants might wish to bring to Britain, estimates varying wildly from 6,000 to 20,000.³³

Illegal immigration had certainly come to more public and press notice, with

between the Home Secretary and Mr. Lyon, p. 1.

25 *Parliamentary Debates (Commons)*, vol. 872, col. 637, 11 April 1974.

26 *Parliamentary Debates (Commons)*, vol. 858, cols. 1405-11, 26 June 1973.

27 NA, FCO 50/500, Memorandum from Scott to Ennals, 4 April 1974; Draft letter from Foreign Secretary to Home Secretary, 9 April 1974.

28 NA, FCO 50/500, Memorandum from Coles to Scott, 5 April 1974.

29 NA, FCO 50/500, Draft letter from Foreign Secretary to Home Secretary, 9 April 1974.

30 This estimate was made by the Runnymede Trust. See, *The Times*, 'Jenkins amnesty will affect under 3,500, immigrant groups say', 13 April 1974, p. 1.

31 *Parliamentary Debates (Commons)*, vol. 872, col. 661, 11 April 1974 (Norman Tebbit).

32 See, Nigel Lawson's letter to *The Times*, 13 April 1974, p. 13.

33 Quoted in, *The Times*, 'Jenkins amnesty will affect under 3,500, immigrant groups say', 13 April 1974, p. 1.

prosecutions brought against alleged ringleaders and revelations about the scale and character of migration without the law.³⁴ Home Office officials were sceptical about the ability of government to combat illegal immigration and the 'rackets' that had emerged to facilitate illicit entry of migrants into the UK, although it was hoped that the questioning of applicants under the amnesty might provide useful intelligence into these shadowy organisations.³⁵ Bilateral agreement with India and Pakistan to attempt to reduce instances of illegal migration had been reached by the previous Conservative government, but this was seen as far from a definitive solution to the problem.³⁶

By 1976, cooperation between Whitehall, posts abroad and the governments of the sub-Continent had furnished the Immigration Service's Intelligence Unit with a list of the strategies most frequently employed by illegal migrants.³⁷ These were primarily related to the forgery of documentation (passports, birth certificates, affidavits in support of family relationships, student registration or exam certificates) and the inadequacy of local laws regarding registration of births, marriages and deaths were identified as germane to the emergence and expansion of this illicit trade. Furthermore, officials were sceptical that bilateral cooperation could be effective in minimising illegal immigration any further.³⁸ There was therefore a developing view that illegal immigration was not only practically impossible to bring conclusively to an end, but an acknowledgement that local laws and customs, in the breach as well as the observance, had the capacity to undermine British legal attempts to regulate illegitimate (or, by extension, legitimate) migration.

Another area marked for action was the alteration of rules regarding admission of fiancés of women accepted for settlement in Britain. The discrepancy between the treatment of men and women in respect of admission of spouses and fiancés (men could and women could not sponsor their partners' admission) was

34 See, for example, *The Times*, 'Immigrant trafficking "near slavery" judge says, 12 February 1974, p. 3; idem, 'Court told of "widespread" illegal immigration', 5 November 1974, p. 2.

35 See, NA, HO 213/2418, Memorandum from FitzGerald to Norris, 10 April 1974.

36 Ibid.; *The Times*, 'Moves to block illegal Asian immigration', 16 January 1974, p. 5.

37 In fact, the Home Office had known of these practices since the late 1960s, but had then been sanguine about their scope, believing that 'most attempts at evasion are thwarted.' HHC, David Winnick Papers, DMW/41, 'Evasion of the Commonwealth Immigration Control', Memorandum by the Home Office, 11 November 1969, p. 1.

38 NA, FCO 50/588, Letter from Rigney to White, 20 August 1976.

targeted as an obvious example of sex discrimination in immigration policy and Jenkins acted to remove the stricture, put in place by the previous Labour government in 1969, that foreign husbands and fiancés of women permanently resident in the UK would only be admitted in cases of hardship.

Initially however, Jenkins was reluctant to revise the law and instead held out the prospect of favourable administrative decisions to reduce cases of unnecessary hardship caused by the imposition of the rule that would negate the possibility – inherent in the formal alteration of the Rules – that such a change would 'undoubtedly lead to a substantial and continuing wave of male immigration, particularly from the Indian sub-continent.'³⁹ In deciding to make the changes to the Rules, the Home Secretary argued, he was satisfied that these concerns had been overstated and thus there remained no 'compelling reason' not to change the law in favour of equality.⁴⁰ The new Rules, published in August, allowed for temporary admission of fiancés, to be made permanent once the marriage had been contracted and, for husbands, immediate admission on production of an entry voucher issued at posts abroad, subject to documentary proof of marriage.⁴¹

Jenkins later saw these instances of 'administrative liberalisation' as signal failures to respond with requisite sensitivity to such awkward political issues and in particular the 'go slow' strategy on the fiancé concession as mistaken in delaying support for a cause that was undoubtedly popular, in the form of women's equality, while falling in behind another – the illegal immigrants' – which was decidedly not.⁴² Nonetheless, the Home Secretary had taken administrative decisions that were seen as having the potential to impact upon the rate of migration and whether these had been taken on grounds of legal obligation (as in the case of the correction of the Immigration Act) or political inclination (the alteration of the admission for marriage policy), they amounted to broadly liberalising modifications to immigration control which contributed towards a refocusing of opposition to

39 Quoted in, *The Times*, 'More immigration if husbands of British women get entry right', 29 March 1974, p. 9.

40 *Parliamentary Debates (Commons)*, vol. 845, col. 535W, 27 June 1974.

41 Home Office, *Statement of Change in Immigration Rules for Control on Entry: Commonwealth Citizens*, Cmnd. 5715, August 1974.

42 Jenkins, *Life*, pp. 373-74.

immigration as a whole.

These developments were accompanied by a set of modifications to the processing of immigration applications at posts abroad, instituted after Alexander Lyon's visit, in his capacity as Minister of State, to the sub-Continent to review procedures and speed up entry clearance. The issue of the length of time taken at posts to secure an interview with applicants was of some concern and criticisms of officials' dilatoriness and obstructionism were noted with some displeasure by the Foreign Office.⁴³ In order to overcome these administrative obstacles, Lyon instructed Entry Clearance Officers (ECO) to, under ordinary circumstances, dispose of a case after the first interview and to alter the burden of proof away from the previous standard of insistence of establishing credentials 'beyond reasonable doubt' to the civil standard of 'the balance of probabilities'.⁴⁴

He recommended an increase in consular staff levels, especially to deal with immigration cases, the creation of a priority queue for mothers and children under 10 and for those who qualified as patrials and the provision of Home Office assistance in writing up appeal statements where appeals were made against the decision of an ECO.⁴⁵ This resulted in an increase in the speed with which applications were processed.⁴⁶ This was coupled with a perception among officials of Lyon using powers to overturn decisions made by ECOs on individual cases too frequently and with a cavalier disregard for how such actions might impact staff at posts abroad.⁴⁷ These measures had not been fully disclosed either to the public or parliament,⁴⁸ although Lyon had reportedly contacted some migrant welfare

43 See, NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976.

44 Ibid., pp. 1-2.

45 NA, FCO 50/533, Immigration procedures in the sub-Continent, Minute from Rigney to Hawley, 17 December 1975, p. 1.

46 NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976, pp. 1-2.

47 NA, FCO 50/533, Immigration procedures in the sub-Continent, Minute from Rigney to Hawley, 17 December 1975, p. 3.

48 Jenkins had stated that he was working to 'speed up and simplify the procedure' for interviews but stopped short of giving details of the actual revisions to the application of the law Lyon had championed. (*Parliamentary Debates (Commons)*, vol. 895, col. 1698, 17 July 1975). Ted Rowlands (a Foreign Office junior minister) did make reference in a Written Answer to the 'recent introduction of a simplified interview for certain categories of settlement applicant.' (*Parliamentary Debates (Commons)*, vol. 898, col. 447W, 28 October 1975), but again did not detail the revisions.

associations, informing them of the revisions,⁴⁹ again pointing towards a latent desire to make political and administrative decisions according to external political priorities, potentially overriding what officials interpreted as their remit. This was taken as one facet of what were perceived to be hostile, or at least overly-interventionist ministerial attitudes towards officials on the ground and their individual administrative decisions.

Further, the medium and long term effects of the structures of the immigration control system itself, along with the consequences of these political interventions, were also beginning to stir significant administrative disquiet. One senior Foreign Office civil servant expressed his frustration at the 'lower[ing] [of] our standards of satisfaction'⁵⁰ that the alteration of norms regarding burden of proof in interviews had brought about. Moreover, these modifications to administrative practice were seen to stem at least in part from a misreading of the situation on the ground by politicians in Westminster. Not only did the reduction in burden of proof suggest a loosening of procedures regarding the admission of dependant relatives that ought to be very stringent, but the wider question of the extent of Britain's obligations to such individuals was increasingly the subject of inter-Departmental disagreement and friction. As laid out by the British High Commission in New Delhi:

There are two schools of thought. The Home Office, or at least some Ministers, argue that the pool [of dependant relatives] must be finite. Statutory provisions support their contentions, since those to whom we have a statutory obligation must either be satisfied or, ultimately, die. But experience of everyday immigration work immediately converts any believers in finity to a more cynical attitude. Dependants breed dependants, many who are not entitled to enter by any statute nonetheless are given permission.⁵¹

Administrative and ministerial positions gradually ossified around these two

49 NA, FCO 50/533, Immigration procedures in the sub-Continent, Minute from Rigney to Hawley, 17 December 1975, p. 3. Lyon spoke at the Annual Conference of UKIAS in April 1975, where he announced that he had personally reviewed procedures at posts abroad and recommended changes that would increase the rate of interviewing considerably. See, NA, FCO 50/533, Report of Annual Conference: 1975, undated.

50 NA, FCO 50/533, Islamabad Tel. No. 1655, 14 December 1975 (Sir L Pumphrey).

51 NA, FCO 50/533, Immigration: India, Note from British High Commission, New Delhi, 1 December 1975, p. 3.

alternatives and the scepticism of the Foreign Office not only persisted, but became increasingly politically significant.

CPRS Report

On the home front, however, government began to consider in more detail a fresh approach to race relations law. Jenkins' initially rather cautious liberalising agenda was given a boost by a new and extensive study of the state of race policy. The Central Policy Review Staff (CPRS) had been commissioned by the Heath government to investigate the difficult political and social questions which the development of large black and Asian communities within Britain's inner cities had raised and to address ministerial concerns that 'the percentage of immigrants [in certain areas] was now so high that there was a risk of serious social and political disaffection.'⁵² It is worth examining the report's findings in some detail, since it has been largely absent from previous studies of the period and because the outcome of these considerations is highly germane to the argument that the relationship between Westminster and Whitehall was becoming increasingly political.

The Report was significant in a number of ways. Firstly, it was openly and explicitly critical of successive governments' inaction on issues of racial inequality. The CPRS argued that no coherent policy agenda had yet been developed and that the 'non-policy' which had characterised governmental responses to the issues postwar migration had raised were founded upon four assertions, by then proven to be unacceptably inconsistent: that Britain was an outstandingly tolerant society; that the material status of black and Asian people within Britain was improving; that race relations themselves were improving; and that adopting a more robust policy in combatting discrimination would be unacceptable to white public opinion.⁵³ This predominantly ad hoc approach was repudiated by the CPRS, who sought to exchange it for an understanding of the issues which took account of two 'fundamental truths' about race in contemporary Britain:

⁵² NA, CAB 128/51/4, CM(73), 3rd Conclusions, 23 January 1973.

⁵³ NA, CAB 134/3524, Race Relations, by the Central Policy Review Staff, Official Committee on Immigration and Community Relations, ICO(74) 2, 15 February 1974, p. 1.

- i. the coloured communities, now about 1.5 million strong, are a permanent part of British society;
- ii. they cannot permanently be denied what they see as their rights to equal treatment. They will, increasingly, press for these until they are satisfied.⁵⁴

Further, the Report argued that the maintenance of existing 'non-policy', far from resulting in stasis, would only see race-related problems become graver and that 'not only for reasons of social justice, but for more basic reasons of *preserving social stability and order* in the longer term', it had become necessary to do more to directly address the problems of race relations.⁵⁵ The CPRS viewed governmental reluctance to take a lead on race issues as having provided a destructive precedent, which was gratefully followed 'by employers, trade unions, local authorities and political parties', the remedy for which must be massive government intervention, striking 'an activist policy, vigorously co-ordinated by the Home Office, in which the Government must lead, not trail behind, public opinion'.⁵⁶

Finally, the Report was significant in its assertion that the relief of urban poverty and deprivation, 'problems which affect whites on a far larger scale than coloured people' was key, alongside the elimination of racial discrimination and provision of assistance in overcoming particular 'disabilities' experienced by migrant groups (inability to speak English, for example), to ensuring that race relations in Britain would henceforth be built upon steadier foundations.⁵⁷ Basing their assertions upon an evidence-gathering approach, and having the benefit of being able to assess the workings of the Urban Programme since 1968 and the grants made under Section 11 of the Local Government Act, the CPRS urged government to place relief of disadvantage at the heart of race relations law in an unprecedented manner.

The Report had been considered by the Conservative government at the Ministerial Committee on Immigration and Race Relations in February 1974 and the meeting focused upon the three proposals for action it put forward.⁵⁸ These were: to

54 Ibid., p. 2.

55 Ibid., p. 1 [emphasis added].

56 Ibid., p. 2.

57 Ibid., p. 3.

58 NA, CAB 134/3650, Ministerial Committee on Immigration and Race Relations, IC(74) 1st Meeting, 4 February 1974, p. 1.

retain current policy, with all its inadequacies; to adopt a 'general attack' upon urban deprivation, acknowledging that the problems of black and Asian Britons were a function of disadvantage in the broadest sense, and held in common with white people; or to develop a policy of tackling urban deprivation, reinforced with action designed to alleviate the additional disadvantages experienced by minorities as a function of discriminatory attitudes and experiences.⁵⁹ The Committee was divided between the second and third options, but chose to delay a decision on the topic.⁶⁰ Under the Heath government, preoccupied as it had been with the management of immigration and the compartmentalisation of policy into administration, these proposals were never likely to be put into action, and nor were they likely to result in political action or any fresh race relations legislation, even if the Report had not come immediately prior to the election.

After the February 1974 election, Jenkins⁶¹ took charge of the Committee and praised the Report 'for the way in which it focussed attention on first principles and identified the main arguments, in terms which were simple and clear cut.'⁶² The CPRS had made bold criticisms of previous government action and the Committee were certain that the new government ought not to adopt a defensive strategy on the points raised, but rather to take up the challenge to provide a political lead in policy making.⁶³ The potential implications of providing such a lead in terms of public opposition had been made clear and in an atmosphere in which '[public] expenditure would be constrained within tight limits...the policy proposed would involve reallocating expenditure within Departmental programmes'.⁶⁴ Practical problems were reinforced by lingering doubts about implementing measures that would give preference to black and Asian individuals and families in areas of severe 'indigenous'

59 NA, CAB 134/3524, Race Relations, by the Central Policy Review Staff, Official Committee on Immigration and Community Relations, ICO(74) 2, 15 February 1974, p. 25.

60 NA, CAB 134/3650, Ministerial Committee on Immigration and Race Relations, IC(74) 1st Meeting, 4 February 1974, p. 2.

61 His admiration for the report's findings were rather in contrast to the more broadly prevailing conditions of some doubt and suspicion in which the CPRS were held by many in the new Labour government, who viewed the CPRS as a Heathite creation. On this point, see, Hennessy, *Whitehall*, pp. 244-45.

62 NA, CAB 134/3771, Ministerial Committee on Immigration and Community Relations, 15 May 1974, p. 1.

63 *Ibid.*, pp. 1-2.

64 *Ibid.*, p. 2.

disadvantage, where measures directed towards certain ethnic communities might themselves be interpreted as discriminatory or antagonistic towards white Britons. As a result, the committee under Labour found itself in exactly the same position as had been the Conservatives – unsure how to strike a politically acceptable balance between a policy that approached social issues and disadvantage even-handedly, yet which addressed the particular problems of black and Asian Britons.

It was not until March 1975 that the outcomes of in-depth research by officials into the questions raised by the CPRS Report, and the ways in which their findings may be incorporated into policy, was produced. The official committee found themselves obliged to apologise for the 'unimpressive' nature of the 'few' proposals they had been able to make. Firstly, they had felt obliged to assume that additional spending would not be forthcoming given the prevailing economic conditions and secondly, that 'some Departments...would not accept any generalisation that the needs of coloured minorities are *ipso facto* more acute than those of many of the white indigenous population.'⁶⁵ Although policies had gradually developed to a greater or lesser extent in line with the Report's recommendations,⁶⁶ the CPRS had demanded a much more unified and activist policy than had yet been forthcoming.

The Report had asserted that '[the] single most disturbing problem in the race relations field is the growth of anti-social attitudes among black (i.e. West Indian) teenagers'.⁶⁷ It diagnosed serious social dislocation among several hundred (or potentially thousand) young people who experienced high levels of unemployment (14.5 per cent of West Indian males aged 15-24 were unemployed, more than double

65 NA, CAB 134/3935, Race Relations Review, Official Committee on Community Relations and Immigration, OCR(75) 4, 14 March 1975, p. 1. It is notable that the names of the Committees being examined here were changed from 'Immigration and Community Relations' to 'Community Relations and Immigration'. This change went beyond official pettifogging and, since these were private rather than public bodies, we can tentatively look upon this change as at least offering a nod towards the reassignment of priorities away from immigration and towards strengthening community relations.

66 Officials cited Section 11 grants, the Urban Programme and provision of adult language training as evidence of an approach that, as outlined in the Report, sought to alleviate general inequalities and social issues while providing extra help for ethnic minorities. See, NA, CAB 134/3935, Race Relations Review, Official Committee on Community Relations and Immigration, OCR(75) 4, 14 March 1975, p. 2.

67 NA, CAB 134/3524, Race Relations, by the Central Policy Review Staff, Official Committee on Immigration and Community Relations, ICO(74) 2, 15 February 1974, p. 92.

the average), were disproportionately involved in, and were victims of, crime and who were potentially out of the reach of conventional authorities through education, welfare or employment.⁶⁸ These views were echoed by the leadership of the Community Relations Council (CRC), who sought the recruitment of black detached youth workers and the funding of West Indian 'self-help' groups from public expenditure to combat social disengagement,⁶⁹ even if the process itself, which many of the intended beneficiaries might see as 'knuckling under to the white system' was anticipated to be long and frustrating.⁷⁰ Doubt about the possibility that government agencies could reach across this gap contributed towards a degree of reticence surrounding the policy so that, alongside the perceived necessity for arm's-length funding in order for the black self-help organisations to retain credibility in the community, minimal publicity for any expanded scheme was anticipated.⁷¹

Funding for existing programmes had risen significantly, albeit during periods of high inflation: Section 11 grants increased from £1.4 million in 1967-68 to an estimated £9.3 million in 1973-74; while expenditure on the Urban Programme rose from £2 million in 1969-70 to an estimated £18.7 million in 1974-75. Under the existing regime however, the Urban Programme was hopelessly over-subscribed, with funding applications totalling £40 million received in 1972-73 and only £4.5 million paid out.⁷² Even after these levels of increase, budgets would fall far short of what was necessary to maintain projects on the scale imagined by the CPRS and, with no further new money anticipated from the Exchequer, any increase in allocation deliberately ascribed to black and Asian areas or projects would necessarily have to be diverted from deprived white areas, the practicality of which, officials pointedly noted, was 'a matter for political judgement'.⁷³

This was of particular significance because the Urban Programme had, since

68 Ibid.

69 NA, CAB 134/3722, Official Committee on Immigration and Community Relations, ICRO(74) 4, 6 May 1974, p. 2.

70 NA, CAB 134/3524, Race Relations, by the Central Policy Review Staff, Official Committee on Immigration and Community Relations, ICO(74) 2, 15 February 1974, p. 93.

71 NA, CAB 134/3722, Official Committee on Immigration and Community Relations, ICRO(74) 4, 6 May 1974, p. 5.

72 Ibid., p. 12.

73 NA, CAB 134/3935, OCR(75) 4, Official Committee on Community Relations and Immigration, 14 March 1975, p. 3.

its inception, been dominated by administration, and officials' roles had been key in the practical shaping of policy. The Programme had been created quickly, it did not have a strictly defined strategy or function, it was not underpinned by strong policy direction or ideology, and this all had contributed towards a 'fossilisation' of administrative structures and a tendency towards procrastination over any wholesale re-evaluation of its aims and operation.⁷⁴ Now, however, the administrators emphasised the need to hand back elements of the Programme to political control because ministers sought to expand the scheme beyond its (ill-defined) foundational tenets and this required judgement about the redistribution of funds and the direction of policy *in toto* that was perceived as decidedly political in character.

The CPRS Report also chimed with a wider shift in the Labour Party towards the development of a 'human rights'-based approach to anti-discrimination policy in the broadest sense. This had included a quite radical set of proposed reforms to the institutional structures of existing anti-discrimination provision, including the amalgamation of bodies dealing with race and, in line with the party's proposals on sex discrimination law, gender inequality.⁷⁵ This proposed integration of bodies was taken yet further in 1974 with the proposal of a Citizens' Rights Commission – a 'statutory watchdog' to operate as a buffer between the power of the state and the weakness of the individual, granted the power to intervene in cases of discrimination, regardless of the stimulus.⁷⁶ Implicit in this broader-based approach to discrimination were the assumptions, first, as we have already seen, that further governmental action to directly address race discrimination would be subject to damaging criticism from 'extremist groups' and, secondly, that race as an issue no longer held the political purchase to justify expansion of the law on its own terms.⁷⁷ Moreover, the mid-1970s

74 John Edwards and Richard Batley, *The Politics of Positive Discrimination: An Evaluation of the Urban Programme, 1967-77* (London: Tavistock, 1978), pp. 140-143.

75 LHASC, LPRD Memoranda, Human Rights Sub-Committee: Anti-Discrimination Legislation, RD 929, December 1973. The paper also noted the potential for future expansion into other areas of anti-discrimination law, including age discrimination. As Jenkins had later asserted in the House: 'Sex and race discrimination will be dealt with separately at this stage, but my ultimate aim is to harmonise, and possibly to amalgamate, the powers and procedures for dealing with both forms of discrimination.' *Parliamentary Debates (Commons)*, vol. 877, col. 1298, 23 July 1974. This commitment was reiterated in the White Paper *Racial Discrimination* (Cmnd. 6234), September 1975, p. 11.

76 LHASC, LPRD Memoranda, Human Rights Sub-Committee: A Citizens' Rights Commission, RD 971, January 1974.

77 The Race Relations Board had only five offices outside London and, the Committee heard, it would be difficult to justify any expansion on its own terms. LHASC, LPRD Memoranda, Human

saw both main parties – spurred on in part by Leslie Scarman's Hamlyn Lectures in which he called for a Bill of Rights to check the power of the state⁷⁸ – entertaining the notion of a constitutional device that would entrench Britain's international legal obligations (acquired through the EEC Treaties) into domestic law, as well as seeking to provide a firm definition of the relationship between the individual and the state.⁷⁹

This desire for action on questions of inequality and disadvantage was also underpinned by further research published by PEP, the Select Committee on Race Relations and Immigration (SCORRI) and the National Children's Bureau (NCB). PEP's new work, it was argued, demanded attention because it represented the first serious attempt to quantify the 'facts' of racial disadvantage on a national scale.⁸⁰ PEP observed a distinct split between the older generation of migrants to Britain, who sought to 'build an economic base, through home ownership, from which they hope that their children will be able to jump into the mainstream of society' and the younger generation of, particularly (as the CPRS Report had noted) West Indian Britons, some of whom exhibited '[t]he first signs of a more profound disillusionment, which might eventually form the basis for a new political force'.⁸¹

Despite this, claims of discrimination in both employment and housing had actually decreased since the previous PEP research in 1967 and only a relatively small proportion of black and Asian residents believed themselves to have been the victims of discriminatory behaviour (between 10 and 15 per cent).⁸² This was seen to be the result of a number of factors: the possibility that existing legislation and changing

Rights Sub-Committee: Anti-Discrimination Legislation, RD 929, December 1973, p. 1.

78 Sir Leslie Scarman, *English Law: The New Dimension* (London: Stevens & Son, 1975), p. 20.

79 See, LHASC, LPRD Memoranda, Human Rights Sub-Committee: A Bill of Rights?, Re. 173, June 1975, in which Michael Zander rehearses the arguments for and against adopting such an approach to constitutional law from Labour's perspective; reporting Sir Keith Joseph's hesitant advocacy of a Bill to ensure rights to 'life, liberty and property' (*The Times*, 'Tories may introduce Bill of Rights when they are next in power', 18 March 1975, p. 3); and two articles by Lord Hailsham (*The Times*, 'The paradox of oppressive yet powerless government, 16 May 1975, p. 16; *The Times*, 'The legal limits', 19 May 1975, p. 2) on constitutional issues. On the Conservative Party's potential policy at the 1979 General Election (the Bill of Rights idea was ultimately dropped), see, CAC, THCR, 2/6/1/157, Policy Committee on a Bill of Rights, July 1975.

80 Smith, *Racial Disadvantage*, pp. 1-2.

81 *Ibid.*, p. 187. For a detailed discussion of the impact of home ownership and inherited housing wealth in a particular area, see, Ricky Joseph, 'Housing wealth and accumulation: Home ownership experiences of African Caribbean families migrating to Birmingham and London in the period 1950-1970', PhD Thesis, University of Birmingham, 2007.

82 *Ibid.*, p. 185.

attitudes towards the social acceptability of discrimination had resulted in some level of reduction in its instance; the adoption of 'avoidance' strategies, particularly in housing, by which migrants sought accommodation from within their communities and networks, rather than on the open market; and, in employment, the possibility that fewer reports emerged simply because discrimination was increasingly difficult to identify categorically in the recruitment procedure. None of this precluded the continued existence of discriminatory actions, rather, it suggested that 'discrimination is now less open, admitted and obvious to all.'⁸³ Not only that, but disadvantage stemming from discrimination or other stimuli, seemed to be increasingly endemic and ineradicable. The National Children's Bureau (NCB) exposed 'the massive accumulation of burdens afflicting disadvantaged children and their families' and made clear that the most disadvantaged already faced 'substantially diminished prospects of normal development of their chances in life' by the time they were born.⁸⁴

Race Relations Bill 1976

The CPRS, SCORRI, PEP and NCB Reports had each contributed materially towards arguments in favour of the development of a new anti-discrimination statute, providing an animating force for fresh legislation as well as the basis of an operational framework focused upon the correction of the disadvantages experienced by black and Asian citizens. The development of law was aided, too, by the successful passage of the Sex Discrimination Act in 1975 and its presence, on the Statute Book, as an operative analogy.⁸⁵ Nor was the prospect of new law wholly unexpected – Jenkins' appointment of Anthony Lester to a Home Office role was interpreted, in some quarters at least, as a presage to reform⁸⁶ and the impact of progressive individuals, backed up by quantitative measurements of disadvantage,

83 Ibid., pp. 186-87.

84 Peter Wedge & Hilary Prosser, *Born to Fail?* (London: Arrow Books, 1973), pp. 59, 22.

85 Bleich, *Race*, pp. 96-97.

86 *The Times*, 'Latest appointments', 17 May 1974. Indeed, Lester had been involved in the ongoing campaign of Lord Brockway to produce more wide-ranging anti-discrimination law and had, in 1974, drafted a fresh Bill the details of which were circulated to sympathetic members of the upper House. See, Edward Boyle Papers, MS 660/29073, Letter from Lord Brockway to Lord Boyle, 18 March 1974 & MS 660/29073/2, Letter signed by Lord Boyle, 18 March 1974.

has been highlighted as a key motivating factor in bringing the Race Relations Bill.⁸⁷

The SCORRI Report on race relations administration had contained several elements not deemed germane to law making and the government's proposals, set out in the official reply to the Select Committee and the White Paper *Racial Discrimination* (Cmnd. 6234), were rather more limited and specifically related to the political aspects of race law.⁸⁸ Jenkins, illustrating the basically similar operating premise of the new Bill to those which had gone before, focused closely upon the legal aspects of discrimination. Although one contemporary analysis argued that the Bill gave 'precisely the powers which the Race Relations Board asked for' and, indeed, went 'further still',⁸⁹ the aims of the White Paper were viewed by Lester himself – partially as a consequence of Jenkins' desire to operate within such a legalistic framework – as having been less than fully realised in the eventual legislation, which, he later argued, limited the scope for positive discrimination and contained too many specific exemptions.⁹⁰

The measures contained in the Bill included the alteration and expansion of the definition of 'discrimination' to address what is termed 'indirect' discrimination – the imposition of any additional requirement, conditional upon, and exclusively or disproportionately affecting, individuals on the basis of their ethnic origin.⁹¹ The Bill expanded the bodies subject to regulation to include schools and education authorities,⁹² the Crown,⁹³ trades unions⁹⁴ and some specific clubs and associations.⁹⁵ The overall administration of race relations was left in the hands of the Home Office⁹⁶ but the Bill abolished existing statutorily-constituted organisations (the Race

87 Bleich, *Race*, Chapter 4.

88 Home Office, *The Organisation of race relations administration: Observations on the Report*, Cmnd. 6603, September 1976.

89 Margherita Rendel & Geoffrey Bindman, *The Sex Discrimination Bill, Race and the Law* (London: Runnymede Trust, 1975), p. 13, quoted in, Bleich, *Race*, p. 98.

90 Lester, 'Legislation to integration', p. 25.

91 Race Relations Bill, 1975, Clause 1 (b).

92 *Ibid.*, Clauses 17 and 18.

