

WELFARE, WARFARE, AND LAWFARE:  
STUDIES OF EDWARDIAN LIBERALS (1906-14), NATHANIEL ROTHSCHILD (1840-1915),  
AND RAPHAEL LEMKIN (1900-1959)

By

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Thesis submitted for the degree of  
Doctor of Philosophy by Publication  
School of Humanities  
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September 2020

I would like to thank my supervisor Professor Jane Ridley for her patience and for providing meticulous guidance and feedback on this project at such a difficult time for everyone.

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Abstract

John Cooper, WELFARE, WARFARE, AND LAWFARE: STUDIES OF EDWARDIAN LIBERALS (1906-14), NATHANIEL ROTHSCHILD (1840-1915), AND RAPHAEL LEMKIN (1900-1959)

This thesis on 'Welfare, Warfare and Lawfare' is based on three of my books, *The British Welfare Revolution* (2017), *The Unexpected Story of Nathaniel Rothschild* (2015), and *Raphael Lemkin and the Struggle for the Genocide Convention* (2008 and paperback 2015). These three of my books were selected because they share two themes, the changing legal rules of the international order imposed after the two World Wars and whether the state should be responsible for the welfare of its citizens or whether this task should be undertaken by affluent individuals through voluntary agencies and the limits of self-help expected of its citizens.

My book, *The British Welfare Revolution 1906-14* (2017), was based on a vast array of material from the Newspaper Library, the annual reports of reformist associations, the private papers of politicians and reformers as well as an extensive examination of contemporary social studies. I argued that it was the evolution of a counter-elite which shifted the Liberal administrations of 1906-14 in the direction of a series of social reforms which challenged the viability of the Poor Law and threatened to replace it. I split the recruiting grounds of the counter-elite into five different sectors, showing how they were linked to specific reforms. Members of the counter-elite completely re-appraised the role of the British state in providing for the welfare of its citizens in every area from health and unemployment to education and housing. This enabled me to challenge the current assessment of the careers of Asquith, Lloyd George, Churchill, the Webbs, and Beveridge and offer fresh interpretations about child welfare, housing, sweating and the minimum wage, and unemployment, particularly unemployment insurance; and by doing so, provide a fresh overall account of the first welfare reforms.

*The Unexpected Story of Nathaniel Rothschild* (2015), contained themes which were linked to my other two books. Based on surviving papers in the Rothschild archives, as he destroyed his private papers, I had to research his letters to correspondents in archives in Britain, the United States and Israel. It was the first full length biography of Lord Rothschild (1840-1915), who was a key figure in the debate as to whether the state should sponsor social

services for the working classes or whether it should rely on the private initiative of wealthy individuals and voluntary agencies. He was also important as he supported the civil and religious rights of minority groups which were enshrined in law after the Great War in the Minority Rights Treaties. I also found new material in archives about his private education and charitable activities. The book, moreover, was a study of Lord Rothschild as a leader of Anglo-Jewry and perhaps of world Jewry, where he acted as an intercessor. It tried to show the limits of his power and influence in his interventions in Russia, Romania, Persia and North Africa and indicate how this old style of leadership was being replaced by new men, who were recruited from the professions.

My biography of Raphael Lemkin (1900-1959), the originator of the concept of genocide and the principal campaigner for the United Nations Genocide Convention (1948), was the first study based on his private papers which were split among three archives in the United States as well as material in the National Archives of Britain and America. I traced his career against his Jewish background in Eastern Europe and the ethnic quagmire of his childhood and adult years in Poland and his Zionist beliefs. I showed how his early years influenced the evolution of his ideas which started with trying to stem the outbreak of pogroms and massacres in the 1930s and ended by formulating an international regime to make the destruction of national groups more difficult. By uniting with Jewish and Christian organizations, sections of the international women's movement, South American activists and the World Federation of United Nations Associations, he outmanoeuvred British and Russian opposition to a Genocide Convention. Lemkin attached particular importance to cultural genocide, but unfortunately it was blocked by a number of Western powers with colonies. He was also important for inaugurating the historical study of genocide which I surveyed. Like the Minority Rights Treaties, of which Lord Rothschild's programme was a forerunner, the Genocide Convention was established to protect group rights after a World War. *Raphael Lemkin and the Struggle for the Genocide Convention* was published in 2008 with a paperback edition containing a new introduction in 2015. My account was the first full length biography of Lemkin's life and remains an authoritative study, despite some contentious debate.

Declaration,

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where it states or otherwise by reference or acknowledgment, the work presented is entirely my own.

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(1). Introduction.

I am submitting three of my books for the Ph.D. by publication, namely, *The British Welfare Revolution 1906-14 (2017)* henceforth referred to as *TBWR*), *The Unexpected Story of Nathaniel Rothschild (2015)*, and *Raphael Lemkin and the Struggle for the Genocide Convention (2007)*.<sup>1</sup> All three books are based on extensive archival research in primary sources and break new ground and *TBWR* also includes a new conceptual approach to the introduction of the first welfare reforms. *Raphael Lemkin* was the first and remains an authoritative biography of his life and *TBWR* has reopened the debate about the introduction of the first welfare reforms, while *Nathaniel Rothschild* demarcates the limitations of the power and influence of one of the last intercessors on behalf of world Jewry.

In *TBWR* I tried to show why the first tranche of welfare reforms from 1906-14 were more important than the social reforms between the two World Wars and those of the Attlee administrations in breaking with the Poor Law. Hence a brief digression on this topic later. My biography of *Nathaniel Rothschild* covered the early debates as to whether social services should be provided by the affluent or by the state, in which the first Lord Rothschild was a vocal participant; and the subject of civil and religious rights which resulted in the Minority Rights Treaties after the Great War, thus linking it with the welfare schemes in my first book and my lawfare schemes in my third book. With the failure of this international system of lawfare, Raphael Lemkin, the subject of my third book, invented the concept of genocide and campaigned successfully for the UN Convention against Genocide (1948) after the Second World War, a rival and improved system of international lawfare. But in the twenty first century Russia and China are flouting the conventions underlying the international order, thereby providing a challenge to Western governments to allocate their resources adequately between welfare and warfare provision.

*TBWR* dealt with the origins of the Welfare State. I began by proposing that the emergence of a counter-elite, whose different strands I analysed carefully. I then tried to show how pressure groups and individuals in this counter-elite were connected with a whole cluster of social reforms in the period 1906-14. These reforms ranged from old age pensions to

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<sup>1</sup> John Cooper, *The British Welfare Revolution 1906-14* (London: Bloomsbury, 2017); John Cooper, *The Unexpected Life of Nathaniel Rothschild* (London: Bloomsbury, 2015); and John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (Houndmills, Basingstoke: Palgrave Macmillan, 2008). The book on Rothschild will henceforth be referred to as *Nathaniel Rothschild*, while my biography of the initiator of the Genocide Convention will henceforth be referred to as *Raphael Lemkin*.

provision for health, unemployment, housing and minimum wage regulation and so on. The fresh thinking behind these innovations which covered every sector of society was nothing less than revolutionary in its implications. It undermined the Poor Law system which had evolved over centuries. Mine was a novel interpretation of why so much innovative legislation occurred between 1906 and 1914.

To sum up the principal fresh perspectives offered by TBWR, I stated that the British Welfare Revolution could not be understood without the emergence of a counter-elite; and that the impact of the Boer War on the innovations in child welfare has to be somewhat qualified, thereby amplifying the vital role of the counter-elite in producing them. Asquith under the partial influence of the Webbs is restored to his primary role in shifting the Liberal party on to a course which involved the dismantling of the Poor Law and drastic financial reform. Beveridge mistakenly placed more emphasis on casual labour rather than low wages as the principal cause of destitution, in which he was followed by the Webbs.<sup>2</sup> Nevertheless, by a brilliant sociological analysis Beatrice Webb forced health reform on the government. Churchill rather than Lloyd George persuaded the government to adopt a wide-ranging programme of social insurance, while the contribution of Arthur Wilson Fox and W.H. Dawson to the reform of unemployment insurance has been overlooked. The flawed sociological theory of boy labour in dead end jobs led to a movement for juvenile labour exchanges and secondary education for all. So too, the failure of the 1909 Housing and Town Planning Act induced reformers to support a subsidized programme of council house building. Sweating was seen mainly as a problem affecting women workers and not until too late in the labour force more generally and hence the multiplication of strikes from 1910 onwards.

Generally TBWR had a critical but positive reception from reviewers. Chris Renwick concluded that 'Cooper's work is forensic and meticulous, making readers think through the foundations of their own views on the subject, even if they are not entirely convinced. Overall... [it] is a serious book with an important point to make about the genesis of the British welfare state'.<sup>3</sup> Alison Jay noted that 'This book will no doubt be of great value to those studying social change in the period prior to the Great War... this is a work of considerable scholarship, and a welcome addition to the literature on the expansion of the

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<sup>2</sup> W. H. Beveridge, *Unemployment. A Problem of Industry* (London, 1909), pp.109, 144, and 207-8.

<sup>3</sup> Chris Renwick in *Journal of British Studies*, 58 (2019), 225-6.

modern bureaucratic state'.<sup>4</sup> Anna Clark hailed the book as 'being very good on gender issues' and on 'land reform'; and asserted that 'This book will be very useful for those seeking detailed background on the passage of these important social welfare reforms...'<sup>5</sup> Penelope Ismay declared that 'what Cooper actually demonstrated throughout the book – quite wonderfully it should be emphasized – is that the old methods of personal influence, friendship networks, and hard-earned compromises also did a great deal of political work of producing social reform. The key contribution the book makes is to show that a welfare revolution in this period resulted both from new ideas and approaches to poverty and some old methods of producing political change... Cooper has made an important contribution to a well-covered field... The chronological structure he adopts and the attention he gives the historical actors involved make this a book that general readers and undergraduates will find particularly valuable'.<sup>6</sup>

During the Second World War all classes suffered equally and the government was forced in many ways to provide the same remedial treatment for all; and this spirit of universalism generated sufficient support for the reconstruction of society after 1945 and the establishment of the Welfare State with equal benefits across society. This was unlike the situation after the First World War when the government reneged on its promises, particularly on housing and continuation education.

My biography of Nathaniel Meyer Rothschild, the first Lord Rothschild (1840-1914), tells the story of a banker, landowner and philanthropist who firmly believed it was incumbent on wealthy individuals to endow voluntary agencies with the means to assist the less fortunate, who were suffering from any form of hardship; but that the social services provided by the state to supplement private effort should be kept to a minimum. Mine is the first comprehensive biography of Natty Rothschild, who is usually dismissed as a light-weight political figure of no long-term significance, but this opinion should be rejected for two reasons.

His career in politics should perhaps be treated more seriously, as he may be regarded as the prototype of those individuals, who espoused minimalist provision of welfare services by the state. Certain themes in the Rothschild biography may be contrasted with a different

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<sup>4</sup> Alison Jay in *History*, 104 (2019), 546-8.

<sup>5</sup> Anna Clark in *Historian*, 80 (2018), 855-7.

<sup>6</sup> Penelope Ismay in *Journal of Modern History*, 91 (2019), 444-6.

narrative, the expansion of welfare services by the state as outlined in TBWR. Secondly, prior to the Great War Nathaniel Rothschild supported civil rights and religious freedom for persecuted communities which gradually morphed into the minority rights programme after 1918. The Minority Rights Treaties together with the League of Nations instituted a new, hopefully more tranquil world order after 1918.

The Rothschild biography may also be linked to my research on Raphael Lemkin (1900-1959), who coined the term genocide and campaigned for the United Nations Genocide Convention (1948) after the Second World War and the failure of the League of Nations and the Minority Rights Treaties.

My Lemkin biography was the first large-scale treatment of his life based on his private papers which were split among three different archives in the United States. I covered every step in his campaign at the United Nations for the Genocide Convention and its ratification and showed how he overcame the opposition of some of the great powers by wily tactics. Although Sir Hartley Shawcross publicised the concept of genocide at Nuremberg, he and other members of the British Foreign Office team tried to place obstacles in the way of the Convention being adopted.<sup>7</sup> My biography also emphasized the importance Lemkin attached to cultural genocide.

The two World Wars gave a great impetus to social reform and welfare provision because of the debt the nation felt it owed to those who had served in the armed forces both in 1918 and 1945 and to the civilian population, who had also contributed to the war effort. But the wars also marked turning points after which new international legal norms were invented to end the atrocities associated with unlimited warfare. After the First World War and the gradual failure of the Minority Rights Treaties, Britain was forced to rearm during the late 1930s, resulting in a shortage of revenue and constraints on expenditure for the social services.

With a new Cold War emerging because of the fresh challenge to the post-1945 international order mounted by Russia and China once again there are demands for increased defence expenditure. Hence the growth in social services will have to be restrained or curtailed to pay for a larger defence budget. Added to this, the coronavirus pandemic has

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<sup>7</sup> John Cooper, *Raphael Lemkin* pp.70-72 and 94-5. *The Times* 29 July 1946. National Archives, FO/371 Raphael Lemkin to Hartley Shawcross 8 July 1947, J.L. Brierly to Eric Beckett 7 July 1947, and Shawcross to Beckett 21 July 1947.



meant that the Exchequer will have to borrow countless billions. This will put even more pressure on the government to undertake a strategic review of the United Kingdom's place in the world and its defence obligations as well as a re-appraisal of the cost of maintaining the welfare state in its current form.

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## CHAPTER 1

### NATHANIEL ROTHSCHILD

I decided to write a biography of the first Lord Rothschild, *The Unexpected Story of Nathaniel Rothschild* (2015), as I was astonished to find after reading Niall Ferguson's history of the Rothschild Bank in London that there had been no previous biography of him.<sup>1</sup> Part of the reason for this was that he ordered all his private papers to be destroyed at his death because of his own difficulties as an executor of Disraeli's private correspondence and as a possessor of some revealing correspondence from Queen Victoria. However, in the Rothschild archives I found important business correspondence with the Paris house as well as family letters dealing with his upbringing and education. While not ignoring past research on his efforts to stop the Boer War and the First World War, I shifted the focus of my biography to Nathaniel Rothschild's diplomatic efforts to ameliorate the condition of Russian and Romanian Jewry. For this purpose, I consulted material in the Yivo archives in New York and the London Metropolitan Archives as well as a couple of Jerusalem archives.<sup>2</sup> This material was supplemented by reports in *The Times*, *Jewish Chronicle* and in a journal *Darkest Russia* which has hitherto been overlooked.

Nathaniel Mayer Rothschild (1840-1915) was an important figure in many respects: a leader of City opinion and a supporter of the final phases of British imperialism in Egypt and South Africa, a leader of the Anglo-Jewish community and an outstanding philanthropist. Gradually I came to understand that he was a key figure in the debate as to whether the state should sponsor welfare schemes for the working class and those whose financial resources were constrained or whether the state should rely on the initiative of wealthy individuals and voluntary agencies. A huge outdoor staff was maintained by Natty on his Tring Park estate. Many of the welfare activities on the estate were organized by his wife Emma, Lady Rothschild. She provided money for winter fuel and clothing, the apprenticeship of young men and women, compensation for personal injuries suffered by employees on the estate and

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<sup>1</sup> Niall Ferguson, *The World's Banker: The History of the House of Rothschild* (London: Weidenfeld & Nicolson, 1998), and Richard Davis, *The English Rothschilds* (London: Collins, 1983).

<sup>2</sup> Rothschild Archives, London. Yivo Archives, New York, Lucien Wolf-David Mowshowitch Collection, Record Group 348; and London Metropolitan Archives, Board of Deputies Papers, ACC 3121.

for multifarious medical expenses. Natty built as many as four hundred cottages on the Tring Park estate, including a number of model ones. Employees received free medical attendance and nursing, free medicine and access to a nursing home. Because of the exemplary conditions of employment he insisted on, including pensions, 74 former employees in testimonials praised him for his 'unvarying kindness and consideration for us and our families, especially in times of sickness'.<sup>3</sup> He gave the lead in donations to Anglo-Jewish charities, particularly the Four Per Cent Industrial Dwellings Company and the Jews Free School, and was a generous donor to a wide range of non-Jewish ones as well, particularly the King's Fund and the London voluntary hospitals.<sup>4</sup> The services he provided for his employees were magnificent and can only be compared to the beneficence of a group of Liberal factory owners, such as George Cadbury, Seebohm Rowntree and W.H. Lever and a few conscientious aristocrats, such as Lord Salisbury.<sup>5</sup> Apart from a select band of grandes, most of the aristocracy were hit by falling prices for the produce of their estates, and were impoverished unless they had diversified out of land or married into banking families or the daughters of the plutocracy.<sup>6</sup>

An earlier Liberal government appointed a Royal Commission on the Aged Poor (1893-5) and it recommended a further inquiry which resulted in the appointment of a committee of experts under the chairmanship of Lord Rothschild in July 1896. Under his guidance the departmental committee on pensions construed its terms of reference narrowly, by precluding 'consideration of any scheme involving compulsory insurance, or any non-contributory scheme limited to a portion of the working population'. When the committee reported in 1898, it strongly opposed the formation of a 'compulsory unoccupied class' among the aged and praised the qualities of 'thrift and self-reliance among the working class', concluding that:

The people in a position to require assistance must, in any case, form but a small proportion of the industrial population, and even of this section – which can hardly be

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<sup>3</sup> Rothschild Archives, London, RAL 000/846/6/1 Testimonial from workers on the Tring Park estate, 8 November 1910.

<sup>4</sup> John Cooper, *The Unexpected Story of Nathaniel Rothschild* (London: Bloomsbury, 2015), pp.200-22, 319-20. Industrial Dwellings Society, London, minute books; and Bodleian Libraries, Oxford, Sir Henry Burdett Papers, Eng.ms c.5926 and c.5939 for the King's Fund.

<sup>5</sup> Andrew Roberts, *Salisbury Victorian Titan* (London: Phoenix, 2000), p.110. Andrew Adonis, 'Aristocracy, Agriculture and Liberalism: The Politics, Finances and Estates of the Third Earl Carrington', *Historical Journal*, 31 (1988), 371-97.