93 *Ibid.*, Clauses 75 & 76. However, the Crown was permitted to retain employment criteria based upon nationality.

94 *Ibid.*, Clause 11.

95 *Ibid.*, Clause 25. The law applied to those organisations with more than 25 members and whose membership was governed by a constitution.

96 This decision had been taken practically by default, based upon the pre-existence of schemes and administrative systems within the Department. However, this left the Home Office struggling to reconcile the diplomatic, inter-Departmental role as promoter of racial equality initiatives against

Relations Board, dealing with enforcement issues and Community Relations Commission, pursuing a broadly strategic role and promoting equality of opportunity) replacing them with a new body, the Commission for Racial Equality (CRE), which would take on both roles.⁹⁷ The Bill strengthened the incitement to racial hatred provisions by removing the statutory duty on prosecution to prove an intent to incitement.⁹⁸ It was amended in Standing Committee to place a general statutory duty upon local authorities to 'work towards the elimination of discrimination and to promote equality'.⁹⁹ Further, the Bill specifically exempted any action done to 'meet the special needs' of any ethnic group – creating a situation whereby (limited) measures of positive action could be enabled.¹⁰⁰

In all, then, the Bill amounted to an effort at rationalisation and strengthening of the measures put forward in earlier legislation. However, the intention of the White Paper had been that such legislation would operate as one part of 'what would eventually become a comprehensive strategy for tackling racial disadvantage.'¹⁰¹ The focus on disadvantage was undoubtedly the most novel aspect of the new Bill, yet it was largely placed outside the legislative framework. When Alexander Lyon pressed harder for the imposition of a statutory duty upon local authorities to seek out and address problems of integration through language education and social programmes, he was told by Jenkins that there was 'simply no money' for these schemes.¹⁰²

In opening the Second Reading debate, Jenkins sought to address the issues highlighted, away from the public gaze, within the Labour Party and in the CPRS, SCORRI and PEP Reports: that it would henceforth be necessary to tackle racial disadvantage in addition to racial discrimination. In doing so, Jenkins pressed the need for 'coherent rather than spectacular' policies to achieve 'relevant and realisable' targets for the reduction of racial disadvantage.¹⁰³ This could only be realised

the basically regulatory functions it had hitherto been expected to carry out. See, Jaqi Nixon, 'The Home Office and race relations policy: Coordinator or initiator?', *Journal of Public Policy*, 2, 4 (1982), pp. 365-78.

97 Race Relations Bill, 1975, Clause 43.

98 Ibid., Clause 70.

99 Ibid., Clause 71.

100 Ibid., Clause 35.

101 Lester, 'Legislation to integration', p. 24; Cmnd. 6234, paras., 22-26.

102 Campbell, *Jenkins*, p. 163.

103 *Parliamentary Debates (Commons)*, vol. 906, col. 1548, 4 March 1976.

through '[a] wide range of administrative and voluntary measures...not only to combat discrimination and encourage equal opportunity but also to tackle what has come to be known as racial disadvantage.'¹⁰⁴ The Chairman of SCORRI, Fred Willey, warned that the proposed legislation, by maintaining the declaratory character of the existing law, continued to disregard the advice of successive organisations tasked with monitoring and improving race relations that racial discrimination could not be overcome without 'a clear, unambivalent, effective Government lead against [it]'.¹⁰⁵ There were thus two primary criticisms from within the parliamentary party: that the Bill failed to expand positive discrimination measures far enough and relied too heavily upon voluntary action, and that it failed to provide sufficient public precedent that government unambiguously condemned the practice of discrimination.

Opposition to the measures was predictable and relatively unremarkable. Enoch Powell spoke against what he saw as the insidious tendency of the government to stifle 'legitimate' criticism and debate.¹⁰⁶ The official Conservative position was abstention and this was a political calculation – the minimum possible action by an opposition which had supported near-identical measures dealing with sex discrimination a year previously and as a means of providing against left wing Conservative revolt, should the party oppose the measures.¹⁰⁷ In the House, Whitelaw focused criticism upon the failures of immigration control, the alleged prevalence of illegal migration and the controversy over the published statistics, expressing largely supportive views on the principles inherent in the Bill.¹⁰⁸ There was a lengthy Report stage, during which some recalcitrant Conservative backbench MPs, aggrieved at the official party line of non-opposition, deliberately dragged the debate well into the small hours of the morning.¹⁰⁹ None of this prevented the Bill passing into law, and it

104Ibid.

105*Parliamentary Debates (Commons)*, vol. 906, col. 1579, 4 March 1976. Both the Select Committee Report and the White Paper had recommended the adoption of a 'coherent and co-ordinated policy' to provide a 'clear and demonstrable government commitment to equal rights'. SCORRI even suggested the notion of a separate ministerial post within the Home Office to deal with the matter. SCORRI, p. xxiii; Cmnd. 6234, para. 21.

106See, Heffer, *Roman*, pp. 786-87.

107Trevor Russel, *The Tory Party: Its policies, Divisions and Future* (Harmondsworth: Penguin, 1978), p. 119.

108*Parliamentary Debates (Commons)*, vol. 906, col. 1568-70, 4 March 1976.

109*Parliamentary Debates (Commons)*, vol. 914, cols. 1627-1982, 8 July 1976; *The Times*, 'Twenty hours

remains the primary race relations statute.

The Hawley Report

Thus far, we have seen the emphasis placed by officials upon the need for political judgement in taking decisions regarding nationality law and the distribution of funds and priorities in policy seeking to redress disadvantage. However, these concerns had remained within the private sphere of government, where they acted as policy guidance without attracting public attention. This changed when Foreign Office advice, revealing in frank terms the existence of inter-departmental disagreement on the state of immigration control and the possible extent of future commitments as yet unfulfilled was leaked to the press by Enoch Powell. Donald Hawley's Report argued that earlier Home Office estimates of the figure for 'entitled' dependants had been shown in practice to be very low – in Bangladesh for example, the projected figure for the period 1974-1985 was 10,460 dependants, whereas in fact 12,000 entry certificates would, on existing trends, have been issued by December 1976.¹¹⁰ His research fed perceptions of a sinister, organised 'industry' for securing illegal entry into Britain through which it had become 'common knowledge' that suitable documentation could be obtained at a price.¹¹¹ It fed, too, perceptions of the fiancé concession as subject to what was seen as overuse (1,924 applications were received at New Delhi in October 1975, equivalent to 56 per cent of the total outstanding cases) as well as flagrant abuse (allegations of 'dowries' being paid in order to secure entry to Britain through an eligible marriage).¹¹² Moreover, the concession, it was argued, led to a 'multiplier' factor, by permitting the dependent relatives of the prospective husband also to be admitted, potentially extending Britain's commitment indefinitely.¹¹³ We have already seen the development of inter-Departmental dispute over this question, and Hawley's Report undoubtedly served to

needed to complete Race Relations Bill with its Commission for Racial Equality', 10 July 1976.

110Indeed, Hawley observed, one organisation estimated that of the 100,000 Bangladeshis in Britain, as many as 80 per cent may still be without their families. NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976, p. 3.

111NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976, p. 6.

112Ibid., pp. 6-7.

113Ibid., pp. 12-13.

sharpen this disagreement, playing heavily upon Foreign Office arguments that 'dependants breed dependants'.

Hawley noted the resentments and concerns of the staff at posts abroad, highlighting the perceived 'relaxation of standards' stemming from the alterations to the burden of proof instructions and from Alexander Lyon's exercise of ministerial prerogative in overturning ECO decisions. Again, these were familiar arguments, but Hawley went further in his criticisms of political intervention in individual cases than the Foreign Office had previously, emphasising the resentment felt by staff abroad at the undercutting of their work for political reasons. He showed that the number of letters sent to MPs regarding individual cases had increased from 374 in 1973 to 1,722 in 1975 and that '[i]ntervention through MPs in individual cases has sometimes been shown to expedite them or to lead to a favourable decision on early entry and, as the immigrant community grows, pressures are likely to increase'.¹¹⁴ He argued there existed a necessary link between the growth of illegal immigration and the relaxation of the burden of proof rules,¹¹⁵ conflating the operations of government policy, political interventions and the inadequacies of foreign systems of documentary registration as having a fundamental impact upon the process of undermining British law. Some ECOs even told Hawley that their exposure to work on immigration, and the 'web of deceit which is a feature of many applications' had inculcated in them a sense of resentment and prejudice against 'sub-continentals'.¹¹⁶

Hawley further argued that there was in fact little pressure from governments abroad to admit more migrants more quickly and even that 'respect for [Britain's] local laws and procedures – and indeed acumen – were diminishing in the eyes of local governments because it was thought that in many cases we were being “taken for a ride”'.¹¹⁷ The argument that immigration was not a finite phenomenon was reiterated both by Hawley and other senior officials at the Foreign Office:

The present position is unsatisfactory because current procedures and instructions are based on a Home Office assumption that the immigration problem in the sub-

¹¹⁴Ibid., p. 10.

¹¹⁵Ibid., p. 12.

¹¹⁶Ibid., pp. 8-9.

¹¹⁷Ibid., p. 11.

continent is finite and that we are in the last stages of clearing up a backlog of “entitled” dependants.¹¹⁸

The FCO's basic difference of opinion with the Home Office is whether the problem of immigration from the sub-Continent is finite or not...It is the view both of the FCO and posts in the sub-Continent that the concession to husbands and male fiancés has made immigration from the sub-Continent self-regenerating.¹¹⁹

Hawley recommended the Home Office took action to establish the extent of British commitments abroad and the effects of policy adjustments as well as practical action to '[turn] the problem into a finite one', by establishing time limits and/or quotas for admission of dependants.¹²⁰

Hawley's assessment of the state of play at posts abroad was deeply pessimistic, and imbued with the same Foreign Office thinking encountered earlier regarding the extension of the fiancé concession and illegal immigration (a correspondence to which Hawley himself was an important contributor). Traditionally, civil servants and the work they do are effectively anonymous and the leaking of the Report was damaging in terms of its content, but also because the Home Office were put under some pressure in the House to publish the Report in full after it had been released to the press.¹²¹ An enquiry into the leak was led by the Diplomatic Service, who the rumour mill of the Foreign Office suggested might even have harboured the culprit.¹²²

Whoever was the official source, the Report fell into Powell's hands, and this was not the only intervention he made in the debate. In January, the government had acknowledged that its own immigration figures¹²³ were defective, due to a period after

118Ibid., p. 9.

119NA, FCO 50/583, Minute from Rigney to Hawley, 19 March 1976.

120NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976, p. 15.

121See, *Parliamentary Debates (Commons)*, vol. 912, col. 438W, 28 May 1976 (Enoch Powell); vol. 913, col. 577W, 24 June 1976 (Tom Arnold, Jonathan Aitken).

122*Parliamentary Debates (Commons)*, vol. 913, col. 145W, 16 June 1976. The Foreign Office had felt confident enough to effectively exonerate itself (and the Home Office, who held a different version of the Report on file) in the matter of the leaking, although some lingering doubt remained over the possibility that the Report had reached the hands of the press via the Diplomatic Service itself. (NA, FCO 50/584, File Minute entitled 'Mr Hawley's Report', undated).

123Immigration Statistics, 1974 Cmnd. 6064.

the implementation of the 1971 Immigration Act during which embarkations were 'double counted'.¹²⁴ These 'clerical errors' (amounting to a miscalculation in 1973 of some 69,000¹²⁵) tempted a criticism of this maladministration and Powell had spoken against the government, decrying its 'connivance' (along with the rest of the political classes) in suppressing the fact.¹²⁶ He attacked the notion that such miscalculation had originated in an innocent clerical error, reading out a letter he had received from Heathrow immigration officers which suggested 'the flouting by the Home Office of normal procedures for admission and settlement' – criticisms these individuals were apparently afraid to report to their superiors for fear of damaging their careers.¹²⁷ Moreover, the officials' criticisms of government chimed with one of the central arguments of the Hawley Report – that politicians were interfering with the proper bailiwick of administrators. This marked yet another instance of administrative actions, and the dissatisfaction of officials, emerging into the public political sphere and being actively politicised.

The revelations of the Hawley Report came to light as James Callaghan succeeded Harold Wilson as Prime Minister and the public airing of Foreign Office objections to their counterparts at the Home Office seemed to resonate rather unfortunately with the replacement of Alexander Lyon as Minister of State. Callaghan had been 'determined' to remove Lyon and Jenkins did not resist, having looked upon his junior minister as a 'disappointment' who had ensconced himself in 'a bunker of suspicion against almost everybody else'.¹²⁸ Callaghan had come to Number 10 directly from the Foreign Office where, as we have seen, suspicion of the political motivation behind the more interventionist Home Office ministerial attitude of 1976 was strongest and he had shown himself sympathetic to the FCO line. Callaghan's experience there, and his earlier period at the Home Office after 1967, undoubtedly contributed towards his broader attitudes on the subject and he was increasingly disenchanted with the soft-peddling Jenkinsite approach to

124*Parliamentary Debates (Commons)*, vol. 903, cols. 165-68W, 14 January 1976.

125The published figures had suggested a net inflow of 17,000, when the actual figure was 86,000.

126Heffer, *Roman*, p. 770.

127Ibid.

128Jenkins, *Life*, p. 443.

multiculturalism generally.¹²⁹ These divisions in government were no secret and, on his dismissal, Lyon exposed a degree of ill-will between himself – a disillusioned 'Jenkins man' – and what he regarded not only as the obscurantist and damagingly conservative forces of the Home Office, but the pragmatic and unprincipled attitude of the Labour Party in failing to stand against racism.¹³⁰ The feeling that the Labour Party under Callaghan's leadership would undergo a diversion to the populist right and give migrant groups a less sympathetic hearing on race issues was only compounded by Jenkins' own departure to Europe, all of which contributed towards a prevailing air of pessimism.¹³¹

The challenge to the principle of postwar immigration

There was, by 1976, a significant challenge to the whole edifice of British immigration control and to the broader legitimacy of immigration policy and practice as it had existed in the postwar era; in other words, an attack upon the very principle of immigration to Britain and the attendant development of ethnic diversity. This came in two forms. The first, hidden largely from the public gaze, was a question of political-administrative dispute over the state of immigration and the prospects for the future, which has already been examined. The second, very much in the public eye, was the argument that immigration itself suffered from what I term a 'democratic deficit' – a failure of political legitimacy, rooted in the alleged fact that the development of Britain as a multi-racial nation had occurred without the consultation or consent of the majority of the British population.

This implied democratic deficit was neatly illustrated by one correspondent to *The Times* in June 1976. The unsettled nature of British race relations, he posited, was the result of the arrogance and irresponsibility of a generation of British politicians consumed by the idealism of a multicultural society and who 'left others to suffer its traumas.'

These people did not voluntarily opt to run the risks of a mixed racial community, as

¹²⁹Donoghue, *Diaries*, vol. 2, p. 152.

¹³⁰*The Times*, 'Mr Lyon describes how reform attempts were frustrated', 10 May 1976, p. 3.

¹³¹See, for, example, *The Times*, 'Leadership hoping that violence has ceased', 9 June 1976, p. 5.

the immigrants did. To them immigration has been a cataclysm which they did not seek, did not vote for and which in most cases they were not given the opportunity to vote against...As the tide of immigrants has risen, their own parliamentary system appears to have failed them...If Parliament does not respond to the legitimate fears and concerns of its own citizens, it begins to destroy its own position as the focus and moderator of political action; it is not too late for Parliament to change.¹³²

The same Letters to the Editor page saw Conservative MP Ronald Bell railing against a 'ruling establishment [that] not only ignores the opinion of the British public, but brushes it aside with indifference and even contempt.' Bell argued that British people marched with the National Front, in the absence of a mainstream party sensitive to their views, precisely because 'the identity of their country is being swamped in the relentless discharge of wholly fictitious obligations'.¹³³

This feeling also began to underscore debate in parliament. One unanticipated consequence of the new, permanent, system of immigration controls introduced by the 1971 Act was that the ending of the annual Expiring Laws Continuance Bill debates on immigration temporary legislation, which had necessitated parliamentary consideration of policy, gave a degree of credence to the notion that government were reluctant to discuss immigration either in practical terms or as a matter of principle. As one Member had it, '[f]or a long time, the subject has been taboo in this House. It has been something which must not be spoken about, and anyone who has done so has risked being called all sorts of things – racist among them – for even having the temerity to say something.'¹³⁴ The evidence this thesis has thus far presented suggests that this was a canard, but it was nonetheless a commonly employed and useful canard in seeking to attack the notion that immigration was best left to the impersonal operations of policy in the national interest or the reasoned political stances of national 'statesmen'.

In May 1976, an Opposition motion was tabled by Jonathan Aitken to discuss emigration and immigration (although with the emphasis falling strongly on the latter). The most telling point of his argument was the assertion that

¹³²*The Times*, 17 June 1976, p. 19. (Roger Alford).

¹³³*The Times*, 17 June 1976, p. 19. (Ronald Bell).

¹³⁴*Parliamentary Debates (Commons)*, vol. 912, col. 44, 24 May 1976 (Robert Mellish).

the terrain of race relations in this country has been transformed in the last year or two from being a relatively tranquil pasture of tolerance and understanding into a dry and brittle scrubland of tension which could set ablaze at any moment by a spark of fear, anger or misunderstanding.¹³⁵

The deterioration in race relations, Aitken argued, came as a direct consequence of the actions of the Labour government and in particular the 'positively permissive' attitude of Alexander Lyon and his self-proclaimed quest to seek 'justice for the black man'. It was, Aitken argued, 'this ministerial permissiveness which has sown the seeds for the seething public discontent with immigration policy which has now erupted'; ridiculing Lyon's words, he asked whether his quest for justice had not in fact had the opposite of its desired outcome.¹³⁶

Aitken's speech tied together the liberalising measures the government had put in place (increasing the special voucher quota, allowing the admission of Commonwealth fiancés, increasing the rate of admission for dependants and implementing an amnesty for illegal migrants) to argue that the consequent rise in immigration had eroded public confidence in government's ability to regulate it effectively in the national interest, and consequently 'had an adverse psychological impact on the indigenous population which has been detrimental to good race relations.'¹³⁷ The subtext was clear – it was not so much Labourism as liberalism which had inflicted this damage. The liberalising strand within his own party's organisation could be seen as equally culpable in colluding with the 'permissive' tendencies of Labour ministers to shut out popular concern in the name of a wrong-headed and unjustifiable quest for racial 'justice'. Undoubtedly, this was a significant intervention by a backbench critic of policy, but he was not a lone voice.

Indeed, during the debate, Whitelaw emphasised the support he had given to Aitken in putting the motion forward, consciously tying the views of the party leadership with those on the backbenches who sympathised with Aitken's criticisms. But equally importantly, Whitelaw took the opportunity to offer an assessment of the

¹³⁵*Parliamentary Debates (Commons)*, vol. 912, col. 37, 24 May 1976.

¹³⁶*Ibid.*, col. 35.

¹³⁷*Ibid.*, col. 36.

situation as he saw it. In concrete terms, the Shadow Home Secretary argued that the special voucher quota ought to be cut back to 3,500 and that efforts needed to be directed towards quantifying Britain's commitments abroad by creating a register of dependants, 'including only one wife and the young children of those who came here before 1st January 1973...we should know exactly where we stood. The number entitled to entry would be a clear, and not an open-ended, commitment.'¹³⁸ The primary concern he evinced was, however, that the political classes,

have to take account of the very strong feelings in the country, so often based on that most damaging of all emotions – fear – which notably flourishes on uncertainty...In the long run, fear can only be overcome by inspiring confidence...[t]he task of inspiring confidence is one of leadership, and it is one which faces this House and any Government.¹³⁹

Both parties were now arguing for a public politics of immigration that provided a form of leadership and it is one of the objects of the following chapters to illustrate how, why and to where politicians sought to lead the public.

Conclusion

This chapter has illustrated the emergence of immigration policy critiques centred upon democratic legitimacy, official competence and governmental capacity to provide effective management of immigration. It has also shown that, rather than providing political security, administrative solutions to immigration had begun to be attacked from within and without. Whether at home or abroad and whether in the field of immigration or race relations, administrators had made clear to politicians that the objectives and future application of policy required political judgement. But conversely, some officials had begun to enter the grey area between administrative and political judgement and the work of civil servants, whether in the form of the compilation of statistics or the judgements of the Hawley Report (and all it implied or made explicit about the deeper feelings of administrators), were thrust into the

¹³⁸Ibid., col. 92.

¹³⁹Ibid., cols. 87-88.

sphere of political debate.

Perhaps these administrative critiques were overstated by officials, stemming from a misplaced sense of wounded pride or a resentment at what was seen as the taking of ministerial liberties, destabilising the balance of power in Whitehall. It is nonetheless important to draw a line of division between those interventions that we can argue fall within the civil service's proper purview – in the old dictum, speaking truth unto power – and others (such as the letter Powell received from immigration officers) that might have stretched the bounds of acceptable practice. Even then however, the political character of, for example, the Hawley Report, stemmed in large portion from the manner in which it was leaked (for political ends). Frequently, as we have seen, the advice to ministers was that the issues at hand *ought* to be addressed within the political domain – that officials were in fact recusing themselves from the decision-making process.¹⁴⁰ The fact that these criticisms and observations were made may raise some questions about the widely-assumed political impartiality of the civil service, but more importantly, gives an insight into the misunderstandings, cross-purposes and resentments that can emerge from the relationships between senior officials and politicians, or between operatives on the ground and their Whitehall superiors. Adopting Messina's terminology, the 'repoliticisation' of race and immigration can only be explained through an analysis that takes into account the role of administration in maintaining the 'depoliticised' character of policy. By the mid-1970s, this approach was undermined from both sides, as politicians sought new solutions to the perceived 'problems' of immigration and administrators increasingly argued that the terms of change were, partly or wholly, political.

¹⁴⁰This trend offers an intriguing echo of a similar discord in 1905 between officials requiring ministerial action on immigration issues and a government seemingly unwilling, for political reasons, to take implementation decisions. When officials' roles as executors of legislation were 'made virtually impossible by reluctant home secretaries, trying publicly to dissociate themselves from an act (though unwilling to repeal it), a great deal of frustration was engendered' and officials found their role somewhat politicised. See, Jill Pellew, 'The Home Office and the Aliens Act, 1905', *Historical Journal*, 32, 2 (1989), p. 370. I am grateful to Nick Evans for this reference.

Chapter Five

A Weltering Stream: Conflict Under Callaghan and Thatcher, 1976-1978

In this chapter, I address the question of the re-emergence of political debate and divergence over the issue of immigration control and race relations. Although we have seen the problems of administering immigration control, after 1976 both parties sought – with a greater or lesser degree of success – to establish clearer political positions on the issue and this resulted in an increasingly divergent character to debate. Underlying this return to a more adversarial vein of interaction, were internal debates within both main parties over the future direction of policy motivated, in the Conservative Party, by an increasing acceptance of the idea of a more populist agenda and, in the Labour Party, over questions of addressing racial disadvantage and the apparent threat from far right parties in Britain's urban areas. This was complemented with a determined concern on the part of government and opposition to quantify finally Britain's 'commitments' to prospective migrants, designed to answer the criticisms seen in the previous chapter that the 'pool' of dependant relatives had become self-perpetuating.

1976 Party Conferences

The 1976 party conference season was highly significant to the development of immigration politics over the succeeding two years as the two main parties seemed increasingly to diverge on their responses to the immigration question. At the Labour conference, a resolution was overwhelmingly carried that called upon the government 'to repeal the 1968 and 1971 Immigration Acts and all legislation that discriminates against immigrants...[to reaffirm] its opposition to racialism in any form...[and] to ban the use of council property by the fascist National Front'.¹ Further, the previously innocuous assertion by the leadership that, while Labour must be unequivocal in its

¹ *Report of the Annual Conference of the Labour Party, 1976* (London: Labour Party, 1976), p. 213.

opposition to racism, 'there is a limit to the number of immigrants we can absorb', was met with cries of 'shame' from the conference hall.² This suggested a significant degree of division between the parliamentary party in government and the grass roots.

The Conservative Party conference, too, saw an elevation in salience for the immigration question. William Whitelaw again attacked the bases of immigration governance – the need for accurate, understandable immigration statistics, action to tackle illegal immigration and the institution of a register of dependants, to quantify Britain's commitments to family members of migrants abroad – which, he suggested, had been undermined by the actions of the sitting government. He went on:

I do not believe we have any hope of promoting the sort of society which we want unless we are prepared to follow a policy clearly designed to work towards the end of immigration as we have seen it in the postwar years...We have to work towards the ending of immigration and we have the policies designed to do so.³

Thus, Whitelaw argued, it was essential to advocate a 'realistic and common sense policy based on certainty'⁴ – certainty, that is, of the security and soundness of immigration practices and of a future whereby large scale migration for the purposes of settlement was within the ken of government and, crucially, the public mind. At a broader level, the party conference played on themes of unity behind Thatcher's leadership and the renewed fight against socialism – even Ted Heath seemed to be reconciled behind it.⁵

The 1976 conference season thereby consolidated three underpinning political themes which would dominate the issues of race and immigration in the following years. Firstly, that the Labour movement would henceforth turn towards battling racialism in general and the National Front in particular. Secondly, while nominally committed to this anti-racist campaign, the Labour government would not

2 *The Times*, 'Big vote for repeal of immigration Acts and drive against racialism', 30 September 1976, p. 4.

3 Quoted in, *The Times*, 'Whitelaw aim "toward ending immigration"', 6 October 1976, p. 4.

4 *Ibid.*

5 He expressed his 'complete confidence' in Thatcher's ability to lead. See, *The Times*, 'Tories rise to Mr Heath after hint of reconciliation', 7 October 1976, p. 1.

repeal immigration laws – in fact, they would redouble their efforts to keep immigration under control in the name of securing good race relations. Thirdly, that the Conservative Party under Margaret Thatcher's leadership, would stake out a position significantly more restrictive than the government not – as Enoch Powell had done a decade earlier – in the hope of manipulating policy, but on the assumption that the Labour government would be wholly unable to match policy like for like and which would therefore offer the Conservatives an opportunity to gain advantage by presenting themselves as the spokesmen for public fears and anxieties over immigration. But this was not the whole story and Whitelaw in particular persisted, at least until early 1978, in attempting to look both ways on the issue – indicating that tougher controls would be forthcoming whilst attempting to broaden the party's appeal to black and Asian voters.⁶

The main party leaderships all sought to re-establish their own claims to political legitimacy and primacy over the immigration question. The Liberal Party had, since 1975, begun to attempt to strike a more visible and voluble attitude on the immigration question.⁷ But the publication, in 1976, of a resolution adopted by the Llandudno Liberal Assembly calling for the repeal of the 1971 Immigration Act and, *inter alia*, the granting of unrestricted entry to the dependants of fiancé(e)s of those already settled in the UK,⁸ attracted unwelcome attention. If adopted, a policy such as this would, it was argued in one (relatively impartial) assessment, 'add immensely to the flow of Commonwealth immigration and give an immediate amnesty to all illegal immigrants and "overstayers"'.⁹ In early 1977, as the possibility of a Liberal pact with the government developed, Home Affairs Spokesman Emlyn Hooson was obliged to defend the party's position, claiming that it was 'completely untrue' that the Liberals advocated an 'open door' policy.¹⁰ These malicious allegations and

6 Layton-Henry, *Politics of Race*, p. 149.

7 See, for example, LSE, LIBERALPARTY 16/130, *The Future of Community Relations: A Report from the Liberal Party's Community Relations Panel*, July 1975.

8 LSE, LIBERALPARTY 16/150, Resolution passed at Llandudno Liberal Association Assembly: Combatting Racialism, September 1976.

9 *The Times*, 'Immigrant amnesty and freer entry urged by Liberals', 17 September 1976, p. 1.

10 Even after this statement, however, the Liberal candidate at the Stechford by-election was identified as favouring 'an open door immigration policy'. See, *The Guardian*, 'Replay looms for sides at Stechford', 21 March 1977, p. 2.

misrepresentations, he argued, were spread by the party's 'political enemies'.¹¹

This claim was clearly at least a partial falsehood, but the experience of the Liberal Party was nonetheless illustrative of a broader political dilemma and it was an allegation repeated by other parties to the debate over the course of the following three years. However, the problems each party faced in developing a coherent agenda were more directly a function of the divisions within the respective movements over the increasingly vexed questions of race and immigration and any misrepresentation or lack of clarity was at least as much a consequence of the actions of those who were nominally political friends as enemies. In each party, there grew up recalcitrant groupings who called for a fresh approach to the politics of immigration, extending beyond the now-hollow-sounding consensus of the earlier postwar years.

Franks Report

We have already seen the emergence of conflict between ministers and officials over the extent of future immigration and the possibility that Britain's commitments abroad may have been gravely underestimated. One obvious answer to these conflicts was to seek a means of quantifying that commitment, both to resolve internal disputes and to reinvest government approaches to migration policy with a sense of political legitimacy which otherwise seemed increasingly contingent. The establishment of a committee to examine the feasibility of a register of dependants under Lord Franks was therefore both a direct response to the escalation of immigration and race issues in the summer months of 1976 and a bid to address this broader question of securing public confidence. Indeed, on announcing the establishment of the group in July, Jenkins had committed the government to an 'open and in no way hidden' discussion of the arguments for and against the course of establishing a register – a commitment pointedly quoted in the eventual report's introduction,¹² which was received not by Jenkins as Home Secretary, but Merlyn Rees. Jenkins' promise had stemmed in part from a tacit acknowledgement that one fundamental problem in the debate was the existence of a gulf of mistrust between

¹¹ LSE, LIBERALPARTY 16/150, Parliamentary Liberal Party Press Release, 10 January 1977.

¹² *Report of the Parliamentary Group on the feasibility and usefulness of a Register of Dependants* (Cmnd. 6698), February 1977, p. 1.

elite politicians and the public and the commitment to open dialogue was itself a broader undertaking designed to inculcate a fresh sense openness in government and administration. In the end, however, and whatever the initial tactical position, the conclusions of the Franks committee made uncomfortable reading for the government. There are several points of interest.

Firstly, while the Report avoided making any particular recommendations, conclusions that the committee drew about the utility and scope of a register were seen to be potentially extremely controversial. A programme of voluntary registration was dismissed since it would lead to inaccuracy, underestimation and 'would excite controversy without providing an informed basis for discussion',¹³ thereby necessitating compulsion and penalties for failure to comply.¹⁴ The application of the register to patrials (as defined under the 1971 Immigration Act) was dismissed, in favour of a scheme to include only citizens of the New Commonwealth and Pakistan since, 'if the real purpose is to know more about future immigration from the New Commonwealth and Pakistan, then to cloak that purpose in a register of universal scope would merely be an evasion of the issue' – a conclusion the committee accepted could result in accusations of racial discrimination.¹⁵ Secondly, the Report predicted that the proportion of the UK population of New Commonwealth or Pakistani origin would increase from 1.9 million in 1976 to around 3.8 million by the year 2000.¹⁶

Thirdly, the report's authors emphasised that even an accurately-maintained register would be unable to accommodate unforeseeable or contingent future events (children as yet unborn, parents becoming dependent in old age, individuals not taking up their entitlement) with implications for its broader utility.¹⁷ Fourthly, having run a model on the basis of recent immigration figures, the group reported that only around 50 per cent of individuals accepted for settlement *as dependants* in 1975 would have been covered by the register, dropping to 35 per cent of total immigration for

13 Ibid., p. 14.

14 Although criminal sanctions were recommended in the case of providing false proof for registration purposes, the failure to register itself was seen to be a much more complex area in which to establish effective but proportionate punishments. Ibid., p. 16.

15 Ibid., p. 2.

16 Ibid., p. 4.

17 Ibid., p. 8.

that year. Moreover, the Report anticipated that the categories of individuals proposed to be included in a register would 'account for a progressively diminishing proportion of the total', as the share of Britain's New Commonwealth population who married in the UK after the fiancé(e)s were admitted on temporary conditions increased.¹⁸ Not only, then, would a register fail to explain a large portion of the continued migration to Britain, it would be of diminishing utility as a true estimate (to the extent that such an estimate was practically or even theoretically possible) of Britain's continuing obligations in light of the effects of elements of the immigration system and the second order consequences of the British Nationality Act 1948.

Finally, beyond any principled objections a register may have raised, the operational implications were themselves intimidating. The production of a register would incur staff costs and take time (it was estimated that 18 months would be required to prepare and implement the scheme). The large task of collecting and collating the information would likely have to be done on computer or, if by hand, using another painstaking and time-consuming method in order to ensure the necessary level of accuracy. An extensive advertising campaign would be necessary to raise maximum awareness of the register's existence and, if it were compulsory, the necessity to register. Taken together, it would cost several million pounds for the establishment and maintenance of a register along the lines imagined by the Report.¹⁹

Having delayed making the Report public since its completion in 1976, Rees became worried that the inevitable publication – which government were under some pressure to announce²⁰ – would prove 'highly controversial'. The combination of the conclusion that only a compulsory register would be feasible and the predictions about the growth of the New Commonwealth population in the UK, would 'raise alarm in many quarters'.²¹ Rees was personally hostile to the proposals, given that the register would do nothing to reduce migration (despite setting up the expectation that it could), that taking such measures might be antagonistic to race relations and simply

18 Ibid., p. 13.

19 The committee did note that the cost of a non-compulsory register would be somewhat lower, but they had already deemed such an approach unworkable. Ibid., pp. 18-21.

20 *Parliamentary Debates (Commons)*, vol. 925, col. 237W, 3 February 1977 (Patrick Mayhew).

21 NA, PREM 16/1306, Minute from Home Secretary to Prime Minister, 31 December 1976, p. 1

the expense involved in compiling the register. But the findings could not be swept under the carpet – Jenkins' commitment to an open dialogue bound the Home Office into publication and, in any case, setting the Report aside 'would make it very difficult to deal convincingly with a debate on immigration', especially in the context of the up-coming by-elections.²²

The Policy Unit, operating in Downing Street, were more seriously alarmed at the potential impact of publication on the government's position. In January 1977, Tom McNally minuted the Prime Minister calling the Franks Report 'political dynamite' that would further undermine the dual justification for continued immigration – that it was both finite and under strict control by central government.²³ Or, as Bernard Donoghue had it, '[t]he publication of the Franks Report will put an end to the fiction that immigration is under control and that the number waiting to come in is finite'.²⁴ Tom McCaffrey was likewise of the opinion that the publication of the Report would cause alarm and that the government must be armed with 'positive and precise proposals to reduce immigration which a large section of the public already believe is out of control'.²⁵ Donoghue noted the 'long tortuous agony' of working on the issue,²⁶ the upshot of which was the assertion that the government must attack the issue. Rees' (perhaps wisely) cautious proposals were repeatedly rebuffed in favour of a more 'positive' approach,²⁷ without which, it was feared, the government would lose ground to the National Front or, worse still, the Conservatives.

The common themes of Policy Unit views and civil service advice were, firstly, that government could no longer rest upon the assumption that immigration practices were sound – this much had been common currency in Foreign Office thinking for some time, and it was writ large across the Hawley and Franks Reports. But more importantly, that without clear action, the government would sacrifice the capacity to mediate effectively between elite and popular opinion, opening the way to

22 Ibid., p. 2.

23 NA, PREM 16/1687, Minute from McNally to Prime Minister, 18 January 1977, p. 1.

24 NA, PREM 16/1687, Minute from Donoghue to Prime Minister, 1 February 1977, p. 1.

25 NA, PREM 16/1687, Minute from McCaffrey to Prime Minister, 2 February 1977, p. 1.

26 Donoghue, *Diary*, Vol. 2, p. 140.

27 See, NA, PREM 16/1687, McCaffrey to Prime Minister, 2 February 1977; 'Publication of the Franks Report' (GEN 24(77) 3), Sir John Hunt, 1 February 1977.

harder critiques of policy both from within parliamentary politics and outside it. The Franks Committee had been constituted as an all-party body, precluding condemnation of its contents as politically biased; it had also been commissioned by the government and a weak response was seen to be wholly inadequate.²⁸ Reviewing the rules on marriage and tightening enforcement against illegal overstaying of visas were seen as good candidates to put forward as evidence of policy action, but these and other measures examined by the Policy Unit were themselves potentially controversial. As Donoghue observed, any government that decided to 'turn off the taps' of migration would of necessity have to consider options that contravened existing commitments to family reunification, passport holders abroad, or both.²⁹ While a review of immigration policy had, in fact, begun in Cabinet committee, Rees warned against making this public knowledge, which he believed 'would raise expectations and fears which could make the immigration pot boil over.'³⁰

Further damaging evidence had since emerged from the Diplomatic Service as Sir Michael Walker, retiring British High Commissioner to India, dedicated one section of his valedictory despatch to the subject of immigration. Ominously, he noted that some 3,300 Indian men had applied for entry to Britain as fiancés under the 1974 concession, when Home Office estimates suggested that only around 3,000 Indian girls living in Britain reached marriageable age per year.³¹ Not only was the queue of applicants growing (from 820 when he took up the post to 2,490 when he left), Walker saw this growth as self-perpetuating, because it did not arise from any specific statutory or regulatory obligation to a finite pool of dependant relatives, and because the increase primarily consisted of fiancés awaiting admission for marriage under the 1974 concession. Walker claimed that 'at least 90 per cent of the queue [were] buying a woman in Britain as a means of securing admission.'³² Absent concrete proof of this controversial assertion, these comments nevertheless gave some further weight to the belief that opinion on the ground in Delhi (as elsewhere) was

28 NA, PREM 16/1687, Minute from Donoghue to Prime Minister, 1 February 1977, p. 1; Minute from McNally to Prime Minister, 18 January 1977, p. 1; Minute from McCaffrey to Prime Minister, 2 February 1977, p. 1.

29 PREM 16/1687, Donoghue to Prime Minister, 2 February 1977, p. 3.

30 NA, PREM 16/1306, Minute from Home Secretary to Prime Minister, 31 December 1976, p. 4.

31 NA, FCO 50/566, Sir Michael Walker to Foreign Secretary, 18 November 1976, p. 10.

32 Ibid., pp. 10-11.

grim.

Although at Departmental and individual levels the Foreign Office were increasingly determined in the belief that the flow of dependants *was* potentially unlimited, there remained little to gain by supporting the conclusions of the Franks Report, which in any case would likely have antagonised Commonwealth relations. In Cabinet committee, the Foreign Secretary had offered no resistance to the proposed rejection of the Franks committee's findings,³³ but the rejection of the Report contributed nothing towards solving the issue which had motivated the establishment of the committee in the first instance, and only underlined the political problems inherent in its publication, strengthening Policy Unit arguments in favour of more drastic action on immigration policy as a whole.

The possibility of toughening policy appeared to acquire a boost as the change of personnel at both the Home and Foreign Offices seemed to presage a change in ministerial attitudes. In particular, the replacement of Alexander Lyon as Minister of State at the Home Office was regarded, by Foreign Office officials at least, as a positive development. A meeting was quickly set up between his replacement (Shirley Summerskill) and Evan Luard³⁴ (Minister of State, Foreign Office) and this was regarded by Foreign Office officials as a useful means of re-testing the waters of inter-Departmental opinion. There was some optimism about this as, '[s]ince Dr. Summerskill became responsible for immigration in the Home Office the number of ministerial interventions has dropped sharply...it was a problem only when Mr. Lyon was at the Home Office and we hope that things will now revert to normal.'³⁵

In preparation for the meeting, Luard pressed the issue of the 1974 fiancé concession and its impact upon immigration more broadly:

The concession to illegal immigrants and husbands has not raised any particular problem at our posts, except to increase the number of applications somewhat. The concession to male fiancés has, however, particularly in India, so distorted the queue that it has put wives and children at a disadvantage...At the moment at New Delhi

33 NA, CAB 130/945, GEN 56(77), Ministerial Group on Nationality Law, 17 January 1977.

34 Luard replaced David Ennals as Minister of State in April 1976.

35 NA, FCO 50/585, Minute from Rigney to Hawley, 14 May 1976.

85% of applicants in the queue are male fiancés and husbands.³⁶

This certainly suggested an increasing intersection between ministerial and official opinion on the subject of future immigration commitments. But, while Luard was hopeful about the utility of a proposed register to provide a picture, reassuring to public opinion, of the finite elements of Britain's ongoing immigration obligations,³⁷ this was looked upon with a degree of scepticism by officials, one of whom argued that 'the political reasons for supporting this idea are stronger than the practical ones'.³⁸

The Franks Report distilled the political difficulties inherent in attempting to achieve some form of completeness, finality or even accurate calculation in immigration policy. On the one hand, the principle of a register was criticised in public as racially discriminatory³⁹ and on the other, it was viewed in administrative circles as practically inadequate.⁴⁰ In practice, as the committee made clear, both of these objections could be seen to carry some weight and, by jettisoning the purported racially discriminatory character of a register – the only acceptable course, politically – its administrative worth would only be further undermined, along with any vestigial ministerial confidence in the scheme. Thus, when publication was announced, Rees chose to focus upon the Report's shortcomings and emphasise that government were seeking action, by changing the Immigration Rules, against manipulation and abuse of the fiancé concession, tighter enforcement against illegal employment and possible measures against individuals who remained in Britain after their permitted time had expired.⁴¹

In tabling these new Rules in March, Rees made clear that they would mean temporary admission of 12 months for fiancés, after which investigations could be made into their living arrangements and the introduction of a specific power to deny entry if the marriage was believed to be one of convenience, contracted specifically

36 NA, FCO 50/585, Draft minute from Evan Luard to Shirley Summerskill, 21 May 1976.

37 NA, FCO 50/585, Record of a meeting between Evan Luard and Shirley Summerskill, 8 June 1976, p. 5.

38 NA, FCO 50/586, Minute from Shepherd to Rigney, 2 July 1976.

39 NA, FCO 50/586, Transcript of *The World This Weekend*, 11 July 1976.

40 NA, FCO 50/585, Record of a meeting between Evan Luard and Shirley Summerskill, 8 June 1976.

41 *Parliamentary Debates (Commons)*, vol. 925, cols. 1433-36, 9 February 1977.

to ensure entry into the UK.⁴² Although such an alteration was deemed to be one of the few channels by which government could take action, by placing the emphasis upon the circumvention of immigration procedures by individuals, the revisions did little to correct the underlying, systemic, problem of a generalised lack of faith in control procedures and the broader question of Britain's commitments abroad. In other words, tougher enforcement against those breaking or manipulating the existing regulatory framework would not lessen commitments to those perfectly entitled to come to Britain and only served to further muddy the waters between legal and illegal migration and make immigration practices more personally intrusive. These measures did not, in Donoghue's terms, attempt to 'turn off the taps'. Further, the potential political impact of these reforms was subsequently blunted by a series of High Court decisions which, by expanding the definition of illegal immigration, obliged the Home Office to extend the existing amnesty to include those individuals who had presented false paperwork on arrival (prior to 1 January 1973) in Britain.⁴³ At the same time as applying tougher controls, therefore, the Home Secretary was obliged to continue and, in fact expand, an initiative which implied a relaxation of practices designed to curtail illegal efforts to circumvent those controls.

Policy conflict in the Conservative Party

Although vacillation and awkwardness within government may have presented an opportunity to the Opposition, the Conservative Party of 1976 remained – as it did for much of the period between 1974 and 1979 – 'divided, confused and scared'.⁴⁴ Two election defeats and a change of leader had prompted a period of renewal within the party and the extensive reevaluation of the policy platform, through a series of committees overseen by Keith Joseph. While exploring specific policy initiatives in private, the party sought to press certain political 'themes' in public debate, among which was immigration.⁴⁵ Joseph's instinct was to 'hammer

⁴² *Parliamentary Debates (Commons)*, vol. 928, cols. 466-67, 22 March 1977.

⁴³ *Parliamentary Debates (Commons)*, vol. 940, cols. 125W-128W, 29 November 1977.

⁴⁴ Richard Vinen, *Thatcher's Britain: The Politics and Social Upheaval of the Thatcher Era* (London: Simon & Schuster, 2009), p. 76.

⁴⁵ CAC, THCR 2/1/1/37, Note from Keith Joseph to Margaret Thatcher, 22 July 1976. The other themes Joseph thought productive were: smaller government; inflation and unemployment; prosperity and enterprise; housing; and education.

away' at these themes⁴⁶ and this was at least in part intended to stand as a corrective to what had been prevailing Tory strategy. Indeed, between 1975 and mid-1976, certain public pronouncements actually seemed to point towards a new, rather more conciliatory Conservative Party strategy on immigration and race. In late 1975, Ian Gilmour – during his short tenure as Shadow Home Secretary – had announced that the Conservatives would support the new government's proposals on race relations law, before its content had even been announced, and went on to claim that there remained 'no further major curb on immigration that we can and should introduce.'⁴⁷ In January 1976, the Tory Reform Group spoke out, urging Thatcher to avoid a rightward lurch that would end in 'electoral disaster' and undermine the party's capacity to attract immigrant votes.⁴⁸

On replacing Gilmour, Whitelaw had been determined to undertake his own review of the responsibilities of the post⁴⁹ and he in any case remained more steeped than many in the received wisdom of the Heath years, that taking a firm line on immigration control for the sake of race relations and avoiding unnecessary confrontation was the first principle of sound policy. While he may have struck a rather more pragmatic stance on the question, Whitelaw still pressed support for the Race Relations Bill through Shadow Cabinet without exposing it to discussion.⁵⁰ As we have seen, this was in many respects a forced political calculation, but it did not mark the limits of the party's engagement with race politics. 1976 also saw the establishment of Anglo-Asian and Anglo-West Indian Conservative Associations to promote party-wide integration of black and Asian electors – again, contributing towards a view that the party were beginning to actively recruit followers among minority communities.

Complicating the issue was the publication of new research into voting patterns. One study appeared to illustrate that the Conservatives' association with Enoch Powell had materially contributed towards their election victory in 1970.⁵¹

46 Ibid.

47 *The Times*, 'Government's race relations legislation to get Tory backing', 26 November 1975, p. 4.

48 *The Times*, 'Tories "must reform or be condemned to opposition"', 5 January 1976, p. 2.

49 Whitelaw, *Memoirs*, p. 149.

50 Young, *Young Papers*, p. 95 (Ian Gilmour).

51 *The Times*, 'Immigration issue "aided Tories in 1970 poll"', 20 March 1978, p. 3.

Meanwhile, the Report of the Community Relations Commission seemed to show that Labour had been successful in 1974 at least in part as a result of ethnic minority votes in key seats.⁵² Moreover, the CRC Report, and the Nuffield election surveys, emphasised the growing general importance of black and Asian votes in marginal constituencies,⁵³ suggesting that the previous belief in minority voting as inextricably linked to Labour-inclined inner city seats had been incorrect. Thatcher's party therefore seemed to face a dilemma: on the one hand, their overtures to immigrant communities had been successful (as far as they went) while on the other, the party appeared to be more electorally potent when it was associated with a Powellite agenda.

Indeed, the notion of incorporating a form of populism into policy had gained some ground. Keith Joseph, for one, was 'acutely conscious' of the party's broader need for 'populist' policies.⁵⁴ This feeling was echoed, in his memoir at least, by William Whitelaw, who came to regard the tapping of 'underlying popular feelings' on certain issues as a means of fighting a 'rearguard action' against the Labour government.⁵⁵ While this had initially been manifested in party strategic circles as a means of establishing firm, fair government, placing national unity ahead of party advantage at a time of national crisis,⁵⁶ the opening up of the notion that diffuse public anxieties could be harnessed to the Conservative Party's benefit gradually shifted in character under a leader whose approach to populism was considerably more confrontational than Heath's. Indeed, Thatcher, too, later claimed to have been dismayed by the 'civilized high-mindedness' of a political class distant from the supposed problems of immigration and which sought deliberately to repress discussion of such issues at a national level.⁵⁷ Influential Conservative intellectuals forwarded arguments that continuing immigration lacked popular legitimacy, that the actions of race relations organisations were an exercise in 'liberal fascism' and that

52 See, Community Relations Commission, *Participation by the Ethnic Minorities in the General Election October 1974* (London: CRC, 1975).

53 Ibid.; David Butler & Dennis Kavanagh, *The British General Election of October 1974* (Houndmills: Macmillan, 1975); Layton-Henry, *Politics of Race*, p. 147.

54 Andrew Denham & Mark Garnett, *Keith Joseph* (Chesham: Acumen, 2001), p. 313.

55 Whitelaw, *Memoirs*, pp. 136-41.

56 Ibid., p. 140; Heath, *Course*, p. 511 & 524; Thatcher, *Path*, p. 236; *The Times*, 'Nation before party is the Conservative promise', 4 May 1974, p. 4 (Iain Gilmour).

57 Thatcher, *Path*, p. 405.

the party ought to pursue a Powellite agenda, reaching out to the public over the heads of an unresponsive political class.⁵⁸ As Joseph put it, the party must be 'ready to disappoint the expectations of immigrants if the only alternative is to disappoint the expectations of the English. The English have rights too.'⁵⁹

In policy development terms, however, these ideas were slower to emerge. Behind the closed doors of the Chairman's management committee, Thatcher was informed in June, there remained a good portion of concern 'about the absence of a Party policy on immigration.'⁶⁰ The committee feared the consequences of failing to take a tougher, clearer line before Conference and pressed for further consideration of an absolute (although temporary) moratorium on entry. Perhaps the most damning criticism of all was that the party – and Whitelaw in particular – 'were adopting an "elitist" attitude which ignored the opinions of reasonable residents of the reception areas for immigrants, who found their neighbourhood literally taken over.'⁶¹ Neave took the initiative in speaking to Whitelaw, who accepted the need for further discussion of the immigration 'freeze' and the possibility of a fresh debate in the House, subsequently arranged as a Supply Day debate on 5 July.⁶²

Only two weeks later, another report crossed Thatcher's desk. This was from Edward Leigh, one of her parliamentary secretaries, who wrote to observe that, while immigration had always been a popular topic in her postbag, there had been a marked increase in recent weeks. Leigh estimated that around one quarter of new correspondence was immigration-related, a development he attributed to '[the leaking of the] Hawley [Report], Surrey County Council's luxury hotel treatment [of some Malawian Asian expellees], [the disturbances in] Southall and [the] Robert Relf [case]', a series of events he believed had 'inflamed people's passions on the issue.'⁶³ Leigh provided a summation of the typical sentiments contained within these letters. Often, he observed, correspondents believed that immigration levels were

58 These arguments were forcefully adduced by Maurice Cowling and his co-authors. See, for example, Maurice Cowling, 'The Present Position', in, idem. (ed.), *Conservative Essays*, p. 14.

59 Quoted in, Denham & Garnett, *Joseph*, pp. 313-14.

60 CAC, THCR 2/6/1/139, Note from Neave to Thatcher, 16 June 1976.

61 Ibid.

62 CAC, THCR 2/6/1/139, Note from Neave to Thatcher, 16 June 1976; *Parliamentary Debates (Commons)*, vol. 914, cols. 964-1094, 5 July 1976.

63 CAC, THCR 2/6/1/139, Minute from Leigh to Thatcher, 2 July 1976. On these events, see, Chapter 1.

significantly higher than in reality and that fears of overpopulation, a lack of jobs and the housing shortage led people to argue that no further immigrants ought to be admitted. The letters evinced cultural and social fears too, that Asian migrants were prone to maintain an alien way of life in their own separate communities, that black people disproportionately committed street crimes in London and that the typically larger Asian family structure indicated a potentially bottomless pit of dependants. 'The main motivation for these letters,' Leigh concluded, 'is undoubtedly much more fear of the unknown and of being swamped in the future, than dislike of those immigrants already here.'⁶⁴ The majority of the correspondents were, according to Leigh, 'working class' and while 'not racist', they had become disillusioned by the fact that the main parties seemed unwilling to address the subject of immigration in the direct style of the National Front.⁶⁵

The uncertainty revealed by this analysis was precisely that which 'hammering away' at the immigration theme had been intended to stem and, moreover, it underlined how conditional the elevation of race issues was perceived to be – although the issues raised in the summer of 1976 had been to some extent related to government activity, it appeared wholly outside the control of government to assuage through any existing channels. One inevitable conclusion was that, to date, Whitelaw's approach to publicising the Conservative position had been too weak to ensure either intra-party unity or to underscore the party's position in public politics as advocates of strict immigration control. Taken together, the two messages emphasised that divisions within the party were widening rather than closing and that the perceived gap between the Conservatives and the public was also widening, at a time when the leadership began systematically to seek to portray the party not only as a outlet for public anxiety, but as a viable electoral alternative. In other words, that the party was moving in the wrong direction.

Leigh's paper claimed that few correspondents mentioned or understood the immigration restrictions put in place by previous governments (there was little knowledge of the 1971 Immigration Act – that paragon of Heath's attempts to take the issue out of politics – in particular) – the only policy people *wanted or understood*, he

64 Ibid.

65 Ibid.

argued, was a full halt to immigration.⁶⁶ The sum total of this was that Whitelaw was deemed not to be making sufficient efforts to secure party unity behind a strong and easily understandable policy position and, as Thatcher later observed, while policy work under his stewardship had progressed, 'it had not progressed very far – certainly not as far as many of our supporters...wished'.⁶⁷

Despite this assessment of the state of play within the party, there yet remained something of a prevailing sense of pragmatic optimism within quarters of the leadership. Indeed, the Party Chairman held out some hope that, while Conservative attempts to attract migrant voters had been unfruitful (they had received 19 per cent against Labour's 73 per cent in the 1974 elections) they might be more successful in future.⁶⁸ The Labour Party, it was argued, faced a loss of trust as they failed to implement promises made in opposition and, exacerbating this, Callaghan was significantly less popular than Wilson had been with migrant community leaders, thanks in part to his association with the 1968 Commonwealth Immigrants Act and his replacement of Alexander Lyon with Brynmor John and Shirley Summerskill.⁶⁹ This presented the possibility that, alongside their developing integrative party organisations, the Conservatives could exploit these Labour Party divisions to attract black and Asian voters.

But this did not preclude a strong stance on immigration and, as early as June 1976, Joseph had entertained the notion of a complete, albeit temporary, freeze on immigration, which he hoped might prove 'popular with a sizeable body of the electorate'.⁷⁰ Indeed, one poll had suggested that a 'freeze' could be particularly useful in shoring up the core vote, seeming as it did to show that some 70 per cent of Conservative voters wished Thatcher's party to focus attention on the strict control of immigration.⁷¹ Although deemed a drastic measure, which could only be justified in calamitous economic circumstances, the idea was the product of the broader belief in an escalating public anxiety over the evasion of border controls, the inability of

66 CAC, THCR 2/6/1/139, Minute from Leigh to Thatcher, 2 July 1976.

67 Thatcher, *Path*, p. 407.

68 CAC, THCR 2/6/1/139, Report prepared for Lord Thorneycroft, June 1976.

69 *Ibid.*

70 CPA, CRD/4/9/2, Letter from Joseph to Adrian Hopkinson, 4 June 1976.

71 Quoted in, CPA, CRD/4/9/2, 'The Freeze', undated, p. 7.

political elites to assay this into a sense of public faith and Britain's capacity to absorb migrants at a time of high inflation and unemployment.⁷² In other words, that the country was not so far away from experiencing economic conditions bad enough, and public opinion receptive enough, to contemplate such a potentially controversial policy. Despite the efforts concentrated on planning, this 'high risk' strategy only ever remained in reserve, where it languished alongside a number of other policy ideas. Discarded for their unworkability or controversy, these ideas – such as increased financial assistance for voluntary repatriation and obliging dual citizens to choose between their UK and foreign citizenships illustrate that intolerantly nationalist ideas were still too far from the mainstream to be seriously considered as policy initiatives.⁷³ The 'freeze' idea, however, petered out less because it was deemed too radical than because it seemed too 'gimmicky' and would have left little room for flexibility in future, having utility perhaps only as a means of shifting the debate further towards a restrictive position and therefore more firmly onto traditional Conservative terms. It was neither a long-term, stable immigration policy, nor a sound basis for the increasingly politically significant social aspects of race-related politics and subtler initiatives, which took a greater account of intra-party preferences and national political issues needed to be developed.

Urban regeneration and race politics

By the late 1970s, the phenomenon of urban decline – relative economic and industrial contraction or stagnation, restriction on local authority spending programmes and competition between groups in conditions of resource scarcity – had created political problems and communal tensions.⁷⁴ These communal tensions could be expressed (among white residents) through a growth of nativist political movements.⁷⁵ Indeed, the development of urban support for the National Front⁷⁶ has been characterised as contingent upon the substantive economic decline and physical

72 CPA, CRD/4/9/2, 'Conservative Immigration Policy', 8 July 1976.

73 CPA, CRD/4/9/2, 'Various options for consideration', June 1976.

74 Brian D. Jacobs, *Black Politics and Urban Crisis in Britain* (Cambridge: CUP, 1986), p. 16.

75 See, for example, Anthony M. Messina, *The Logics and Politics of Post-WWII Migration to Europe* (Cambridge: CUP, 2007), Chapter 3.

76 See, Chapter 1.

decay of certain British inner cities, and as reflective of working class cultural concerns of territory and place.⁷⁷

In 1976, similar issues of cultural attenuation within working class communities who had been the main recipients of migrants, and a burgeoning sense of the failure of the Labour government to provide for the material betterment of the working classes, were highlighted by two Leicester MPs. Their report, submitted to the Prime Minister, showed that, accompanying a significant rise in National Front support at the recent local elections in their constituencies was an attendant drop in support for the Labour Party among white working class voters, particularly those on housing estates where very few migrants lived – the only seats on the council Labour managed to hold were those in areas with a 'strong immigrant vote.'⁷⁸ Moreover, Labour's core supporters had abandoned them, the authors argued, because the party had failed to address issues of immigration, social cohesion and provision of services. In other words,

[b]ecause [Labour supporters] feel that only the National Front is expressing their view on what they regard as the main subject of concern not only for the City of Leicester but for Britain, the Labour Party is losing support and credibility – and so, to a far lesser extent, are the Conservatives and Liberals.⁷⁹

Thus, it was an overall failing of party politics that was seen to have driven voters to the NF,⁸⁰ although the Labour Party were seen to be the primary losers because they tended to share a constituency with the racial populist right. The report seemed to illustrate a unification of various strands of the immigration debate, creating conditions for NF progress: a sense of disenfranchisement and disillusionment with the established political parties; resentment over the lack of

77 Christopher T. Husbands, *Racial Exclusionism and the City: The Urban Support of the National Front* (London: George Allen & Unwin, 1983).

78 NA, PREM 16/1306, Memorandum concerning local election results in Leicester – and current position of the National Front, July 1976, p. 1.