<sup>6</sup> David Cannadine, *The Decline and Fall of the British Aristocracy* (London: Macmillan, 1996), pp.88-94, and 346-7.

estimated at more than a third – only a small proportion of those above 65 years of age who now appear as inmates of the workhouse or infirmary would, in any system of State-aided pensions, be able to support themselves independently. We can hardly, for so limited a section of the community, recommend the Government to establish a pension scheme which must be extremely difficult and costly to administer.<sup>7</sup>

Lloyd George recalled that Natty had led the opposition to the Licensing Bill to limit the number of public houses, to the 1908 Old Age Pensions scheme and to his 1909 Budget; and yet later Natty 'was one of those who recommended the double income-tax, with a heavier supertax, for war expenditure'.<sup>8</sup> Speaking on 7 February 1912, Natty said that once the Unionists came to power, they should repeal the Parliament Act, reform the House of Lords, and suspend the National Insurance Act until it was moulded more in accordance with the wishes of the people; and declared that he could not say he himself was ever opposed to a contributory scheme of insurance, but thought that a contributory scheme should take much more of a voluntary than of a compulsory character'.<sup>9</sup> He was accordingly a model landlord on his estate in Tring, a driving force in the provision of philanthropic housing in London, and for many years chairman of the King's Hospital Fund for London. Secular as much as Jewish causes benefited from his charitable munificence.<sup>10</sup> However, it may be doubted whether Natty fully understood the implications of his agreement to the steep taxation of the wealthier sections of the population during a wartime emergency; and of the potential for such high tax rates to be continued after the war and utilised to finance state welfare schemes.

E.H.H. Green suggested that between 1906 and 1914 the Liberals 'were the most at ease with the problems of State and society and the mass electorate'. But particularly after 1910 the Conservative party never properly came to terms with the 'social question': one part of the party clamoured for similar legislation, the other part regarded such initiatives as anathema.<sup>11</sup> Lord Rothschild was consistent in wanting minimal social legislation provided by the state but a full panoply of such services being made available to their employees by masters.

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<sup>7</sup> John Cooper, *Nathaniel Rothschild*, p.224.

<sup>8</sup> *The Times* 5 April 1915.

<sup>9</sup> John Cooper, *Nathaniel Rothschild*, pp.319-20.

<sup>10</sup> John Cooper, *Nathaniel Rothschild*, pp.211-22,319-21.

<sup>11</sup> E.H.H. Green, *The Crisis of Conservatism: The Politics, Economics and Ideology of the British Conservative Party* (London: Routledge, 1995), pp.293-4.

Despite the efforts of Lord Rothschild and his associates to dampen the ethnic tensions in Eastern Europe, by advocating civil rights and religious liberty for persecuted communities; and his last ditch attempts with Alfred Ballin, a wealthy shipowner and personal friend of the Kaiser, to stop the drift to war in August 1914, the European civil war began. Political leaders then came to understand that after the conflict came to an end, they would have to found a new international order to end strife between nations and ethnic conflict in the shape of the League of Nations and the Minority Rights Treaties; and at the same time, they would have to compensate their soldiers in some way for the sacrifices they had made on the battlefield, by promising them additional welfare provision at the termination of the war. After the Great War, the phrase bandied about by Lloyd George was the building of sufficient 'Homes Fit for Heroes', something unfortunately which never happened.<sup>12</sup> Although Lord Rothschild died in 1915, it is not too much to see his pre-war efforts on behalf of civil and religious liberty for Jews and others in Eastern Europe and North Africa as paving the way for the Minority Rights Treaties. My conclusion was that Natty, by concentrating on the big issues, such as the Boer War and the deteriorating international relations before the First World War, allowed his attention to wander from the nitty-gritty of international diplomacy and created the space for a new class of Jewish professional men, such as Lucien Wolf and Paul Nathan, to replace him in the leadership of world Jewry after the war. With his friend the American banker Jacob Schiff, he was the last of a long line of Jewish intercessors with Presidents and Kings.<sup>13</sup>

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<sup>12</sup> Chris Renwick, *Bread for All: The Origins of the Welfare State* (London: Penguin, 2018), pp.138-44.

<sup>13</sup> John Cooper, *The Unexpected Life of Nathaniel Rothschild* (London: Bloomsbury, 2015), p.310. Mark Levene, 'Remembering Lucien Wolf: reconsidering his legacy', *50 Jewish Historical Studies* (2018), 8-13. Mark Levene, *War, Jews, and The New Europe: The Diplomacy of Lucien Wolf 1914-1919*, (London, Littman Library, 2009).

## CHAPTER 2

### THE RISE OF THE COUNTER-ELITE AND WELFARE

I have been fascinated by the social welfare reforms of the Liberal administrations of Campbell-Bannerman and H.H. Asquith since studying them in school in the textbook by Denis Richards and J.W. Hunt, *An Illustrated History of Modern Britain*; and later when I read the more detailed survey in *England 1870-1914* by Sir Robert Ensor.<sup>1</sup> Having studied the classic account of the Liberal social reform programme in Bentley B. Gilbert's *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State*, I became dissatisfied with his approach in a number of respects, such as his coverage of housing and the boy labour problem and some of his interpretations concerning child welfare; and decided that there was space for a new account.<sup>2</sup> There is also a more personal reason why I became so fascinated with Asquith's career. I attended a school, where his bust as an old boy adorned the assembly hall and at an Oxford college, where his portrait had a prominent position in the hall. What I sought to achieve in TBWR in the first place was a more seamless survey, by integrating more closely the politicians, reformers and the pressure groups referred to in the opening two chapters with the remainder of the book.<sup>3</sup>

The sources utilised by me were the papers of the leading politicians, such as Campbell-Bannerman, Asquith and Lloyd George, Burns and Balfour, supplemented by the correspondence of the leading reformers, such as Passfield Papers (Sidney and Beatrice Webb), those of William Beveridge, Canon Barnett, Dilke, Chiozza Money and William Harbutt Dawson; and I read a vast quantity of contemporary Edwardian literature on child welfare, poverty, unemployment, boy labour, taxation and sweating. As I became better acquainted with the different areas of social reform, I consulted the government records in the National Archives, particularly those dealing with national health insurance, unemployment insurance, the prevention of tuberculosis, taxation, and child welfare legislation.

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<sup>1</sup> Denis Richards and J.W. Hunt, *An Illustrated History of Modern Britain* (London: Longmans, 1950), and R.C.K. Ensor, *England 1870-1914* (Oxford: Clarendon Press, 1936).

<sup>2</sup> Bentley B. Gilbert, *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State* (London: Michael Joseph, 1966).

<sup>3</sup> John Cooper, *TBWR*.

As far as methodology was concerned, I had to approach each of the areas covered by my books in a different way because of the varying range of the available sources. All were based on heavy archival research, supplemented by a wide range of other material, including newspapers, journals, contemporary literature, diaries and memoirs, a sample of which is included in my bibliography and footnotes. In the case of Raphael Lemkin, I could also use some oral testimony. As far as the Rothschild biography was concerned, he deliberately destroyed his personal archive and I was forced to use other archives and newspaper sources and a family memoir in an attempt to reconstruct his life. While there was a flood of excellent volumes on aspects of TBWR during the 1970s and 1980s, there was very little useful secondary literature on Lemkin and a handful of excellent volumes on the Rothschilds. I shall subsequently review some of this literature, but more thorough reviews will be found in the books themselves. When I had a good grounding in the sources and secondary literature, I could start asking the relevant research questions.<sup>4</sup>

As I developed a hypothesis for TBWR that it was the gradual evolution of a counter-elite and the impact it had on the government that was responsible for shifting the administrations of Campbell-Bannerman and Asquith in the direction of a social reform programme which challenged the existing status of the Poor Law, I decided to investigate which individuals and organizations were responsible for promoting the new welfare reforms. Before doing so, I had to understand how the political system in the period 1906-14 functioned, as it was different from the modern House of Commons dependent on the party system and a manifesto issued by each political party before a general election. To do this, I decided to look at the *Daily News*, a leading Liberal party supporting newspaper on a day to day basis to tease out the names of pressure groups and individuals whether or not they were politicians pressing for social reform. This was in part a Namier technique of prosopography or collective biography which I applied to the Edwardian era, but it was necessary to supplement this by reading some of the literature on pressure group theory.<sup>5</sup>

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<sup>4</sup> Bentley B. Gilbert, *The Evolution of National Insurance: The Origins of the Welfare State*, (London: M. Joseph, 1966). G.R. Searle, *The Quest for National Efficiency: A Study in British Politics and British Political Thought 1899-1914*, Oxford: Basil Blackwell, 1971). Jose Harris, *Unemployment and Politics. A Study of English Social Policy 1886-1914*, (Oxford: Clarendon Press, 1972). Bruce K. Murray, *The People's Budget 1909/10: Lloyd George and Liberal Politics*, (Oxford: Clarendon Press, 1980). E.P. Hennock, *British Social Reform and German Precedents: The Case of Social Insurance 1880-1914*, (Oxford: Clarendon Press, 1987) for example.

<sup>5</sup> J.D. Stewart, *British Pressure Groups: Their Role in Relation to The House of Commons*, (Oxford: Oxford University Press, 1958) and S.E. Finer *Anonymous Empire: A Study of the Lobby in Great Britain* (London: Pall Mall, 1958).

I found this close reading of the press extremely useful in re-evaluating Asquith's career, by discovering early crucial speeches as Prime Minister which other historians have ignored. None the less, I discovered that many of the minute books of the reformist associations had disappeared, apart from the National Housing Reform Council, and I compensated for this lack of material, by reading a large body of annual reports and journals associated with these organizations.<sup>6</sup> More light was thrown on the attitudes of individuals and pressure groups, by examining a vast array of Parliamentary Papers.<sup>7</sup>

The first research question I asked was why did the Victorian Poor Law system collapse so rapidly and become transformed so dramatically in the period 1906-14, when the Liberal party placed so small an emphasis on the subject of social reform in their election appeals? For as A.K. Russell pointed out 'An analysis of Liberal election addresses reveals that 69 per cent of them mentioned "Poor Law reform and pensions", but in order of rank this issue only came seventh, behind references to free trade, amendments to the Education Act, the reform of Irish government, licensing reform, Chinese Labour, and Tory misuse of its 1900 mandate'.<sup>8</sup>

To try to suggest an answer, I borrowed a concept from Harold Lasswell, an American political scientist, who showed that when the circulation of elites was impeded and social mobility was blocked, a counter-elite was formed. In turn Lasswell was inspired by the theories of the Italian sociologist Vilfredo Pareto about the formation and circulation of elites.<sup>9</sup> In support of my contention, I drew on a remark of Victoria de Bunsen writing in 1948: 'The aura of Whig magnificence had somewhat faded and though the Liberals had their presentable leaders, the rank and file of the party were felt (by Conservatives) to be distastefully radical and lower middle class. Looking back indeed, it appears to me that Liberalism was much more socially taboo than Labour has been in recent years'; and I also had in mind correspondence from Walter H. Page, the American ambassador to Britain before the First World War, who recounted that a grand hostess 'had suspended all social relations

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<sup>6</sup> Examples are the reports of the National League for Physical Education and Improvement in the British Library and such journals as *Land Values* and *Labour Leader* in the Newspaper section.

<sup>7</sup> Examples are *Select Committee on Income Tax* PPIX (1906) and *Report of the Royal Commission on the Poor Laws and Relief of Distress* PP XXVII (1909).

<sup>8</sup> Cited in G.R. Searle, *A New England? Peace and War 1886-1918* (Oxford: Clarendon Press, 2004), p.361.

<sup>9</sup> Harold D. Lasswell, *Politics: Who Gets What, When, How* (New York: McGraw-Hill, 1936), Lewis A. Coser, *Masters of Sociological Thought* (New York: Harcourt Brace Jovanovich, 1977), p.425.



with Liberal leaders' and that many peers saw 'the end of the ordered world. Chaos and confiscation lie before them'.<sup>10</sup>

My concept of the counter-elite in certain respects resembled the view of Correlli Barnett, who highlighted the role 'of upper-middle-class politicians and intelligentsia motivated by a wish to help those less fortunate than themselves, it was especially strong in the "enlightened wing" of that Establishment'.<sup>11</sup> Correlli Barnett asserted that this section of society helped to establish the Welfare State after the Second World War. By embracing the concept of a counter-elite, I covered a wider range of recruiting grounds than would be covered by the term, the New Liberalism. I differ from Barnett in trying to differentiate carefully the numerous sectors from which the counter-elite emerged and mine was a novel way of looking at the social forces that underlay Edwardian welfare legislation.

To start with I argued that the counter-elite emerged from Oxford educated graduates influenced by T.H. Green's Idealist school of philosophy, members of the professions, and above all, from members of the business class. Charles Booth, Joseph and Seebohm Rowntree, George Cadbury Junior and Beatrice Webb 'and their acolytes in the Ratan Tata Foundation at the LSE utilized applied sociology to present an overwhelming case for social reform, challenging the alliance between civil servants trained in the classical tradition at Oxford and Cambridge and the City-aristocratic governing elite; they had hitherto dominated politics and preached the virtues of low taxation, small government instead of a bloated bureaucracy and free trade'.<sup>12</sup> The counter-elite put forward a sociological explanation of the various aspects of the problems of poverty, instead of claiming that it stemmed from the character defects of an individual; and suggested proposals for solving each specific social problem which the government attentively listened to and often adopted (see chapter 1).

'Harold Perkin observed that in a more advanced industrial society "professions proliferated, their clients multiplied and, in certain cases, for example in preventative medicine and sanitary engineering, and central and local government generally the client became the whole community". Professional men and women "became freer to act as critics

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<sup>10</sup> John Cooper, TBWR pp. 9-10 . Burton J. Hendrick, *The Life and Letters of Walter H. Page* (New York: Doubleday, Page, 1924), pp.137-141.

<sup>11</sup> Correlli Barnett, *The Audit of War: The Illusion and Reality of Britain as a Great Nation* (London: Macmillan, 1987), p.13.

<sup>12</sup> John Cooper, TBWR p.4.

of society, apologists for the emerging classes of the new industrial system, and purveyors of a new terminology [applied sociology] in which people came to think about the new class society'. We would add that whether they were employed in the local authority or central government, the professional staff or civil servants felt obliged to subscribe to this same impartial "ethic of service".<sup>13</sup> Summarizing my argument in a review in *History* Alison Jay noted that 'motivation was not just altruistic, as the reforms allowed middle-class graduates to expand career opportunities. If schoolchildren were to be inspected, then more doctors were required. If young offenders were to be placed on probation, then probation officers were needed. More specifically, new welfare organizations required new civil servants to oversee their operations'.<sup>14</sup>

I split the recruiting-grounds of the counter elite into five different areas: the settlements, but as not all were 'university' settlements this qualifying description was omitted from the sub-heading; Sociological Socialism which embraced Sidney and Beatrice Webb, their creation the London School of Economics and their loose alliance with allies in the working class Labour movement; women and social reform; Christian Socialism covering the Church of England and the Social Gospel predominantly in the Nonconformist churches; and the land reformers, one of the oldest Liberal anti-aristocratic movements (see chapter 2) .

A few more words require to be said to explain the significance of the settlement movement. Canon Barnett founded the first settlement Toynbee Hall in the East End of London in 1884 with a secular orientation capable of absorbing graduates of all religious affiliations or of none, while Oxford House was opened in the same year with an 'ascetic vision of Christian missionary work'.<sup>15</sup> In 1914 there were forty-six settlements in Great Britain, of which forty-one were situated in England and Wales, while of these the majority, some twenty-seven, were concentrated in London. Only eighteen settlements had any close connection with a university.<sup>16</sup>

Almost half the total of settlements in Great Britain were women's settlements.<sup>17</sup> From this and the preponderance of women in social work of all kinds, I argued that the

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<sup>13</sup> Harold Perkin, *The Rise of Professional Society*, (London: Routledge, 2002), p.117.

<sup>14</sup> Alison Jay in a review of TBWR in *History* 104 (2019),546-8 (p.547).

<sup>15</sup> John Cooper, TBWR p.16.

<sup>16</sup> John Knapp ed., *The Universities and Social Problems* (London, 1895). W. Reason ed., *University and Social Settlements* (London: Methuen, 1898). Werner Picht ed., *Toynbee Hall and the Settlement Movement* (London: G. Bell, 1914)

<sup>17</sup> John Cooper, TBWR p.21.

women's involvement in social reform in the Edwardian era was as important as their role in the political campaigning for the vote, perhaps more so. Their generally enhanced role in the years before the First World War paved the way for their even greater participation in the War effort and almost certainly opened up the prospect for their political emancipation in the post-War years. Although it is well known that Charles Booth located his field headquarters in Toynbee Hall for producing his monumental survey of poverty in London, a whole series of important sociological monographs emanated from there and from the other settlements; and from the Sociological Socialists, women's organizations, various assorted Christian groups and the Land reformers.<sup>18</sup> Starting from the position that legislation was not required to improve conditions in the poorer neighbourhoods of cities, Canon Barnett evolved into someone, who was willing to listen to the applied sociologists and prepared to quicken the pace of reform.<sup>19</sup>

But what I wanted to understand more fully was Canon Barnett's role in the settlement movement because I could not fully grasp this, when I first read the memoir by his wife. Did his ideas develop over time or were they static and was he a woolly thinker with an incoherent set of ideas or was he an innovative thinker with a sensible reform programme? Looking at Toynbee Hall in its early years, Canon Barnett and his wife Henrietta seem to have first regarded the working class living around them in Whitechapel as having empty heads and they never fully understood the Jewish immigrants in the surrounding streets, despite having a Jewish brother-in-law, Ernest Hart, with whom Henrietta worked closely.<sup>20</sup>

Later Canon Barnett came to appreciate that settlers must not affect an air of superiority, they had come as much to learn as to teach. He came to believe in the simple act of friendship across class lines, a reversal of Victorian values and of his own initial prejudiced attitude. Slowly grasping the inherent potentialities of each individual, he came to the conclusion that everyone was entitled to enjoy quality art, music and literature, he emphasised the need for the masses to have access to better educational opportunities which would give them some understanding of the nuances of higher culture, and the necessity for the forging of aesthetic and other criteria to evaluate the moral tone of a given society. 'Moreover, so far from Barnett's foundation of the Whitechapel Library and Art Gallery, the institution of Sunday

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<sup>18</sup> John Cooper, TBWR p.21.

<sup>19</sup> John Cooper, TBWR p.20.