79 Ibid., p. 2.

80 This is also reflected in the assertion by a former anti-NF activist, that certain members of the public believed 'politicians don't pay any attention to what it's like on this estate...[a]nd at least if we [vote for the NF] people start paying attention to us.' (See, P. Ward, G. Hellowell & S. Lloyd, 'Witness Seminar: Anti-fascism in 1970s Huddersfield', *Contemporary British History*, 20, 1 (2006), p. 123).

government investment in services to assist with the integration of ethnic minorities (particularly in schools), combined with a degree of hostility towards migrant families who were entitled to social security benefits immediately upon arrival in the UK. The situation may be tolerable to most people, the authors believed, 'if they believed that immigration was under control. They have no such belief.'¹⁸¹

The Labour movement had begun to combat the NF more directly, but even this objective pointed up divisions. On the one hand were demands to use legal avenues of restriction more forcefully and to tackle and actively marginalise the NF 'on the basis of racialism rather than public order.'¹⁸² The suggested measures included the outright prohibition of the Front itself and the reform of the Race Relations Act 1976 to permit the re-routing or banning of proposed marches 'where there is *reason to believe* racial hatred would be stirred up.'¹⁸³ A draft Conference statement from 1977 had argued that '[t]he economic crisis, high unemployment and public expenditure cuts which have hit many of our vital services have created a situation in which racism breeds.'¹⁸⁴ The statement called upon the Labour movement as a whole to, first and foremost, fight unemployment and spending cuts in addition to taking specific action on racial inequality.¹⁸⁵ This amounted to a 'comprehensive and radical' three-point plan to combat racism: to use the law in a much more aggressive and interventionist fashion to control the most public manifestations of NF activity; to take action against racism in society more broadly, including by countering what were seen to be damaging myths about immigration and making the case, forcefully, for a tolerant multi-racial, multicultural society; and to resolve the economic and social problems that were seen to foster the growth of racism.¹⁸⁶ On the other hand were dissenting opinions, against the modification of the law to place extra limitations upon its activities, since the Front had been able to gain some

81 NA, PREM 16/1306, Memorandum concerning local election results in Leicester – and current position of the National Front, July 1976, p. 4.

82 LHASC, LPA, LPRD Memoranda, Race Relations Study Group, RE 1385, Response to the National Front, November 1977, p. 2.

83 Ibid. [emphasis added].

84 LHASC, LPA, LPRD Memoranda, Home Policy Committee, RE 1181, Statement to Annual Conference on Race Relations, June 1977, p. 7.

85 Ibid.

86 LHASC, LPA, LPRD Memoranda, Race Relations Study Group, RE 1569, The Labour Party's response to the National Front: Areas for Discussion, March 1978, p. 1.

tactical support by presenting itself as under assault from the left and '[i]t would probably gain more sympathy if we changed the law to restrict their freedom to do things which every other party does'.⁸⁷

For Alexander Lyon, in particular, debates about immigration and race, and the way in which they interacted with party agendas more broadly, were key to reviving the 'spiritual dynamism' of the Labour Party, which he believed had become, in accepting the necessity of public spending cuts in the wake of the IMF settlement, and stronger immigration controls, excessively and damagingly pragmatic under Callaghan's leadership.⁸⁸ Moreover, the continuing problems of racial disadvantage pointed up the limitations of existing policy.⁸⁹ Adrian Favell forwards the argument that, in cases 'where racial discrimination has coincided with urban social deprivation and a declining economy', the 1976 Race Relations Act has proven itself weak in addressing the issues it set out to cure, even upon the limited terms in which it set out to do so.⁹⁰ Further, as the CPRS Report had pointed out, and as the fragmentation of the Labour Party's urban working class support seemed to hint at, this failure could have significant political implications. As we have seen, the Act, while enabling some forms of positive action, placed a good deal of faith in the capacity of voluntary action and non-legislative programmes to fulfil the commitment to redressing disadvantage.

Concern with developing effective urban policy was not solely a concern of the Labour Party, and those on the left of the Conservative Party, like Peter Walker (founder of the Tory Reform Group), urged the party to renew its Disraelian credentials and to seek to establish 'one nation' in urban areas which had fallen into conflict and where he believed there now existed 'two nations – one black and one white'.⁹¹ Those on the right of the party, too, pointed towards the tensions mass

87 LHASC, LPA, National Front: Anti-NF Statements, Dissenting Note on the National Front, Re. 1628, April 1978.

88 *The Times*, 'Mr Lyon describes how reform attempts were frustrated', 10 May 1976, p. 3.

89 As Merlyn Rees had it, 'legislation alone is not the answer to the problem of race relations. We have to tackle the social and economic problems, such as high unemployment and urban deprivation, which encourage the racial tensions upon which the National Front and such organisations thrive.' Merlyn Rees Papers, MS 1743/1, Home Office News Release: The new Race Relations Act is working, 19 November 1977, p. 2

90 Favell, *Philosophies*, p. 108.

91 Peter Walker, *The Ascent of Britain* (London: Sidgwick and Jackson, 1977); *The Times*, 'A clear message for the Tories: make Britain one nation', 27 April 1977, p. 16.

migration had engendered in British cities, weakening the innate sense of identity seen as necessary to binding (particularly) city-dwellers into a collective understanding of Britishness, and urged the Conservatives to tackle this destabilisation of the foundations of national cohesion.⁹² The issue had come to be seen by certain Conservative thinkers (of whatever ideological stripe) through the lens of supposedly diminishing attachments of national pride, identity and patriotism.⁹³ Yet the ideological solutions offered were little more than vague assertions of the necessity to reinvest the national community with a driving force and to seek a populist immigration agenda with its focal point firmly in the alleviation of perceived public anxieties and uncertainties. As a consequence, there remained concern at Head Office that a toughened policy position on immigration would only point up the fact that the Conservative Party had developed no meaningful policy to address the undeniable problems of the inner cities and the increasingly vociferous and potentially politically divisive claims of black and Asian Britons to equal treatment.⁹⁴

The Labour government sought to address these concerns in their 1977 White Paper, *Policy for the Inner Cities*,⁹⁵ and the Inner Urban Areas Bill that followed. These heralded what one observer has termed 'a fundamental change' in the administration of policy by identifying specific geographical areas of special need – 'partnerships', in the official jargon – for targeted aid, tying the majority of Programme funding to these areas and emphasising projects intended to secure 'economic regeneration'.⁹⁶ The proposals *in toto* imagined a scenario in which a 'new and closer form of collaboration...between government and the private sector', inner-city communities, voluntary bodies and 'above all with the people living in the inner areas'⁹⁷ could re-forge moribund city economies. In this, black and Asian city dwellers were expected to benefit from the general provisions as well as the proposal to

92 John Biffen, 'The Conservatism of Labour', in Cowling (ed.), *Conservative Essays*, p. 158; John Biffen, *A Nation in Doubt* (Conservative Political Centre, 1976).

93 For Geoffrey Smith's view that, while immigration alone could not account for the weakening of identity, it nevertheless played a role in exacerbating pre-existing trends, see, *The Times*, 'Britain's three great challenges from within', 7 October 1977, p. 4.

94 CPA, CRD 4/9/2, The Freeze (Paper 1), undated, p. 10.

95 *Policy for the Inner Cities*, Cmnd. 6845, June 1977.

96 Young, 'Ethnic pluralism', pp. 290-91.

97 Cmnd. 6845, p. 25.

increase Urban Programme funding from £30 million to £125 million by 1979.⁹⁸ This was accompanied by the transfer of responsibility for the Programme to the Department for the Environment (while leaving the Home Office in overall control of race relations).⁹⁹

This expansion of the Urban Programme, however, had been regarded as insufficient and even counterproductive in some quarters of the Labour movement. The NEC Race Relations Study Group had argued that, although a generalised approach to urban renewal might benefit black and Asian citizens (since they were predominantly city dwellers), if the scheme were to be administered selectively – as the notion of 'partnership' areas selected as of the highest priority, based upon non-ethnic criteria implied – this would not benefit black and Asian people enough, since they actually tended to live outside the most deprived areas of cities.¹⁰⁰ It had long been a criticism of the existing scheme that insufficient funds were allocated to black and Asian projects (around ten per cent) and that funds had been used to bolster non-race-related elements of policy.¹⁰¹ Moreover, the existing Programme, while formally unrelated to questions of ethnicity, had been looked upon as a means of providing aid to disadvantaged black and Asian communities – that it had, along with the Local Government Grants Act under which it was administered, in effect constituted a part of Harold Wilson's response to Enoch Powell in 1968.¹⁰² As a result, the proposed changes were alleged to operate against the underlying logic of the Programme as understood in its broadest sense – as a means of alleviating *racial* disadvantage – and it was feared that, unless more money was explicitly directed towards such ends, a 'politically unacceptable and morally unjustifiable' movement advocating exclusive aid for black and Asian citizens might grow up.¹⁰³

This clearly pointed up the problems of reconciling universal welfare

98 Ibid., p. 15.

99 Cmnd. 6845, p. 15.

100 LHASC, LPA, LPRD Memoranda, Race Relations Study Group: A Strategy for Racial Deprivation, Re. 880, December 1976, p. 3.

101 Ibid. This was also seen as an issue in regard to the one channel of government funding that *was* specifically directed towards black and Asian citizens – so-called 'Section 11' grants. Although not explicitly an educational grant, these had largely been used in schools to create additional teaching posts and to improve staffing ratios. See, Young, 'Ethnic pluralism', p. 295.

102 Ibid.

103 Ibid., p. 7.

principles against the pursuit of racial integration as it had been imagined in the postwar era within the broader Labour movement and created the tensions between an outright assault on deprivation and one focused upon racial disadvantage. The Urban Programme operated upon a formal condition of areas of 'special social need', but within a somewhat contradictory informal political assumption that it was a grant for the alleviation of racial 'problems'.¹⁰⁴ Its integration into a formalised, area-based attack upon urban decay, and into the broader programmes administered by the Department of the Environment, threatened to marginalise still further the racial elements it was seen to carry within it.

Conclusion

We have seen that administrative and political perceptions of the pool of dependants abroad continued to prove problematic. The Franks Report had been intended to answer the threats to governing competence highlighted in chapter 3, yet it had seemingly given these issues a more concrete expression by implying that the only manner in which to successfully resolve the question of Britain's 'commitments' abroad lay in the adoption of a system of registration condemned as discriminatory. Once more, the government were faced with the difficulties arising from the continued admission of dependants, and the possibility that the system as it existed was self-perpetuating, if not expanding. This impacted upon the Conservative Party as well, since Whitelaw's 'common sense' policy agenda had leant heavily upon the quantification of future migration through the institution of a register. Crucially, immigration had come to be seen in some quarters of the party as a kind of 'acid test' of how 'in tune with the ordinary people' a political party could claim to be.¹⁰⁵ The notion that the Conservative Party ought to respond to this imperative would be of increasing moment through 1978. By the end of January, Thatcher's own actions tied the party into a refreshed strategic pursuit of a Conservative politics of immigration which was tough, but more importantly, that could be portrayed as rooted in popular opinion in contrast to an increasingly distant, unresponsive and elitist government.

¹⁰⁴Edwards & Batley, *Positive Discrimination*; Jacobs, *Black politics*, p. 155.

¹⁰⁵CAC, THCR 2/1/2/12A, 'Thoughts on implementing our strategy', Nigel Lawson, 15 January 1978; Green, *Thatcher*, p. 131.

Chapter Six

'Mrs. Thatcher's Clothes': Conservative Fortitude and Labour Fatalism, 1978-1979

Over the course of the preceding two chapters, we have seen the development of a refreshed sense of competition, conflict and fracture within political and official discourse on the immigration question. The period after 1978 was dominated by the assumption of an imminent election and as such, debates were sharpened, leaving the indistinct arena of ideological dispute and the cloistered corridors of party headquarters to take flight in formal, electoral politics, and this chapter addresses the increasingly public manifestations of these widening divisions. In doing so, it discerns two processes arising out of this movement: a strengthening of the Conservative position (although the party remained somewhat disunited); and the development of an obscure, but nonetheless observable, strand of fatalism within the government but more particularly and acutely, within the Prime Minister himself. In the lead up to elections, party leaders naturally adopt an increasingly important and public role, and this was particularly true of immigration politics in the period after January 1978.

Community Relations Department

The Community Relations Department (CoRD) had been established within the Conservative Party's Central Office to examine questions of social policy, and among these issues lay responsibility for certain aspects and connotations of immigration and race policy. Andrew Rowe and Mervyn Kohler saw their remit as two-fold: renewing relations with groups the party had apparently lost touch with ('trade unionists, immigrants and small businessmen') and realigning the party more generally to appeal to an electorate who were seen to be increasingly drawn towards pressure groups and community bodies at the expense of traditional party political

channels – in other words, to try more to 'keep in touch with [the electorate] through what they were interested in.' For Rowe at least, this strategy transcended vote-gathering (although CoRD concurred with those who believed that attracting black and Asian voters was important to the party's future electoral performance¹) and amounted to the germ of an alternative Conservative philosophy – one that sought to 'prevent the corporatist state' through a society based upon strong communities and voluntary groups, supported and enabled by the Conservative Party itself. In Rowe's words, '[w]e are faced with the possibility of the Tories becoming the radical and progressive party.'²

This pioneering spirit may have underlain CoRD's work on race politics prior to January 1978, but it was far less in evidence on the surface. Although previous exhortations had been made to the leadership to avoid lurching right on the issue, this was generally expressed in terms of the potential for key votes to be won or lost,³ yet although Rowe and Kohler were not always apt to leave electoral considerations behind in favour of higher moral goals (the party was, after all, a political movement), CoRD nevertheless pursued policy with an increasingly philosophical as well as a psephological outlook as the authors of its objectives warmed to their themes. At the beginning of 1978, Rowe produced a pair of papers that sought to expand on this approach and he did so at a time when more pragmatic arguments in favour of the Conservatives pursuing black and Asian support appeared to be diminishing in salience. These papers examined the difficulties the party had had in attracting migrant voters and offered a 'way forward' on immigration and race politics. As he put it,

[u]nless most of our MPs, many more of our councillors, agents and Conservative Associations take more trouble to meet, talk with and join in the activities of ethnic minorities so that they become real people with names, hopes and fears, we can

1 See, for example, Rowe's observation that, in 1974, there were some 59 Conservative-held seats in which the black and Asian population outnumbered the party's majority – 13 of those seats swung from Conservative to Labour between the February and October elections. (CPA, CRD/4/9/2, 'The Conservative Party and Race Relations', A. J. B. Rowe, 17 January 1978, p. 3).

2 Quoted in, *The Times*, 'The Conservatives: becoming more radical while trying to get back in touch', 17 November 1977, p. 14.

3 CPA, CRD/4/9/2, 'The Conservative Party and Race Relations', A. J. B. Rowe, 17 January 1978, p. 3.

whistle for their support at an election.⁴

It was, for Rowe, precisely the arrogance of the Conservative Party in treating these individuals as little more than potential votes that made the attempts at 'wooing' them ring hollow. But further, it was the inconsistencies in the broader Conservative platform – the difficulty, if not impossibility of reconciling 'tough' rhetoric with positive, and in Rowe's view fundamentally necessary measures to alleviate social disadvantage – that had damaged appeals to black and Asian voters and that had tacitly legitimised the offhanded treatment of these potential supporters throughout the party hierarchy. In order to counteract these trends, Rowe advocated a return to some underpinning principles of Conservatism and party policy, to focus upon the positive contribution of migrants to the economy, the party's commitment to equality of all citizens, its opposition to movements that sought to profit from 'human problems', and the abandonment of voluntary repatriation, since 'it is the latter word which is the strong one in the phrase'.⁵

Rowe knew better than most the nature of the relationship between the Conservative Party and its potential reservoir of black and Asian supporters, since CoRD, through its Ethnic Minorities Unit, had been a key advocate of the development of the Anglo-Asian and Anglo-West Indian Associations. These bodies encapsulated CoRD's wider view that, while the party leadership had a key role to play in creating a sympathetic policy agenda, holding speaking engagements and – above all – providing a positive example to the rest of the party by listening to the views of receptive, politically-engaged ethnic minority voters, this was not enough. Rowe had been robust in arguing that, although discrimination was less obvious since the development of race relations law, it nonetheless still existed within otherwise non-discriminating institutions – Conservative clubs included – and that, 'although in most areas [prejudice] is lessening in the most affected areas it is growing worse'.⁶ Any gains made through a process of elite integration would prove valueless, Rowe warned, 'unless the party as a whole takes the matter more seriously...[t]he real way to

4 Ibid., p. 4.

5 Ibid., pp. 1-2.

6 CAC, THCR 2/1/1/30, Minute from Rowe to Thorneycroft, 23 October 1975; Green, *Thatcher*, p. 135.

win ethnic minority support is for the local Conservative Associations to treat them decently.' The party ought to share an ethos with black and (in particular) Asian businesspeople:

[t]hey are as concerned as anyone else to have lower taxes, more investment, higher profits and a healthier level of economic activity. Not only are they small businessmen, well poised to take advantage of Conservative economic policies if we win an election, but unemployment hits them harder than anyone else because there is discrimination in employment working against them.⁷

But despite this, Rowe continued to see the necessity of pursuing a discrete agenda in race politics, focused upon elite and, more importantly, grassroots political organisation – that it was in fact the behaviour of the party, rather than its principles which had led to the failure of Conservative attempts to woo black and Asian voters.

Rowe's critique of party failings, then, suggested that what was required was a fresh understanding of the manner in which the Tory inheritance was implemented, and this was somewhat transgressive in the party's ideological and, increasingly, its practical assumptions of 'the way forward' more generally. Thatcher was, by 1978, engaging advisers like Alfred Sherman, apparently 'obsessed with race and immigration' and keen to press a tough agenda upon the leadership⁸ and as such, he was resented by individuals (like Chris Patten and Andrew Rowe) whose claims to exercise influence over Conservative intellectual identity he and policy think-tanks like the Centre for Policy Studies seemed to challenge. Moreover, the lessons of the past few years had appeared to show that pursuing such a strategy would not be electorally beneficial. Research into voting patterns, which received coverage in the mainstream press, appeared to show that the Conservatives had benefitted electorally from Enoch Powell's influence at the 1970 election⁹ and this was reinforced in early 1978.¹⁰

Rowe had posited that 'the danger to democracy of the “immigration issue” is

7 CPA, CRD/4/9/2, 'The Conservative Party and Race Relations', A. J. B. Rowe, 17 January 1978, p. 4.

8 Chris Patten, quoted in, Young, *Young Papers*, p. 114.

9 *The Times*, 'Anti-immigration votes “helped Tory victory”', 7 June 1976, p. 2.

10 *The Times*, 'Immigration issue “aided Tories in 1970 poll”', 20 March 1978, p. 3.

that it is all too easy and highly tempting for the aspiring politician or cheap vote catcher, to capitalise on...[public] fears and misunderstandings with talk of “stemming the “flood”.”¹¹ As Ewen Green notes, Rowe's contribution to the internal party discussions of the immigration question is of interest not only because he acknowledged the persistent racist feeling within British society as a whole, and recognised the potential role of political language in this feeling, but also his willingness to examine the role of politicians in exploiting such feeling for their own gains.¹² Taking the implicit ideological and practical undercurrents of Rowe's analysis, plus his denigration of using immigration issues as a political expedient, it is not especially difficult to understand Thatcher's reasoning in making clear to him that she was 'not too happy about the prospect of publishing this document.'¹³

The studied ambiguity of Opposition politicking, focused as it was on Keith Joseph's nebulous but striking 'themes', would be blown apart by the publication of such definitive, concrete strategies in the name of a policy agenda the leadership was loathe to pursue. For Thatcher and those sympathetic to her aims, the 'threat to democracy' inherent in immigration came not from the political exploitation of the issue as a means of attracting voters, but in the existence of a cabal of elite politicians riding roughshod over allegedly legitimate public fears and anxieties; it would be a failing of the party not to address the issue in these terms. Moreover, Rowe's derision of the 'cheap vote catcher' seemed to be turned into an *ad hominem* attack on the party leader herself after – less than two weeks later – Thatcher made the most striking play of her leadership to date.

'Playing with fire': Margaret Thatcher and immigration

In December 1977, Chris Patten had predicted, in conversation with Hugo Young, that Thatcher would take up 'a higher profile in January [1978], when she begins to take on board the increasing certainty of an October election.' It would be necessary, Patten argued, in an ironical echo of Maurice Cowling, for the party to speak less of abstractions like 'freedom' and more on concrete issues about which

11 CAC, THCR 2/6/1/141, 'Immigration policy – the way ahead', A. J. B. Rowe, undated.

12 Green, *Thatcher*, p. 136.

13 CAC, THCR 2/6/1/141, Ryder to Rowe, 6 February 1978.

people cared.¹⁴ In January 1978, Thatcher appeared on *World In Action* to discuss the position of the Conservative Party in the run-up to the anticipated election. Immigration was first on Gordon Burns' agenda, as he pressed Thatcher on the key question of exactly how severe Conservative cuts in immigration would be. In reply, Thatcher put forward the suggestion that, by the end of the century, there might be as many as four million New Commonwealth migrants in Britain.

Now that is an awful lot and I think it means that people are really rather afraid that this country might be rather swamped by people with a different culture and, you know, the British character has done so much for democracy, for law and done so much throughout the world that if there is any fear that it might be swamped people are going to react and be rather hostile to those coming in.¹⁵

The solution to the problems of immigration, she argued, '*was not* what Keith Speed said just a couple of weeks ago'¹⁶ Speed, a junior shadow minister, had been conducting policy research for the party and, prior to obtaining Whitelaw's approval, had revealed to the press that his study group's draft report would renew 'the Conservative pledge to reverse significantly the rising trend in immigration' by recommending the revision of the immigration rules on dependants and by tightening the rules against illegal immigration and student overstayers.¹⁷ On BBC radio, Speed also intimated, somewhat more controversially, that official policy may include some restriction on those to whom Britain owed a formal responsibility: '[w]hat we have said is that if the Government's figures [on UK passport holders abroad] were very wrong – if instead of 30,000 we were talking about 300,000 – then obviously we would have to look at the situation again.'¹⁸ These remarks earned Speed a reprimand from Whitelaw, who asserted his right to reject any proposals he 'did not think...[were] any good, and then of course to put forward proposals...which

14 Young, *Young Papers*, p. 117.

15 Margaret Thatcher Foundation Website, TV interview for Granada *World in Action*, 27 January 1978.

16 Ibid. [emphasis added].

17 Quoted in, *The Times*, 'Tories plan to reduce the rate of immigration', 16 January 1978, p. 1.

18 CAC, THCR 2/6/1/140, Keith Speed interviewed on Jimmy Young Programme, 16 January 1978; *The Times*, 'Tories may curb white Rhodesian return', 17 January 1978, p. 2.

I think are sensible',¹⁹ and although Speed had tried to shrug off any suggestion of a rift between himself and the shadow Home Secretary,²⁰ the impression – for good or ill – had already been formed. As Geoffrey Finsberg made clear to Thatcher, there existed an 'almost unanimous view that at last the Party has said something meaningful on immigration and that it would be fatal if we were to backtrack on what Keith Speed is thought to have written!'²¹

Moreover, his statements can only have muddied the waters around the leaking earlier in the month to the *News of the World* of a set of Conservative policy proposals. These included some that had been discussed publicly, others that were being considered privately (including the 'freeze' and the notion of an absolute entry quota) and proposed 'inducements to settle and disperse away from centres of high immigrant population' that was regarded as 'potentially very damaging and [that] should be strongly repudiated.'²² These mirrored the topics for discussion in Speed's working group and it has been argued that the leak was used deliberately, without Thatcher's knowledge, to 'set up' the question on immigration.²³ Certainly, although she had made some more strident statements on the subject in the recent past,²⁴ Thatcher had remained adamant prior to her televised remarks that there had been 'no change in Conservative policy on immigration from that announced by the Shadow Home Secretary...at the party conference.'²⁵

Ultimately, Thatcher's motivation also lay in attempting to exert authority over the conflictual, awkward nature of party opinion on the matter – to reconcile a left wing increasingly determined that the party must seek black and Asian votes and a right wing seemingly determined to force the leadership's hand in the opposite direction. In sympathy to the divided nature of her party, Thatcher had frequently

19 Quoted in, *The Times*, 'Parties vie on race in run-up to by-election', 30 January 1978, p. 3.

20 CAC, THCR 2/6/1/140, Keith Speed interviewed on Jimmy Young Programme, 16 January 1978.

21 CAC, THCR 2/6/1/140, Letter from Geoffrey Finsberg MP to Thatcher, 26 January 1978.

22 CAC, THCR 2/6/1/140, Conservative 'Policy Proposals', 26 January 1978.

23 Gordon Reece, quoted in, Dennis Kavanagh, 'The making of Thatcherism: 1974-1979', in, Ball & Seldon (eds.), *Recovering*, p. 227.

24 Although it is undoubtedly true that Thatcher made other remarks on the subject, *The Times* reported Thatcher's comments as 'her first public statement on immigration for nearly a year', suggesting that any speeches in the interim had registered low on the radar. See, *The Times*, 'People fear swamping by immigrants, Mrs Thatcher says', 31 January 1978, p. 1.

25 *Finchley Times*, 'Race ban fears: Mrs T speaks', 19 January 1978. I owe this reference to a conversation with Andrew Riley.

approached party issues with caution, taking care to mask any outright doctrinaire views behind a façade of greengrocers' homily and 'common sense' political expression (in this case, Thatcher compared the rate of arrival of migrants to the size of 'two new [small] towns per year'²⁶).

Thus, her initial response to the furore was (probably disingenuously) coy, yet this was not intended to obscure her *conviction* – if anything, it was meant to quietly emphasise it and to leave open the possibility of more radical action in future, hinting that right wing critics would be assuaged, without making concrete any fluid notion that the leader's sympathies lay definitely away from – or any more than nominally behind – the largely Heathite shadow cabinet she had been of necessity bequeathed.²⁷ Yet this stratagem was rendered almost wholly redundant by Thatcher herself, who 'became increasingly adept at using an unheralded public utterance as a means of signalling a policy shift away from some previously agreed balance' when she had struggled to get her own way around the Shadow Cabinet table²⁸ and this Procrustean attitude was thoroughly in evidence here. Unsurprisingly then, Thatcher's memoirs look back on the episode as yet another demonstration that she ought to trust her own judgement, her own instinct, even at the expense of prior consultation with colleagues.²⁹

Responses to the comments were widely divergent. Within the shadow cabinet, Whitelaw was 'greatly troubled'³⁰ and, from outside it, Edward Heath found it increasingly difficult to bite his tongue as he began 'to experience increasing difficulty' with Thatcher's policy proposals and public attitudes which, he maintained, rendered the party's policy statement, *The Right Approach*, 'more and more redundant.'³¹ Indeed, Heath took up the cudgels over immigration policy soon after

26 Margaret Thatcher Foundation Website, TV interview for Granada *World in Action*, 27 January 1978.

27 See, Hugo Young, *One of Us: A Biography of Margaret Thatcher* (Final Edition) (Houndmills: Macmillan, 1991), p. 111. As Chris Patten told Young, Thatcher was prone to remain 'cautious and moderate, at least on specifics...But it remains open to the right to say, as they do, "Ah, but she does not really believe it."' (Young, *Young Papers*, p. 115).

28 Geoffrey Howe, *Conflict of Loyalty* (Houndmills: Macmillan, 1994), p. 103; James Prior, *A Balance of Power* (London: Hamish Hamilton, 1986), p. 107; Campbell, *Grocer's Daughter*, p. 399.

29 See, Thatcher, *Path*, p. 409.

30 Howe, *Conflict*, p. 103. Whitelaw's own memoir, characteristically, is silent on the issue, although one biography suggests his 'rage' was such that he offered his resignation. See, Garnett & Aitken, *Splendid*, p. 231.

31 Heath, *Course*, p. 563.

Thatcher's 'swamped' comments, arguing that all the tools necessary for a strong immigration policy had been provided by his government's 1971 Immigration Act and that any additions to this legislative framework were unnecessarily divisive.³² Perhaps inevitably, this intervention was not welcomed by the party leadership, and if Heath had sought to counsel his successor, in reality his words probably had the opposite effect – strengthening Thatcher's resolve against sliding back into the purported liberality and weakness of the Heath years. Not only were many of Thatcher's correspondents ignorant of the measures to which Heath made reference, but they resented his interference and detected the hint of sour grapes in his public criticisms of the party leadership: 'All were highly critical of him, and indeed of immigration policy under his leadership.'³³

Indeed, Heath's scepticism was by no means uniform through the party hierarchy. Richard Page (MP for Workington, in Cumbria³⁴) wrote to say that he had been 'overwhelmed with telephone calls...supporting your stand on immigration.' He claimed never to have seen so much interest expressed in a single issue, 'and at no time did I hear a dissenting voice.'³⁵ This letter was one among many Thatcher received, ranging from direct correspondence with individuals to letters informing her of supportive resolutions passed by various Conservative Associations; there were 'many thousands of letters and telegrams' on the subject to be dealt with.³⁶ As Matthew Parris later had it, 'Mrs T's 'swamping speech had swamped us – with letters – and the backlog lingered for months.'³⁷ Indeed, Thatcher had received, by the official reckoning, around nine thousand letters in February and March, of which the 'overwhelming majority' were supportive of her stance.³⁸ Remarkably, there were

32 *The Times*, 'Thatcher idea "means forced repatriation"', 6 February 1978, p. 1.

33 CAC, THCR 2/6/1/141, 'Report on your immigration correspondence', p. 1.

34 Workington had long been represented by the Labour Party, prior to Page's victory in a 1976 by-election – an anomaly that was quickly reversed in 1979 when the constituency (perhaps surprisingly, if Page's reading of his constituents' attitudes was correct) reverted to Labour control. It is reasonable to assume, then, that at least some of the many individuals who offered their support for Thatcher's comments were in fact habitual Labour voters and not lifelong Conservatives.

35 CAC, THCR 2/6/1/140, Letter from Richard Page to Thatcher, 6 February 1978.

36 CAC, THCR 2/6/1/140, Letter from Richard Ryder to Patricia Gurnett, 4 April 1978. Many of the letters from individuals remain closed under data protection legislation and so cannot be read in the archive or quoted here.