<sup>20</sup> Henrietta Barnett, *Canon Barnett: His Life, Work and Friends* (London: John Murray, 1921), pp. 457 and 701-2. John Cooper, *The Unexpected Story of Nathaniel Rothschild* (London: Bloomsbury, 2015), pp.200-5.

concerts in his church in Stepney, and the setting up of the Hampstead Garden Suburb Institute being isolated episodes, all were viewed by him as pilot plants for a national scheme'. Hence his guided tours of the Whitechapel Art Gallery which were adopted in many other localities and the state grants given for encouraging parties of schoolchildren to visit museums and galleries; hence his encouragement of mass access to adult education through the Workers Education Association and his support of secondary education for all, as championed by J.H. Whitehouse, a Liberal M.P., and later by R.H. Tawney on behalf of the Labour party.<sup>21</sup> He encouraged his protégé E.J. Urwick to publish, *Luxury and Waste of Life* (1908), coming increasingly in favour of the steeper taxation of the wealthy to pay for social reform.<sup>22</sup>

Through the ideas which she shared with her husband about the importance friendship between social classes to elicit sympathy and understanding, Henrietta Barnett pioneered fresh approaches to housing reform and child welfare. In the Garden Suburb she built a new model community, 'where all classes could live in neighbourliness together, the friendship would come quite naturally' and the 'handicapped would live a normal life among their fellows, engendering sympathetic attitudes.' The Garden Suburb Institute was an educational and recreational centre where persons from different classes could meet and where an informed local public opinion could flower, serving as a prototype of the community centres which flourished on the model housing estates between the wars.<sup>23</sup> Forty years later, Aneurin Bevan as housing minister espoused 'the tapestry of a mixed community.'<sup>24</sup> So too, Henrietta Barnett founded the State Children's Association with her brother-in-law Ernest Hart to remove children in care from the Poor Law system, allowing them to lead a normal life in the community.<sup>25</sup> Far from being muddled thinkers, I believe that the Barnetts over a lifetime developed a new and more humane approach to social problems for which they have not received sufficient credit.

Henrietta commended the Four Per Cent Industrial Dwellings Company which erected blocks of flats in the East End occupied by Jews and 'worked by Jewish gold...: on the whole a good plan, until Zionism is recognized to be the ideal for those ancient people, for gentiles

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<sup>21</sup> John Cooper, TBWR pp.17-19.

<sup>22</sup> John Cooper, TBWR p.18.

<sup>23</sup> John Cooper, TBWR pp.19-20.

<sup>24</sup> Nicholas Timmins, *The Five Giants: A Biography of the Welfare State* (London: William Collins, 2017)p.145.

<sup>25</sup> John Cooper, TBWR p.20.

refuse to live in close juxtaposition to Jews if they can afford it.’<sup>26</sup> In parenthesis it should be added that this was a veiled attack on the Rothschilds, as the poured money into the scheme and adopted a supervisory role.

We now turn to the second area of recruitment for the counter-elite, Sociological Socialism. Whereas a number of historians among them A. M. McBriar, Paul Thompson and Eric Hobsbawm have asserted that the influence of the Fabian Society on the legislative achievements of the Liberal administrations was infinitesimal, we would assert on the contrary that if the impact is measured under the looser term of Sociological Socialism it was powerful.<sup>27</sup> ‘Between them Sidney and Beatrice Webb through the agencies which they set up, particularly the London School of Economics and the *New Statesman*, and through their own voluminous writings and political contacts, vastly extended the sway and effectiveness of Sociological Socialism as an instrument for attuning the Liberal governments of 1906-14 to new goals in social legislation and administration’. While the first generation of applied sociologists were mainly Liberals, sometimes Conservatives, ‘the second generation of Tawney, Keeling, Mary Stocks, Mildred Bulkley, Arthur Greenwood, Hugh Dalton, Clement Attlee, Frederick Marquis, Leonard Woolf and Arnold Freeman were mainly socialists. Even the one economist and sociologist who is regarded as a typical Liberal, William Beveridge, because of his membership of the party later in life, was for a few years an associate member of the Fabian Society and enjoyed a brief youthful flirtation with socialism’.<sup>28</sup> What the Webbs achieved was to establish umbrella organizations which drew socialists and New Liberals together into an alliance. Operating as well in an informal alliance with the Webbs was the Labour movement which was capable of mobilizing mass support for old age pensions and the unemployed and had aims akin to those of the Sociological Socialists.<sup>29</sup>

In contrast to the persons involved with the Labour pressure groups, Sidney and Beatrice Webb were socialists and elitists, who cultivated Liberal politicians at the ministerial level and held somewhat aloof from the Labour movement with whom they were in a loose alliance because of their overlapping aims; they followed a policy of persuasion of ministers which they called “permeation”; but the Webbs relied on their own or others sociological

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<sup>26</sup> Henrietta Barnett, *Canon Barnett*, pp.701-2.

<sup>27</sup> A.M. McBriar, *Fabian Socialism and English Politics 1884-1918* (Cambridge: Cambridge University Press, 1962), pp.29-118. E.J. Hobsbawm, *Labouring Men* (London: Weidenfeld & Nicolson, 1964), pp.251-2. Paul Thompson, *Socialists, Liberals and Labour: The Struggle for London 1885-1914* (London: Routledge & Kegan Paul, 1967), pp.96,148,208.

<sup>28</sup> John Cooper, TBWR p.24.

<sup>29</sup> John Cooper, TBWR pp.27-8.

researches to find wider compelling support for their legislative proposals. Through the persistence of the Webbs the government adopted a non-contributory old age pension scheme without it being weakened by Poor Law intrusions in the drafting stage of the bill, when it was all but lost to the Labour orientated National Committee on Old Age Pensions. As Jose Harris pointed out, 'into the vacuum in unemployment policy created by the rejection of the Right to Work Bill, however, it was the Webbs who introduced a new fourfold programme, based on labour organisation, reformatory training, subsidised insurance and public works, which the Liberal government appropriated in the autumn of 1908 as the cyclical trade depression deepened'.<sup>30</sup> True that Beatrice Webb tried to steer the Royal Commission on the Poor Law, of which she was a prominent member, in a new direction, but because she failed to evolve a sufficiently radical critique of the problem of unemployment and casual labour and her equivocations about the exact dimensions of poverty, she could not propound a distinctive enough set of ideas with which to demolish the Poor Law system. None the less, Beatrice Webb by brilliantly exposing the contradictions and flaws in the existing provisions of health care forced the government into adopting a large-scale reform in this sector; and by winning and dining and winning over Asquith at the beginning of his new administration, the Webbs persuaded him to bring the break-up of the Poor Law on to the centre of the political stage.

Beatrice Webb's contribution to applied sociology was remarkable. Without her groundwork in jettisoning the idea that the middleman was the sweater, the Trade Boards Act of 1909 is inconceivable. She rather than Lloyd George fashioned public health reform into a viable political proposition by her brilliant analysis of the contradictions in the existing provision of health care. In 1887 Beatrice Webb produced one of the earliest analyses of the problem of casual labour at the London docks and it has been suggested that her solution for decasualising dock labour was recapitulated by Charles Booth and adopted by a later Labour government.<sup>31</sup> Apart from this, Professor Arthur Bowley of the LSE showed in study of poverty in different communities that its prime cause was low wages; and declared that state expenditure should be increased to counteract the unemployment caused by a cyclical trade depression. With Chiozza Money MP, a Fabian and author of *Riches and Poverty* (1905), he

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<sup>30</sup>Jose Harris, *Unemployment and Politics: A Study of English Social Policy: 1886-1914* (Oxford: Clarendon Press, 1972), p.106.

<sup>31</sup> John Cooper, TBWR pp.25-6. L.G. Chiozza Money, *Riches and Poverty* (London: Methuen, 1906), pp.8-52. *Select Committee on Income Tax PPIX* (1906), p.35.

furnished the critical estimates on which the income and supertax reforms of Lloyd George's Budget were based.<sup>32</sup>

We now consider the remaining catchment areas which drew in recruits to the counter-elite— women's organizations concerned with social reform, Christian Socialism and the Social Gospel, and the Land Reformers. The Edwardian era was one with a glittering galaxy of feminine talent with multifarious initiatives for social amelioration. Apart from significant efforts to improve the position of women in industry, their principal contribution was as reformers of child welfare in opening infant welfare centres, school clinics and feeding centres and in curtailing the hours children spent in employment.<sup>33</sup> All the outstanding national leaders of Nonconformity were now ardent supporters of social reform and helped to keep their congregants, including businessmen, who were MPs, from deserting the Liberal party. The Liberal land reformers were important as enthusiasts for housing and town planning reform and for the implementation of the minimum wage for agricultural labourers. They also tried by legislation to curb the political and social power of the aristocracy.<sup>34</sup>

Having identified the five groups of the counter-elite, I then partly borrowed, partly invented a list of terms, so that I could study the power and effectiveness of pressure groups in more detail: terms such as *Active Innovator* to describe someone, who invented the concept of a new kind of social reform, *General Disseminator* to describe persons, who disseminated the same idea at a national level, *Lesser Disseminator* for those operating at a secondary or provincial level and ending with local opinion makers, who communicated with the smallest audience.<sup>35</sup> In addition, having been influenced by reading Halford Mackinder's classic of political geography, I was aware of Britain being at the centre of a world system, where it could draw on novel ideas for social reform not only from its rival Germany, but from its dominions in Australia and New Zealand and also look across the Atlantic to the United States—a point again picked up by one reviewer.<sup>36</sup>

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<sup>32</sup> John Cooper, TBWR p.27.

<sup>33</sup> John Cooper, TBWR pp.28 and 32.

<sup>34</sup> John Cooper, TBWR pp.36-8.

<sup>35</sup> Elihu Katz and Paul F. Lazarsfeld, *Personal Influence: The Part Played by People in the Flow of Mass Communications* (New York: Free Press,1964).

<sup>36</sup> H.J. Mackinder, *Democratic Ideals and Reality* (Harmondsworth: Penguin Books,1944). Review by Alison Jay in *History*, 104 (2019), p.548.

As far as ideology was concerned, I paid some attention to the Idealist philosophy of T.H. Green, with its concept of a transcendent good in the universe and the need for ethical citizenship. Among those influenced by him were H.H. Asquith and Edward Grey, the Foreign Secretary. But Michael Freedon asserted that Idealism was only one of the philosophical strands that contributed to the New Liberalism, while other concepts such as socialism and post-Darwinian evolutionary theory also played a part in its formulation.<sup>37</sup> More important in my opinion in steering the government in the direction of radical reform was applied sociology and the invention of the 'notion of the "poverty line"' by the businessman Charles Booth 'to describe the limits below which fell that portion of the population without the cash resources to meet basic human needs... However, contemporaries "misunderstood" Booth's and [Seebohm] Rowntree's findings, believing that a third of the population of Britain lived in poverty, when Booth stated that 8.4 per cent of the London population lived in poverty and Rowntree found that 9.9 per cent of the population of York so fared. Bowley, using a higher standard to estimate the level of poverty than Rowntree, calculated that it varied from 6 per cent of the population in Northampton to 15 per cent in Reading, giving an average level of destitution as 10.62 per cent in the four towns he surveyed. Booth was misunderstood because contemporaries lumped together his findings of those sections of the working class living in poverty and those above them, who were forced to struggle and endure "lack of comfort", when the latter category had sufficient food and clothing. Rowntree, through inventing the concepts of primary and secondary poverty was similarly misinterpreted'.<sup>38</sup>

Instead of writing about one strand such as sickness or unemployment as a factor contributing to poverty, I decided to analyse the multiple causes of poverty over a brief stretch of time in the Edwardian era; and I also wanted to find out how the various factors reacted on each other and to be able to give due weight to each factor as contributing to poverty. This was opposed to the usual way of examining this question, by studying a single segment such as unemployment or old age over several decades or more. The period 1906-14 was interesting as reformist Liberal administrations followed on each other, so that there were sometimes attempts made to correct unsuccessful policies formulated in the first phase of reform.

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<sup>37</sup> Michael Freedon, *The New Liberalism: An Ideology of Social Reform* (Oxford: Clarendon Press, 1986), pp.17-18. John Cooper, TBWR p.9.

<sup>38</sup> John Cooper, TBWR pp.11-12.



Apart from the clearly delineated hypothesis of the counter-elite and a reassessment of the careers of the Barnetts and the Webbs, I believe my book makes a number of other important contributions to the history of the Welfare State, starting with child welfare.

Historians such as Bentley Gilbert and G. R. Searle have suggested that the Liberal state subsidized meals service and a scheme of medical inspection of these years was a response produced by the widespread unease about the unfitness of recruits during the Boer War, stirred by the eugenics movement and publicists such as Arnold White. It was contended that the Boer War produced a mood of national self-questioning by proponents of a cross party national efficiency movement, who narrowed down their quest for much greater efficiency in the use of the nation's resources to the prime objective of promoting the health of the nation's schoolchildren. In my opinion this account requires qualification in so far as it asserts that the Liberal child welfare reforms flowed inevitably from the Inter-Departmental Committee report sponsored by the Balfour government by means of cross party support 'from an inchoate group of imperialist social reformers rather than from specific sections of the Labour movement and medical opinion' and proponents of the New Liberalism.<sup>39</sup> For what the eugenicists sought was not more nutrition and medical care for unhealthy schoolchildren, but the enforced sterilization of the unfit, an extreme measure quashed by the Conservative Prime Minister Balfour.<sup>40</sup>

'On the contrary I proposed that "the reform movement for school health may be interpreted partly as a means of coping with the special problems created by the entry of children from the slums into the elementary schools in the 1880s and 1890s – for which one response was the regulation of their employment outside school hours, the other a rigorous inspection and free [school] dinners; and partly as a means of bringing the level of the services for the health of the schoolchild in the state primary schools up to the high standard already achieved in certain Poor Law institutions and in the industrial schools and into line with recent continental advances in their elementary school system'.<sup>41</sup> According to Jeanne L.

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<sup>39</sup> John Cooper, *TBWR* pp.39-40. Bentley. B. Gilbert, *The Evolution of National Insurance in Great Britain: The Origins of the Welfare State* (London: Michael Joseph, 1966), pp.107-27. G.R. Searle, *The Quest for National Efficiency: A Study in British Politics and British Political Thought 1899-1914* (Oxford: Basil Blackwell, 1971), pp.235-6. G.R. Searle, *A New England? Peace and War 1886-1914* (Oxford: Clarendon Press, 2004), pp.375-84.

<sup>40</sup> Chris Renwick, *Bread for All: The Origins of the Welfare State* (London: Penguin, 2018), pp.96-7.

<sup>41</sup> John Cooper, *TBWR* p.40. Gillian Sutherland, *Elementary Education in the Nineteenth Century* (London: Historical Association, 1971), pp.35, 39. Anon, *Can a Sufficient Midday Meal be Given to Poor School Children at a Cost for Material of Less than One Penny?* (London, 1883). M.E. Bulkeley, *The Feeding of School Children*

Brand ` School inspection was to become a lively topic in the nineties and some medical officers of health commented that they increasingly were carrying out personal inspections of schoolchildren on a regular basis, sometimes in the schools, sometimes even house-to-house'.<sup>42</sup> Moreover, "Close scrutiny of two service journals, the *Army and Navy Gazette* and *The Broad Arrow* ,*The Naval and Military Gazette* , for the years 1904-6 reveals little interest in the Inter-Departmental Committee's Report on Physical Deterioration and no comment on medical inspection of schools, apart from a regular insistence on the "importance of physical training, and training and drill with arms up to the eighteenth year". No middle party of conservative philanthropists and imperialists or Liberal imperialists such as Asquith, Haldane and Grey under the leadership of Rosebery ever materialized to press for these reforms.<sup>43</sup>

`Just as the economic depression in the winter of 1904-5 forced the Labour movement to demand that the state should make provision for unemployment, so in turn it led them and other progressive allies to question the validity of voluntary effort in the provision of school meals'. With the help of Sir John Gorst, a Conservative MP, who decided to sit as an independent over the issue of free trade, Thomas Macnamara, a Liberal MP, led a campaign in the industrial centres of the country in conjunction with such socialists and trade union leaders as Will Thorne, J.R. Clynes and the Countess of Warwick to publicize the case for a subsidized school meals service. In the new House of Commons of 1906, William T. Wilson, a new elected Labour MP introduced a bill for the feeding of schoolchildren by the local authority, to which the government gave time and reluctantly referred to a select committee. Here it was savaged by the County Councils Association and the Poor Law Unions Association, and it was even opposed by conservative philanthropists in the Society for the Prevention of Cruelty to Children. The Education (Provision of Meals) Act 1906 was a limited measure which allowed local authorities to provide meals for schoolchildren in elementary schools. If the voluntary contributions to defray the cost of such food proved to be insufficient, they were permitted to levy a rate of no more than a halfpenny in the pound. Because of the resistance of the Boards of Guardians on the Report Stage in the Commons,

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(London: Bell, 1914), pp.9-10, 149-180. *Third International Congress for the Welfare and Protection of Children*, 15-18 July (London, 1902), p.24. Ethel Williams, *Report on the Condition of Children who are in Receipt of the Various Forms of Poor Relief in England and Wales* PP, LII (1910). Tom Percival, *Poor Law Children* (London: Shaw, 1911), pp.31-2, 47.

<sup>42</sup> John Cooper, *TBWR* p.42.

<sup>43</sup> John Cooper, *TBWR* pp.43-4.

who were in the first instance to pay the cost of the meals, the new meals service was severed from the Poor Law.<sup>44</sup>

Sir Lauder Brunton, a consultant, and Maurice joined forces in the National League for Physical Education and Improvement which was inaugurated in June 1905, of which Brunton was the driving force.<sup>45</sup> Around the inner core of the league consisting of medical officers of health and persons associated with school doctors and the New Liberalism were some sundry establishment figures enticed into it by its espousal of physical training and military service. Nine months later Augustine Birrell, the Liberal Minister of Education replying to a deputation from the league claimed that compulsory medical inspection was in advance of public opinion. The response of the league was to whip up a furious publicity campaign mostly among medical men, including sending a deputation from the British Medical Association which was supported by T.C. Horsfall, the Manchester philanthropist, who extolled the merits of the Wiesbaden model system of inspection which most of the larger German towns had adopted. Until he conceded the point, the league demanded that Birrell also make some arrangements for attending to the health of the schoolchild. The government in 1907 put forward a measure, the Education (Administrative Provisions) Bill, which instituted the compulsory medical inspection of elementary schoolchildren and sketched some arrangements for their treatment.<sup>46</sup>

If the child welfare movement was only concerned with the use of the children of the nation because of their potential as military manpower, how are we to explain the release of energy and interest along a broad front? The Edwardian era saw the start of the infant welfare movement, the inauguration of children's courts and special probation services, the removal of children from the tentacles of the Poor Law, the concern with the employment opportunities for boy labour, and the extended protection for children and youth in the Children's Act 1908.<sup>47</sup> Part of the explanation was that children were regarded as a separate

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<sup>44</sup> John Cooper, *TBWR* pp.45-9. John Stewart, 'Ramsay MacDonald, the Labour Party and Child Welfare, 1906-1914', *Twentieth Century British History*, 2 (1993), 105-25. *Daily News* 21 January 1905 and *Schoolmaster* 10 March 1906. Frances Countess of Warwick, *Life's Ebb and Flow* (London: Cassell, 1929), pp.227-9 and *Afterthoughts* (London: Cassell, 1931), p.233.

<sup>45</sup> *School Hygiene*, November 1916; and *Lancet*, 31 January, 14 February, 18 July 1903 and 14 January and 7 October 1905. Lieut. Col. F. Maurice, *Sir Frederick Maurice: A Record of his Work and Opinions* (London: 1913), pp.5, 112-18.

<sup>46</sup> John Cooper, *TBWR* pp.49-54. National Archives, ED 24/279 Deputation of the league on 27 February 1906 and B.M.A. 16 July 1906. *Interim and Annual Reports of the National League for Physical Education and Improvement 1906*. N.B. Daghish, 'Robert Morant's hidden agenda? The origins of the medical treatment of schoolchildren', *History of Education*, vol.19 (1990), 139-148.

<sup>47</sup> John Cooper, *TBWR* pp.54-5.

category with their own stage in life, not as young adults.<sup>48</sup> Hence the Children's Act of 1908 which tidied existing legislation and curbed children smoking and drinking in public spaces, an act steered through parliament by Herbert Samuel, a government Minister associated with the New Liberalism. Among other features of the act were the setting up of juvenile courts, a piece of legislation borrowed from Canada and the United States. Also important in stimulating reform in the treatment of children were the international congresses devoted to child welfare, where social workers discussed the latest methods and ensured that the most advanced states kept abreast of each others' innovations. 'Added to this was the enhanced prestige of the British Medical Association, the Society of Medical Officers of Health and the National Union of Teachers, and the proliferation of pressure groups concerned with child welfare'.<sup>49</sup>

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<sup>48</sup> Jose Harris, *Private Lives, Public Spirit: Britain 1870-1914* (London: Penguin, 1994), pp.84-9.

<sup>49</sup> John Cooper, *TBWR* p.55.

## CHAPTER 3

### ASQUITH, THE WEBBS, AND THE WELFARE REVOLUTION

My approach differs from other historians in rehabilitating the pre-War reputation of Asquith as Prime Minister. I argued first that when Asquith took over as Prime Minister in April 1908, there was a momentous change from small-scale tentative experiments to large-scale, national enterprises and the establishment of a system of welfare outside the framework of the Poor Law. He evinced not only an enthusiasm for reform which was lacking in his predecessor, but a willingness to allow his colleagues to try out new, bold schemes which had his full support. He also was clearly in charge of the government's overall strategy.<sup>1</sup> He was behind the scheme for non-contributory old age pensions, and initiated the reconstruction of the financial system to pay for it; and responding to the forthcoming report of the Poor Law Commission and in language reminiscent of the Webbs, Asquith in his inaugural address on becoming Prime Minister promised to deal with the causes of poverty and unemployment and their remedies, and the need for the classification of the helpless and hopeless. In June 1908 he stated that within a year or two the Poor Law would be completely remodelled. 'The Pensions Bill was the first step towards the general reconstruction of the organized dealing of the state with the problems of old age, poverty, infirmity and unemployment'.<sup>2</sup>

A few days later Lloyd George hinted in the Commons that the government was going to tackle the problems of sickness and unemployment, a point reiterated afterwards by Winston Churchill in a speech in Dundee. Asquith then whole-heartedly supported Lloyd George and Winston Churchill, whom he had singled out for promotion, by giving them the political backing to go ahead with a national Insurance scheme encompassing health and unemployment insurance as the Liberal alternative to the Poor Law. Nor was this all. He encouraged Lloyd George to continue with the reconstruction of the financial system, Churchill to establish a national system of labour exchanges and a scheme to stamp out sweating in trades with a large percentage of female employees. In addition, to cope with the

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<sup>1</sup> Kenneth O. Morgan, '7 December 1916: Asquith, Lloyd George and the Crisis of Liberalism', *Parliamentary History*, vol. 36 (2017), 361-71.

<sup>2</sup> John Cooper, TBWR pp.115-17, and *Daily News* 1 May 1908 and 13 and 16 June 1908. LSE, Passfield Papers, General Correspondence R.B. Haldane to Beatrice Webb, 30 May 1907, f.282; and R. B. Haldane to Beatrice Webb 16 August 1907, f.254. Bodleian Libraries, Asquith Papers, Old Age Pensions file, Cabinet Paper, 13 September 1907 by R. B. Haldane on Poor Law reform. Beatrice Webb, *Our Partnership* ed.s Barbara Drake and Margaret Cole (London: Longmans, Green, 1948), p.417.

problem of juvenile unemployment the government devised a network of special labour exchanges and attempted to institute a system of compulsory education' for teenagers.<sup>3</sup> So I concluded, it was Asquith in his crucial early speeches as Prime Minister, not so much Churchill and Lloyd George, who steered the Liberal party in the direction of social reform.

I argued that the introduction of old age pensions on a non-contributory basis by Asquith in 1908 was a pivotal event in many respects. Not only was it large in scale but it was the first welfare reform of the new Liberal administration, where the case for its for it was spelt out in the new applied sociology of Charles Booth and it was significant as a landmark in the interaction between the settlement movement and the sociologists; yet it would never have reached the statute book in the form which it did without the assistance of the alliance between supporters of the New Liberalism and the Sociological Socialists and the Labour movement. It was also important as it raised fundamental questions as to how such a scheme was to be paid for and whether or not this would entail a fundamental reconstruction of the system of taxation.

I treated the coming of Old Age Pensions in 1908 as a model for other Liberal welfare legislation, first came the sociological demonstration of a social problem producing poverty for a specific social group and suggestions as to how the lot of these unfortunate individuals could be ameliorated; and then a pressure group campaign was mounted by a group sometimes associated with the New Liberalism and/or the Labour movement until the government implemented a scheme, and sometimes by pressure applied to ministers by individuals such as Beatrice and Sidney Webb associated with the Sociological Socialists. We will see how the Trade Boards Act of 1909 to curtail sweating followed this pattern as did the legislation dealing with the establishment of a national system of labour exchanges.

Charles Booth dismissed the fashionable theory that the excessive consumption of alcohol was at the root of the social malaise existing in the lower classes. He insisted that old age was the principal cause of pauperism, followed some way behind by sickness and drink. In *The Aged Poor in England and Wales* (1894) Booth showed that about 30 per cent of the aged poor who were over sixty-five years of age in rural districts and large industrial centres

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<sup>3</sup> John Cooper, *TBWR* pp.61 and 112-18.

had to seek some form of relief, but those living in semi-urbanized areas were slightly better off.<sup>4</sup>

The National Committee of Organized Labour on Old Age Pensions was formally constituted in May 1899 at Browning Hall a settlement run by Francis Herbert Stead, after a talk by William Pember Reeves, the Agent General, on the New Zealand scheme. The committee opted for a pension of 5s. a week for all those over sixty-five years of age with a complete severance from the Poor Law. Booth as the leading intellectual figure in the movement for old age pensions and as a *Great Disseminator* of the idea was offered the presidency of the organization which he refused, though he aided it financially. Its moving figure was Stead, the brother of the distinguished journalist, W.T. Stead, while it was administered by Frederick Rogers, who had good links with the trade unions and Labour movement. Much of the funding for the campaign came from George and Edward Cadbury exponents of the New Liberalism.<sup>5</sup>

There was a sudden upswing in the fortunes of the campaign after the 1906 election. Why was that? I attributed this 'to the pressure of the Labour movement and to the emergence of a powerful pro-Labour block vote in the 1906 House of Commons of fifty representatives'. Besides the Irish party now numbering 83 MPs, who assured the National Committee on Old Age Pensions that on these domestic issues they were on the side of Labour, there was a sympathetic radical bloc of MPs within the Liberal party led by the veteran politician Sir Charles Dilke. Under the prompting of Dr Horton, the president of the Free Church Council, 140 of 200 Nonconformist MPs were returned pledged to pensions. However, Campbell Bannerman, the Prime Minister, told a deputation from the National Committee in February 1906 that a pension scheme was beyond their ken. A resolution contradicting this negative attitude was quickly passed by the Commons. Replying to a deputation from the National Committee in November 1906, Asquith informed them that the pension scheme must be non-contributory and was urgent and instructed his civil servants to prepare a scheme. That was

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<sup>4</sup> Charles Booth, *Pauperism, a Picture, and the Endowment of Old Age, an Argument* (London: Macmillan, 1892), pp.45-50. Charles Booth, *The Aged Poor in England and Wales* (London: Macmillan, 1894). J.A. Spender, *The State and Pensions in Old Age* (London: Swan Sonnenschein, 1894), pp.14-15. John Cooper, *TBWR* pp.63-5.

<sup>5</sup> Francis Herbert Stead, *How Old Age Pensions Began to Be* (London: Methuen, n.d), pp.,159, 175, 183-4, and 199-200. A.G. Gardiner, *Life of George Cadbury* (London: Cassell,1923), p.113. Frederick Rogers, *Life, Labour and Literature* (Brighton, Harvester Press,1973), pp. xxviii., 243, 247-50.

why his Budget of 1907 differentiated between earned and unearned incomes, but also between incomes over £2,000 and those under that amount to pay for pensions.<sup>6</sup>

Reginald McKenna was then ordered to put together a scheme by Asquith, based on the £7 million per annum which the Treasury said would be made available to pay for old age pensions. To make a considerable saving, as he was concerned that he was short of the necessary funding, McKenna raised the pensionable age to seventy, while the pension was fixed at 5s. a week, with a reduced payment of 7s.6d. a week for married couples. Beatrice Webb was vehemently opposed to character tests, resembling Poor Law regulations, to save money. As suggested by her, a sliding scale of incomes was devised to save money on those with excessive incomes. It was fortunate that the Webbs were able to intervene at the drafting stage of the bill because at this point the National Committee did not have proper access to the government.<sup>7</sup>

Asquith stepped into office as Prime Minister in April 1908, having been assured by Edwin Montagu a month earlier that the introduction of old age pensions would completely change the political climate for the government. The task of introducing the new government Old Age Pension Bill devolved on Lloyd George, the new Chancellor of the Exchequer, in June. Throughout the discussions Stead and Rogers sat in the gallery of the Commons, giving instructions to George Barnes MP in an attempt to wring further concessions from the government. The National Committee with the assistance of the Women's Liberal Federation forced the government to drop their proposal for married couples to receive a smaller pension. Thanks to the Webbs and the Labour party all the remaining disqualifications for receipt of pensions through some connection to the Poor Law were removed by 1911. Because of the soaring costs of non-contributory pensions, Lloyd George was suddenly awakened to the possibilities of the German schemes of health and invalidity insurance which his younger Cabinet colleague, Winston Churchill, was espousing. However, we estimate that the poverty of the elderly only affected some three per cent of the population.<sup>8</sup>

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<sup>6</sup> John Cooper, *TBWR* pp.70-2. Bodleian Libraries, Asquith Papers, memorandum on old age pensions, R.S. Meiklejohn and M. Sturges, 14 December 1906.

<sup>7</sup> Bodleian Libraries, Asquith Papers box 75, 'Suggestions on Old Age Pensions', memorandum by Sidney Webb, and a further memorandum 'Some Arguments on Old Age Pensions, 12 December 1907. Roderick Meiklejohn to Asquith, 27 November 1907. Beatrice Webb, *Our Partnership* Barbara Drake and Margaret Cole ed.s (London: Longmans, Green, 1948), p.384.

<sup>8</sup> John Cooper, *TBWR* pp.72-7. Pat Thane, *Old Age in English History: Past Experiences, Present Issues* (Oxford: Oxford University Press, 2000), p.224; and John Macnicol, *The Politics of Retirement* (Cambridge: Cambridge University Press, 1998), pp.157-62.



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Second, I produce a new interpretation of the anti-Sweating campaign showing how it was taken over and run in the interests of the Women's Trade Union movement.<sup>9</sup> Despite some cross party support for trade boards, the passing of the 1909 Act which limited some forms of sweated labour marked another attempt at the tacit alliance between exponents of the Social Gospel, George and Edward Cadbury, and the two wings of the Labour movement: the trade unions and the Sociological Socialists. Only with the application of the sociological approach to the problem of sweated labour by Beatrice Webb, while serving as a member of Charles Booth's London Enquiry team, and the joint propounding with Sidney Webb of the theory of parasitic trades, were the myths about its nature swept away, and the way opened for its conquest by legislation. Beatrice Webb devised a new definition of sweating which she persuaded the Lords Select Committee on Sweating (1888-90) to adopt: 'earnings barely sufficient to sustain existence; hours of labour such as to make the lives of the workers periods of almost ceaseless toil; and sanitary conditions which are not only injurious to the health of persons employed but dangerous to the public'. All the well-known Edwardian sociologists incorporated this definition in their literature. 'Secondly, in place of the middleman, the nation was denounced as a sweater by Beatrice Webb in its capacity as a consumer, as a landlord who demanded double rent... as the person who gave out material to be worked up into finished articles'.<sup>10</sup>

In the preface to the 1902 edition of their *Industrial Democracy* Sidney and Beatrice Webb extended their analysis to include all categories of low paid workers, not just women:

The pressing need in England of today is not any increase in the money-wages of the better-paid and stronger sections of the wage earners, but a levelling up of the oppressed classes who fall below the 'Poverty Line'... the unskilled labourer, the operatives whose organization is crippled by home work, and the women workers

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<sup>9</sup> Women's Trade Union League annual reports 1901 and 1908; National Anti-Sweating League annual reports from 1907 onwards; and Women's Industrial Council annual report 1905-6. Mary Hamilton, *Mary Macarthur: A Biographical Sketch* (London: Leonard Parsons, 1925), p.65.

<sup>10</sup> John Cooper, TBWR pp.79-80.

everywhere, can never in our opinion, by mere bargaining obtain either satisfactory Common Rules or any real enforcement of such illusory standards as the may set up.

Speaking at a conference on sweating, Sidney Webb observed that the average mechanic or factory worker, 'who earns from 20s. to 35s. per week, seldom obtains enough nourishing food, adequate amount of sleep, or sufficiently comfortable surroundings to allow him to put forth the full physical and mental energy of which his frame is capable'. The answer suggested the Webbs was to stiffen the law, by introducing legislation on the lines of that in the Australian state of Victoria.<sup>11</sup> Again, in their joint volume the Webbs expounded their theory of the parasitic trades which was based on Marx's idea of the reserve of labour which interfered with the smooth haggling of the market, a suggestion which the Select Committee on Sweating found plausible.<sup>12</sup>

Britain had a distinct advantage over her competitors in imbibing the lessons of the minimum wage experiments in her Australasian dominions, as the imperial ties between the two meant that there was a constant exchange of visitors and ideas. Deakin, the premier of Victoria, perfected his ideas on wages boards in conversations with the Dilkes. 'Under the 1896 Victorian Factory and Workshop Act wages boards were empowered to fix a minimum standard wage for factory and outworkers by time and piece rates, to adjust the hours of work and to curtail the proportion of apprentices to the adult labour force'. The Women's Trade Union League (WTU), on which Lady Dilke and her niece Gertrude Tuckwell held dominant positions, which had tried to unionize women workers had met with so many rebuffs that alternative means were tried to surmount this difficulty.<sup>13</sup> From 1900 onwards Sir Charles Dilke MP, the leader of the radical faction in the Liberal party, introduced a Wages Board Bill in the Commons based on the legislation in the state of Victoria without success. However, in 1906 Mary MacArthur of the WTU persuaded the editor of the *Daily News* which was owned by the Cadbury family to sponsor an exhibition on sweating. After the *Great Disseminators*, the Webbs and the Dilke family circle, popularised the idea of adopting the Australian legislation, the Women's Trade Union League which became entrenched in the executive of the new National Anti- Sweating League (NASL), manipulated the campaign against sweating in the interests of the female employees, whom they represented. Mary MacArthur

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<sup>11</sup> John Cooper, *TBWR* pp.88-9.

<sup>12</sup> John Cooper, *TBWR* pp.87-9.

<sup>13</sup> Sheila Blackburn, *A Fair Day's Wage for a Fair Day's Work: Sweated Labour and the Origins of Minimum Wage Legislation in Britain* (Aldershot: Ashgate, 2007), p.104, who argued for the neutrality of the NASL.

speaking at the conference on sweating exclaimed that it 'was no doubt true that all trades were sweated industries – laughter – so she must say that the object was to deal with the super-sweated industries' – the women's trades.<sup>14</sup> Between them MacArthur and J.J. Mallon completely outmanoeuvred Ramsay MacDonald and his wife, when they tried to introduce an American system of licensing legislation.<sup>15</sup> At the same time, Mallon, an organizer with the WTU and secretary of the NASL prevented Winston Churchill at the Board of Trade, who was handling the government bill, from broadening the campaign, by espousing the cause of minimum wage legislation generally. The 1909 Trade Boards Act which Asquith encouraged Churchill to introduce applied mostly to trades with a preponderance of female workers and in which wages were exceptionally low.<sup>16</sup>

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Third, I produced a much more critical evaluation of the early career of Beveridge than Jose Harris. William Beveridge, a protégé of both Canon Barnett and the Webbs, showed that casual labour or under-employment was the principal cause of unemployment and pauperism or perhaps even of destitution.<sup>17</sup> However, it was pointed out by Trevor Lummis that eight or fifteen per cent unemployment due to the trade cycle with hardship for a few months was a less pressing evil than permanent poverty.<sup>18</sup> Beveridge argued that under-employment or casual labour infringed 'upon the standards of life' and that 'irregular earnings' were 'more disastrous than any sweating by low wages'. Further, he asserted that the Sweated Industries Bill of 1908 would attract objections to its compulsory element and would be difficult to enforce.<sup>19</sup> Above all, it is clear from Bowley and Burnett-Hurst's examination of the problem in four industrial communities just before the First World War and Seebom Rowntree's survey of York in 1899 that neither unemployment nor casual labour was a major

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<sup>14</sup> John Cooper, *TBWR* pp.79 and 89-91.

<sup>15</sup> John Cooper, *TBWR* pp.91-4.