37 Matthew Parris, *Chance Witness: An Outsider's Life in Politics* (London: Viking, 2002), p. 199.

38 CAC, THCR 2/6/1/141, 'Report on immigration correspondence', by Matthew Parris and Alison

fewer than one hundred critical letters in the postbag. Even more interestingly, a substantial minority of the correspondence came from disillusioned Labour and Liberal voters, who were attracted to the Conservative Party precisely because of Thatcher's position on immigration.³⁹

These details are all deeply redolent of Powell's experience a decade previously and this must have jogged unpleasant memories for Heath – his intervention, although seemingly interpreted in the light of his historic 'sulk' after losing power, might equally be seen as a plea to avoid taking the party down the Powellite line he had resisted so strongly in 1968. Thatcher's intervention was not policy making in any conventional sense, but it did seem to mark the end of the optimistic practicality of those who had argued that substantial numbers of black and Asian votes were within easy grasp of the Tory Party. Rather she had suggested, as Keith Joseph had, that there may well be a necessity to choose between immigrants and the English, and if this choice came, it would be necessary and politic to side with the English.

On the other hand (although not in equal numbers), were a series of letters and official papers that put the case for continuing to seek black and Asian support. A prospective election candidate from Leicester wrote of his firm belief that establishing a working Conservative majority at the next election was wholly contingent upon the party's 'retaining or winning back most of the marginal seats heavily influenced by "new settler votes"'.⁴⁰ The party could not, he suggested, 'regard the recent favourable poll movements resulting from the immigration debate useful – given effect fully they can only make safe seats already safer. In constituencies like Leicester *the debate so far has been counter-productive*'.⁴¹ Godsall posited that potential Asian supporters in Leicester were reluctant to consider the party because of their lack of understanding of Conservative policy, especially the belief that the party wished to renege on long-standing commitments to dependants abroad and that repatriation might become a more significant part of immigration policy.⁴²

Ward, 14 April 1978, p. 1.

39 Ibid.

40 CAC, THCR 2/6/1/140, Letter from Ray Godsall to Thatcher, 21 February 1978.

41 Ibid. [emphasis added].

42 Ibid.

Similar sentiments emerged from another area deeply affected by immigration. Christopher Hannington (Leader of the Haringey Borough Council Conservative Group) wrote to Thatcher expressing 'grave concern' at the potential impact of the party's national policies on politics in North London.⁴³ Moreover, he observed, it was 'abundantly clear that the Conservative Party's recent declared position on immigration was perceived as a clear threat by the ethnic communities' and that this feeling had contributed towards the Conservatives' poor electoral performance in the recent Borough Council elections: 'they voted against the Conservatives in sufficiently large numbers to ensure that we would not win the seats needed for control.'⁴⁴

Both of these letters independently made the same point Rowe had – that it would be necessary, if the party were to find electoral success in appealing to migrant voters, to treat them decently, as people, and to do so across the breadth of the party. This must begin with a rejection of the term 'immigrant' and an acknowledgement of black and Asian Britons' desire 'to be protected, accepted and respected as up-right UK citizens.'⁴⁵ But there was a fundamental contradiction. In overall public opinion terms, the party received a remarkable but ultimately short-lived boost in the polls;⁴⁶ in electoral terms, fewer Asians appeared to be voting for the Conservatives after Thatcher's comments.⁴⁷ In these circumstances, Thatcher developed her own understanding of the potential electoral significance of the issue:

Mrs. Thatcher has now seen a proper nationwide analysis of the local election results and has formed a view about the effect of our immigration and race relations policy on those constituencies containing large numbers of voters from ethnic groups. Her assessment is that our policy is being deliberately misrepresented by our opponents who claim on the doorstep that it is the next Conservative Government's intention to repatriate immigrants forcibly...Mrs. Thatcher has just given instructions to the Communications Department at Central Office that, wherever possible, we should

43 CAC, THCR 2/6/1/141, Letter from Christopher Hannington to Thatcher, 9 May 1978.

44 Ibid.

45 CAC, THCR 2/6/1/140, Letter from Ray Godsall to Thatcher, 21 February 1978.

46 See, Miller, 'What was the profit', p. 37. As Thatcher later observed, with a degree of self-justification, one opinion poll suggested the Conservatives had been catapulted into an 11-point lead. (Thatcher, *Path*, p. 408).

47 *The Times*, 'Asian votes for Tories "in decline"', 15 March 1978, p. 4.

take advertisement space in ethnic group newspapers during the summer to make sure that the record is put straight.⁴⁸

Needless to say, 'putting the record straight', while an (intentionally) ambiguous goal, was hardly a concession to Godsall, Hannington and Rowe's arguments.

A letter from Nicholas Winterton summed up the sentiments of restrictionists on the Conservative benches, and their reading of Thatcher's personal sympathies: '[p]lease do not heed the liberal views of those within the parliamentary Party who have by their weak attitude over the years contributed to the grave problem we face today.'⁴⁹ Doubtless, Thatcher's comments were designed to assuage the fears of potential backbench critics like Winterton, and those others who had made clear their scepticism over Whitelaw's handling of race issues,⁵⁰ but the party leadership was neither willing nor able to pursue the line Thatcher had sketched out in such strident terms.

Outside the party, the 'swamped' comments had proven somewhat divisive, but by no means damaging. Within the leadership and the party more broadly, there can be little doubt that Thatcher's comments imbued the immigration question with a refreshed sense of urgency and dynamism. The difficulty facing Whitelaw, still after all shadow Home Secretary, was to convert this controversial intervention into concrete political gains. This was especially important for two reasons. First, Whitelaw had not been consulted prior to Thatcher's unscripted foray into immigration policy and therefore had a good deal of political pride to regain.⁵¹ Secondly – and one can imagine rather to Whitelaw's chagrin even if it was to his party's advantage – the comments proved popular. That is to say, they proved popular with their intended audience of white people in multi-racial areas. Yet, while the party's broader exposure in the media was welcomed, some persisted in sounding a note of caution:

48 CAC, THCR 2/6/1/141, Letter from Ryder to Hannington, 19 June 1978.

49 CAC, THCR 2/6/1/140, Letter from Nicholas Winterton to Thatcher, 7 February 1978.

50 As argued by Green, *Thatcher*, p. 134.

51 Whitelaw had told Roy Jenkins that life in the party was 'absolutely ghastly' and that he was considering resignation. In response, Jenkins encouraged him to remain within the party but to distance himself from Thatcher. Quoted in, Garnett & Aitken, *Splendid*, p. 231.

If [this response] is based on an unrealistic belief that the next Conservative government can make a dramatic change in the balance of population as perceived by people living in multi-racial areas it is desperately dangerous and will lead to considerable NF support at the election after next.⁵²

Certainly, concrete proposals outlining the ways in which the Conservative Party would go about allaying the fears of the domestic populace were as yet in short supply. Perhaps surprisingly, given some subsequent analysis, Thatcher was in at least one case condemned less for the tenor of her remarks (a *Times* leader argued it would be 'absurd' to say she was acting in a racialist manner), than for remaining overly vague on details and therefore failing to hold out any real hope of addressing the public anxieties which had become her refrain.⁵³ By 10th February, however, Whitelaw had produced a new paper full of such concrete proposals for consideration by the Leader's Steering Committee (a smaller group of shadow ministers including Whitelaw, Joseph, Carrington and Thorneycroft) and the wider shadow cabinet.⁵⁴

The fundamental problem, as Whitelaw saw it, turned on the fact that the party were bound into the acceptance of East African Asian UK passport holders and the dependants of existing migrants, particularly those whose right had been acknowledged (specifically, men who arrived in the UK prior to 1 January 1973). Whitelaw warned the leadership could anticipate a 'very hostile' reaction from the party itself, large sections of the public and foreign governments if these 'honourable' commitments were reneged upon.⁵⁵ As a result, these categories were largely unassailable, and there remained only a limited amount that could be achieved in terms of reducing immigration by reversing the specific, mildly liberalising changes Labour had made to the immigration rules, especially as the government had since restricted the issue of employment vouchers.⁵⁶ This posed a challenge to the argument, put forward in *The Right Approach*, in favour of using the system of rules

52 CAC, THCR 2/6/1/140, 'Race Relations', undated.

53 *The Times*, 'Mrs Thatcher on race', 1 February 1978, p. 15.

54 For the more widely-circulated paper, which was broadly consonant with the considered in Leader's Steering Committee, see, CPA, CRD 4/9/31, Paper on immigration, William Whitelaw, 16 February 1978.

55 CAC, THCR 2/6/1/162, 'The Control of Immigration', 10 February 1978, p. 2.

56 *Ibid.*, p. 3.

and administration to significantly tighten control⁵⁷ and, although the numerical trend in the categories to which Whitelaw referred was beginning to turn downward,⁵⁸ placed a renewed emphasis upon adopting a rather wider policy scheme in order to fulfil the promise of ending the 'phase' of postwar immigration. Thus, attention began to fall upon schemes previously deemed too controversial.

Nevertheless, there remained areas in which swift action could be taken to reverse the government's changes in immigration rules and administrative practice. First among these was the reversal, in light of the Hawley Report's exposure of apparently widespread abuses and its inflationary impact upon admission figures, of the 1974 concession permitting non-patrial fiancés admission to the UK in order to marry. Second was the reversal of Alexander Lyon's administrative programme to increase the speed with which applications were processed, and Whitelaw suggested the restoration of the original, more stringent burden of proof test.⁵⁹

Beyond these revisions, however, Whitelaw proposed: utilising a compulsory register of dependants to restore faith in the accuracy of immigration statistics, which had fallen into disrepute as a reasonable measure of Britain's overseas commitments; a more restrictive definition of 'dependant' to exclude (except in compassionate cases) parents, grandparents and unmarried dependant children between 18 and 21; a significant further tightening of the work permit system; and ending the practice by which individuals who entered the UK after 1 January 1973 were permitted to send for their dependants after their acceptance for settlement. Underpinning the whole system would be a fixed quota on immigration and a new definition of British nationality, designed so as to largely exclude the former colonies from citizenship.⁶⁰ It was key that the party ensure 'that from the first years of taking office there is a reasonable and obvious reduction in the total numbers entering this country.'⁶¹ Despite the stridency of some of these proposals, and particularly after the controversy of Thatcher's unanticipated remarks in January, Whitelaw was at pains to

57 *The Right Approach*, 1976, p. 48.

58 Indeed, less than half of the vouchers available to be issued under the Commonwealth Immigrants Act 1968 to UKPH in East Africa were taken up in 1977.

59 CPA, CRD 4/9/31, Paper on immigration, William Whitelaw, 16 February 1978, p. 5.

60 *Ibid.*, pp. 3-5.

61 *Ibid.*, p. 5.

emphasise that all policy objectives must be framed in terms of the party's 'dedication to the cause of good race relations and our belief in equal treatment for all citizens under the law.'⁶²

In making these suggestions, Whitelaw was evidently determined to reassert his own control over the immigration agenda within the party by dictating policy in a manner that, while balanced against the putative benefits of strong, publicly acknowledged control over entry to peaceable race relations, would ensure 'total control' over future migratory flows. Further, Whitelaw secured agreement from the Leader's Steering Committee that he would be given *carte blanche* to publicise the proposals 'how he wished'.⁶³ The clear implication was that he would not tolerate another unscripted interlude from the party leader or his junior colleague Keith Speed. In committee, there was consideration, too, of expansion of the repatriation provisions enshrined in the 1971 Act, to provide extra funding and publicity, although it was accepted that this was too controversial to pursue prior to an election victory, and ought to be pursued in government if the Conservatives were successful.⁶⁴ More drastic measures such as this, and the notion of an absolute, albeit temporary, moratorium on immigration were set aside in part because they would make the rest of the immigration policy platform more difficult to sell 'to our own Anglo-Asian Conservative Association members whose loyalty, in difficult days for them, has been striking.'⁶⁵ Beyond making another, rather transparent, swipe at Thatcher's public attitudes, Whitelaw was here making reference to the alarming loss of members the Anglo-Asian Association faced in early 1978.⁶⁶ This seemed further evidence of the retrenchment, and ultimately, the abandonment (perhaps even deliberate sabotage), of Conservative attempts to actively woo potential black and Asian voters. In fact, these had been damned from some quarters from the very beginning.

'Wooing' the immigrant vote no more?

62 CAC, THCR 2/6/1/162, 'The Control of Immigration', p. 1.

63 CAC, THCR 2/6/1/233, Leader's Steering Committee, Minutes of 53rd Meeting, 13 February 1978, p. 3.

64 Ibid., p. 3. Whitelaw's support for voluntary repatriation is less surprising given his enthusiasm for expanding the existing scheme beyond its initial tenets in 1970. (See, Chapter 2).

65 Ibid.

66 CAC, THCR 2/6/1/140, 'Race Relations', undated.

As early as June 1976, the party's Race Relations Study Group had highlighted 'evidence for believing that Conservative efforts to woo, or appear to woo the immigrant vote in marginal seats is more likely to lose support among indigenous voters than gain it among immigrants.'⁶⁷ Rather than pursuing such a futile and self-defeating course, the Group observed that there would be 'nothing to lose from taking the initiative in proclaiming a stricter policy on immigration and being prepared to make changes which, while not dishonouring commitments, will regulate future immigration from the New Commonwealth *so closely as virtually to bring it to an end.*'⁶⁸ Beyond this rhetorical prefiguring, the recommendations found an echo in Whitelaw's own suggestions some 18 months later⁶⁹ and the Study Group's Report, somewhat re-drafted, had been re-submitted to the leadership in early 1978, when its arguments stood a greater chance of being received sympathetically.

The weight not only of Thatcher's apparent conviction, but of electoral politics and the calculations of public opinion appeared to favour a stronger line on immigration as the Conservatives seemed, at by-elections at least, again able to turn immigration issues into votes. One study found that while 29 per cent of electors were influenced in their voting choice by the debate over immigration in the wake of Thatcher's TV appearance, some 48 per cent of those who defected from Labour to the Tories claimed to have been influenced by it – a particularly notable development since a higher proportion of Labour defectors in earlier by-elections had voted for the National Front or other fringe parties and this was also reflected in the striking 11.6 per cent swing away from the NF.⁷⁰ This underwrote the assumptions, gleaned from the letters sent to Central Office in the wake of the 'swamped' comments, that immigration issues had the capacity not only to shore up the core vote, but to allow

67 CPA, CRD 4/9/29, Report of Study Group on Race Relations and Immigration, June 1976, p. 39. It was a mark of the state of party opinion that even those tasked specifically with examining race relations policy were so deeply sceptical about the potential to attract non-white voters.

68 Ibid. [emphasis added].

69 The Study Group's 'stricter policy' included, *inter alia*, reversing the policy of admitting all UK passport holders from East Africa; the creation of a register of dependants and a restrictive definition of 'dependant' that included wives and children only; the introduction of identity cards to help manage illegal immigration; provision for settlement grants for migrants willing to return to their countries of origin; and a new system of British nationality, based on patriality, to be the sole determinant of right of abode in Britain. See, *ibid.*, pp. 14, 22, 23, 31, 34, 36.

70 Quoted in, *The Times*, 'Nearly half of Ilford's Labour defectors were influenced by race, opinion poll suggests', 4 March 1978, p. 2.

the party to reach out to meaningful numbers of disillusioned Labour and, perhaps, Liberal voters.

But it remained no easier to reconcile the internal party conflicts and, far from crowing over the resounding success of her comments, Thatcher and Whitelaw began to work to temper them. Perhaps this, too, was part of the price for maintaining Whitelaw's loyalty, having tested it so robustly. First on the agenda was the correction of Thatcher's misquotation of Whitelaw's statement: she had said 'we must hold out the prospect of an end to immigration', but she was making reference to Whitelaw's argument that the social problems connected with immigration could not be addressed 'unless we are prepared to follow a policy which is clearly designed *to work towards the end of immigration as we have seen it in the postwar years*'.⁷¹ Thatcher spoke at the Young Conservatives' conference in an attempt to direct attention away from her earlier statements: emotive terms like 'swamped' were dropped in favour of a far more conciliatory register and she explicitly acknowledged that Britain's commitments overseas would be honoured.⁷² Whitelaw was still addressing the fallout in June when, speaking at a meeting of the Bow Group, he felt it necessary to explicitly state that the party had 'never suggested that the central purpose of our immigration policies was to reduce the present or potential size of our ethnic minority communities.' Whitelaw put it to the Group that what was sought from immigration policy was no more than the establishment of stability and security, through closing off the period of mass migration seen since 1948:

we can show people in this country that the Government has firm control over all types of immigration and that we know, through a register of dependants, a revised Nationality Law and a quota system applied to all non-EEC countries right across the board, that there is a clearly defined limit to the numbers of people entitled to come to this country.⁷³

The 'wooing' of immigrant voters had always been pursued within the

71 Quoted in, *The Times*, 'Conservative pledge to keep faith with immigrants', 13 February 1978, p. 1.

72 Ibid. Thatcher did return to this terminology – reusing the term 'swamped' in an *Observer* interview in 1979. (See, Campbell, *Grocer's Daughter*, pp. 400-1).

73 CPA, CRD 4/9/16, Extract from a speech by William Whitelaw to the Bow Group, 27 June 1978, p. 1.

Conservative Party with a degree of caution and circumspection and despite the relatively progressive nature of the ideas forwarded by Rowe and his associates, who faced an uphill struggle for recognition, this remained the dominant character of engagement with race politics. Formal commitments to external bodies intended to address race issues were conducted in such a way as to ensure that the broader momentum of those structures and organisations would not carry the party away with them. This was illustrated particularly acutely in debates over whether the party ought to participate in the newly-formed Joint Committee Against Racialism (JCAR). Membership became a point of contention, if not irritation, between Thatcher and Whitelaw, whose nomination of John Moore to represent the party at JCAR had been unilaterally blocked by the leader.⁷⁴ Again, membership on the Committee's terms posed a threat to the studied ambiguity of opposition policy, both by committing the party as a whole to tacitly or explicitly endorsing JCAR's initiatives and through the Committee's association with political groupings opposed to the central tenets of Thatcher's developing Conservatism.⁷⁵

In considering the party's response, Peter Thorneycroft (who had expressed scepticism over involvement) noted that many Conservative supporters, although anti-racist, 'regard the activities of the left in this area as misconceived' and, by becoming corporate members, the party would 'almost certainly be held in part responsible for what [JCAR] do'.⁷⁶ Although there was pressure from the Young Conservatives to reverse Thatcher's decision to block Moore's appointment, or at least to become more directly involved in the Committee,⁷⁷ Thorneycroft was convinced that the Conservatives must remain separate from the 'left-wing elements' likely to wield influence in JCAR, to stand firmly behind their publicly stated immigration policy and to continue to seek to achieve racial harmony 'by example and quiet reason [rather] than by noisy propaganda'.⁷⁸ Nevertheless, some

74 *The Times*, 'Tory dispute on joining anti-racialism group', 6 January 1978, p. 2; Garnett & Aitken, *Splendid*, p. 231.

75 Membership included the Labour and Liberal Parties, national committees representing Indian, Pakistani and Bangladeshi organisations, the National Union of Students and the Board of Deputies of British Jews.

76 CPA, CCO 20/66/21, 'The Party Organisation and Anti Racialist Activities', Draft Paper by Lord Thorneycroft, December 1977, p. 3.

77 See, CPA, CCO 20/66/21, Letter from David Sells to Whitelaw, 4 January 1978.

78 CPA, CCO 20/66/21, 'The Party Organisation and Anti Racialist Activities', Draft Paper by Lord

involvement with JCAR could be beneficial in promoting the Conservative cause among ethnic minority voters through genuine cross-party initiatives on issues they felt strongly about,⁷⁹ and Thorneycroft proposed a compromise, allowing 'individuals and groups' within the party to participate, without permitting them to speak for the party as a whole – in other words, to render the issue a matter of individual or group conscience rather than party politics.⁸⁰

In many respects, this arm's-length approach itself explained the limited success of strategic attempts at 'wooing' black and Asian voters, through internal party mechanisms or external bodies – that it was, in a very obvious sense, self-defeating – and this assertion had underlain the work on the subject done by CoRD in early 1978. The party had sought to make itself more attractive to migrant voters without sacrificing control over what was hoped could be a distinctive, Conservative agenda and, even before Thatcher's 'swamped' comments, this agenda ultimately rested upon strict control over immigration and addressing the fears and anxieties that had been engendered, in this explanation, by the instability of previous policy.

Ultimately, however, the conflict within the party did not amount to a zero-sum game between restrictionists and integrationists – far from it, as these long-standing positions, stemming from alternative understandings of Conservatism, of public politics more broadly, and of the immigration question as it had existed in the postwar era, remained strong.⁸¹ Rather, it was the more pragmatic approach that was shaken – the notion that the party had, within easy grasp, the votes of many thousands of ethnic minority electors.⁸² It is important to note that this was not the counsel of CoRD, who argued that a fundamental re-examination of the party's relationship with black and Asian citizens was to key any lasting success in this field. Instead of this deeper, more complex action, some simple ideas had been pursued and some rhetorical concessions made to this agenda; these initiatives, however, could look like tokenism in the context of a policy seen in some quarters to herald a move

Thorneycroft, December 1977, p. 4.

79 Ibid., p. 2.

80 Ibid., p. 3.

81 On this point, see, Edmonds & Behrens, 'Kippers, Kittens and Kipper-Boxes', pp. 342-43.

82 See, Chapter 4.

towards repatriation.⁸³ While Thatcher's 'swamped' comments certainly encouraged this polarisation then, they did not begin it.

Even those who remained ambivalent, or who might have been quietly supportive of a sympathetic agenda on these questions, could make the argument that the wheel of racial equality had turned too far under what was broadly defined as the Left's stewardship. For example, while Lord Hailsham had published a series of articles on the establishment of a Bill of Rights in 1976,⁸⁴ his central message was that such a document must stand as a bulwark against the insidious socialism of the Labour movement, and as a counterpoint to the creeping power of the state over the individual, rather than as a cumulative strategy to mitigate against ingrained discrimination, much less the broader criterion of racial disadvantage towards which Jenkins and Lyon had pointed. He expressed scepticism over the necessity and the wisdom of expanding anti-discrimination law both because the law was a blunt and inappropriate instrument for the cause and because to politicise one form of discrimination over others equally 'hurtful' (political or religious discrimination) would be wrong-headed and counter-productive.⁸⁵

This attitude found its echo in Thatcher's own belief that her brand of 'colour-blind' capitalism was a fundamentally egalitarian force – a true, upward social motivator, set against the stifling, interventionist policies of what she termed 'socialism' – because only in respecting individuals *qua* individuals could government 'liberate the talents of those individuals for the benefit of society.'⁸⁶ This encapsulates one of the central ironies of Thatcherite politics – that only those who could liberate themselves were able to take advantage of this egalitarianism – and, by labelling capitalism 'colour-blind' in spite of the discrimination that was proven to exist within the domestic market system, it also raised the question of what it meant to respect individuals, given that it was exactly the argument of those like Rowe, Hannington and Godsall that migrants must be treated as equals by the party machine. Again, it is possible to discern the notion that a conflict between the perceived interests of the

83 *The Times*, 'Thatcher idea "means forced repatriation"', 6 February 1978, p. 1.

84 *The Times*, 'The paradox of oppressive yet powerless government, 16 May 1975, p. 16; *The Times*, 'The legal limits', 19 May 1975, p. 2.

85 Hailsham, *Sparrow*, pp. 367-72.

86 Thatcher, *Path*, p. 406.

English and the migrants could no longer be resolved by balance.

In both Thatcher's and Hailsham's views, using the law to address discrimination was wrong-headed, then, because it tended to force individuals into victimised groups – the opposite of creating conditions in which they could be liberated as individuals – and because it placed such an emphasis on the actions of government as the force for improvement. The resurgent neo-liberal philosophical proposition that 'inequality did not need qualifying in principle or tempering in practice'⁸⁷ only underlined how ill-advised the use of the law, and the state, was in seeking to mandate equality of outcome.⁸⁸ There remained a tension within the party, that was never fully resolved, between freedom and equality on issues of race (as in other fields) and these attitudes, too, militated against firming up the proposals on race policy – the party were all for freedom, but not action that might be construed as positive discrimination or misguided legislative intervention. So, although there remained an ideological and practical imperative to cease talking about abstractions, and to start talking about issues 'people cared about' – undoubtedly, as the leadership themselves acknowledged, black and Asian voters *cared about* race issues⁸⁹ – the party, in largely abandoning the campaign to attract migrant voters in favour of a robust, arguably *anti-immigrant* populism, were not about to start advocating concrete improvements in their treatment of black and Asian individuals, even perhaps in the informal ways suggested by CoRD.

Significantly, Rowe's arguments had circumvented some of the deeper, more complex aspects of racial diversity for political representation. Zig Layton-Henry has suggested that 'Asian cultural and religious values seemed well attuned to Conservative principles and provided a basis for appeal.'⁹⁰ There is a grain of truth in this. However, as we have seen, Rowe's arguments in favour of integration, while they

87 Peter Dorey, *British Conservatism: The Politics and Philosophy of Inequality* (London: I. B. Tauris, 2011), p. 111.

88 A more robust attack was made by Andrew McKay, who ran an anti-migrant by-election campaign at Stechford in 1978 and who argued that race relations laws, policed by 'Left Wing Intellectuals' had done 'untold damage to Race Relations in our big cities' and ought to be 'scrapped by a new Conservative Government'. CAC, THCR 2/6/1/140, Letter from T.J. Terry to Thatcher, 14 March 1978.

89 CPA, CCO 20/66/21, 'The Party Organisation and Anti Racialist Activities', Draft Paper by Lord Thorneycroft, December 1977, p. 2.

90 Layton-Henry, *Politics of Race*, p. 148.

acknowledged the destructive power of prejudice and the necessity of standing against it, stemmed from a different aspect of Thatcherite politics – that which placed a celebration of enterprise and entrepreneurial spirit at the heart of its 'anti-socialist', anti-consensus message. Common ground, Rowe had posited, need not necessarily stem from cultural affinity if it could stem from an affinity with (in particular) Asian business interests, implicitly leaving problematic cultural questions largely to the private sphere of family. His emphasis was upon equal treatment for ethnic minorities, not some attenuated, Tory multiculturalism. This begins to contextualise the pursuit of black and Asian votes within a broader conception of Conservative attitudes, but leaves open the question of why Thatcher appeared to abandon the 'wooing' of ethnic minorities, and in such spectacular style. After all, she did not seem to listen to Rowe or act on his advice and, after the 1979 election, Rowe's department within Central Office was disbanded.⁹¹ Looked upon as a potentially non-cultural process of integration, we might argue that the leadership did not abandon it at all. But this is difficult to sustain, especially in light of the 'swamped' comments, and we must look to a different side of Thatcherite politics to suggest a fuller answer to this question.

Inasmuch as Thatcher pursued a form of cultural nationalism, it has proven hard to pin down. John Campbell judges her an 'ardent nationalist with a scarcely less mystical view of British identity than Powell himself'.⁹² Ewen Green, too, sees the actions of the party in seeking to placate anti-immigrant sentiment in opposition, and subsequent actions in government, as locating a definition of 'Britishness' within broadly Powellite terms.⁹³ Philip Lynch has forwarded a more qualified view that, while Thatcher employed 'a populist patriotic language', Thatcherism was unable to construct 'a clearly defined view of the nation and the Conservative politics of nationhood'.⁹⁴ To be sure, little effort was made to act on Rowe's advice and extend the hand of friendship to black and Asian electors, but this does not necessarily condemn Thatcher as wholly discriminatory.

On the one hand, there was no unproblematic acceptance of arguments

91 FitzGerald, *Black People*, p. 29.

92 Campbell, *Grocer's Daughter*, p. 399.

93 Green, *Thatcher*, p. 138.

94 Lynch, *Nationhood*, p. 49.

based upon 'kith and kin' justifications for migration;⁹⁵ on the other, the party stopped well short of wholehearted assimilation, even if such opinions existed within the party at large. In December 1978, for example, Keith Speed argued that

the ethnic minority community settled and living in Britain must realise that this is now their home and their country. No one wishes to destroy religious faith, or cultures, or traditions, but too many people still want to have their cake and eat it. Either you are British or you are Pakistani or Jamaican or whatever. It is no good switching nationality to suit the mood or convenience.⁹⁶

This occurred *after* Thatcher's comments and the question of whether her validation of arguments stemming from cultural conflicts enabled or tacitly legitimised such views is basically contestable (although it is notable that her *World in Action* interview contained a specific denunciation of Speed personally). Regardless, the speech was, *ipso facto* anti-multicultural, representing the obviously assimilationist views of the culturally nationalist right. However, Thatcher later represented her own turn away from multiculturalism in familiar terms as a part of her repudiation of consensus. If centre-right politicians spoke on immigration at all, she argued, it was

in terms borrowed from the left of the political spectrum, relishing the 'multi-cultural', 'multi-racial' nature of modern British society. This whole approach glossed over the real problems that immigration sometimes caused and dismissed the anxieties of those who were directly affected as 'racist'. I have never been prepared to go along with it. It seemed both dishonest and snobbish.⁹⁷

The grain of cultural nationalism within the 'swamped' comments – the defence of the British 'character' against a descent into attitudes of intolerance anathema to its history, caused by a sense of social dislocation stemming from

95 See, for example, Keith Speed's comments that the right of returning Rhodesian white settlers may be curbed: 'At the moment the problem happens to be people who have different coloured skins, but on a future occasion it might be white people.' (*The Times*, 'Tories may curb white Rhodesians' return', 17 January 1978). Moreover, party opinion research suggested that free access to Britain for white Rhodesians would be unpopular. CPA, CCO 20/66/22, Attitudes of the electorate towards Rhodesia, Opinion Research Centre, March 1979.

96 CPA, CRD 4/9/22, Speech by Keith Speed at a meeting of the North East Lancashire Community Relations Council, 5 December 1978.