<sup>16</sup> John Cooper, *TBWR* pp.99-103.

<sup>17</sup> Jose Harris, *Unemployment and Politics: A Study in English Social Policy 1886-1914* (Oxford: Clarendon Press, 1972).

<sup>18</sup> John Cooper, *TBWR* p.107.

<sup>19</sup> W.H. Beveridge, *Unemployment: A Problem of Industry* (London: Longmans, Green, 1909), p.207-8. Chris Renwick, *Bread for All: The Origins of the Welfare State* (London: Penguin, 2017), pp.173-5 for an opposing view.

cause of poverty. The percentage of poverty attributable to the casual employment of the chief wage earner was in the industrial towns of Warrington 3 per cent, Reading 4 per cent, and York 3 per cent, while neither in Northampton nor Stanley, a mining community, was the factor an immediate cause of poverty. The percentages relating to unemployment in these places was similar... Hence the suspicion must be strong that casual labour was confined to certain towns with trades in which casual labour was endemic, such as work in the docks, or trades being revolutionized by new technological processes, as in the boot industry. This suspicion is confirmed by the findings of an enquiry undertaken by Rose Squire and A.D. Steel-Maitland for the Poor Law Commission, which vindicates the general drift of the conclusions of the poverty surveys. Casual labour was found to be exceptionally prevalent in London; to be common in commercial and distributive centres such as Manchester, Newcastle and Liverpool, but on nothing like the London scale; to be of minute proportions in the manufacturing towns; and to be practically non-existent in country towns'.<sup>20</sup> After reading the poverty surveys, I not only became convinced that Beveridge's theory about the prevalence of casual labour as a cause of mass pauperism which rested so much on the distress returns from London was distorted by the evidence he was using, but made me pay more attention to low wages as a factor causing mass destitution which seemed to make better sense of the subsequent campaign for a minimum wage initiated by Lloyd George. This more critical view of Beveridge differs from the prevailing opinion.<sup>21</sup>

Retreating from the position which she adopted with Sidney in *Industrial Democracy* (1902) of laying down minimum standards of welfare provision, Beatrice Webb repeated Beveridge's theories in a more extreme form in the Minority Report (1909) in a forlorn attempt to win over her colleagues in the Poor Law Commission, dropping all her original emphasis on the importance of low wages. This was when Beatrice reported in her diary that the Poor Law Commission enquiry was 'drifting straight into the *causes of destitution* instead of being restricted to the narrower question of *granted destitution is inevitable, how can we best prevent pauperism?*' Bowley suggested a more realistic figure of 500,000 casual workers, the Webbs an exaggerated figure of 1.2 million in the Minority Report, and Rowntree a wholly unrealistic figure of 2.5 million casuals. From Beveridge's sociological study of unemployment, the Webbs took up his suggestion of a national system of labour

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<sup>20</sup> John Cooper, *TBWR* p.111. B.S. Rowntree, *Poverty: A Study of Town Life* (London: Macmillan G. Bell, 1914), p.154; and A.L. Bowley and A.R. Burnett-Hurst, *Livelihood and Poverty* (London: G. Bell, 1915), pp.34-5, 41-2. N.B. Dearle, *Industrial Training* (London: P.S. King, 1914), pp.33-4

<sup>21</sup> John Cooper, *TBWR* p.110.

exchanges to drain the swamps of casual labour. Once labour exchanges had been established, other measures could be introduced to deal with cyclical unemployment, such as unemployment insurance and public works.<sup>22</sup>

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Fourth, despite Beatrice Webbs disclaimers, she must not only receive credit for forcing some form of medical reform on the government, but for developing the concept of a national health service.<sup>23</sup> After listening to representatives of the Charity Organisation Society saying that all medical relief should be restricted to the technically destitute, she decided to cross-examine witnesses to emphasise the opposite viewpoint. She asserted that illness was a public nuisance to be suppressed in the interests of the community; and to stimulate the interest of the medical officers of health she devised a questionnaire which brought out the conflict between the Poor Law medical service and the public health authority, thereby winning over most of the medical officers of health, who gave evidence on the lines which she wanted: the abolition of the Poor Law medical service. Although she failed in her objective of establishing such a service divorced from such a tainted source and open to all, by her contact with Haldane and Asquith Beatrice forced health reform on the government; and what the government refused to do for the Webbs as a whole, they were forced to introduce in part in a piecemeal fashion.<sup>24</sup>

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<sup>22</sup> John Cooper, *TBWR* pp.111-12. Beatrice Webb, *Our Partnership* Barbara Drake and Margaret Cole ed.s (London: Longmans, Green, 1948),pp.341-2. Kathleen Woodroffe, 'The Royal Commission on the Poor Laws', 1905-9, *International Review of Social History*, 22 (1977), 137-64. Jane Lewis, *Women and Social Action in Victorian and Edwardian England* (Aldershot: Edward Elgar, 1991), pp.146-87. *Majority Report* (1909), pp.221-2.

<sup>23</sup> John M. Eyles, *Sir Arthur Newsholme and State Medicine 1885-1935* (Cambridge: Cambridge University Press,1997),pp.207-19.

<sup>24</sup> John Cooper, *TBWR* 112-18.

In the fifth place I showed how the fight of financial reformers in a select committee allowed Asquith to reconstruct the tax system in a more equitable manner. In line with long established Liberal attitudes Asquith, when he was Chancellor of the Exchequer, lowered indirect taxes, by repealing the coal duties and reducing the impost on tea and sugar, and when he combined this with a social reform programme, forced him to reconstruct the system of direct taxation.<sup>25</sup> As a first step, Asquith soon after taking office appointed a select committee under the veteran radical Sir Charles Dilke to inquire into the related problems of the differentiation and graduation of income tax. Despite attempts by McKenna, the Treasury Secretary, and Sir Henry Primrose of the Inland Revenue to block reform, Dilke out-manoevred them. By calling the Sociological Socialists Chiozza Money and A.L. Bowley and T.A. Coghlan, a former statistical adviser to the Australian government, to give evidence, Dilke showed that the estimates of national income supported by officials were too low and produced evidence to show that individuals could be relied upon to make proper returns of income. The committee's final report was ambiguous appearing to countenance a graduated income tax combined with a compulsory declaration of incomes, but the summary of conclusions appeared to contradict this.<sup>26</sup> Everything would depend on the direction Asquith would take. In his 1907 Budget he introduced the differentiation of income tax and increased death duties, saying that he had an open mind on graduation. In his 1908 Budget Asquith lowered the tax on sugar duty which was meant to pay in part for old age pensions, thus making it imperative as he suggested for Lloyd George to introduce a new crop of taxes. Under Asquith startling memoranda were beginning to emerge in the Treasury, including one advocating a supertax. In addition, the old generation of tax advisers were retired and replaced by Asquith with a new set of officials sympathetic to Liberal aims.<sup>27</sup> By espousing the need for non-contributory old age pensions, Asquith forced the Liberals on to the path of large-scale social reform and a total overhaul of the system of taxation; but he did not stop there, for in his first major speeches as Prime Minister he propelled his administration further

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<sup>25</sup> *Colliery Guardian*, 5 January, 23 February and 4 May 1906; and *The Intermittent Message of the Free Tea League*, 24 March and 1 May 1906 and *Monthly Message of the Anti-Tea Duty League* 31 January and 9 April 1906. *Confectionery*, 12 January 190, 12 April and 12 September 1905, and 12 March 1906 and 12 March 1907. Bodleian Libraries, Asquith Papers, Asquith to Edward VII, 1 May, ff.26 and 6 May, ff.27 1908.

<sup>26</sup> Sir Charles Dilke, 'Finance in the new Parliament', *Financial Review of Reviews* April 1906. Dilke draft report, p. xix *Select Committee on Income Tax* PP,IX, 1906,,pp.1-20, 78, 190-205. British Library, Dilke Papers Add MS 43919, Primrose to Dilke 2 May 1906 and Reginald McKenna to Dilke 8 May, 9 September, and 29 October 1906. *Daily News* 16, 17 and 30 November 1906.

<sup>27</sup> John Cooper, *TBWR* pp.121-32.

in a new direction, stating that his government was going to tackle the major issues of unemployment and health reform.<sup>28</sup>

In order to understand how Lloyd George combated hostile interests when he brought in his Great Budget of 1909 and outflanked opposition from the friendly societies to the National Insurance Bill, I discussed some little known aspects of his political apprenticeship at the Board of Trade. In the drafting and passage of the Merchant Shipping Act of 1906 through Parliament, Lloyd George honed his skills as a negotiator with the shipping community and the merchant seamen, forcing through reform by cleverly offering concessions, but also compelling the shipowners to accept a change in the balance of power in local marine offices. This aspect of his career has been somewhat overlooked. He tried the same approach in trying to mediate between the railway companies and traders, but the deal became unstuck, when he admitted that railway nationalization would be on the agenda, though he had promised otherwise. Hence he had to drop the amalgamation of railway companies as an election issue, turning his attention to social issues.<sup>29</sup>

As is well-known, Lloyd George's Great Budget of 1909 had three principal features, land taxation, license duties, a graduated income tax and supertax, but what I tried to show was how all these features grew out of Asquith's earlier reforms. After the House of Lords mutilated the Scottish Land Values Bill in 1908, land taxers in the Commons proposed that land values should be taxed instead in the Budget, to which both Asquith and Lloyd George agreed, when this proposal was put to them by campaigners.<sup>30</sup> Land reform was an important strand in a Liberal political philosophy which called for the restrictions on the power of the aristocracy as urban and rural landowners and it generated a wide base of support in the party. A Licensing Bill was introduced in the Commons in 1908, and Asquith warned that if it was thwarted by the Lords, high license duties on public houses would follow in the next 1909 Budget. As the spokesman for City opinion, Lord Rothschild led the opposition to the Licensing Bill because of its depressing effect on the stock market, and from the periphery emerged as a central player on the national stage.<sup>31</sup> Like Asquith Lloyd George raised death

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<sup>28</sup> *Daily News* 13 June 1908.

<sup>29</sup> John Cooper, TBWR pp.133-9. *Shipping World* 21 March, 4 April and 30 May 1906, and 28 March 1907; and *Seaman* November 1907. National Archives, *Railway Companies Association*, minutes 17 and 18 December 1907, and 17 January, 11 February, 5 March, 8 April, 13 May and 3 December 1908. J.A. Spender, *Journalism and Politics vol.2* (London: Cassell, 1927), p.157.

<sup>30</sup> John Cooper, TBWR pp.140-5.

<sup>31</sup> John Cooper, *Nathaniel Rothschild*, pp.232-9. John Cooper, TBWR pp.145-6. *Daily News* 11 November 1908.

duties, while at the same time after its differentiation by his predecessor he was able to increase income tax and impose a new supertax. Already in December 1908 Asquith announced in a key speech that the 1909 Budget “will stand on the very centre of our work. By it ... we will be judged both in the estimation of the present and posterity”. He welcomed the controversy as to whether “the growing needs of a policy of social reform are to be provided by the finance of Free Trade” or by returning to the “fallacies of Protection”. As Robert K. Massie pointed out £8.7 million was required to pay for old age pensions and £3.7 million in the first year to, cover the cost of Dreadnoughts.<sup>32</sup>

The centrepiece of the 1909 Budget was the Liberal answer to the Poor Law, health and unemployment insurance in a linked package, as suggested by William Harbutt Dawson, a social commentator and civil servant. Lloyd George asserted that to put Britain on even terms with Germany – ‘I hope our competition with Germany will not be in armaments alone – is to make some further provision for the sick, for the invalided, for widows and orphans’. His colleague Churchill had anticipated the recommendations of the Poor Law Commission, by formulating a scheme ‘which, while encouraging the voluntary efforts now being made by trade unions to provide unemployment benefit for their members, will extend the advantage of insurance to a very much larger circle of workmen, including labourers’ whose lack of work was due to cyclical and seasonal trade fluctuations. This was an experiment with only a few trades being chosen at first, while a national system of labour exchanges would provide the offices and staff for the insurance scheme. Apart from the defence of the land taxes, much of the Liberal election campaign undertaken by Asquith, Lloyd George and Churchill was an exposition of the government’s social insurance plans.<sup>33</sup>

To an audience gathered by the Land and Housing Joint Committee in June 1909, Lloyd George delivered a caustic speech replying to the criticisms the financiers had made of his Budget, singling out Lord Rothschild for attention, and rebuking him for his attempt to block the taxes necessary for the government’s social reform programme. ‘But, really, in all things I think we are having too much of Lord Rothschild (Cheers). We are not to have temperance reform in this country. Why? Because Lord Rothschild has sent a circular to the Peers to say so (Laughter). We must have more Dreadnoughts. Why? Because Lord Rothschild said so at a meeting of the City (Laughter)... You must not have estate duties and a supertax. Why

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<sup>32</sup> John Cooper, *Nathaniel Rothschild*, p.240. Robert K. Massie, *Dreadnought: Britain, Germany and the Coming of the Great War* (London: Vintage, 2004), p.646.

<sup>33</sup> John Cooper, TBWR pp.146-8.



because Lord Rothschild signed a protest on behalf of the bankers to say he would not stand it (Laughter)... You must not have a tax on undeveloped land. Why? Because Lord Rothschild is chairman of an industrial dwellings company (Laughter). You ought not to have Old Age Pensions. Why? Because Lord Rothschild was a member of a Committee that said that it could not be done (Laughter). Now, really, I should like to know, is Lord Rothschild the dictator of this country? (Cheers).<sup>34</sup>

In defence of the government's financial and social reform programme, Lloyd George returned to his attack on Lord Rothschild. He indulged in populist rhetoric mixed with antisemitic jibes, and Lord Rothschild was no match for such a hardened street-fighter.<sup>35</sup> But Natty's reply was also intellectually inadequate, as he failed to spell out the case for a minimalist provision of welfare by the state and failed to explain his own approach as a model landlord and philanthropist.

In the summer and autumn of 1908 Lloyd George became converted to the necessity of a national health insurance scheme. He kept on repeating that amendments submitted during the committee stage of the Old Age Pensions Bill in 1908 totalled £62 million. This was a salutary warning, reinforced by discussions with his new Cabinet colleague Winston Churchill, who earlier than the Chancellor had become convinced that the working class in Britain needed to be underpinned by a nationwide system of national insurance for unemployment and sickness as existed in Germany. My conclusion as to the origins of national insurance is in contrast to the view espoused by E. P. Hennock, who gave primacy to the role of Lloyd George.<sup>36</sup> By introducing two new principles, compensation for diseases of dangerous occupations and coverage for trivial accidents, the Workmen's Compensation Act of 1906, made the establishment of a national health service more necessary. At the September 1907 conference of the Associated Chambers of Commerce a resolution asking the government to consider a national scheme against accidents, sickness, invalidity and old age on the lines of the German scheme was adopted; but a deputation to Campbell-Bannerman by this business organization was rebuffed.<sup>37</sup>

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<sup>34</sup> John Cooper, *Nathaniel Rothschild*, pp.244-5.

<sup>35</sup> John Cooper, *Nathaniel Rothschild*, pp.247-9.

<sup>36</sup> E.P. Hennock, *British Social Reform and German Precedents: The Case of Social Insurance 1880-1914* (Oxford: Clarendon Press, 1987), pp.162-3.

<sup>37</sup> John Cooper, *TBWR* pp.151-3. *Chamber of Commerce Journal* April, September, and December 1907.

At the Board of Trade Lloyd George developed into a masterly negotiator and he used all his skills to overcome the opposition of the friendly societies, the industrial insurance companies and the doctors to introduce national health insurance. A brilliant young civil servant at the Treasury William Blain with the help of William Harbutt Dawson crafted some early plans in the autumn of 1908, and an actual scheme was drawn up by John Bradbury and Ralph Hawtrey which was sent out for independent actuarial examination in 1910, but it was not until a year later with the House of Lords crisis still unresolved that William Braithwaite drafted part 1 of the National Insurance Act 1911.<sup>38</sup> Dawson moved from the Board of Trade to assist Braithwaite and Bradbury and convinced Lloyd George that his scheme was small in comparison with the German one; and employers were forced to pay an extra penny into the fund, opening the way for maternity benefits and decent doctoring. Whereas prior to the Act friendly societies embraced six million members and did not always provide medical benefit, state health insurance provided fourteen million British men and women with general practitioner care and sickness benefit of 10s. a week for twenty six weeks, followed by a 5s. invalidity pension. Following the German scheme, sanatorium benefit was instituted to treat any insured person afflicted with tuberculosis.

From a free market perspective, David Green claimed that the medical profession freed themselves from lay control, nearly doubled their incomes and that the employees insurance contributions were a regressive tax which transferred income from the working class to wealthier middle-class professionals. There was also a gender bias in the Act with an underlying contention of the primacy of the male breadwinner, so that wives who did not themselves work were on the whole excluded from the services of a doctor,<sup>39</sup> as the government actuaries advised.<sup>40</sup> Nor was hospital treatment provided for the insured or for their dependants. Because these fundamental deficiencies in the health insurance scheme soon became apparent, the government were compelled to establish fresh services to cover these gaps in treatment.<sup>41</sup> Hence the Liberals laid the foundations of a state health service, by instituting infant and school clinics, and facilities for the treatment of tuberculosis and venereal disease.

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<sup>38</sup> National Archives, T170/76, memorandum of George F. Hardy and Frank B. Wyatt with appendix, 21 March 1910. National Conference of Friendly Societies proceedings 1909.

<sup>39</sup> John Cooper, *TBWR* pp.162-3. David G. Green, *Working Class Patients and the Medical Establishment: Self-Help in Britain from the Mid-Nineteenth Century to 1948* (Aldershot: Maurice Temple Smith, 1985).

<sup>40</sup> Derek Fraser, *The Evolution of the British Welfare State* (London: Macmillan, 1984), p.167.

<sup>41</sup> John Cooper, *TBWR* p.163.

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In the sixth place I showed that the introduction of unemployment insurance owed as much to W.H. Dawson and Wilson Fox as Beveridge. Unemployed returns rose sharply in August and September 1908, indicating the onset of a cyclical trade depression. Although the Right to Work National Council, a body based on trade unions and socialist members, staged national demonstrations in October, the government was not prepared to concede a bill which admitted the principle of a right to employment, though Asquith admitted that the unemployed had a right to consideration at the hands of the community. Thus it forced Asquith to speed up his plans for dealing with unemployment and gave Churchill a favourable opportunity to press schemes on his more cautious colleagues.<sup>42</sup> His fleeting contact with Sir John Gorst and the writings of his constituent T.C. Horsfall probably influenced him in the direction of social insurance. At the end of 1907 Churchill informed J.A. Spender that '[minimum] standards of wages and comfort, insurance in some effective form or other against sickness, unemployment, old age –these are the questions, and the only questions, by which parties are going to live in future'. To Wilson Fox he elaborated his ideas on 4 January 1908: 'In Germany where the industrial system was developed under State control with all the advantages of previous British experience, uniform & symmetrical arrangements exist for insurance of workmen against accidents and sickness, for provision for old age, and through Labour bureaux etc. for employment. No such State organization exists in England. Its place is supplied by an immense amount of voluntary private machinery', but here no provision existed for the residue. Although he had not as yet aired these views publicly, Churchill on 14 March 1908 advised Asquith that '[u]nderneath, though not in substitution for, the immense disjointed fabric of social safeguards & insurances which has grown by itself in England, there must be spread – at a lower level – a sort of Germanised network of State intervention & regulation'.<sup>43</sup>

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<sup>42</sup> E.P. Hennock, *British Social Reform and German Precedents: The Case of Social Insurance 1880-1914* (Oxford: Clarendon Press, 1987), p.163 for a contrary viewpoint. Randolph S. Churchill, Winston S. Churchill, Companion vol.4 (1907-11), London: Heinemann, 1969), pp,754-6,759, 761.

<sup>43</sup> John Cooper, *TBWR* p.167.

Once Churchill was promoted to the position of President of the Board of Trade, he engaged the Webb's protégé William Beveridge to outline the scheme for a national system of labour exchanges.<sup>44</sup> He told the Webbs that he was interested in labour exchanges as a means of enlarging the responsibilities of his department to enable him to advance solutions to the problem of unemployment. At the end of June 1908 speaking publicly in Dundee Churchill boldly announced that labour exchanges, unemployment and health insurance were all questions lying at no great distance from practical politics; and that the voluntary agencies would have to be incorporated into their schemes. Prior to Lloyd George's trip to Germany to explore their social insurance machinery in August 1908, Churchill addressing a political meeting said that 'our arrangements for insurance and safeguards are not complete...Our existing organisation does not cover the poorer people of the land... the proper direction in which our legislation should move is not to sweep away the existing safeguard, but to try to weave them into a comprehensive system of safeguarding which shall make them really inclusive of the whole masses of people...and result in relieving the working classes to some extent from the chances of infirmity and unemployment and from the harassing evils of casual labour'.<sup>45</sup>

Writing to Asquith on 26 December 1908, Churchill declared that 'The insurance policy must be presented as a whole... and the... policy could receive legislative form either as one half of a big Infirmity Insurance Bill or (if that fails) as the second part of the Labour Exchanges Bill...This is the course of action wh[ich] Lloyd George and I after much debating think best'. After conferring on the main points with Edward Grey, Haldane and Herbert Gladstone, Asquith replied that 'I am heartily at one with you as to the supreme importance of pressing on with our social proposals, particularly as they affect the various aspects of unemployment – Labour Exchanges, Boy Labour, Insurance... Accordingly the dramatic transformation in the posture of the Liberal administration in 1909 as regards social reform by the rapid establishment of labour exchanges, juvenile employment bureaux and trade boards, together with the campaign for social insurance, was almost single-handedly the work of Churchill'.<sup>46</sup>

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<sup>44</sup> National Archives, LAB 8/21 Memorandum on Labour Exchanges and criticism of D.F. Schloss, 13 July 1907; and CAB 37/97/17 Memorandum on Labour Exchanges and minutes, 27 January 1909. TUC Parliamentary Committee, minutes 22 April, 7 July and 18 August 1909.

<sup>45</sup> John Cooper, *TBWR* p.169.

<sup>46</sup> John Cooper, *TBWR* pp. 169-70.

In my view the most likely candidates in the civil service, who pressed a state sponsored scheme of compulsory unemployment insurance on their more staid colleagues were Arthur Wilson Fox (1861-1909) and William Harbutt Dawson (1860-1948).<sup>47</sup> Wilson Fox was second in command in the civil service hierarchy at the Board of Trade, where he settled disputes between employers and trade unions. Giving evidence to the Poor Law Commission in April 1908, Wilson Fox suggested that 'It would be a good thing if you could get a system of insurance in this country, and run your insurance and labour bureaux together... But if you have a big national compulsory insurance scheme, there is a good deal of money in 4d. per employee...but if every worker paid 2d. a week and every employer 1d., and the State paid a halfpenny, and the municipality a halfpenny, you would then get 4d., and that you give you a fund of £9,000,000 a year, which is a large sum for dealing with unemployment. You would then be able to give about 430,000 or 440,000 people 7s. a week through the year, and you would have about £1,000,000 over for expenses'. If they wanted to cover people in unskilled trades such as builders' labourers, who were laid off in winter, it was necessary to have a compulsory scheme. While supporting Wilson Fox's scheme, Dawson added that the municipality should also contribute halfpenny a week because of their saving on Poor Law expenditure.<sup>48</sup>

On 30 September 1908, W.H. Dawson submitted a memorandum on unemployment insurance in conjunction with labour registries, which Wilson Fox assured him that Churchill had found of 'great value'. On 24 October Dawson noted in his diary that 'Unemployment insurance is to be taken up'. This was a key memorandum which propelled Churchill into opting for an unemployment insurance scheme. Dawson proposed a tentative scheme which 'would be (a) assisted, (b) voluntary ... and (d) worked in conjunction with Labour Registries'; and organized according to trades to adjust the insurance risk. Dawson observed that 'all the experiments of recent origin... [in Europe] encouraged collective and voluntary providence 'by subsidising organisations which give unemployment benefit to their members'. Subsidies contributed by the state and local authorities 'would be offered ...' He concluded by remarking that 'Should the experiments [on a voluntary basis] lead to a very large increase in the number of workpeople insuring themselves in different organisations against unemployment, it might be found desirable to apply some form of pressure with a

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<sup>47</sup> Stefan Berger, "William Harbutt Dawson: The Career and Politics of an Historian of Germany", *English Historical Review*, 116 (2001), 76-113.

<sup>48</sup> John Cooper, *TBWR* p.171.

view to taking in the mass of workers belonging to specified trade groups. It is an advantage of the experimental methods proposed that they could at any time be made to serve as the basis of a more comprehensive system of insurance on obligatory lines, and could equally be combined with other systems of insurance (as, for example, insurance against sickness and invalidity). On 19 November 1908 Harold Spender, the Liberal publicist, met Wilson Fox, when very much the same unemployment insurance scheme was discussed, and Spender wrote that if workers outside the trade were to be included, it would have to be converted 'into a system of universal compulsion. The contributions would be small and would be levied by the employers on the stamp or book system'. Dawson also noted that Spender approved of his proposal to bring unemployment and invalidity insurance together, a point taken up by Churchill and the government.<sup>49</sup>

Because of Wilson Fox's illness and subsequent death, the drafting of the unemployment insurance scheme was entrusted to Llewellyn Smith and Beveridge and embraced a few trades, shipbuilding, engineering and the building industries, in which it was made compulsory. A third of the workforce was covered by the scheme, and Churchill explained that if the initial scheme was a success it would be extended until the whole industrial population was protected. Under part 2 of the National Insurance Act 1911 contributions to a state fund were made by employers and workmen, but unlike Dawson's proposals municipalities were not expected to make a contribution, though there was a state subsidy. Despite evidence to the contrary, Lloyd George claimed that he had initiated the idea of compulsory state unemployment insurance and was difficult, when ministers pressed him for an extension of the scheme, so that in 1914 only about another 50,000 workers had been included.<sup>50</sup>

Casual labour was especially prevalent among dock labourers, though in the Edwardian period it was treated as only a small part of a much wider problem, stifling a real push for reform. Charles Booth encouraged the London and India Docks Company in 1891 to set up a scheme of permanent staff and lists of "A" and "B" men, who were given preference over casuals. One commentator suggested that the scheme reached a peak in 1913 as far as

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<sup>49</sup> John Cooper, *TBWR* pp.173-4. Cadbury Research Library, Birmingham, William Harbutt Dawson Papers, WHD 2142, memorandum on assisted unemployment insurance in conjunction with labour exchanges by Dawson, 30 September 1908. W.H. Dawson Diary, WHD 2196, 8 October, 19 November and 27 December 1908. Harold Spender, 'Unemployment Insurance', *Contemporary Review* (January 1909).

<sup>50</sup> John Cooper, *TBWR* pp.174-6. National Archives, memorandum on proposed extension of the National Insurance Act Part 2 by Sydney Buxton, November 1913, and Treasury memorandum with comments, December 1913, CAB 37/117/79, TI/11659.

decasualisation was concerned which was not surpassed until the 1950s; other historians claim that it created greater problems in other sections of the docks. A more complex scheme for decasualisation was instituted in the Liverpool docks in 1912 by Richard Williams under section 99 of part 2 the Insurance Act 1911 which again was only partially successful. When Sidney Buxton was President of the Board of Trade, the problem of restricting casual labour was treated as a matter of urgency before his scheme was dismissed by the Treasury as too inchoate for acting on. At the end of 1913 the Board of Trade and the insurance commissioners prepared a decasualisation scheme for London docks which was never implemented due to the intransigence of Burns and the employers.<sup>51</sup>

The Webbs in their Minority Report on the Poor Law, swayed by the proposals of A.L. Bowley, suggested the allocation of a fund of £40 million to be allocated in the lean years of the trade cycle to be spent on public works and afforestation. Lloyd George perversely believed that nothing could be done to mitigate the evil consequences of the trade cycle and utilised his Development Commission as a body for exploiting the country's natural resources rather than as a means to relieve unemployment. At the outbreak of the 1914 War Herbert Samuel under the influence of the Webbs authorised increased loans for various projects because of fear of a surge in unemployment only to be severely criticised by Edwin Montagu at the Treasury for his extravagance. He admitted that when he was Postmaster-General he had tried to delay the building of post offices until times of a trade depression, but had found it difficult to achieve this goal in practice.<sup>52</sup>

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<sup>51</sup> John Cooper, TBWR pp.176-9. Gordon Phillips and Noel Whiteside, *Casual labour: The Unemployment Question in the Port Transport Industry 1870-1970* (Oxford: Clarendon Press, 1985). Richard Williams, *The First Years Working of the Liverpool Docks Scheme* (Liverpool: 1914).

<sup>52</sup> John Cooper, TBWR pp.179-83. Parliamentary Archives, Lloyd George Papers C/I/29 Edwin Montagu to Herbert Samuel, 1 October 1914. *Hansard* (Commons)31 March 1914, col. 1153. *New Statesman*, 8 and 22 August 1914.

## CHAPTER 4

### THE SECOND WAVE OF WELFARE REFORMS

One of the gravest social ills Edwardian reformers concentrated on was the problem of boy labour leading to strenuous employment outside school hours and the drift into blind-alley occupations as teenagers, lack of education and unemployment in adult life. Among the aims of the reformers were a compulsory prohibition on the employment of school children, the closing of blind-alley occupations, the revival of apprenticeship, and the abolition of half-time – all these objectives became inextricably linked.<sup>1</sup>

I tried to assemble evidence to show that the blind-alley hypothesis of the link between poor categories of juvenile employment and unemployment after the threshold of adult life had been crossed, touted by R.H. Tawney and others, was probably an untenable theory; but a wrong hypothesis was better than no hypothesis and it was these sociological investigations that spurred the successful campaign for juvenile advisory committees attached to the new network of labour exchanges; and in the following year the Choice of Employment Act 1910 which allowed educational authorities to continue their work of guiding children, who were leaving school, into suitable occupations. Government bills to ban street-trading for under-age children and their employment as van boys foundered because reformers wanted too comprehensive a measure and the obduracy of newspaper proprietors.<sup>2</sup>

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<sup>1</sup> John Cooper, *TBWR* pp.185-8.

<sup>2</sup> John Cooper, *TBWR* pp.189-98. Spencer J. Gibb, *The Irregular Employment of Boys* (London: 1903) and *The Problem of Boy Work* (London: Wells, Gardner, Darton, 1906); E.J. Urwick ed., *Studies of Boy Life in Our Cities* (London: Dent, 1904); Frederic Keeling, *The Labour Exchange in Relation to Boy and Girl Labour*



Pressure for the reform of education came from the child welfare organizations and the educationalists connected with industry. The choices facing the government were to prolong day school education beyond the age of fourteen, for which public opinion was not ready, or for continuation schools to be made compulsory. Because of the reluctance to allow day release in the Lancashire cotton industry, a key electoral area for the Liberal party, and sectarian strife over education, bills to institute compulsory continuation schools and to limit the employment of under-age children were blocked. Despite goodwill on the part of Jack Pease, the education minister, and the help of Haldane, marooned in the Lords, they could not overcome the opposition, especially when Lloyd George gave priority to a massive Land Campaign. The pre-War Liberal bills shared much the same features as the famous Fisher Education Act of 1918.<sup>3</sup>

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I proffered a new explanation of why the Liberal administration after their election victories in 1910 shrank from dissolving the remnants of the Poor Law. Although Beatrice Webb tended to exaggerate the differences between the Majority and the Minority Reports on the Poor Law, they shared many features in common. But in the end Asquith and Haldane decided not to abolish the Poor Law because numerous categories of past recipients had been removed from its ambit. As Asquith claimed in May 1911, 'with such matters as old age pensions, labour exchanges, land and housing reform, and insurance against invalidity and unemployment – measures which admittedly affect the treatment of destitution – the character of the problems remaining to be dealt with has in some important respects been modified'. Little noticed, Henrietta Barnett's State Children's Association campaigned for removing children from workhouses and barrack schools and arranged for them to be boarded out with families or sent to scattered homes to live among the community. Moreover, Asquith claimed it was impossible to abolish the huge mixed workhouse at the stroke of a pen, all

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(London: P. S. King, 1910) and *Child Labour in the United Kingdom* (London: P.S. King, 1914); and N.B. Dearle, *Industrial Training* (London: P.S. King, 1914). Arnold Freeman, *Boy Life and Labour* (London: P.S. King, 1914). *Report of the Committee on Compulsory Attendance or Otherwise at Continuation Schools*, xv, 1909. Memorandum of R.H. Tawney on the Question of Compulsory Attendance at Continuation Schools 1907, 300-19.

<sup>3</sup> John Cooper, *TBWR* pp.198-208. National Archives, ED31/183 memorandum on the Education (School and Continuation Class Attendance, Bill, 28 March 1911; ED24/166 memorandum on compulsory attendance at continuation schools, May 1911; and ED24/629 memorandum of A. Abbot on compulsory day continuation schools, 17 January 1914. R.H. Best and C.K. Ogden, *The Problem of the Continuation School* (London: 1914).

they could do was to institute classification within the workhouse. In addition, as Jose Harris observed, the government was waiting for a report of a Treasury Departmental Committee on the relationship between national and local taxation in 1914 before inflicting more financial obligations on county councils.<sup>4</sup>

A whole range of new health services were created between 1912 and 1918, including a school medical service with a network of clinics, infant welfare centres, a national anti-tuberculosis campaign and clinics for venereal disease, under the control of the medical officer of health (MOH), with an emphasis on domiciliary visitation, the screening of contacts, and the integration of new forms of medical care in a public health service. All these initiatives were inaugurated before the First World War, apart from the clinics for venereal disease which were set up during the War following the report of a pre-War Royal Commission. Before the outbreak of the War, new ideas circulated about the need for a Ministry of Health and a national or public health service. Through the intervention of Masterman and Christopher Addison, it was planned to enable insured persons to attend clinics for early diagnosis, where they could meet consultants and tests would be carried out, with screening by laboratories but with the War effort absorbing financial resources these plans were abandoned.<sup>5</sup>

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I drew attention to the National Housing Reform Council, a neglected and important organization. 'T.C. Horsfall acted as marriage broker between the land reform movement and the German town planning tradition and must be classed as the *Great Disseminator* of the concept of town planning in Britain'.<sup>6</sup> Horsfall, who wrote *The Example of Germany* (1904), was among its active members, and campaigned for the 1909 Housing and Town Planning Act.<sup>7</sup> It was a much more effective propagandist body than the Garden City Association which did little political campaigning. Both the housing and town planning provisions of the new law proved to be insubstantial, as the bill was emasculated particularly

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<sup>4</sup> John Cooper, *TBWR* pp.209-14.

<sup>5</sup> John Cooper, *TBWR* pp.215-40. National Archives, MH 139/2 George Newman diary, 3 August and 5 November 1911 and 1 February 1912; MH 48/32 Arthur Newsholme memorandum on Administrative Measures against Tuberculosis, February 1912; and further memorandum 6 February 1913.

<sup>6</sup> John Cooper, *TBWR* p.244.

<sup>7</sup> T.C. Horsfall, *The Improvement of the Dwellings and Surroundings of the People: The Example of Germany* (Manchester: Manchester University Press, 1905). National Housing Reform Council, minutes 6 January 1910. Henry Aldridge to George Cadbury, 20 December 1909. British Library, John Burns Diary, British Library, Ms 46330, 22 and October 1908.

in its provisions concerning the purchase of land, forcing the reformers to look elsewhere, while few town planning schemes were approved.<sup>8</sup> The reformers turned instead to the Unionist Social Reform Council, as Jane Ridley has shown, which sponsored a bill proposed by Sir Arthur Griffith-Boscawen on the model of the 1908 Housing of the Working Classes Ireland Act which built cottages under the stimulus of cheap loans and government grants. The Workmen's National Housing Council consistently supported the bill. Within the National Housing Council, its secretary Henry Aldridge, Harold Shawcross and T.R. Marr gradually overcame opposition; and in 1916 sponsored a conference which concluded that the policies of the Conservatives and Liberals would have to be merged, so that employers paid sufficient wages for adequate accommodation and grants were made to local authorities for housing the poor.<sup>9</sup>

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After examining the achievements of the first trade boards, I concluded that Sheila Blackburn's conclusion was correct that while Tawney condemned the Webbs national minimum wage as being too subsistence based, he also would not accept a more generous minimum wage, if it exceeded what the employers in a trade said it could bear. 'What the trade boards set out to achieve was a series of gradualist wage adjustments in line with what each trade claimed it could bear – adjustments which were not linked to findings derived from scientific budget surveys'.<sup>10</sup> At Middlesbrough in 1907 Lady Florence Bell found that out of 925 houses 125 were 'absolutely poor', while 175 were 'so near the poverty line that they are constantly passing over it', or that a third of the workforce had to toil unremittingly for the basic essentials of life. The Webbs claimed that the outcome of three special investigations undertaken by the Poor Law Commission 'did not find that low wages could be described generally speaking, as a cause of pauperism'. But in one such enquiry Rose Squire and Steel-Maitland concluded that 'considerable' pauperism existed among low paid foundry and engineering workers in Manchester and labourers among ironworkers in Sheffield. By 1913 Beatrice retreated back to the position enunciated earlier that 'Old Age

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<sup>8</sup> J.S. Nettlefold, *Practical Town Planning* (London: St. Catherine's Press, 1914), pp.152, 155-8, 189-90. George Cadbury, *Town Planning* (London: Longmans, Green, 1915), pp.58-9. Kenneth D. Brown, *John Burns* (London, 1977), pp.171-2.