97 Thatcher, *Path*, p. 406.

untrammelled, unwelcome and elite-imposed diversity – is plain to see. Immigration and race issues point up the tension between a fundamentally inclusive concept like an 'enterprise' culture and a property-owning democracy, based upon business acumen, personal agency and initiative, and a basically exclusive politics of national identity implying unity through homogeneity. The issues remained at an awkward, and in some respects unique, intersection of 'the free economy and the strong state' placed at the heart of one influential view of the Thatcherite project.⁹⁸ The former could imply an openness to economic migration that the latter must deny in the name of national unity and political legitimacy through governmental power. Mainstream Conservative politics of immigration had to operate within these strictures and contradictions. By seeking to enforce unity behind her leadership on an issue that continued to present internal party difficulties, Thatcher undoubtedly had one eye on the popularity a strong stance might bring with it.

What Rowe had railed against more than anything was what he saw as the crass exploitation of racial issues in pursuit of short-term political gain. Yet Thatcher could respond, again as Powell had done in 1968, that she was addressing real and prevalent fears and anxieties. Her postbag had revealed that people living in areas of high immigration seemed to evince similar fears – crime and violence, elderly people afraid to go out alone, social security and council housing being given to new arrivals, or that the migrant birth rate was too high.⁹⁹ These were largely material concerns, but there remained a more ephemeral, less concrete element to such debates that the 'swamped' comments had also tapped. This sentiment, too, was acknowledged by Rowe, who perceived 'less rational, but wholly understandable fears of “strangers in our midst” with a colour of skin, mode of dress and customs quite different from our own' behind some anti-immigrant sentiment. 'Regrettably', Rowe went on, 'it is a fear that can be, and often is, easily exploited by the unscrupulous with emotive phrases such as “racial balance”, “alien wedge” and “flood of immigrants”'.¹⁰⁰

Thatcher claimed to repudiate the far right (the most obvious proponents of such arguments) and everything it stood for. In her *World in Action* interview, she

98 Andrew Gamble, *The Free Economy and the Strong State: The Politics of Thatcherism* (Houndmills: Macmillan, 1988).

99 CAC, THCR 2/6/1/141, 'Report on your immigration correspondence'.

100 CAC, THCR 2/6/1/141, 'The Way ahead', Andrew Rowe.

posited that many of the movement's supporters 'do not agree with the objectives of the National Front, but they say that at least they are talking about some of the problems'.¹⁰¹ This, as we have seen from similar considerations in the Labour movement, was a commonly-held view.¹⁰² To be sure, Thatcher expressed a desire to integrate NF voters back into the mainstream¹⁰³ (and into the fold of the Conservative Party) and once again, this suggests that she prioritised the interests of disillusioned white voters over ethnic minorities. The integration of certain aspects of right wing immigration politics was part of a longer tradition in the postwar Conservative Party of restricting entry of 'fascist' groups into the mainstream¹⁰⁴ and by phrasing her appeals to the nation around a qualified defence of homogeneity and culture, and a receptive attitude to public anxieties allegedly ignored, Thatcher sought to underline the fact that the Conservative tradition remained open to those who felt disillusioned by the supposed high-minded elitism of Westminster politics.

Nationality reform [iv]

After 1976, issues of nationality reform, too, became increasingly politically charged, and were no longer exclusively conducted in Top Secret, but more and more in the public eye. At this political level, much of the significance of reform was as a subordinate part of the immigration question more broadly and at its heart was the hope, common to all parties, that altering Britain's nationality law would achieve a kind of *tabula rasa* in the field of immigration control, after which a new, more 'rational' system might be constructed, ending the suspicion of racial discrimination in the operation of the law. These considerations, plus the renewed necessity in the wake of the Hawley and Franks Reports to represent immigration as a finite and manageable phenomenon, meant reform was effectively overloaded with expectation.

By the end of the year, both Roy Jenkins and Alexander Lyon had left the

101Margaret Thatcher Foundation Website, TV interview for Granada *World in Action*, 27 January 1978.

102See, Chapter 4.

103See, Margaret Thatcher Foundation Website, TV interview for Granada *World in Action*, 27 January 1978.

104Pitchford, *The Conservative Party*, Chapter 5. Pitchford makes clear the anger of the National Front at Thatcher's deliberate 'trick' of undermining their support with proposals that looked to the right (p. 226).

Home Office and control over work on nationality law, including the timing and content of proposals, was centralised in a committee under Callaghan's chairmanship.¹⁰⁵ The Prime Minister had been more cautious over pursuing reform and was strongly focused on the immigration implications of redrawing nationality. In December, he requested an assessment 'of the likely impact on immigration if [the] proposals are published...where would the immigration be from...[a]nd what would be the long-term impact on immigration after the new legislation?'¹⁰⁶ This concern was reinforced in early-1977.

Merlyn Rees had argued that the controversy likely to surround publication of the Franks Report might be tempered if nationality reform proposals were published simultaneously, distracting attention from the most awkward conclusions of the Committee.¹⁰⁷ But, seeking a stronger and more positive response, Callaghan, under advisement from the Policy Unit and the Cabinet Secretary, had rebuffed the suggestion as weak and unsatisfactory.¹⁰⁸ Publication was thus delayed and, questioned on reform in the House, Rees played down the possibility of swift action: '[o]n nearly every page of the report I inherited I have found what I might describe as a minefield that would cause the gravest problems, and any legislation on the matter would make the devolution Bill look like a one-clause measure.'¹⁰⁹ Hyperbole aside, the proposals were naturally complex, yet they were nonetheless in a form suitable for publication and Rees damped enthusiasm for immediate action – perhaps even against his better judgement – in pursuit of the wider political goal of being seen to respond to immigration issues with a toughening of the control scheme the Labour government itself, under the previous Prime Minister, been seen to loosen.

The Green Paper, *British Nationality Law: Discussion of Possible Changes*, set itself the goal of redressing what was seen as the key deficit of citizenship law, and the issue that placed Britain 'at a disadvantage compared to most other countries', namely the

105NA, PREM 16/932, Minute from Hunt to Peterson, 5 May 1976.

106Quoted in, NA, PREM 16/932, Minute from Meadway to Morris, 31 December 1976.

107NA, PREM 16/1306, Minute from Home Secretary to Prime Minister, 31 December 1976, pp. 2-3.

108NA, PREM 16/1687, Minute from Cabinet Secretary to Prime Minister, 1 February 1977, p. 4; Minute from Tom McNally to Prime Minister, 18 January 1977; Minute from Bernard Donoughue to Prime Minister, 1 February 1977; Minute from Tom McCaffrey to Prime Minister, 2 February 1977; Donoughue, *Diary*, Vol. 2, p. 140.

109Parliamentary Debates (Commons), vol. 925, cols. 1436-37.

lack of a definition, key to a useful framework of nationality, of 'those who have a close connection with the United Kingdom'.¹¹⁰ In pursuit of this objective, the Green Paper posited a binary division of citizenship into broadly domestic and international categories: British citizenship and British Overseas citizenship (BOC). The first would be granted to those 'born here, adopted here or [who] acquired citizenship here by some voluntary act such as applying for naturalisation or registration', with the caveat that 'those who, though they are registered in the United Kingdom, are not, under our present law, exempted from immigration control' would initially be excluded, pending a decision on length-of-residence or other prerequisite requirements.¹¹¹ The second category, BOC, would include those born, naturalised or registered in an existing dependency or those (such as British Protected Persons) who would not qualify for British citizenship, but who held no other nationality. It was proposed to draft this latter category such that it 'would be derived solely from connection with the dependencies which still exist', to avoid a situation where 'there would still be many British Overseas Citizens scattered over the world in a hundred years' time with the right of entry neither to the United Kingdom nor to a dependency'.¹¹² The main aim, then, was to restrict BOC status to those who had right of entry to a dependency and not to provide a general citizenship, disassociated from any individual dependency but nominally attached to Britain, that might perpetuate the very anomalies fresh legislation was proposed to cure.¹¹³

These proposals, of course, touched upon Britain's external relations as well as domestic politics, and Foreign Office officials expressed concern about the reception the potentially 'controversial' proposals would receive in the Commonwealth.¹¹⁴ However, this was a deeply pessimistic assessment and, in bilateral discussions, it seemed largely incorrect. The responses from Commonwealth governments were far more directly influenced by the conditions prevailing in specific member states rather than from a generalised view that Britain was seeking to renege on her constitutional role or even that the 'common code' of citizenship was under

110*British Nationality Law: Discussion of Possible Changes* (Cmnd. 6795), April 1977, p. 7.

111Cmnd. 6795, p. 12.

112Cmnd. 6795, p. 23.

113Ibid.

114NA, FCO 53/520, Minute from Brown to Hawley, 27 April 1977.

threat (itself perhaps an implicit statement about the state of Commonwealth relations in the late-1970s).¹¹⁵ As a result, Callaghan favoured bilateral discussions over a formal approach to the Commonwealth Heads of Government Meeting.¹¹⁶ So, although the Indian government had suggested that immigration in general might become 'contentious',¹¹⁷ and expressed concern about the future status of East African Asian UK passport holders resident in India,¹¹⁸ the response from the rest of the Commonwealth had been 'negligible'.¹¹⁹ The Malaysian government were actually 'impatient' for the publication of a White Paper and the progression of legislation, to 'put an end to the anomalous position of dual United Kingdom and Malaysian citizens, particularly the so-called Queen's Chinese'.¹²⁰ Both the Indian and Malaysian attitudes illustrated that incongruous pockets of UK citizens across the former empire could prove political issues not just for the British, strengthening the case (if any were needed) in favour of tidying up these remnants of empire. Despite the earlier indignation of their press, the interest of the Australian government primarily related to the impact upon their own redrafting of citizenship law, which was at the time in progress.¹²¹

As Reiko Karatani has observed, the 1977 Green Paper withdrew from the suggestion, put forward in 1972 by the Labour Party, to extend citizenship rights – including right of abode – to colonial citizens, in favour of a system centred upon individuals who 'belonged' to Britain.¹²² Indeed, the structures of immigration control, particularly the patriality provisions of the 1971 Act (the ultimate legal progenitor of the concept of 'belonging'), were rigid and quickly ossified in an atmosphere in which repealing or altering legislation was at best difficult and

115In any case, official advice to ministers was to emphasise that new legislation 'would not represent a weakening of Commonwealth links and that legislation was to solve the difficulties of immigration control caused by the outmoded 1948 scheme.' (NA, FCO 53/520, Brief for meeting between Prime Minister and New Zealand Prime Minister, undated).

116NA, FCO 53/520, Record of a meeting with Lord Thomson on the Commonwealth Heads of Government Meeting, 27 April 1977.

117NA, FCO 53/520, Record of a meeting between Lord Thomson and Prime Minister of India, 12 April 1977.

118NA, FCO 53/521, Indo-British Official Talks, Session III (Item 4), 17 May 1977.

119NA, FCO 53/521, Note on Commonwealth reactions to Green Paper on changes in nationality law, undated.

120Ibid.

121NA, FCO 53/521, Visit by the Prime Minister of Australia, May 1977.

122Karatani, *Defining*, p. 183.

intimidating, both because of the accumulated awkwardnesses of further law-making in the field and the possible negative political consequences of stirring the 'immigration pot'. Moreover, as Callaghan accepted, the Labour government had worked within and administered the framework of the 1971 Act and, largely, the 1973 Rules, since taking up office in 1974¹²³ – they, too, were tied to its fortunes. In this atmosphere, patriality was taken as a convenient and effective, if not infallible, simulacrum of the 'consistent statement defining Britishness' which Karatani laments in discussions of reform more generally.¹²⁴

The failure to develop any more consistent or sophisticated definition was, in other words, the consequence of the effects of the 1971 legislation (which had yet to come into force on publication of the Green Paper in 1972) and the immigration control system more broadly, that Labour had not felt able – despite earlier promises – to repeal. Moreover, it was underpinned by the prevailing view, held since at least the beginning of the decade, that nationality reform was inextricably linked to future immigration security and that such a goal was key to the legitimacy of government on the issue. The Labour Party in particular hoped that certain principles inherent in the redefinition of nationality law would denude the 1971 Act of any putatively racial characteristics, even if it did simply transform that Act's precepts into a different sphere of legislation. This was a far more important issue for the government than was the extension of citizenship abroad, which seemed increasingly anachronistic, or the repeal of immigration law, which seemed tantamount to political suicide.

Even the 1972 Green Paper had acknowledged two alternatives: to restore privileges to citizens abroad, or to do away with the 1948 system in its entirety,¹²⁵ and one of the key virtues of a system that emphasised an individual's relationship with Britain itself rather than the former colonies was that it could be shaped so as to 'properly' reflect that relationship as it existed in reality, accounting for political change and immigration controls.¹²⁶ The Labour Party had placed far greater emphasis on building an immigration control system free of the taint of prejudice, no longer through repealing those Acts which were deemed discriminatory, but through

¹²³*Parliamentary Debates (Commons)*, vol. 944, col. 237, 14 February 1978.

¹²⁴Karatani, *Defining*, p. 183.

¹²⁵*Citizenship, Immigration and Integration*, Labour Party Opposition Green Paper (1972), p. 33.

¹²⁶Cmnd. 6795, p. 24.

codifying nationality law in a way that might cut the ground from under those arguments.

Policy after 1978

This chapter has suggested that the Labour Party slumped into a form of fatalism on the subject of immigration. By this, I mean that the party's political announcements were inflected in a tone emphasising that there remained little, if anything, that could be done to secure immigration control further. This could tend to promote a defensive and negative attitude towards the subject. Indeed, while Thatcher had accused the Labour Party of a deliberate misrepresentation of the Conservative policy agenda on the doorsteps of potential voters, the debate within the Labour Party seemed at least partially focused upon whether the issue was to be addressed on the doorstep at all. As Merlyn Rees had it, 'I have put it to Mrs. Thatcher that to use race as an electoral instrument is playing with fire...Although the matter could be considered reasonably at Westminster and in the columns of *The Times* and *The Guardian*, that was not possible on doorsteps in places such as Leeds.'¹²⁷ Denis Healey, too, argued that Thatcher was manipulating the issue to her political benefit. Since the party could not win the election on economics they were 'seeking to appeal to some of the baser elements of the human constitution and to arouse the emotions of hate and fear which she feels, cleverly exploited, might bring her party gains.'¹²⁸ If these statements had been designed to underscore the Conservative critique that the Labour Party, patrician and elitist in their disregard for supposedly prevalent anxieties, were out of touch with public opinion, and that the distance between government and governed was therefore an active and politically salient issue, they could not have been more efficient.

In February, Callaghan made overtures to the leaders of the other two main parties, in pursuit of a 'national approach' to the immigration issue, 'which can otherwise distort our community with hatred'.¹²⁹ He followed up this approach with a letter to both Thatcher and David Steel, amplifying and restating his commitment to

¹²⁷*The Times*, 'Thatcher idea "means forced repatriation"', 6 February 1978, p. 1.

¹²⁸*The Times*, 'Mr Healey criticizes Mrs Thatcher's electioneering', 1 March 1978, p. 2.

¹²⁹*Parliamentary Debates (Commons)*, vol. 944, cols. 235-6, 14 February 1978.

bipartisanship.¹³⁰ Predictably, while Steel was receptive to the suggestion,¹³¹ Thatcher declined, releasing a copy of her reply to the press, and reminding Callaghan that he had been far less keen on cross-party agreement when Labour had opposed the 1971 Immigration Act.¹³² Callaghan's proposition was at once a reflection of his desire to put national before party interests – to behave in a Prime Ministerial manner – and, on the face of it, a complete misreading of Thatcher's intentions. According to Donoughue, however, the offer was part of an overly-elaborate scheme to transfer scrutiny back onto the opposition: the Prime Minister had sought bipartisan talks, 'knowing [Thatcher] would turn it down, but thereby putting pressure on her.' This was singularly ill-judged and 'somehow it did not quite come off', leaving Labour in retreat on the issue, and no one, in politics or the press, willing to investigate and, Donoughue believed, discredit Thatcher's position.¹³³ Nevertheless, there were those on the backbenches who hoped to harry Thatcher, to exploit what they saw as the bitterness engendered by her tactics among ethnic minority groups, the clergy and others 'occupying the middle ground of society', and to turn this all to the government's advantage. In a meeting with the Whips' Office, Callaghan was told that '[t]here was a need to be positive and spell out clear policies and steal Mrs Thatcher's clothes, at least to the extent of not allowing her all the initiative.'¹³⁴

This need was made both more acute and more difficult to remedy, however, by the publication of a fresh Report by the Select Committee on Race Relations and Immigration (SCORRI) in March.¹³⁵ The Report was highly critical of the operations of the immigration control system in general and, although SCORRI Reports in the past had been welcomed for the research they brought to bear on the immigration question, this proved controversial for its advocacy of a startlingly tough approach. Most significantly, SCORRI advocated a change in emphasis from border controls to internal regulation, suggesting sanctions against businesses for employing

130NA, PREM 16/1688, Letter from Prime Minister to Margaret Thatcher, 14 February 1978.

131NA, PREM 16/1688, Letter from David Steel to Prime Minister, 15 February 1978.

132NA, PREM 16/1688, Letter from Margaret Thatcher to Prime Minister, 14 February 1978;
Statement by Margaret Thatcher, 14 February 1978.

133Donoughue, *Diary Vol. 2*, p. 288.

134NA, PREM 16/1688, Extract from the note of the meeting between the Prime Minister and the Whips, 8 March 1978.

135House of Commons, *First Report from the Select Committee on Race Relations and Immigration*, 13 March 1978.

illegal migrants, and proposing a broader government investigation of the possibility of 'internal controls'.¹³⁶ The Committee also recommended that 'the Government should make it unequivocally clear that in the foreseeable future *there will be no further major primary immigration* and that such immigration will only be allowed in exceptional individual circumstances'.¹³⁷ Some within the Conservative Party saw the potential, in the publication of SCORRI's Report, for Callaghan and the government to gain an easy route to undermining Thatcher's position, by appropriating policy ideas such as an absolute quota, 'and stealing some of our clothes – in which you always say [Callaghan] looks ridiculous!'¹³⁸ But if it was anticipated that SCORRI's conclusions would add a gloss of legitimacy to Conservative positions, allowing the government to undercut their arguments and co-opt their agenda, in fact the opposite was true. The Labour leadership faced pressure from within the party to reject the findings of the Report either out of hand or more selectively,¹³⁹ and Callaghan expressed concern that, if the Conservatives were to publish policy proposals at the same time as the SCORRI Report, this might actually be politically damaging, reinforcing the notion that the government was in retreat.¹⁴⁰

Although Callaghan continued to seek a 'positive approach', this itself was undermined by a remarkable scepticism among his advisers. Some in the Policy Unit were concerned that Rees' proposed statement responding to the SCORRI Report, in rejecting the need for a quota, would 'result in press stories, and perhaps headlines, to the effect that the Government has rejected the Select Committee's Report. This will be seen in complete contrast to Mr. Whitelaw's statement on Friday and will...put the Government even more on the defensive'.¹⁴¹ Intriguingly, this all occurred despite the announcement of a widely-reported and significant drop in immigration figures,

¹³⁶Ibid., p. xxix.

¹³⁷Ibid., p. xxx [emphasis added].

¹³⁸CAC, THCR 2/6/1/140, Letter from Geoffrey Finsberg MP to Thatcher, 26 January 1978.

Finsberg was here anticipating the content of the Report, which he claimed would 'go part of the way towards what Keith [Speed] has been saying' – that is to say, in support of a toughening of the political position on immigration. The reasons behind the repetition of the 'clothes' metaphor are unclear.

¹³⁹NA, PREM 16/1688, Letter from Roy Hattersley to Lord Chancellor, 28 March 1978.

¹⁴⁰NA, PREM 16/1688, Note of a meeting between Prime Minister and Home Secretary, 8 March 1978.

¹⁴¹NA, PREM 16/1689, Note from Tom McCaffrey to Prime Minister, 5 April 1978.

and an increase in the numbers of illegal migrants detained.¹⁴²

'[T]he problem', Callaghan observed, 'was almost entirely one of presentation, a balancing trick between being seen to take seriously the genuine worries of the majority of people about immigration and maintaining the support of party activists'.¹⁴³ The issue, then, was that to the Conservative Party, this was becoming, however tortuously, a largely positive correlation, whereas Callaghan's own party, because it sought the votes of black and Asian citizens, and because of the divide between the PLP and NEC over the SCORRI Report and immigration policy more broadly, saw it as largely negative. Moreover, Callaghan's personal attitudes became rather more gloomy and fatalistic:

We discussed immigration and law and order. The PM said that he did not think that we could ever win on these issues. They are Tory issues. We had to keep attacking on our policies – economic success, social policy, industrial relations, etc. On immigration, he ordered that ministers should meet and propose a reply immediately. Thatcher produced her plans to cut immigration.¹⁴⁴

Even more than a 'Tory' issue, immigration was regarded, by officials as much as politicians, as a *populist* issue, in which the opinions of the *Sun* and the *Daily Mirror* counted for more than the 'quality press'.¹⁴⁵

In rejecting parts of the SCORRI Report, Rees argued, the government were not repudiating the need for tight immigration control – rather, they were simply rejecting schemes which had been already discredited (the register of dependants), measures which were unnecessary in light of the prevailing conditions of declining migration figures (the notion of an absolute quota) or systems alien to the British tradition (so-called internal controls).¹⁴⁶ This rested heavily upon the tactical¹⁴⁷

142See, *The Times*, 'Immigration rate falls in 1977 by 11,432', 9 March 1978, p. 4.

143NA, PREM 16/1688, Note of a meeting between Prime Minister and Home Secretary, 8 March 1978.

144Donoghue, *Diaries Vol. 2*, p. 289 (17 February 1978). Callaghan told Donoghue that he believed they were witnessing a political 'sea change' such that it would not matter what was said or done, '[t]here is a shift in what the public wants and what it approves of...and it is for Mrs Thatcher'. See, Donoghue, *Prime Minister*, p. 191.

145NA, PREM 16/1688, Letter from R. M. Morris to Nigel Wicks, 22 March 1978.

146*Parliamentary Debates (Commons)*, vol. 947, cols. 648-49, 6 April 1978.

147The statistics were normally released in May, and Callaghan had asked that they be brought forward to 6 April, 'the earliest date physically possible' in order to 'offer a convenient peg for a

publication of the annual statistical review of migration, which showed a marked decline in settlement across the decade.¹⁴⁸ Such a focus was intended to avoid a situation whereby the government would be obliged to actively defend, or even specifically elucidate, its policy agenda.¹⁴⁹ Nor would a specific repudiation of Conservative policy be pursued and again, this was motivated by what Donoughue understood to be a policy of allowing focus to shift onto opposition policies he regarded as an unsustainable 'con' that might thereby be exposed.¹⁵⁰ This all represented a marked emphasis on tactics over strategy. The latter was now – in both main parties – fundamentally tied to nationality reform, on which subject Rees continued to doubt the government's ability to act.

This was made clear when immigration policy burst out into ugly controversy in 1979. *The Guardian* had revealed that gynaecological examinations to establish the virginity of women arriving in the UK for marriage had been conducted at Heathrow Airport.¹⁵¹ This led to a terse exchange between the government and the Commission for Racial Equality (CRE), who sought to establish an inquiry into the episode.¹⁵² Rees was sceptical, however, since the government were naturally keen to avoid 'stir[ring] up controversy about the whole subject of immigration.'¹⁵³ This has been seen as the 'grotesque' extension of the increasingly tight and personally intrusive immigration controls on families¹⁵⁴ as well as the inevitable outcome of what have come to be seen as the racial and gendered aspects of immigration control.¹⁵⁵

Parliamentary statement and precede Mr. Whitelaw's speech the following day revealing Conservative policy.' (NA, PREM 16/1688, Letter from R. M. Morris to Nigel Wicks, 22 March 1978).

148Home Office, *Control of Immigration Statistics 1977* (Cmnd. 7160), April 1978.

149NA, PREM 16/1689, Minute from Lord Chancellor to Prime Minister, 31 March 1978, p. 1. As Callaghan had it, '[w]e seemed to be accepting few recommendations [in the Report], mostly ones to do nothing.' (NA, PREM 16/1689, Minute from R. J. R. [?] to Wicks, undated).

150NA, PREM 16/1689, Memorandum from Donoughue to Prime Minister, 3 April 1978.

151*The Guardian*, 'Virginity tests on immigrants at Heathrow', 1 February 1979, p. 1.

152The Home Office were keen to prevent such an eventuality and one official argued, ominously, that an inquiry could provoke racial tensions and might threaten 'the credibility and perhaps future operation of the Commission itself'. (NA, HO 418/29, Note for the Record, P.J. Woodfield, 22 February 1979).

153NA, HO 418/29, Meeting with the Commission for Racial Equality, Brief for the Home Secretary, 20 March 1979, p. 2.

154Hansen, *Citizenship*, p. 230; Dummett & Nicol, *Strangers*, p. 252.

155Evan Smith and Marinella Marmo, 'Uncovering the "virginity testing" controversy in the National Archives: The intersectionality of discrimination in British immigration history', *Gender & History*, 23, 1 (2011), pp. 147-65.

Certainly, the episode pointed up a fundamental tension between fairness and 'toughness' and Alexander Lyon again spoke out against the government on this count, claiming that he had outlawed the procedure as Minister of State.¹⁵⁶ In discussions with the CRE, Rees indicated that he viewed the testing scandal as simply one more aspect of the continuing problems of immigration, that would persist 'until the nettle of citizenship had been grasped...[he] foresaw the greatest difficulty in getting legislation – a Bill of perhaps 200 clauses – through Parliament.'¹⁵⁷ By February 1979, there was simply no time left to grasp this particular nettle.

Conclusion

In making the 'swamped' comments, Thatcher came as close as was possible to assimilating Powell's message into official party doctrine, yet even after making such a strident intervention, she was obliged to temper her comments under Whitelaw's influence – to return back, if not perhaps to a Heathite balancing act, certainly to a position from which the party could make a concrete policy agenda while avoiding the most obvious accusations of racialism. Indeed, Powell himself suggested that the playing down of the issue immediately after Thatcher's comments suggested that the failure of the party to meet expectations in 1970 might be repeated.¹⁵⁸ This was echoed, ironically, by those in the party who argued that the boost to popularity the comments provided would be unsustainable if it was based upon the notion that the Conservatives would make a difference to the ethnic make-up of Britain's cities. This was exactly Powell's point – that it would be 'the cruellest folly or deception' to suggest an 'end' to immigration without the pursuit of repatriation on a substantial scale.¹⁵⁹

Callaghan's attempts to revitalise 'national' policy in the face of this challenge failed, then, because Thatcher's populism would seemingly have no truck with the precepts of bipartisanship on the subject. The deflation of the Conservatives' sudden lead in the polls, as the party worked to temper Thatcher's 'swamped' comments

¹⁵⁶*The Guardian*, 'I knew about virginity tests, says former Minister', 2 February 1979, p. 4.

¹⁵⁷NA, HO 418/29, Note of a Meeting with the Commission for Racial Equality, 4 April 1979.

¹⁵⁸Quoted in, Heffer, *Roman*, p. 801.

¹⁵⁹*Ibid.*

progressed into what Powell claimed was a *volte face*, seemed to suggest to Callaghan that his party were better served attacking on non-'Tory' issues. The fact that the cross-party SCORRI Report had been unanimous in its findings perhaps suggested that Conservative pressure had forced the Labour members and, by extension, the government onto the defensive¹⁶⁰ and, although there were those on the Labour backbenches who wished to 'steal Mrs. Thatcher's clothes', the leadership appeared wary of 'playing with fire'. Thus, although Thatcher was better able to present herself as striding out against the 'consensual' omerta, the pressure placed upon her to reject the overtly racial elements of the comments, and Callaghan's determination to meet them with a statesmanlike attitude, meant that the issue did not break out into full inter-party debate.

¹⁶⁰Layton-Henry, *Politics of Immigration*, pp. 157-58.

Chapter Seven

The Immigration Question and the First Thatcher Government, 1979-81

In the final chapter, I explore several episodes in the first Thatcher government, which address the main components of the immigration question: the promulgation of fresh Immigration Rules, designed to implement the Conservative policy agenda developed in opposition; the passage of the British Nationality Act 1981, representing the final act of a decade-long cross-party commitment to the revision of Britain's citizenship statute; and the eruption of violence in Brixton and elsewhere, widely regarded at the time and since as an expression of the deep-seated racial antagonisms which had threatened public order since the beginnings of Commonwealth immigration. I ask whether Thatcher's pursuit of a populist agenda on the subject of immigration could survive the transition to government and what effects, if any, that apparent commitment brought to bear upon policy initiatives.

1979 Election

The Conservative Party were unequivocal about their intentions on immigration control in their election manifesto. These corresponded to the themes Whitelaw had pressed in public and in private: ending the fiancé concession introduced in 1974; introducing a register of dependants; adopting a quota system; attacking illegal immigration; and, overlaying the whole scheme 'a new British Nationality Act to define entitlement to British citizenship and to right of abode in this country.'¹ Thus, the strategic pursuit of nationality law was connected, even given primacy over, tactical judgements regarding the most expedient means of limiting immigration in the immediate term. The Labour Party too acknowledged that the 'whole immigration and citizenship law needs revision', but again suggested that there

¹ Craig, *Election Manifestos*, p. 276.

was little action to be taken on immigration policy, since the nation 'still have some major commitments to fulfil', which could only be delayed or obfuscated through quotas and other punitive measures, never sloughed off.²

As a consequence of the increasingly public debates over immigration, particularly after Thatcher's *World in Action* interview, immigration and race were somewhat elevated in salience. We have already seen that the 'swamped' comments thrust Thatcher's party into an 11-point lead in the polls. Yet this was short-lived and Thatcher's attempts to differentiate the party from the Labour government, while initially successful, were eroded over the following two months as the party internalised, modified and qualified the statements, primarily under Whitelaw's guidance.³ Moreover, immigration was barely a subject of debate in the campaign and the policy proposals that emerged from the Conservative Party failed to either reinforce the support of those antagonistic towards immigration (such as Powell) or to increase electoral performance among black and Asian voters, resulting in losses in marginal seats with high migrant populations.⁴ By the time of the 1979 election, a majority of the electorate (61 per cent) believed the Conservatives would be 'tougher' on immigration than their opponents, but 'there was only a weak relationship between the voters' views on immigration and their party choice.'⁵ In north-east London, an enclave of far right support, there were significant swings towards the Conservatives and the National Front were utterly overwhelmed at the national level – a condition they ascribed to the hijacking of their message by Thatcher's Conservative Party.⁶

Immigration policy under Thatcher

Zig Layton-Henry presents the transition from opposition to government as a clash between an unstoppable force and an immovable object: 'between the populist

2 Ibid., p. 298.

3 Miller, 'What was the profit', p. 37. Miller argues that the key differentiator was repatriation, which Thatcher's speech had 'hinted at', and that would be the only substantive way to mark out the Conservative Party as different. However, the one party that unequivocally supported repatriation – the National Front – accumulated only 0.6 per cent of the national vote across 303 seats contested. Quoted in, Särilvik & Crewe, *Dealignment*, p. 39.

4 Butler & Stokes, *Election 1979*, pp. 185, 81, 199.

5 Särilvik & Crewe, *Dealignment*, pp. 242-43.

6 See, Pitchford, *Conservative Party*, p. 226.

authoritarian promises of the new regime and Whitehall pragmatism.⁷ In opposition, the Party had been clear that, on gaining office, they would take initiatives quickly and decisively, yet two issues much vaunted before the election – the register of dependants and an absolute quota on entry – made no subsequent appearance in government statements on policy and certainly never emerged as formal proposals. It has been argued that Whitelaw was in any case unsure that at least one of these would work:

Our manifesto...included a pledge to establish a register of all New Commonwealth citizens entitled by family connection to settle in Britain. Willie in fact regarded this as quite unworkable in practice. Once he was installed in the Home Office, he succeeded in getting it dropped.⁸

We have already seen that the Franks Report had raised significant objections to the adoption of such a register, and placing hopes for a strategically-sound policy upon largely discredited initiatives was certainly doubtful. As we have seen, however, Whitelaw may well have placed rather more faith in the notion of an absolute quota on entry, raising the possibility that this idea fell from grace as a result of received Whitehall wisdom.⁹

The unexpected arrival of Vietnamese refugees fleeing Communism pressed the new government into action on migration issues.¹⁰ While Thatcher heard

7 Layton-Henry, *Politics of Immigration*, p. 187; Gamble argues that the party had few practical ideas of how to turn these populist issues into policy. (See, Gamble, *Free Economy*, pp. 199-200).

8 Howe, *Conflict*, p. 104.

9 If so, the opinion may have been expressed to Whitelaw informally, as no record of discussion of the proposal remains in the archive.

10 These were the so-called 'boat people', to whom Britain owed responsibility through the conventions of maritime law which stated that the passengers of stricken vessels encountered by commercial ships must be carried to port (in this case Hong Kong). In order to avoid their responsibilities under this Act, masters of ships were encouraged where possible to re-route their journeys in order to avoid areas of open water Vietnamese boats were known to be passing through. (See, PREM 19/129, Note for the Record, 14 June 1979, p. 2). The refusal of the government to address themselves to the broader impacts of the law upon masters of ships occasioned concern in the General Council of British Shipping, who wrote to the Prime Minister to express their concerns. (See, NA, PREM 19/129, Letter from President of General Council of British Shipping to Prime Minister, 29 May 1979). The shipping company maintaining the ships in question – Bank Line – also wrote to the Prime Minister to express their dismay at the potential commercial impacts. (See, NA, PREM 19/129, Letter from Lord Inverforth to Prime Minister, 30 May 1979). Political pressure stemming from an attitude of humanitarianism was therefore bolstered by pressure stemming from the protection of private interests in the matter.

arguments from Whitelaw and Foreign Secretary Lord Carrington that the reception of these refugees was a necessary humanitarian obligation, supported by many figures in the party,¹¹ she was dubious of the legal necessity of such action¹² and concerned about the potential impact of accepting responsibility on the government's public standing.¹³ In a letter to Nicholas Winterton, who had forwarded correspondence hostile to the proposed acceptance of the refugees to her office, Thatcher wrote that she could 'well understand the feelings expressed in [the letters].' She assured Winterton (and others who wrote in a similar capacity) that the Vietnamese situation would not undermine the 'extremely important' commitment to tight immigration control, which she and her government were determined to implement.¹⁴

In November 1979, the government published a White Paper laying out their proposals for new Immigration Rules to fulfil this commitment.¹⁵ These sought, in large part, to address the questions of marriage and the consequent provision of citizenship to foreign husbands and wives in such a way as 'to curtail the exploitation of marriage as a means of primary immigration'.¹⁶ To this end, the proposals outlined tighter controls on entry for the purposes of marriage or of family reunification. Two points are of significance, both of which applied to men.¹⁷ First, in addition to satisfying the entry clearance officer that the marriage was not proposed or contracted 'primarily to obtain admission to the United Kingdom' and that the parties to the marriage would live permanently together, the new Rules stipulated that entry should

11 See, NA, PREM 19/129, Note for the Record: Vietnamese Refugees, 14 June 1979.

12 The Attorney General repeatedly made clear to Thatcher that the government were under no legal obligation to admit the refugees, since the 1951 Convention applied only when a ship entered the territorial waters of the receiving state. (See, NA, PREM 19/129, Note of a meeting to discuss the problem of Vietnamese refugees, 29 May 1979, pp. 2, 4).

13 Thatcher was 'fearful of public opinion' if the refugees were taken in and of the UK as being seen as a 'soft touch'. (NA, PREM 19/129, Vietnamese Refugees – the Roach Bank: Note for the Record, 4 June 1979, p. 2). She believed there would be 'riots in the streets' if the refugees were given housing provision. (NA, PREM 19/129, Note for the Record: Vietnamese Refugees, 14 June 1979, p. 2).

14 NA, PREM 19/129, Letter from Thatcher to Nicholas Winterton, 11 June 1979.

15 Home Office, *Proposals for revision of the Immigration Rules* (Cmnd. 7750), November 1979.

16 Cmnd. 7750, para. 10.

17 On the subject of fiancées admitted for settlement, the Rules only stated that Immigration Officers must be 'satisfied that the marriage will take place within a reasonable time' and would not be reliant upon public funds before admitting the woman for three months (Cmnd. 7750, para. 55). Wives were granted right to enter, again providing they would not have recourse to public funds (Cmnd. 7750, para. 55).

not be granted in cases where the parties to the marriage had not met. Further, female sponsors must be citizens of the United Kingdom and Colonies 'born in the United Kingdom or one of whose parents was born there.'¹⁸ These measures constitute what was termed the 'primary purpose' rule.¹⁹

The Rules were laid before parliament in February 1980.²⁰ When, in March 1980, Merlyn Rees brought a motion to reject the revised rules as tabled, Timothy Raison (Minister of State, Home Office) defended the government's position, arguing that it was 'a widely held view that primary immigration to this country should come to a halt.' in the interests of the unemployment situation, the capacity of social services to meet the needs of the population and to maintain good community relations.²¹ He defended the preoccupation with marriage in the rules by saying that the strict limits on unskilled migration were being undermined by the continued admission of men through marriage; more indeed, were admitted for permanent settlement in that manner than were permitted to stay on completion of four years' residence: 'In other words, the principal means of primary male immigration has become marriage rather than employment.'²²

In this, Whitehall pragmatism was largely in accord with political restrictionism. It had been the underlying message of the Hawley Report and the official criticisms levelled at entry control procedures since 1975 – that migration for the purposes of marriage had become a 'racket', subject to abuse as an alternate channel of primary immigration. We have already seen the manifold criticisms of practices at posts abroad and these were ultimately founded upon officials' questioning of political assumptions: the 'pool' of dependants was not finite, but self-perpetuating; this self-perpetuation was largely the result of liberalising the strictures upon marriage to foreign husbands; that the leniency of existing regulations hampered the work of Immigration Officers attempting to regulate migration through these channels.²³ The

18 Cmnd. 7750, para. 52.

19 On this, see, David Pannick, *The Primary Purpose Rule: A Rule with no Purpose* (London: Justice, 1993); Hansen, *Citizenship*, pp. 232-33.

20 *Statement of Changes in Immigration Rules*, 1979-80, HC-394, 20 February 1980.

21 *Parliamentary Debates (Commons)*, vol. 980, col. 1025, 10 March 1980.

22 *Parliamentary Debates (Commons)*, vol. 980, col. 1026, 10 March 1980.

23 NA, FCO 50/583, Report of a visit to posts in the sub-Continent made by Mr D F Hawley, 6 January 1976.

intimidatingly stringent 'primary purpose' rule was designed to block such passages. In adopting it, Thatcher's government remorselessly pressed the logic of processes which had begun before the assumption of office. In closing the 'loophole', however, government had placed an enormous, unwelcome and extremely controversial burden upon prospective migrants. The authority of the state was permitted to intrude upon the private sphere of the family and the individual in cases where immigration security and public 'anxiety' were seen as paramount precisely because the legitimacy of the existing system had been challenged on those terms.

Nationality reform [v]

We have seen the accumulating pressure for reform of the nationality laws and the cross-party appeal attached to the creation of a British citizenship for the post-imperial era as it developed through the 1970s. Edward Heath's desire to 'sort out citizenship', however, despite the many iterations of committee through which it had passed and the various political frames which had been imposed upon it in the interim, was unrealised by the time of the 1979 election. The Conservative Party's manifesto commitment on nationality law came in the context of a set of associated promises to 'severely restrict' the issue of work permits, to end the concession to husbands and fiancés, to introduce a register of dependants and a global quota (excluding EEC migration) to limit absolute numbers of migrants to Britain.

It was difficult, then, to look upon changes to citizenship law as anything other than a measure designed to address the question of immigration control. Indeed, the previous government's consultation exercise, begun in 1977, had elicited some 400 responses the majority of which had come from migrants' rights groups in the UK and abroad, while 'relatively few comments [came] from people connected with the United Kingdom for generations, save in the matter of passing on citizenship to children born overseas.'²⁴ Reform was seen to impinge upon the interests of migrants and of Britons abroad, in reducing the spread of British citizenship. This objective, as we have seen repeatedly, was not exclusively a Thatcherite concern – it had underlain

²⁴ *British Nationality Law: Outline of Proposed Legislation* (Cmnd. 7987), July 1980, p. 1.

discussion of reform since the beginning of the 1970s, and it had shaped the work of officials that now found expression in formal policy.

The Bill held a simple aim at its core – the definition of British citizens to the exclusion of the former Empire. But this task was complicated by the contradictory nature of nationality under the 1948 Act, the subsequent contortions of immigration control law which had been superimposed upon it and the rather contradictory public pronouncements of the government regarding the purposes of the new legislation. On a trip to India, Thatcher claimed that the purpose of the new Bill was to prevent migrants 'pouring in' to Britain in 'unlimited numbers'.²⁵ The Bill had already been criticised in by sections of the Indian press as racially discriminatory²⁶ and given that one of Thatcher's aims in visiting India had been to correct what she argued were misconceptions of the Bill,²⁷ the comments were all the more surprising. Moreover, they stood in contradiction to Timothy Raison's assertions at Conference²⁸ and later in the House, that the Bill was not an immigration measure.²⁹

The structure of the new scheme of nationality turned on a tripartite division: British citizenship; British Dependent Territories citizenship and; British Overseas citizenship. British citizenship was installed in place of Citizenship of the United Kingdom and Colonies for those defined as patrial under the 1971 Act – that is, those who already held right of abode through birth or adoption in Britain, descent or registration/naturalisation after a prescribed period of residence.³⁰ Thus, it carried with it full rights of entry and residence, in addition to civic rights including the franchise.

The secondary categories of nationality were, in many ways, barely nationalities at all. BDTC was granted to those living in the remaining dependent territories, by far the largest of which was Hong Kong, but which also encompassed

25 *The Times* 'Indians told immigrant controls are essential', 18 April 1981, p. 1.

26 Quoted in, *The Times*, 'Delhi press detect racism in Nationality Bill', 20 January 1981, p. 7; this was an issue Gandhi herself picked up on, saying that the Bill had 'discriminatory elements'. Quoted in, *The Times*, 'Indians', 18 April 1981, p. 1.

27 *The Times*, 'Indians', 18 April 1981, p. 1. In her memoir, Thatcher notes that the Bill had been a 'thorny' issue in bilateral relations with India, but that the 'good relationship was not soured for long by the dispute over the...Bill.' (See, Thatcher, *Downing Street*, p. 161).

28 See, *The Times*, 'Right to live in Britain to be set out', 9 October 1980, p. 6.

29 *Parliamentary Debates (Commons)*, vol. 5, col. 980-81, 3 June 1981.

30 British Nationality Bill, 1981, Clause 1.

Gibraltar and the Falkland Islands. This status carried with it right of entry into the particular dependent territory in which the holder resided, but did not carry right of abode in the UK. Thatcher and Whitelaw had resisted calls to modify the BDTC category and to extend specific citizenships to, in particular, the Falkland Islands, as unworkable.³¹ It had also been decided not to pursue a consultative exercise with the Commonwealth countries concerned, since nationality law was regarded as a matter for the British government alone.³² The question of BDTC status had raised concerns in Hong Kong that it marked a governmental intention to loosen the ties between the island and Britain.³³ Questions of consular protection and freedom of movement under this citizenship were particularly acute and the government sought – privately and publicly – to make clear that there would be no abrogation of 'the United Kingdom's moral or constitutional responsibilities' for the dependent territories.³⁴

BOC was offered as little more than a fig leaf to the residuum of individuals to whom Britain owed some historic responsibility, but who qualified for neither of the other two categories and who, not holding the citizenship of the independent Commonwealth country in which they resided, would otherwise have been rendered formally stateless by the operation of the Act. In practical terms however, without an additional citizenship, these individuals were stateless, since BOC carried with it no right of abode to any country, least of all Britain. However, the main categories of persons falling with the definition of BOC were the East African UK-passport holding Asians who had already been guaranteed settlement by the 1968 Special

31 NA, PREM 19/486, Minute from Home Secretary to Prime Minister, 4 June 1981.

32 This followed an exchange between Alexander Lyon and Timothy Raison (Minister of State, Home Office). Lyon had asked the minister whether formal consultations with the Commonwealth countries concerned had been undertaken, to which Raison replied that the government were 'having a number of discussions with Commonwealth Governments on a wide variety of topics to do with nationality' (see, *Parliamentary Debates (Commons)*, vol. 983, col. 1596, 1 May 1980). In written follow-up notices, Raison informed Lyon that, although formal discussions had not taken place, the subject had been informally discussed with the governments concerned at frequent intervals and that the UK government felt that there would be little advantage to formal discussions as the matter of citizenship was one for the UK alone. (Contained in file reference, NTY/80 1/360/3, obtained under FoI Request No. 14801, 27 May 2010).

33 Contained in file reference, NTY/81 1/360/52, obtained under FoI Request No. 14801, 27 May, 2010.

34 Contained in file reference, NTY/81 1/360/52, obtained under FoI Request No. 14801, 27 May, 2010; see also, *Parliamentary Debates (Commons)*, vol. 997, cols. 942-43, 28 January 1981 (William Whitelaw).

Voucher scheme.³⁵

One additional category was outlined: British subject. The term had become synonymous with 'Commonwealth citizen' (the status which effectively stood as its replacement under the 1948 Act) but in the new Bill, British subject was defined more closely as encompassing exclusively those stateless individuals in remaining colonies who were classified as 'British subject without citizenship';³⁶ women who had become British subjects under the British Nationality Act 1965³⁷ and; citizens of Eire who had taken up British subjecthood under Section 2 of the 1948 Act.³⁸ The terminology 'British subject' was also retained, in a consciously broader sense, because the Bill sought to deal solely in the question of the extension of *nationality*, rather than civic rights such as the franchise.³⁹ By leaving the rights of citizenship, other than the right of abode in Britain untouched, the Bill's provisions reinforced the notion that nationality law reform was a question of immigration policy.⁴⁰

Taken together, these secondary categories of citizenship amounted to an attempt to address the question of what one Conservative Party researcher had earlier termed the 'detritus of empire'.⁴¹ They were 'legal identities for those who fell through the cracks of decolonisation';⁴² temporary containers which would quickly dissolve into the international legal ether as the individuals holding them died and were unable to pass them on and as the remaining dependent territories (especially Hong Kong) passed from British control. Their in-built transience was a deliberate device to winnow the community of British citizens and diminish overseas commitments, without rendering any individual formally stateless.⁴³

The two most significant innovations related to the creation and perpetuation

35 However, the queue was long and the procedures for permitting settlement were resolved slowly.

36 British Nationality Bill, 1981, Clause 27.

37 Ibid.

38 Ibid., Clause 28.

39 Cmnd. 7987, July 1980, para., 107.

40 Robin M. White & Françoise J. Hampson, 'British Nationality Law: Proposed Changes', *International and Comparative Law Quarterly*, 30, 1 (1981), p. 255.

41 CPA, CRD 3/6/14, Memorandum from Patrick Cosgrave to Edward Heath, 19 March 1970; on the inconsistencies of categorisation of such individuals, see, Robert Moore, 'The Debris of Empire: the 1981 Nationality Act and the Oceanic Dependent Territories', *Immigrants and Minorities*, 19, 1 (2000).

42 Hansen, *Citizenship*, p. 220.

43 British Nationality Bill, 1981, Clause 33.

of the community of British citizens. Firstly, the absolute principle of *ius soli* – citizenship ascription by birth in the national territory – was replaced with a system which combined elements of citizenship by birth and by descent (*ius sanguinis*). Birth ascription was limited to those born in the United Kingdom one of whose parents was a British citizen or who was legally settled in the UK.⁴⁴ Secondly, citizenship would pass on for only one generation abroad. Persons born outside the United Kingdom would qualify for birth ascription if one parent was a British citizen by birth⁴⁵ or registration⁴⁶ or were in Crown service abroad.⁴⁷ Given that the purpose of introducing a fresh set of nationality measures was at least in part to overcome what was seen as the anachronistic spread of British citizens across the globe, it was hardly surprising that the new law sought to reduce to a minimum the capacity of individuals to pass on their citizenship abroad and, domestically, to prevent individuals temporarily resident on British soil from having British children.

The issue of citizenship by descent had proven the most difficult element to resolve. This was because the existent provisions for descent ascription were complex and multifarious, because the interests of citizens and to an extent businesses abroad were affected and because the Bill as a whole sought to reduce future immigration commitments. In August 1979, Whitelaw wrote to Francis Pym on the subject. The principle aim of the Bill, he argued, was 'to reform citizenship law by providing a citizenship which will define right of abode in the United Kingdom' and, in order to avoid a future 'immigration commitment', it would be necessary to prevent the development of groups of citizens abroad by ending the most anachronistic citizenship practices such as consular registration of birth.⁴⁸ This was underscored by

44 British Nationality Bill, 1981, Clause 1 (1). Clause 1 (3) permits the registration (i.e. automatic grant upon application) of a child born in the UK who did not qualify under Clause 1 (1) on the occasion of either parent being accepted for permanent settlement or themselves granted British citizenship.

45 Ibid., Clause 2 (1).

46 This stipulation was introduced as an amendment in Standing Committee and Clause 2 (1) was revised to remove reference to British citizenship 'by birth' as the objective criterion, replacing it with 'British citizen *otherwise than by descent* [emphasis added]', indicating that citizens by registration or naturalisation (that is to say, migrants who have become citizens) would be entitled to pass their citizenship on abroad in exactly the same way as citizens by birth.

47 British Nationality Bill, 1981, Clause 2 (2).

48 NA, PREM 19/486, Letter from Home Secretary to Francis Pym, 22 August 1979. This measure allowed expatriates living in non-Commonwealth countries to register their children as citizens – there had been no necessary time or generational limit placed upon it.

the fear that, although such routes to citizenship were largely the preserve of the descendants of British emigrants, such practices may be exploited 'by people from countries where there is a great pressure to enter the United Kingdom.'⁴⁹ Whitelaw was clear:

although I have much sympathy with families long resident abroad who have kept up their British connection and value their status I am convinced that the time has come when some limit must be placed on the extent to which citizenship is transmitted [abroad]. What was quite acceptable when the 1948 Act was prepared, long before we had an immigration problem, just is not acceptable now.⁵⁰

The Home and Social Affairs Committee had argued that the provisions for passage of citizenship abroad ought to be more widely-drawn so as to 'treat business men similarly to Crown servants'⁵¹ and, while this might increase immigration pressure in future, it would 'ensure the confidence of our business men overseas'.⁵² However, it was acknowledged that any broader concession based upon long ancestral rather than immediate familial or commercial connections would be regarded as 'racialist' (a judgement based, in no small part, upon the debates over patriality in 1971) and in any case the 'result of this would be to add enormously to the numbers of people who would acquire the right of entry to the United Kingdom.'⁵³ Thus, the concessions did not extend beyond the principle of passage for one generation abroad, whether in the case of 'kith and kin' arguments or the more limited proposal that British citizens working abroad might maintain a connection with the UK. This was heavily criticised from the right wing of the Conservative Party as obfuscating the idea of English ethnicity: 'race and racial origin are not mentioned in the Bill, and John Bull becomes a very shadowy figure indeed.'⁵⁴

The Labour Party took the decision to oppose the Bill in its entirety. Its provisions were in some respects a convenient hook upon which to hang the long-

49 Ibid.

50 Ibid.

51 NA, PREM 19/486, Minute from Home Secretary to Prime Minister, 21 June 1980.

52 NA, PREM 19/486, Minute from Home Secretary to Prime Minister, 26 June 1980, p. 2.

53 NA, PREM 19/486, Citizenship by Descent, August 1979, pp. 5-6.

54 *Parliamentary Debates (Commons)*, vol. 997, col. 989, 28 January 1981 (John Stokes).

standing grievances within the party against the weight of immigration law since 1971. Michael Foot pressed for the Bill to have all its stages read on the floor of the House, as a constitutional measure.⁵⁵ Roy Hattersley, the party's Home Affairs spokesman, took up the substantive objections to the Bill in late January, including the alterations to the *ius soli* provisions; the lack of a right of appeal against refusal of naturalisation; that British Overseas citizenship was 'entirely worthless'; and the removal of a woman's right to acquire citizenship automatically upon marriage to a British citizen.⁵⁶ At the end of his speech in the Second Reading debate, Hattersley sought deliberately to evoke the spirit – and the words – of Hugh Gaitskell, quoting from the debates on the 1962 Commonwealth Immigrants Act: 'the test of a civilised country is how it behaves to all its citizens of different race, religion and colour.' Then, as in 1981, Hattersley argued, the Bill in question failed the test and Labour would stand against it.⁵⁷ The evocation of Gaitskell's soaring rhetoric was an obvious attempt to re-associate the opposition of the early 1980s with that of the early 1960s, the last time the Labour Party had had the luxury of moral certitude on the matter, but Hattersley's arguments amounted to little of substance. Despite his criticisms of the lack of positive content in the Bill, the proposed alternatives amounted to little more than ensuring the the Bill was 'clean of all racial considerations'.⁵⁸

The debates were extensive – the Standing Committee stage alone proceeded at an agonisingly slow average speed of five lines per hour – and government business managers became increasingly anxious that this dawdling progress would mean a key part of the (already heavily crowded) legislative agenda might languish in committee limbo well into the following session. It was decided in April to end this protracted process by subjecting the Bill to an Allocation of Time⁵⁹ measure (the parliamentary 'guillotine') to restrict future time spent in its discussion – a course all the more

55 A motion was tabled to do so, but was voted down 292-243. See, *Parliamentary Debates (Commons)*, vol. 997, col. 1047, 28 January 1981.

56 See, *The Times*, 'Hattersley attack on Nationality Bill', 19 January 1981, p. 2; NA, PREM 19/486, The British Nationality Bill, Conservative Research Department, HAC (81) 2, 23 January 1981, pp. 7-10.

57 *Parliamentary Debates (Commons)*, vol. 997, col. 956, 28 January 1981.

58 *Parliamentary Debates (Commons)*, vol. 997, col. 946, 28 January 1981; Karatani, *Defining*, p. 183.

59 *Parliamentary Debates (Commons)*, vol. 3, cols. 792-840, 29 April 1981; NA, PREM 19/486, Letter from S. W. Boys Smith to N. J. Sanders, 24 April 1981.

attractive since some Lords (and Bishops) had made no secret of their desire to see the Bill subjected to significant Amendments and government had no authority to impose similar time constraints upon the 'other place'.⁶⁰ The Bill passed into law on 30 October 1981 and came into force on 1 January 1983.

In reducing the spread of citizenship, and in its association with immigration control, the Act has been characterised as placing 'greater significance on parentage than on geography...so position[ing] the 1981 act within the larger postwar discourse of blood, family, and kith and kin.'⁶¹ Undoubtedly, immigration concerns shaped its provisions. At each point in the drafting of Bill, as we have seen, decisions were taken according to or influenced by assumptions about the future impact on immigration as a consequence of the creation or perpetuation of British citizenship communities abroad. This was largely because, for the course of the preceding decade, both political parties and Home Office civil servants saw the redrawing of nationality law as the ultimate solution to repeated immigration crises stemming from the anomalous lack of national citizenship.

However, as we have seen, the Act was criticised as being *insufficiently* concerned with race by those in the party who sought a more homogeneous idea of citizenship and, in comparison with a truly ethno-cultural conception of citizenship, as pursued in contemporary Germany for example, the British experience seems characteristically pragmatic as well as comparatively open and inclusive.⁶² Indeed, despite arguments about kith and kin, the only people who lost the right to citizenship completely were individuals living outside the Commonwealth who had, through successive generations, maintained their UK citizenship by consular registration of births.⁶³ For one thing, these individuals were assumed to be overwhelmingly the white descendants of Britons abroad and if they chose to resettle in Britain their children

60 *The Times*, 'Nationality Bill curb accepted after battle', 30 April 1981. Thatcher had been warned by the Cabinet Secretary that the use of the 'guillotine' – while it would likely secure the passage of the Bill in time, would antagonise relations with the opposition 'and provide the Lords with further reason for a lengthy debate there.' (NA, PREM 19/486, Minute from Cabinet Secretary to Prime Minister, 17 December 1980, p. 2).

61 Paul, *Whitewashing*, p. 183.

62 Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Mass.: Harvard University Press, 1992), Chapter 8; Hansen, *Citizenship*, p. 217; Marc Morjé Howard, *The Politics of Citizenship in Europe* (Cambridge: CUP, 2009), Chapter 6.

63 NA, PREM 19/486, Citizenship by Descent, August 1979, p. 4.

would be fully entitled to take up British citizenship.⁶⁴ In the intervening years, certain elements of citizenship naturalisation have been tightened or made more conditional,⁶⁵ however, 'even with...the resulting push for "civic integration" as a condition for citizenship, Britain remains one of the most liberal countries within the EU-15.'⁶⁶

'The veneer of civilisation is very thin'⁶⁷: 1981 inner-city riots

The closure of the ongoing citizenship issue combined with the outbreak of inner city riots in 1981⁶⁸ to place race relations back into the forum of political debate.⁶⁹ We have already seen the increasing connections between race policy and the fate of inner city areas, where deprivation could become commonplace. Both Jim Prior and Ian Gilmour had expressed reservations that, unless the government were seen to show more concern about unemployment, urban disenfranchisement would inevitably manifest itself in unrest, and the riots seemed the fulfilment of their predictions.⁷⁰ Michael Heseltine had been quick to press Whitelaw on the possibility of using a rejuvenated and better-funded Urban Programme to 'help other policies in dealing with race problems.'⁷¹ These opinions were echoed by Patrick Jenkin, who wished the Urban Programme to be used more expansively, to address health and social issues as well as economic redevelopment.⁷² Mark Carlisle, too, saw the Programme as 'the only means of channelling government resources into particularly worthwhile projects in areas of greatest need.'⁷³

64 Ibid., p. 5.

65 The 2002 Nationality, Immigration and Asylum Act introduced, among other things, a more stringent language requirement and a 'Life in the UK Test', designed to measure civic integration through knowledge of institutions. This has faced ridicule from the popular front of the historical profession for its 'weird obsession with immigration'. (See, Dominic Sandbrook's article in *Daily Mail*, 'How I failed the citizen test', 19 December 2009).

66 Howard, *Politics of Citizenship*, p. 161.

67 Margaret Thatcher, quoted in, *The Times*, 'Thatcher calls off Toxteth visit', 11 July 1981, p. 2.

68 See, Chapter 1.

69 Donley T. Studlar, "'Waiting for the catastrophe": Race and the political agenda in Britain', *Patterns of Prejudice*, 19, 1 (1985); Saggar, *Race and Politics*, pp. 134-35.