<sup>9</sup> John Cooper, *TBWR* pp.241-60. Jane Ridley, "The Unionist Social Reform Committee, 1911-14: Wets Before the Deluge", *Historical Journal*, 30 (1987), 391-413. National Housing Reform Council, minutes 20 August 1914, 19 and 20 February 1916, and 15 May 1916. T.R. Marr, *Housing Conditions in Manchester and Salford* (Manchester: University Press, 1904).

<sup>10</sup> John Cooper, *TBWR* pp.265-6. Sheila Blackburn, *A Fair Day's Wage for a Fair Day's Work: Sweated Labour and the Origin of Minimum Wage Legislation in Britain* (Aldershot: Ashgate, 2007), pp.147,162,165,170,172.

Pensions, State assistance for the Sick and the Unemployed, Housing schemes, School Feeding, and other forms of provision for special sections of the wage-earning class are desirable, even imperative, but the root factor in destitution is the factor of low wages, and until it is dealt with no substantial improvement in social conditions can be expected'.<sup>11</sup>

I then cited a number of other pre-War sociological findings, some of which has been overlooked, demonstrating that low wages were the most significant factor behind mass poverty.<sup>12</sup> Stimulated by the miners' strike and general labour unrest, Liberal publicists urged the government to secure a living wage for every worker; and Lloyd George responded by opening a Land Campaign in June 1912 with the full support of the multifarious Liberal land organizations, challenging the aristocratic elite. Under the influence of campaigners in the Land and Home League and Seebohm Rowntree, Lloyd George was willing to grant agricultural labourers a minimum wage and revive the rural scene, but he remained reluctant to develop a similar policy for the urban worker. He clung to the outmoded theory that casual labour was the overriding social problem and promised urban workers an extension of the not very effective trade boards with their limited coverage. So too, Asquith believed that the urban social problem was less complex than the rural one and demanded shorter treatment, though a number of by-election defeats seemed to show that the government was out of touch with the urban electorate.<sup>13</sup> I concluded that neither Asquith nor Lloyd George understood the plight of the urban worker.

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In the conclusion to TBWR I challenged the statement of D. Vincent that the Liberal administrations welfare reforms had done little to alleviate poverty, by suggesting it was 'too sweeping'. The pre-First World War poverty levels running at about 10 per cent had halved by

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<sup>11</sup> John Cooper, *TBWR* pp.266-7. Lady Florence Bell, *At the Works: A Study of a Manufacturing Town* (London: Thomas Nelson, 1911), pp.81-6. *Report by A.D. Steel-Maitland and Rose Squire on the Relation of Industrial and Sanitary Conditions to Pauperism* PP XLIII, Rose Squire, *Thirty Years in the Public Service: An Industrial Retrospect* (London: Nisbet, 1927), p.116. Sidney and Beatrice Webb, *The Case for a National Minimum* (London, 1913).

<sup>12</sup> John Cooper, *TBWR* pp.268-70, 272-3. Maud Pember Reeves, *Round About a Pound a Week* (London: Virago,1994), pp.2-3, 211-14. *Report of the Land Enquiry Committee vol. 2 Urban* (London,1914), p.16. Philip Snowden, *The Living Wage* (London: Hodder and Stoughton,1912), pp.28-34. Mrs Carl Meyer and Clementina Black, *Makers of Our Clothes* (London: Duckworth, 1909), p.148. Clementina Black, *Married Women's Work* (London: G. Bell, 1915),pp.3-4, 12.

<sup>13</sup> John Cooper, *TBWR* pp.277-85. Parliamentary Archives, Lloyd George Papers, C/2/4/28 W.M. Crook to Lloyd George 31 May 1914; C/2/4/27 Harold Storey to Lloyd George 29 May 1914; C/2/4/16 Seebohm Rowntree to Lloyd George 12 May 1914; C/2/4/17 Lloyd George to Rowntree 14 May 1914; C/2/4/19 Rowntree to Lloyd George 18 May 1914; and Edwin Montagu to Lloyd George 12 June 1914. *Daily News*, 10 December 1913. Sydney Buxton *Hansard* 13 March 1913 col.s 520-1. *New Statesman*, 7 February 1914.

the 1920s; and this I suggested was due to the rise in wages during the War and the cumulative effect of the Liberal social legislation. Since then research by Eric Schneider analysing growth data of British boys from 1850-1975 has found that the average child born after 1910 experienced a sudden growth spurt around puberty. He attributed this change not to nutritional improvement which occurred in the second half of the nineteenth century but to the curtailment of common childhood diseases such as diarrhoea, although I would suggest that this could also be linked in part to the Liberal infant and child welfare reforms and the flourishing Edwardian network of voluntary services.<sup>14</sup>

Chris Renwick put forward a case that made Neville Chamberlain's overhaul of old age pensions and his recasting it as a contributory scheme and his later abolition of the remnants of the Poor Law, by transferring its remaining powers to local authorities between the Wars, as central to the history of the Welfare State.<sup>15</sup> In contrast Nicholas Timmins gave more attention to the post-War era of Attlee, when his administrations tried to create the social services to conquer the 'five giants on the road of reconstruction', thereby creating the welfare state.<sup>16</sup> But although reception centres and old age homes were opened under the National Assistance Act of 1948 they were often housed in old dilapidated buildings. By a 1945 Act Wage Councils replaced Trade Boards, but with no 'clear minimum standards' for wage levels perpetrated the same errors as in the past. A final failure of the Labour government was that the house building programme failed to reach adequate targets.<sup>17</sup> Unlike Renwick and Timmins, I would place the emphasis at the beginning of the process, on the pre-1914 Liberal governments of Asquith, when the Welfare Revolution occurred and large sectors of the Poor Law were dismantled and replaced.

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<sup>14</sup> John Cooper, *TBWR* pp.291-2, and Pei Gao and Eric Schneider, "The Growth Pattern of British Children, 1850-1975", *LSE Economic History Working Papers*, 293 (January 2019), pp.1-36. Vyvyen Brandon, *The Edwardian Age* (London; Hodder & Stoughton, 1996), pp.46-7.

<sup>15</sup> Chris Renwick, *Bread for All: The Origins of the Welfare State* (London: Penguin, 2018), pp. 163-9.

<sup>16</sup> Nicholas Timmins, *The Five Giants*.

<sup>17</sup> John Cooper, *TBWR* pp.293-5.

## CHAPTER 5

### RAPHAEL LEMKIN AND THE GENOCIDE CONVENTION

Once again Jewish groups after the Second World War campaigned for international human rights legislation and a treaty for the prevention of genocide to correct the weaknesses of the League of Nations and the Minority Rights Treaties. I wrote the first comprehensive biography of Raphael Lemkin (1900-1959), the originator of the concept of genocide and the principal campaigner for the United Nations Genocide Convention in 1948, based on his papers.<sup>1</sup> He died penniless in 1959 and his vast horde of correspondence was split among three different archives in the United States, requiring integration in any account; and additional material from national archives in Britain and the United States was utilised to weave a coherent narrative of his life. Prior to the publication of my own book there was only a biography by a Holocaust denier, James J. Martin and a short monograph by William Korey on his role in the development of the Genocide Convention as an instrument of international law; 'but it was not a biography, it suffered from various lacunae and did not set him in the full context of his pre-Second World War background'.<sup>2</sup> Samantha Power's, '*A Problem from Hell: America and the Age of Genocide* (2002) hardly advanced the ground

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<sup>1</sup> John Cooper, *Raphael Lemkin*, and updated paperback edition with a new preface (Houndmills, Basingstoke: Palgrave Macmillan, 2015).

<sup>2</sup> John Cooper, *Raphael Lemkin*, pp.2-3. James J. Martin, *The Man Who Invented Genocide: The Public Career and Consequences of Raphael Lemkin* (Torrance, California: Institute for Historical Review, 1984). William Korey, *An Epitaph for Raphael Lemkin* (New York: Jacob Blaustein Institute for the Advancement of Human Rights, 2001).

that Korey had covered, as far as Lemkin was concerned. Her principal thesis was that Churchill described mass murder as 'a crime without a name' and that after Lemkin coined the term genocide it became 'a crime with a name. So too, Philippe Sands in *East West Street: On the Origins of Genocide and Crimes Against Humanity* (2016) said little new about Lemkin. His book's importance lay in its treatment of the career of Sir Hersch Lauterpacht, especially his ideas on human rights and his concept of crimes against humanity which was utilised at Nuremberg. *Raphael Lemkin and the Concept of Genocide* (2017) by Douglas Irvin-Erickson utilised international law and politics to provide a new interpretation of aspects of his life. There was also then an unpublished memoir of Lemkin which was very evasive and contained large gaps in his life, such as a failure to mention James Rosenberg, a brilliant insolvency lawyer, and a principal collaborator in his campaign for the Convention.<sup>3</sup>

My contention was that Lemkin's career had to be understood against his Jewish background in Eastern Europe and the ethnic quagmire of his childhood and adult years in Poland, an interpretation which was challenged in some quarters but has now become more acceptable since James Loeffler's subsequent research. Like his counterpart Hersch Lauterpacht, the distinguished human rights lawyer, Lemkin was a Zionist, who was committed to the struggle for national Jewish rights in Poland and Palestine; and the former included considerable cultural autonomy schemes in Poland. What I also highlighted was the importance that Lemkin attached to cultural genocide in his thinking which stemmed from his Zionist stance, and was a major strand in his proposed legislation which was eviscerated by Western powers.<sup>4</sup> During the 1930s, I argued that 'Lemkin still saw the problem of mass killing within a conceptual framework of Jewish history and more specifically within the confines of Polish Jewish history'. Somewhere between the middle of 1942 and mid-1943 Lemkin's thoughts crystallized, when he was preparing his book on the German occupation

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<sup>3</sup> Samantha Power, 'A Problem from Hell': *America and the Age of Genocide* (New York: Basic Books, 2002). Philippe Sands, *East West Street: On the Origins of Genocide and Crimes Against Humanity* (London: Weidenfeld & Nicolson, 2016). Douglas Irvin-Erickson, *Raphael Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017). James Loeffler, *Rooted Cosmopolitans: Jews and Human Rights in the Twentieth Century* (New Haven: Yale University Press: 2018). Donna-Lee Frieze ed., *Totally Unofficial: The Autobiography of Raphael Lemkin* (New Haven: Yale University Press, 2013).

<sup>4</sup> John Cooper, *Raphael Lemkin*, pp.16, 19, and 21-2; and updated paperback edition with a new preface (Palgrave Macmillan: Basingstoke, 2015). James Loeffler, 'Becoming Cleopatra: the forgotten Zionism of Raphael Lemkin', *Journal of Genocide Research*, vol. 19 (2017),34-60. Chaim Nachman Bialik, *Noach I Marynka*, translated with introduction by Rafal Lemkin ((Lvov: N. Siegel, 1926). Ezra Mendelsohn, 'Jewish Politics in Interwar Poland' in Yisrael Gutman and Others ed.s, *The Jews of Poland Between The Two World Wars* (Hanover: University Press of New England, 1989),p.13. Interview with Saul Lemkin, 12 August 2004.

decrees and he invented the term genocide.<sup>5</sup> Abigail Green showed how in the nineteenth century transdenominational humanitarian campaigns were not motivated solely by secular concerns about human rights but drew on religious groups for support and inspiration. So too, the campaign for the genocide treaty in the mid-twentieth century orchestrated by Lemkin sprang from Jewish and Christian campaigners, combining forces in the National Conference of Christians and Jews; and he also obtained considerable assistance from women's organizations and South American groups, especially in the ratification stages of the Convention.<sup>6</sup>

My biography of Lemkin in addition covered his attempts to raise funds for setting up an institute for the study of genocide and his ambitious project to write a history of genocide. At his death large parts of this history were left unfinished but it was possible to infer what his ideas for the full project were. In volume one he covered humanitarian intervention to protect groups and preserve unique cultures; and noted that 'Genocide does not originate with the riot mob...there must exist certain myths and superstitions regarding the victimised group in order that genocide must be properly rationalized... a subjected group may be a majority controlled by a powerful minority as is the case in colonial societies...Genocide is a gradual process and may begin with political disfranchisement, economic displacement, cultural undermining and control, the destruction of leadership, the break-up of families and the prevention of propagation...Actual physical destruction is the last and most effective means of genocide'. The value of the historical surveys in the remaining volumes 'are being increasingly recognized by scholars, particularly those interested in colonial genocide' but 'they are flawed because the topics have [not]been arranged...according to their historical sequence or grouped thematically according to their significance'.<sup>7</sup> I wrote a preface to a new paperback edition of my book in 2015 because I was troubled by the debate among some genocide theorists, who saw in Nazism a distorted liberation movement.<sup>8</sup>

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<sup>5</sup> John Cooper, *Raphael Lemkin*, pp.19 and 53-6. Raphael Lemkin, *Axis Control in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944).

<sup>6</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (Basingstoke: Palgrave Macmillan, 2008), pp.274-5. Abigail Green, 'The British Empire and the Jews: An Imperialism of Human Rights?', *Past and Present*, 199 (2008),175-205.

<sup>7</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*, pp.236-9, 241-2. New York Public Library, reel 3, 'The Concept of Genocide in Individual and Social Psychology'.

<sup>8</sup> John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (Basingstoke: Palgrave Macmillan, 2015),pp.ix-x. Thomas Kuhne, 'Colonialism and the Holocaust: Continuities, Causations and



The Genocide Convention was passed by the United Nations in 1948 but was not formally ratified until 12 January 1951. Genocide was defined as 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group'. Difficulties were encountered with defining what 'in part' meant and proving intent, as political and military leaders have invariably tried to conceal their orders for the mass slaughter of designated groups of their opponents. Ad hoc international tribunals were set up to try the perpetrators of the mass killing in former Yugoslavia and Rwanda, while the International Criminal Court (ICT) started to function in July 2002.

Both Jacob Robinson, a Lithuanian lawyer and Hersch Lauterpacht felt that the two crimes included in the Nuremberg indictment, war crimes and crimes against peace (aggressive war), were insufficient to cover the brutal attempt to annihilate 5.7 million Jews. Robinson encouraged Lauterpacht to devise the new concept of 'crimes against humanity'. Under Article 6 © of the Nuremberg Charter, it was defined as 'murder, extermination, enslavement, deportation and other inhuman acts committed against any civilian population before or during the war;...'.<sup>9</sup> Unfortunately at a later stage in the drafting, a comma was substituted for the semi-colon, leading the ICT to conclude that this section of the article did not apply in peacetime.<sup>10</sup>

Meanwhile Robinson and Lauterpacht were furious with Raphael Lemkin, whom they regarded as an amateurish lawyer, for equating the mass murder of Jews with the Gypsies and Poles, some of whom had participated in the killing; and for smuggling genocide into the Nuremberg indictment as a rival project.<sup>11</sup> Whereas crimes against humanity came to be emphasised as the slaughter of individuals on a large scale, genocide was regarded as the destruction of a group, yet over time genocide was believed to be the more heinous crime, as it involved mass murder.<sup>12</sup> But the concept of genocide also had the advantage of applying at all times, including long peaceful interludes.

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Complexities', *Journal of Genocide Research*, 15 (2013),339-62. Philip Spencer, 'Imperialism, Anti-Imperialism and the Problem of Genocide, Past and Present', *History*, 98 (2013),606-22.

<sup>9</sup> James Loeffler, *East West Street* pp126-31.

<sup>10</sup> Philippe Sands, *East West Street* pp.112-14.

<sup>11</sup> James Loeffler, *Rooted Cosmopolitans* pp.133-34.

<sup>12</sup> Philippe Sands, *East West Street* p.xxiv.

However, the ICT raised the bar on proving the intent to commit genocide. According to Philippe Sands, the Nazi bureaucracy clearly put down their plans of mass slaughter on paper; and intention was not too difficult to prove, but their successors among dictators and populist leaders took care not to leave a record of their grossly inappropriate behaviour, so that intention has to be inferred. The intention must be drawn 'from a pattern of behaviour', taking into account such factors as the 'timing and scale' of the killing and the 'forms of behaviour that accompany it, to destroy a group as a whole or in part'.<sup>13</sup> Further Sands, who has acted in many such prosecutions, noted that the 'term "genocide", with its focus on the group, tends to heighten a sense of "them" and "us", burnishes feelings of group identity and may unwittingly give rise to the very conditions that it seeks to address: by pitting one group against another, it makes reconciliation less likely'.<sup>14</sup> Despite these misgivings, Sands admitted that he 'saw the merits of both arguments, oscillating between the two poles, caught in an intellectual limbo.' In the end, he was convinced that the prosecutor, where necessary, had to flesh out his arguments with ammunition from both positions, that which placed an emphasis on the individual (Lauterpacht) and that which placed its emphasis on the group (Lemkin).<sup>15</sup> I would go further and say that the charge of genocide has an additional merit in that the opprobrium falling on a head of state or military leader indicted for genocide, and later convicted, casts such a slur on their reputation that it acts as a deterrent. As a philologist, Lemkin deliberately coined the chilling term genocide because of its emotional undertones.

Some critics of Lemkin, such as Christian Gerlach and Jacques Semelin, asserted that the term genocide was inadequate, as it embraced too many issues and emphasised state responsibility, ignoring other forms of violence. Gerlach would replace it with the phrase mass violence. But as one of its defenders has suggested the concept of genocide encompasses 'both intent and outcome, planning and execution. Above all, it identifies a threat to humanity on an existential scale'.<sup>16</sup>

In May 1999 the Serbian President Slobodan Milosevic became the first serving head of state to be indicted for crimes against humanity, to which in 2001 charges of genocide were added for atrocities in Bosnia and Srebrenica. In the latter town 8,000 Muslim men and boys were butchered to death. Milosevic died in prison while awaiting the completion of his trial.<sup>17</sup>

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<sup>13</sup> Philippe Sands 18 Isaiah Berlin annual lecture 6 December 2020.