70 Campbell, *Iron Lady*, p. 113.

71 NA, PREM 19/484, Letter from Environment Secretary to Home Secretary, 7 May 1981.

72 NA, PREM 19/484, Letter from Secretary of State for Social Services to Home Secretary, 21 May 1981.

73 NA, PREM 19/484, Letter from Education Secretary to Home Secretary, 26 June 1981

In the immediate aftermath of the Brixton riots in April, Whitelaw announced the establishment of an inquiry under Lord Scarman.⁷⁴ The resulting report offered an assessment of the disorder as well as recommendations on reforms to the police service and more general discussion of the nature and extent of racial disadvantage.⁷⁵ Brixton, Scarman observed, was similar to many other areas of urban deprivation around Britain: it was plagued by serious housing problems and a general lack of amenities; the population (36 per cent black) was young, working class and often transient. The black community faced similar problems to the white, only more severe – family, education, unemployment and discrimination were identified as areas of particular difficulty, leaving young black people with a particular sense of 'frustration and deprivation'.⁷⁶ Scarman was left in no doubt that racial disadvantage had become a fact of British life which, if left unchecked, might 'become an endemic and ineradicable disease threatening the very survival of our society.'⁷⁷ In order to avoid this eventuality, Scarman called for a reinvigoration of existing anti-discrimination policy and a more co-ordinated approach to the question of alleviating racial disadvantage, with a stronger role for central government.⁷⁸ Although Britain was not institutionally racist, disadvantage and discrimination continued to exist and to poison the atmosphere.⁷⁹ The report largely fell back upon findings made by the Home Affairs Select Committee⁸⁰ and its view of racial disadvantage, urging the implementation of an integrated social policy that involved local communities, the private sector and the police, to tackle disadvantage.

In December, Michael Heseltine announced a £95 million windfall to be spent on urban renewal projects⁸¹ and the development of his personal role as 'Minister for

74 *The Times*, 'Lord Scarman to hold urgent public inquiry into weekend of rioting', 14 April 1981, p. 1. Scarman had previously presided over the inquiry into the Red Lion Square disturbances in 1974. The speed with which he had done so apparently marked him out as a good candidate.

75 *Home Office: Police Act 1964. The Brixton Disorders, 10-12 April 1981*, Cmnd. 8427, November 1981.

76 Cmnd. 8427, p. 125.

77 Cmnd. 8427, p. 135.

78 *Ibid.*

79 *Ibid.*

80 Fifth Report of the Home Affairs Committee 1980-81, *Racial Disadvantage*, HC 424-1 (1981).

81 Although, as Gerald Kaufman observed, the decision to withhold more than £44 million in Rate Support Grant from 17 areas designated as 'partnerships' under the 1977 Act (on grounds that they had overspent) potentially reduced the impact of this one-off grant. See, *Parliamentary Debates (Commons)*, vol. 14, cols. 865-67, 9 December 1981.

Merseyside' helped to keep attention on the problems of the inner city.⁸² Heseltine had been isolated in a ministerial group on the inner cities that disagreed with his calls for greater funding, and the windfall was the product of Whitelaw's mediation between the Environment Secretary and 'those who did not want an extra penny for the cities for fear of being seen to reward rioters'.⁸³ The riots nevertheless produced a reinvigoration of interest in the Urban Programme as a social vehicle for dealing with ethnic problems, and the government shifted its focus to the voluntary sector (where black and Asian interests were generally better represented) and increased funding to £270 million in 1982-3.⁸⁴

This came at a time when race organisations were facing political criticisms for their inadequacy. The publication of a Home Affairs Committee report into the Commission for Racial Equality had recommended that its focus should be returned to an all-out attack on racial discrimination and that its grant distribution elements should be taken up by government departments. The Committee criticised the CRE for its 'incoherence' and noted that, although criticisms had been levelled at it by some for political reasons, others – who had been optimistic at the inception of the Commission – had become disillusioned with its practical achievements.⁸⁵ The effect of de-focusing the implementation and prosecution of race relations policy in favour of a more balanced, nominally strategic role to attack disadvantage and more deep-seated prejudice, then, was increasingly painted as a misdirection of quasi-government agency in pursuit of nebulous and counter-productive goals.⁸⁶

82 Thatcher – with a certain retrospective bitterness – was largely dismissive of this role, however, claiming that Heseltine (his priorities 'gravely distorted by his personal ambitions') preferred his honorary title to any real examination of local government finance and that, 'for the most part his efforts had only ephemeral results...Liverpool has defeated better men than Michael Heseltine.' (Thatcher, *Downing Street*, p. 424.) On Heseltine's personal role in Merseyside, see, Frost & Phillips, *Liverpool '81*, pp. 108-20.

83 Hennessy, *Whitehall*, p. 314. Hennessy claims that, had Heseltine pursued the issue further in formal Cabinet, he would have been defeated.

84 Ken Young, 'Ethnic Pluralism and the Policy Agenda in Britain', in, Nathan Glazer & Ken Young (eds.), *Ethnic Pluralism and Public Policy: Achieving Equality in the United States and Britain* (Aldershot: Avebury, 1983), p. 291.

85 First Report of the Home Affairs Committee 1980-81, *Commission for Racial Equality*, HC46-I, 23 November 1981, p. x.

86 As Anthony Messina illustrates, the Thatcher government were more sceptical about the value of the CRE. They declined to implement the proposed 24.7 per cent increase in the organisation's budget proposed by the outgoing Labour government and imposed a 3.3 per cent cut in 1980 and a nugatory 0.1 per cent increase in 1981. (See, Messina, *Party Competition*, p. 134.)

Moreover, Thatcher was determined to adopt a purely law and order approach to the riots in the immediate term at least.⁸⁷ She seemed at the time to read attempts at explanation of the riots as apologies for the rioters' behaviour, making repeated reference to the inexcusable breakdown of law and order⁸⁸ and later argued that 'conventional remedies relying on state action and public spending' were ineffective.⁸⁹ This view was bolstered by the opinion of the Metropolitan Police that the motives for the riots were largely criminal in nature, and much of the subsequent Departmental communication with the police was on the subject of equipment to allow them to address the question of future riots rather than the questions of improving race relations.⁹⁰ This was evident, too, in the policy outcomes of the Scarman Report, which focused on implementing the recommendations regarding police training and recruitment.⁹¹ The Prime Minister heard repeatedly in meetings with local authority and community representatives that unemployment was a key factor in creating the feelings and motivations that underlay the riots and that it weighed most heavily upon black and Asian groups.⁹² In Liverpool, 'there was general agreement that racial tensions had made at most a minor contribution to the origins of the disorders', although the local authority did acknowledge a degree of tension between white and black citizens, again stimulated by unemployment.⁹³ However, '[Thatcher] was very firm. Unemployment was no part of it.'⁹⁴ Or, as the recorder of one of these meetings put it, '[t]he Prime Minister said that although she disagreed

87 Campbell, *Iron Lady*, p. 114.

88 See, for example, NA, PREM 19/484, Letter from Andrew Jackson to Home Secretary, 9 July 1981.

89 Thatcher, *Downing Street*, p. 146. Rather, she saw the failure as one of generalised social authority 'in the home, the school, the churches and the state' (p. 147). In Cabinet, ministers heard of the social decay brought about by television: 'Though it was often claimed that it could not be demonstrated that television had a deleterious effect on standards of moral and social behaviour, the fact was that the generation of young people now growing up were habituated to watching television for many hours every day, and there was good reason to fear that television had undermined the traditional disciplines of family life, and had given prominence to violence in both news and entertainment programmes.' (NA, CAB 128/71/7, CC(81) 27th Conclusions, 9 July 1981, p. 3.

90 See, for example, NA, PREM 19/484, Letter from Willie Rickett to Colin Walters, 13 July 1981.

91 For a discussion of these outcomes, see, Timothy Raison, 'The view from the Government', in, John Benyon (ed.), *Scarman and After: Essays reflecting on Lord Scarman's Report, the riots and their aftermath* (London: Pergamon, 1984), pp. 244-57.

92 NA, PREM 19/484, Meeting with Liverpool local authority representatives, 13 July 1981, p. 3; NA, PREM 19/484, Note of a visit: Liverpool, C. J. Walters, 9 July 1981, pp. 1-2; PREM 19/484, Letter from Willie Ricketts to Andrew Jackson, 11 July 1981, p. 1.

93 NA, PREM 19/484, Note of a visit: Liverpool, C. J. Walters, 9 July 1981, pp. 1-2.

94 William Whitelaw interview, quoted in, Campbell, *Iron Lady*, p. 115.

with much that had been said [by the community leaders], she recognised the genuineness of their views.⁹⁵

The immigration question after 1981

Ian Spencer regards the '[n]ew immigration rules, described as "tough but fair", and the British Nationality Act of 1981...were really only footnotes to a work that had, to all intents and purposes, already been completed.⁹⁶ Indeed, in the wake of these measures, immigration 'dropped off the bottom of the political agenda' at the 1983 General Election.⁹⁷ In their manifesto, Labour carried their critique of the Thatcher government further, promising to repeal the 1971 Immigration Act and to introduce a fresh Nationality Act to reinstate *ius soli* and draw up 'objective tests' for naturalisation.⁹⁸ This did not amount to a rejection of the necessity for immigration control, which at every juncture of debate was accepted by the leadership,⁹⁹ but, as Messina argues, a recognition of the potential importance of Labour's non-white electorate at a time when the Conservatives seemed decidedly unsympathetic to minority voters.¹⁰⁰ On the Conservative side, it has been claimed, Whitelaw once again exercised his influence to minimise attention on the issue.¹⁰¹

For Pitchford, policy under the first Thatcher government contributed towards the reconciliation of many its right wing, populist critics with the (now more right wing) mainstream – the British Nationality Act, for example, 'went as far as moderate Monday Clubbers ever went'.¹⁰² As it had done in opposition, the party leadership rejected the most controversial and radical objectives emanating from the right (including the abolition of the CRE and the repeal of race relations law),¹⁰³ while

95 NA, PREM 19/484, Meeting with Liverpool community leaders, 13 July 1981, p. 3.

96 Spencer, *British Immigration Policy*, p. 147.

97 *The Guardian*, 'How Labour was trounced all round', 14 June 1983 (Ivor Crewe), p. 4.

98 Craig, *Election Manifestos*, p. 377.

99 *Ibid.*; *Parliamentary Debates (Commons)*, vol. 975, col. 265, 4 December 1979 (Merlyn Rees).

100 Messina, *Party Competition*, Chapter 7.

101 Interview cited in, Hansen, *Citizenship*, p. 211. The Conservatives maintained that their policies in government had been 'firm and fair', leading to a reduction in migration and the institution of a Nationality Act providing 'a secure system of rights and a sound basis for control in the future'. (See, Craig, *Election Manifestos*, p. 337.)

102 Pitchford, *Conservative Party*, p. 227.

103 Bulpitt, 'Continuity, autonomy, peripheralisation', p. 39.

continuing to seek to tighten immigration practices. By the mid-1980s, however, there were resurgent populist calls for a much more radical policy agenda than had been realised by government and elites were perhaps more ready to respond to these as populist attitudes gained credence at the centre.¹⁰⁴ Such arguments adduced culturally nationalist ideas that migrants were not 'truly British and fully committed to this country' and argued for a practical policy agenda that 'recognise[d] the need to limit the size of the problem' by ending immigration from the New Commonwealth and promoting voluntary repatriation.¹⁰⁵ Repeating arguments that multiracialism was 'an abject failure of government' and had been imposed 'without proper democratic consent', called on the Conservative Party to take up such policies, which, it was assumed, would win 'overwhelming support' from public opinion.¹⁰⁶ Arguments of ethnic immutability were thereby taken up by populists in the 1980s as part of a broader rejection of the political validity, the social acceptability, and the moral order of multiracial Britain.¹⁰⁷

Such arguments expose the potentially unlimited reframing of notions that New Commonwealth immigration to Britain suffered from some manner of democratic deficit. The reconciling of a populist agenda that seeks to tap this problem of representation as a means of attracting votes was held in permanent tension with concerns of party unity, party constituency, avoiding the appearance of blatant racial discrimination in legislation and the preferences and attitudes of political elites in both Westminster and Whitehall. While Thatcherite Conservatism undoubtedly represented a centralisation of some populist attitudes into government, these continued to be checked by the same constraints we have seen operating across the period under examination.

¹⁰⁴FitzGerald, *Black People*, pp. 27-8.

¹⁰⁵HHC, Patrick Wall Papers, DPW/40/67, Monday Club Policy Paper: "Race Relations" – The Eleventh Hour, October 1986, pp. 1-2.

¹⁰⁶Ibid., p. 3.

¹⁰⁷Behrens & Edmonds, 'Kippers, kittens and kipper boxes', pp. 342-47; Sagar, *Race and Politics*, pp. 177-79.

Conclusion

This thesis has examined policy making on what I have termed the New Commonwealth 'immigration question' – defined as migration controls, race relations legislation and nationality law – through a controversial period. We have seen the progressive tightening of controls, through the passage of the 1968 Commonwealth Immigrants Act, the 1971 Immigration Act and subsequent changes to the Immigration Rules; the establishment of more robust legal means to redress racial inequality, through the 1968 and 1976 Race Relations Acts; and the realisation of the long-held strategic goal of redrawing British nationality to the exclusion of the Commonwealth in the 1981 British Nationality Act. In examining the private debates behind these expressions of policy, the thesis has attempted to illustrate the range of determinants brought to bear upon, and by, political elites in addressing such controversial questions. In seeking to balance the contributions of political (ministers and party elites) and non-political actors (civil servants), the thesis has attempted to provide a clearer understanding of how the unquestionably important political imperatives at hand were implemented, balanced, or failed during the policy making process and how these eventualities came about.

In re-examining the notion that a political consensus gave way to more profound party competition on the issue after 1968, the thesis has reaffirmed the argument that the adoption of anti-consensual and populist arguments by the Conservative Party was a key explanation of the decline of bipartisanship. By bringing fresh archival research to bear on the question, however, it has also illustrated that the actions of officials could be highly significant in placing immigration issues back into the political realm. Indeed, it has shown that official perspectives, in particular, on the capacity of government to manage migration during the period, could themselves represent a highly significant precondition for the shaping of political arguments that previous elite action had been insufficient.

Equally, it has shown that such anti-consensual arguments as were adduced, were framed as questions of the political legitimacy and representativeness of mass migration and multiracialism in the context of an elite bipartisanship that had sought to remove immigration issues from the political arena.

Taking into account arguments questioning the operative extent of the 'postwar settlement' more broadly, the thesis has sought to examine how and why successive governments sought to manage specific issues within a non-political framework. The thesis illustrates the presence of internal Conservative Party debate over increasingly populist policies and the extent to which the party ought to pursue (in particular) black and Asian votes as a means of asserting its claims as a national party and realising its electoral goals. The relationship between the Conservative Party and right wing elements that sought to influence it (particularly on immigration issues) has been presented by one recent study as a kind of bureaucratic containment strategy.¹ This thesis has pointed towards attempts to manufacture a similar containment strategy in the realm of government. This is what I have referred to as managerialism – a partial renewal of the tenets of bipartisan policy making which accepted the public judgement that immigration ought to be more strictly controlled and that sought to quiet right wing critiques by appropriating some of their themes.

The basic tenets of an argument against immigration and ethnic diversity focused upon a denial of the legitimacy of government action was provided by Enoch Powell. Powell's arguments tied together the issues of immigration control and race relations law into a critique founded upon the notion that an unresponsive political elite had betrayed the public it ought to represent by permitting the establishment of large-scale ethnic diversity that would, if not reversed, result in a descent into racial conflict. This opened up the possibility of a public, elite politics of migration not only that was outside the mainstream of bipartisan policy, but that defined itself in opposition to the tenets of the prevailing Westminster view by attacking the terms in which that view had been conceived, along with the legitimacy of its central presumptions. Yet Powell's arguments were deeply controversial and the Conservative Party could not take on the message without modification and

¹ Mark Pitchford, *The Conservative Party and the Extreme Right, 1945-75* (Manchester: Manchester University Press, 2011).

qualification – a fact made worse by the adoption of similar themes by far right parties willing to pursue them to their logical conclusion. Moreover, because Powell's speech was seen as a betrayal of protocol and, in part, as a political grab at the leadership of the party, his arguments found even less favour among high-ranking Tories. Far from being debunked, then, arguments for a less politicised conception of the immigration question were reconstructed as a key element of immigration control and party political management.

Edward Heath arrived in government with a determination to take immigration out of politics by strengthening the protective carapace of administrative control and placing in the hands of the government the tools to institute a tough policy that might undercut arguments of political unresponsiveness while managing immigration humanely, in the national interest. In policy terms, such measures were realised in the 1971 Immigration Act, which increased significantly the administrative discretion of government to make immigration policy (through the implementation of Immigration Rules as secondary legislation) and, in what was undoubtedly an attempt at balancing right wing opinion, introduced provision for voluntary repatriation. Heath identified the re-drawing of British citizenship as the key strategic element of such a strategy. In this instance, however, his reliance upon officials to implement change significantly weakened his political strategy and the strength of managerialism was compromised over the Ugandan Asian crisis in 1972, which permitted a restatement and expansion of Powell's arguments against the 'yawning gulf' between government and nation.

As the managerial compromise had been shown to suffer weaknesses, some ideologically-driven members in each main political party sought to exert influence over what was seen as a potentially damagingly pragmatic approach to the immigration question. In the Labour Party, this contributed towards a strand of opinion which sought to repeal 'racist' immigration laws and turn the party towards an all-out assault upon the National Front and discrimination and disadvantage more generally, in the name of a resuscitation of its status as a working class political conduit. However, such objectives were only ever partially transferred into the policy sphere. The Labour governments after 1974 worked largely within the existing

frameworks of law and overall strategy, emphasising the need to continue to control migration and to expand anti-discrimination policy in the public interest. Modifications to the immigration control system (such as the effective amnesty for illegal migrants and the removal of strictures on fiancés), however, were perceived as liberalising. Moreover, there existed several basic differences of opinion between ministers and civil servants, over the alteration of control procedures, the size of the 'pool' of dependants and the possible implications of reforming and expanding political action in the name of race relations. This was all underpinned by a sense, inculcated in large part by the leaked Hawley Report, that the structures of control were too focused upon primary migration, at the expense of preventing 'abuses' in the system of secondary (family) migration. Such threats to governing competence undermined the broadly administrative compromise Heath had sought to strike, placing the issues at hand – immigration control, the development of race relations institutions, and nationality reform – squarely back into the political realm through ministerial action, administrative recusance and a politicisation of certain elements of officials' activities and opinions.

In the Conservative Party, this chimed with an ideological frame that sought the reinvigoration of national life through a promotion of private initiative and personal liberation from the misguided 'socialism' and 'elitism' of the postwar era. As a repudiation of the 'postwar settlement' developed, and national politics began to diverge, so a critique of immigration and race politics as deliberately unrepresentative and lacking in legitimacy could be assembled more consciously and with more validity, transcending or rephrasing the race issues that made a rejection of immigration *tout court* controversial. Couched primarily in terms of public 'betrayal', a critique of the management of immigration and race issues by a 'liberal', high-minded and unresponsive political elite apparently explained the diversification and fragmentation of political culture – the defection of voters to far right parties anathema to British traditions of tolerance and, to a lesser extent, their far left antagonists – and permitted an elevation of 'valid' public concerns into the *leitmotif* of a critique of Westminster governance as failed and unrepresentative. The repudiation of immigration consensus thus incorporated the language directed towards the

'postwar settlement' more broadly, as a rejection of practices of governance no longer seen to carry any validity.

There had always been room for political opportunism or demagoguery on the issue, most acute during times of crisis when the existing control system appeared to be failing, and that turned upon the inability of the political classes to represent the public's views on the issue. But this populism existed in a form that was basically incompatible with mainstream Conservative politics and values because it undercut the formal commitment to the equality of citizens before the law, it sought to use national institutions to perpetuate inequalities and it sought to compel individuals to return to their countries of origin. At the same time, such a politics, if it were to remain within the mainstream, could not accept wholeheartedly arguments founded upon the restoration of ethnic homogeneity. Thus, while Thatcher's 'swamped' comments hinted strongly at a culturally nationalist sympathy for white Britons hostile to migrants, the party elite's response was to temper such notions, which, it was pointed out, could not find meaningful expression in policy action. Populism came to be defined, rather awkwardly, as repudiating the *racial* populism of the National Front and (to a lesser extent) Powell in favour of a more compromised rhetoric of nation that tolerated, although never celebrated, and carefully monitored, although never wholly repudiated, the existence of diversity in Britain, while staunchly arguing for the tightest controls in future. This is what I have referred to as populism in discussing the Conservative Party.

In terms of policy, this shift was probably most marked by a comparatively minor event: the Conservative Party's refusal to participate in Callaghan's 1978 proposal of a 'national' approach to immigration issues, which marked an explicit break with the central notion of bipartisanship – to keep the issue out of political debate. The initiatives subsequently offered (including an absolute quota on entry and a register of dependants) placed a premium on the party's ability to effect strong management of immigration issues. In government, while such initiatives were dropped, those that were taken up (tightening the Immigration Rules and the 1981 British Nationality Act) were those that marked a congruence of the political objectives of the Conservative Party with the longer-standing administrative opinions

of officials about the problems of the control system. These criticisms had partially underlain critiques of the management of policy in the first instance and while they represented a significant tightening of policy, the extent to which the populism of opposition could be imposed in government was somewhat limited. While this satisfied many moderate critics, the capacity for populism on the subject to be re-framed as more profoundly intolerant of diversity remained to be taken up again by the party's right wing later in the 1980s.

In the policy sphere, nationality and immigration were therefore tied closely together. Race relations law, while ultimately connected to immigration issues, was subject to comparatively little competition between the parties. In 1968 and 1976, despite reservations, the Conservative Party did not actively oppose the passage of anti-discrimination statutes. The Labour Party, while pursuing anti-discrimination measures at the level of government, increasingly faced internal conflict over the possibility that such schemes could hope to address the growing confluence between entrenched urban decline, racial disadvantage and far right political incursions. In 1968 and 1976, Labour governments accepted the comparatively limited precepts of policy as correctives to existing law, rather than substantial extensions into positive action. Indeed, the race relations structures were 'more symbolic than proactive', governed from a liberal centre ground that marginalised the most vociferous calls for greater action.² While more radical proposals were heard at elite level (especially in the CPRS Report), these were comparatively ineffective at realising significant change because, in the context of reduced government spending, the possibility of achieving significant outcomes rested on controversial political decisions over fund allocations that would affect spending on areas of deprivation largely populated by white Britons.

Indeed, while the anti-consensual critiques of policy we have seen were often framed in terms of the legitimacy of elite actions, at the policy level, the central problem has been shown to be establishing what elites *could* do, at least as much as what *ought* to be done. This was the case, as suggested above, over questions of entrenched urban disadvantage, but also over nationality law and immigration policy,

² Favell, *Philosophies*, p. 107.

where continuing administrative discretion tended to emphasise the problems of decisive action, and where practices were already so tight by the late 1970s.

Implications and limitations of the thesis

This thesis as a whole has contributed towards an understanding of the elite-level debates that lay behind policy making on the New Commonwealth immigration question by bringing fresh archival research to bear on an issue previously under-explored. Rather than overturning scholarly orthodoxies, it has attempted to extend and qualify notions of consensus and dissensus within elite politics by illustrating the effects of internal party debates and interactions between ministers and the civil service on policy. Previously under-appreciated policy initiatives have been pointed up, and the reasons behind their successes, modifications, or their failures, evaluated. By pre-dating the political pursuit of nationality reform, for example, two things become clear: firstly, cross-party strategic aims were locked away in the pursuit of a redrawing of Britain's citizenship laws for a post-imperial epoch; secondly, this was a strategic project related almost exclusively to the goal of future immigration security. In highlighting official critiques of policy and political objectives, the thesis points towards deeper causes destabilising bipartisanship that pre-date the emergence of political dispute.

The idea of the Thatcherite Conservative Party striding out against a consensual 'myth' is a powerful one. Scholarly revisionism over the postwar consensus turns primarily on the idea that the substance of politics never really conformed to the theory: that, far from accepting the tenets of the 'postwar settlement', the parties were marked by ideological division and, in the Conservatives' case, a temporary political subordination of the philosophical acceptance of inequality.³ On the one hand, the rejection of consensus on immigration issues was unquestionably the rejection of something of substance: the idea – which we have seen present in both

³ John Ramsden, "A Party for the Owners or a Party for the Earners?" How far did the British Conservative Party really change after 1945?, *Transactions of the Royal Historical Society*, 37 (1987), pp. 49-63; Harriet Jones, 'A Bloodless Counter-Revolution: The Conservative Party and the Defence of Inequality, 1945-51', in, Jones & Kandiah (eds.), *Myth of Consensus*, pp. 1-16; Kevin Hickson, 'Inequality', in, idem. (ed.), *The Political Thought of the Conservative Party since 1945* (Houndmills: Macmillan, 2005), pp. 178-94.

parties, and that was quite effectively practically realised – that such issues *ought* to be removed from politics; on the other, the potency of populist critiques of bipartisanship were repeatedly blunted by a strategy of making policy intended to provide an empirical case for rejecting their worst implications.

Whether consensus on immigration was able to transcend the procedural realm of agreement over the parameters within which policy was debated seems questionable, however. In government, the parties held somewhat differing priorities. In addition to their obvious concern with race relations policy, the Labour Party took some liberalising measures (such as the 1974 concession to fiancés,⁴ and the revision of practices at posts abroad, so unloved by officials), to which there is no analogue from periods of Conservative government after 1968 that have been marked largely by tighter restriction. These differences nevertheless operated within the broad procedural formula of control and integration.⁵ The idea of a shared ideological definition of purpose – a more 'substantive' consensus⁶ – is far more difficult to substantiate and, indeed, it seems almost fallacious to do so, given the practical circumstances in which Frank Soskice initially brought the parties together in 1964.⁷ The shared idea in this was simply that immigration issues ought to be kept out of politics and, while it is likely accepting the arguments of its opponents too readily to label this a 'conspiracy of silence',⁸ it achieved sufficient success to be attacked on those terms.

The limitations of the approach adopted here, as I suggested in the introduction, centre primarily upon the issue of effectively locating politics so as to explain the outcomes of political processes. In studying the actions of ministers, civil servants and party elites, the thesis has focused strongly upon the production of politics within those institutions. This leaves (most obviously) public opinion comparatively under-explored. In light of the range of messages presented by government and opposition in the 1950s, it has been argued, 'the link between the

4 Although this was actually a reversal of a policy put in place by the previous Labour government.

5 This, for Favell, is one aspect of consensus that lived on. See, *idem.*, *Philosophies*, p. 113.

6 Nick Ellison, 'Consensus Here, Consensus There...but not Consensus Everywhere: The Labour Party, Equality and Social Policy in the 1950s', in, Jones & Kandiah (eds.), *Myth of Consensus*, p. 17.

7 See, Chapter 1.

8 Messina, *Logics and Politics*, p. 75.

political elite and public opinion [was] very tenuous' in shaping policy towards restriction.⁹ In an age of more systematic polling, the integration of public sentiment into elite judgements has been shown to be a valuable rhetorical device in shaping 'populist' arguments, and the idea that governments acted rationally in response to the electorate's demands has some clear value.¹⁰ The failure of immigration to achieve a higher salience at elections, and its evidently limited capacity to shape party choice,¹¹ suggests the complexities inherent in understanding the forces acting on elite politics. While this thesis has suggested that policy bipartisanship and the power of party leaderships influenced the limiting of debate,¹² the *effects* of this strategy on public opinion itself remain hard to access.¹³

At a more profound level, the conception of politics as the sum of party, political and official action unquestionably clouds the incorporation of cultural constructions of racial issues into the political agenda.¹⁴ For one thing, elite political debate may be effectively 'deracialised', loading its detailed study with awkward subtextual questions.¹⁵ Although certain policy makers (notably Roy Jenkins) were undoubtedly powerfully influenced by the empirical evidence of discrimination in British society to seek to redress it,¹⁶ this did not prevent the construction of immigration controls that discriminated at the border and arguably contributed to a sense of disenfranchisement and instability within migrant communities.¹⁷ In re-evaluating the notion of racism in policy, Hansen argues that 'the level of analysis must be shifted from a condemnation of the immigration system as a whole, or a given parliamentary act, to focus on which rule or rules are objectionable' if such

9 Money, *Fences*, p. 102.

10 Freeman, 'Deviant Case', pp. 297-300.

11 See, for example, Donley T. Studlar, 'Policy voting in Britain: The coloured immigration issue in the 1964, 1966 and 1970 elections', *American Political Science Review*, 72 (1978), pp. 46-72; Särilvik & Crewe, *Dealignment*, pp. 242-43.

12 A similar argument is made in, Messina, *Race*, pp. 181-82.

13 For an attempt to address questions of this sort, see, Lauren McClaren, 'Immigration and Trust in Politics in Britain', *British Journal of Political Science*, 42, 1 (2012), pp. 163-85.

14 Kushner & Lunn, 'Introduction', in, Kushner & Lunn (eds.), *Traditions of Intolerance*, p. 4.

15 As illustrated in, Reeves, *Racial Discourse*, Chapter 6.

16 Bleich, *Race*, Chapter 4.

17 Dummett & Nicol, *Strangers*, p. 220. As Roy Hattersley (with the benefit of hindsight) had it, '[g]ood community relations are not encouraged by the promotion of the idea that the entry of one black immigrant to this country will be so damaging to the national interest that husbands must be separated from wives...if we cannot afford to let them in, those of them who are here must be doing harm.' Quoted in, Spencer, *Migration*, pp. 27-8.

arguments are to be tenable.¹⁸ To this, we can add the value of investigating discrete agencies of the state that implement policy: whether, in the case of immigration policy, Entry Control Officers¹⁹ or, on the potential limits of race relations legislation, local political institutions.²⁰

18 Hansen, *Citizenship*, p. 249.

19 Satvinder Juss, *Discretion and Deviation in the Administration of Immigration Control* (London: Sweet & Maxwell, 1997).

20 A local perspective is provided by John Solomos, 'The Local Politics of Racial Equality: Policy Innovation and the Limits of Reform', in, Malcolm Cross & Malcolm Keith (ed.), *Racism, The City and The State* (London: Routledge, 1993), pp. 144-56.

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