<sup>14</sup> Philippe Sands, *East West Street* p.380.

<sup>15</sup> Philippe Sands, *East West Street* p.385.

<sup>16</sup> Philip Spencer, *Genocide Since 1945*, p.21.

<sup>17</sup> Philippe Sands, *East West Street* p.379. Philip Spencer, *Genocide Since 1945* pp.86 and 88.

In September 2007 Serbia became the first state to be indicted for failing to prevent genocide in Srebrenica. In July 2010 the President of Sudan Hassan Ahmad al-Bashir was indicted for genocide in Dafur by the ICT. Bashir coped with a regional rebellion in Dafur, by sending in a militia, the Janjaweed, who murdered 400,000 persons and forced another 2.5 million to flee.<sup>18</sup> The new government in the Sudan has promised to hand Bashir over to the custody of the ICT. In what was a hopeful development the ICT in the case of the *Gambia v. Myanmar* found on 23 January 2020 that the Rohingya in Myanmar were subjected to acts which were 'capable of affecting their right of existence as a protected group under the Genocide Convention, such as mass killings, widespread rape and other forms of sexual violence, as well as beatings, the destruction of villages and homes, [and] denial of access to food and shelter'. To rectify this situation the Court unanimously ordered that Myanmar should take effective measures to prevent its army and irregular units under its control from committing any acts falling under Article II of the Genocide Convention; and to report back to the Court on the measures taken at regular intervals,<sup>19</sup> Philippe Sands has a vision of all states adhering to an international rule of law which will be created by 'incremental change.'<sup>20</sup> Since a world summit of the UN in 2005, the international community is obliged to intervene when a state is '*manifestly failing* to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.'<sup>21</sup> For all the above reasons, the legal concept of genocide remains important in its curtailment of state sovereignty.

What became known as the Holocaust remained central to Lemkin's way of thinking about genocide. But when he published *Axis Rule in Occupied Europe* in 1944 he did not fully appreciate the scale of the Nazi destruction of the Jews in Europe; and used the term physical genocide too freely referring to the 'mass killings, mainly of Jews, Poles, Slovenes and Russians'.<sup>22</sup> Lemkin lost 49 members of his family in the Holocaust, including his parents; and how strongly he felt comes across in an excised portion of a cable to Ben-Gurion, the Israeli Prime Minister, in 1946: 'the concept of genocide is created with the blood of six mill[ion of] the Jewish people not only recently but throughout history.'<sup>23</sup>

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<sup>18</sup> David M. Crowe, *War Crimes, Genocide and Justice* (Basingstoke: Palgrave Macmillan, 2014) ,pp.380-1.

<sup>19</sup> Judgment of the ICT in the *Gambia v. Myanmar* 23 January 2020.

<sup>20</sup> 18 Isaiah Berlin annual lecture 6 December 2020.

<sup>21</sup> Philip Spencer, *Genocide Since 1945* p.109. Brendan Simms and D.J.B. Trim ed's, *Humanitarian Intervention. A History* (Cambridge: Cambridge University Press, 2011).

<sup>22</sup> John Cooper, *Raphael Lemkin* pp,58,71-2.

<sup>23</sup> John Cooper, *Raphael Lemkin* p,184,

By then Lemkin was stating that 'The main purpose of the Nazis was a commission of Genocide against nations... to get hold of their territory for colonisation... This was the case of the Poles, and the Russians and the Ukrainians. The case against the Jews and Gypsies was of a purely racial and rather emotional political nature.' Genocide was organized in a scientific way, involving 'quick murder or sterilization' acting 'like a time bomb.' He completed one of the first extended treatments of the Holocaust which remained unpublished until 1993. To the distinguished Jewish historian Professor Salo Baron, he wrote in a letter that he intended to end his mammoth history of genocide with the Nazi case which indicates how important he believed it to be.<sup>24</sup>

There has been a rather sterile debate among historians as to the uniqueness of the Holocaust. Surely it is possible to agree with Richard Evans that the Holocaust was like all other genocides, but had certain uncommon features. 'Unlike all the others it was bounded neither by space nor by time. It was launched not against a local or regional obstacle, but at a world-enemy [Jewish Bolshevism] seen as operating on a global scale. It was bound to an even larger [colonial] plan of racial reordering and reconstruction involving further genocidal killing on an almost unimaginable scale.... [in Eastern Europe]... It was, in part, carried out by industrial methods'.<sup>25</sup>

It has been pointed out that the Nazis slaughter of the Jews should be fitted into the pattern of a colonial genocide because it entailed building a German empire in Eastern Europe, in which the Jews and Gypsies had no place. Jurgen Zimmerer declared that German rule in their colony in South West Africa accustomed them to accept new norms of mass murder and the war of annihilation. 'Terms such as *Lebensraum*, living space, and *Konzentrationslager*; concentration camps, passed into everyday parlance and were adopted by the Nazis'.<sup>26</sup> But other Western imperial regimes in the nineteenth and early twentieth centuries also possessed concentration camps, had unbounded overseas territorial ambitions, and were accustomed to waging a war of annihilation, inflicting numerous casualties on their less well armed opponents. None the less, they were immune from a lethal strain of racism

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<sup>24</sup> John Cooper, *Raphael Lemkin* pp.254-5, 257.

<sup>25</sup> Alan S. Rosenbaum ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide* (Boulder, Colorado: Westview, 2001). Richard J. Evans, *The Third Reich in History and Memory* (London: Abacus, 2015), pp.365-89, particularly p. 385. John Cooper, *Raphael Lemkin* pp.254-5.

<sup>26</sup> John Cooper, *Raphael Lemkin* p.258. Isabel V. Hull, 'Military Culture and Production of "Final Solutions" in the Colonies: The Example of Wilhelminian Germany,' in Robert Gellately and Ben Kiernan ed.s, *The Specter of Genocide. Mass Murder in Historical Perspective* (Cambridge: Cambridge University Press, 2003), pp.141-62..

and antisemitism and did not carry out exterminatory wars against their own citizens or Jews belonging to other states. Even more questionable was the view, no more than a 'paranoid fantasy', that the Jews had colonized Germany in the minds of the Nazis during the 1930s, reducing the rest of the population to a subaltern or subordinate status, from which they were obliged to free themselves, by annihilating the Jews. At the time the Jews did not even have a state of their own, so how could a minority act as a colonial power? <sup>27</sup>

. This skewed way of looking at the Holocaust stemmed in part from Lemkin's failure to understand its true dimensions, when he wrote about it in 1944, seeing genocide everywhere; and in part from his deliberately downplaying it, when he negotiated with UN delegates from Arab lands during his attempts to steer the Genocide Convention through the various committees of the international organization. If Lemkin had chosen to speak out about the Holocaust after the War, he would have risked sinking his overall project before its successful passage through the UN and this explains his concerns and motivation. Later he acknowledged in 1946 that 'The main purpose of the Nazis was a commission of Genocide against nations in order to get hold of their territory for colonisation... This was the case of the Poles and the Russians and the Ukrainians. The case against the Jews and the Gypsies was of a purely racial and rather emotional political nature.'<sup>28</sup> He thus cannot be blamed for a failure to emphasize racism and antisemitism as factors impelling the Nazi regime towards the Holocaust which has resulted in this distorted interpretation.

Unfortunately the Western democracies blocked Lemkin's attempt to include cultural genocide in the Convention, apart from a section forbidding 'forcibly transferring children of the group to another group.'<sup>29</sup> The United Kingdom was one of the principal opponents of this article in the Convention, fearing its implication for their rule in the colonies and the British zone of Germany. 'Ultimately, the emphasis on the group's protection at the centre of cultural genocide ran against the current of protecting the rights of the individual in the Universal Declaration of Human Rights and in the IMT's [International Military Tribunal's] judgment, which prioritized crimes against humanity over genocide.'<sup>30</sup> If the linguistic,

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<sup>27</sup> Philip Spencer, 'Imperialism, Anti-Imperialism and the Problem of Genocide, Past and Present', *History*, vol. 98:4 (2013), 606-22, particularly 615-16. A. Dirk Moses, 'Conceptual Blockages and Definitional Dilemmas in the "Racial Century": Genocides of Indigenous Peoples and the Holocaust,' in A. Dirk Moses ed., *Genocide. Critical Concepts in Historical Studies* vol.1 ( London: Routledge, 2010), pp.159-91.

<sup>28</sup> John Cooper, *Raphael Lemkin* pp.244-5.

<sup>29</sup> Philip Spencer, *Genocide Since 1945* p.10.

<sup>30</sup> Leora Bilsky and Rachel Klagsbrun, 'The Return of Cultural Genocide', *European Journal of International Law*, vol,29 (2018),373-396.

educational or religious rights of a group have been jeopardized, an early warning light would have started flashing, the UN could have intervened and a potential physical destruction of a group could have been averted but it was not to be.

Dirk Moses has castigated Lemkin's concept of culture saying that he 'equated national culture with high culture'; and that 'culture inhered in its elites who made contributions valuable to humanity as a whole. Genocide could occur when they [nations] were exterminated and when libraries, houses of religious worship and other elite institutions of cultural transmission were destroyed even if the mass of the population survived and continued some hybrid popular culture.' Even so, had cultural genocide been preserved in the Convention, as Lemkin intended, then all languages would have been protected and the schools for minority groups would have acted as transmitters of the folk culture and its traditions; and it would not have mattered, if Lemkin had a blind spot for the emergence of a hybrid popular culture.<sup>31</sup>

The Jewish Restitution Successor Organization was established in 1945 to claim heirless Jewish property both private and public, but ran into difficulties as such property under existing international law could only go to a state which might have participated in the plundering of victims. Two notable legal books by Siegfried Moses and Nehemiah Robinson found a path through these thickets, by advocating 'a collectivist approach to the problem of Jewish cultural restitution and reparations. Ultimately, Jewish organizations succeeded in becoming the trustees for heirless cultural property and dispersing it in a way that signalled the renewal of the Jewish culture by shipping cultural property such as books and religious artefacts to...communities in Israel and the USA.' In contrast, art restitution in the 1990s was based on an individual basis, but the collectivist approach needs to be restored as a supplement to the missing cultural genocide article in the Convention.<sup>32</sup>

Several commentators have also suggested that leaving out political groups from the Convention is a serious weakness. Lemkin decided to omit political groups from the Convention as the Eastern and Western blocs were so divided on the issue that keeping it in would have imperilled the chances of the Convention being passed by the General Assembly. The Soviet Union repeatedly claimed that genocide was closely connected to Nazism-

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<sup>31</sup> A. Dirk Moses, 'Lemkin, Culture and the Concept of Genocide', in Donald Bloxham and A. Dirk Moses ed.s, *The Oxford Handbook of Genocide* (Oxford: Oxford University Press, 2010), p.29.

<sup>32</sup> Leora Bilsky and Rachel Klagsbrun, 'The Return of Cultural Genocide?' pp.373-396.

Fascism and other race theories. By adopting this stance, the Soviet Union attempted to exculpate itself from Stalinist crimes against political opponents and ensure that political and social groups were omitted from the Convention. Similarly, The Cambodian genocide was one of the most flagrant examples of politicide, where many tens of thousands were condemned and perished as enemies of the people.<sup>33</sup>

Lemkin firmly believed that the state was responsible for genocide and this has become even more apparent since 1945. Only a modern state with all the resources at its command could mount a sustained attack on a group which it wanted to destroy in manifold ways. Although Russia and the United States blocked the notion that of state responsibility from becoming part of the Genocide Convention, the International Court of Justice held in 1966 that states could be sued for perpetrating genocide. Helen Fein declared that the pluralist structures of modern states were not enough to result in genocide, but that the perpetrators needed a plan of action 'to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat of members'. The examination of the mass rape and murder of subjugated women has now become an integral part of genocide studies. Fein and Leo Kuper made explicit what was implicit or roughly delineated in Lemkin's thought.<sup>34</sup>

Lemkin started the research on the responsibility of colonial regimes for genocide with a series of case studies and also supported the campaign for Algerian independence; and since his intervention in the UN on behalf of the inhabitants of South West Africa, he had become an astringent critic of imperial rule.<sup>35</sup> Leo Kuper, an anthropologist, carried Lemkin's studies a step further, by drawing attention to plural societies, wracked by structural cleavages, 'upon which are superimposed systematic inequalities, often a product of colonial rule.' By 1981 Kuper was concerned about the likelihood of further genocides connected to the decolonisation process, citing what had happened in Biafra, Sudan and Bangladesh as examples.<sup>36</sup>

Johann Gottfried Herder (1744-1803) believed that nations were more or less permanent structures which could exist over millennia; and that each nation had some essential

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<sup>33</sup> Philip Spencer, *Genocide Since 1945* pp.15-16.

<sup>34</sup> Philip Spencer, *Genocide Since 1945*, pp.17-18 and 26.

<sup>35</sup> John Cooper, *Raphael Lemkin* pp.263-4.

<sup>36</sup> Leo Kuper, *Genocide, The Political Use in the Twentieth Century* (Harmondsworth: Penguin, 1981), pp.57-83. Philip Spencer, *Genocide Since 1945* p.25.

characteristics which they could contribute to a universal culture – views shared by Lemkin. Benedict Anderson showed that this was not the case, as nations were imagined communities which could change rapidly over time.<sup>37</sup> Lemkin admired Herder for his defence of cultural diversity and his critique of European colonial conquest which destroyed cultural pluralism, but was troubled by the tainted Romantic ideology of his successors, such as Johann Gottlieb Fichte, who glorified nationalistic communities solidified by ties of blood, territory and language. Herder was opposed to states without just government and did not flinch from denouncing the bureaucratic and despotic character of some states. The Herderian approach inspired the liberal nationalism of Mazzini, but according to Lemkin it ‘became culturally atavistic in the late nineteenth century and the first half of the twentieth century,’ when it ‘coupled with the strive for power, aggrandizement, internal anxieties, and disrespect for minorities [to] create a climate ... for the perpetration of genocide.’ Deeply convinced of the merits of the theorists of cultural autonomy, Lemkin rejected the views of the proponents of an aggressive Romantic nationalism.<sup>38</sup>

Lemkin would have been disappointed but not surprised by the failure of the international community to respond to a whole plethora of genocides. He knew that without the willingness of a superpower to take action with a coalition of other concerned states that nothing would happen. He wanted the United States to ratify the Convention, thereby taking the lead but opposition in the Senate held up ratification in his lifetime. However, it is doubtful whether the prevention of genocide is a top priority for the United States in its foreign policy. Like China and Russia, the United States is very concerned about any limitation of its sovereignty, while it has a dubious past in so far as its own record on genocide is concerned. A State Department report appeared in 2008 which recommended that the United States should become more involved with genocide prevention and a military option was not ruled out. After the American debacle in Iraq, despite the execution of Al-Majid for genocide after the chemical attack on the Kurds, there has been reluctance on the part of Presidents to take action to punish the perpetrators; there was a failure to penalize Assad for a similar incident, when he crossed President Obama’s red line.<sup>39</sup>

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<sup>37</sup> Benedict Anderson, *Imagined Communities* (London: Verso, 2006).

<sup>38</sup> John Cooper, *Raphael Lemkin* pp.240-1. Douglas Irvin-Erickson, *Raphael Lemkin and the Concept of Genocide* pp.67-8.

<sup>39</sup> Philip Spencer, *Genocide Since 1945* pp.82, 123-4. Hillary Rodham Clinton, *Hard Choices* (London: Simon & Schuster, 2014),pp.465-6.



Nevertheless, while there has been no Western action against China on behalf of the one million Uighurs incarcerated in concentration camps, there has been intervention through the ICT against Myanmar to stop an ongoing genocide against the Rohingya Muslims; and there is the hope that the continued prosecution of heads of state and military perpetrators for genocide and crimes against humanity will lead to incremental change and the wider respect in the international community for the rule of law.<sup>40</sup>

But since the growing antagonism between the United States on the one side and Russia and China on the other, the international human rights regime and the Genocide Convention have been frequently flouted in the twenty first century, and as a precaution a steep rise in defence expenditure may become necessary. Nato has been trying to impose a defence expenditure of 2 per cent of GDP among its members because of the perilous international situation, resulting in less cash for expenditure on welfare. This fractious situation was compounded by the infringement of the 1987 Intermediate Range Nuclear Forces Treaty between Russia and the West which was allowed to become defunct in the summer of 2019. This may well have calamitous financial consequences in a future, clouded by the coronavirus pandemic.

My book on Raphael Lemkin had a number of informed but good reviews in academic journals by leading genocide scholars and according to the publishers it was cited in 140 related articles. Among the reviewers, Adam Jones remarked that 'The long campaign in which Lemkin first secured a hearing, then spurred the United Nations to draft the Genocide Convention and a critical mass of countries to ratify it, and finally worked to expand the circle of ratifiers, constitutes the heart of Cooper's book (chapters 4-14). It's a solid overview, enlivened by illustrations of Lemkin's remarkable ability to craft messages designed to appeal to particular UN delegates, and above all to avoid ruffling national sensitivities... One hopes that the publishers will see fit to issue the volume in paperback, to render it more suitable for course use and accessible to a general readership'.<sup>41</sup> Martin Shaw added that in this Cooper's 'first foray into political and intellectual history he has ventured thoroughly into both the archives and the continuing debates following on from Lemkin's work. He has produced a very informative work which will be valuable to scholars of genocide as well as historians of the United Nations'.<sup>42</sup> G. Daniel Cohen described my 'meticulous account of the life and

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<sup>40</sup> *The Times* 19 September and 16 December 2020.

<sup>41</sup> Adam Jones in *Journal of Genocide Research*, 11 (2009),177-180.

<sup>42</sup> Martin Shaw in *European History Quarterly*, 40 (2010),310-12.

work of Raphael Lemkin' as 'the first comprehensive biography of the tireless campaigner'.<sup>43</sup> John B. Quigley noted that my account 'contains considerable factual context and much important analysis'.<sup>44</sup> In a blurb to the paperback edition the well-known international lawyer Philippe Sands praised the book as 'A Pioneering and important work. A point of first reference for anyone who seeks an understanding of Lemkin's life, ideas and legacy'.

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<sup>43</sup> G. Daniel Cohen in *Holocaust and Genocide Studies*, 24 (2010),130-33.

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