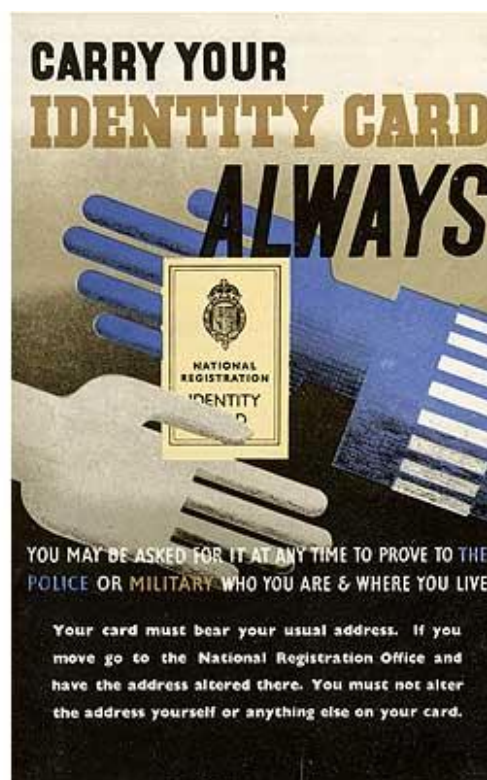


British Identity Cards: Arguments For and Against their Retention and Use 1945-1952

by Dominic Small



Picture: Imperial War Museum

Summary of Aims:

This is a study of the debates surrounding the continued retention of the identity card in Britain post World War II. The aim is to analyse the arguments presented by the ruling Labour party for the retention of the cards and the arguments of the Liberal and Conservative opposition to the card. The identity card can be seen as a microcosm of larger issues regarding the approaches of the different parties to citizens and government. Due to this being an obscure and understudied topic there was no historiography to survey and provide detailed analysis of; this is not a historiographical work. Rather it is an attempt to provide a first glimpse at the

struggle, opinions and debates associated with removing identity cards from British life. There is a scarcity of secondary source material and thus the essay is driven by primary sources and research. The first chapter shall address the Labour government's argument which was centred around using the card as a tool to enable the state to serve the citizen. The second chapter will examine Labour's claim that the card could help bring about a secure and stable society. The third and final chapter will analyse the law case of *Willcock v. Muckle* in an attempt to determine what impact the case had upon subsequent parliamentary debate and press coverage.

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British Identity Cards: Arguments For and Against their Retention and Use 1945-1952.

Britain was one of the four countries in Europe to have no identity card system, voluntary or compulsory, until the Identity Cards Act 2006 was passed¹. This nation has seen two compulsory schemes introduced during the World Wars and is currently in a grey area of implementing a 'voluntary' system. The first identity card system was a short lived Great War experiment that ended in 1919. The second identity card that British citizens were legally obliged to have and encouraged to carry, was introduced at the start of the Second World War. The card existed alongside other rapidly introduced wartime regulations that curtailed civil liberties. These included Regulation 18B that suspended *habeas corpus* and allowed the government to intern undesirables. The threat of invasion was very real and many simply accepted these measures as a condition of wartime, with the understanding that they would be removed following victory. The role the identity card played, the concerns it raised and its eventual abolition deserve examination. Many forget that the card existed for seven years following the cessation of hostilities. It was part of life during a period when Britain was rebuilding and the Labour government created the modern welfare state. Whilst many emergency regulations were scrapped following the cessation of hostilities some, including regulations governing the identity card, were retained. By 1951 there was vocal public opposition to the card and a high profile case turned out to be instrumental in the scrapping of the cards, which took place on 21st February 1952, shortly after the election of a Conservative government.

¹ Identity Cardss Act 2006

Following the war, Britain's election of a Labour government heralded some of the biggest economic and social changes in recent history, all well documented by political historians. The key events of this government, such as the nationalisation of the banks and coal industries, have been explored by economic historians. Historians have examined the founding of the NHS and the creation of the modern welfare state via the expansion of the National Insurance and allowances schemes. The histories of these events tie into a grander narrative about the power afforded to modern democratic states. There has been little written about identity cards and the roles they played in affording power to modern states. What material exists has come to light in recent years due to debate about introducing the cards again. There is one research paper entitled "Identity Cards in Britain: past experience and policy implications", published by Dr Jon Agar². Agar's paper focuses on the financial costs of the system as a reason for collapse and whilst a useful and pertinent explanation, this study will approach the topic from a different angle. Other material published on identity cards is usually concerned with current policy development and is largely written by political scientists. It is mainly focused upon the rise of the information age and 'surveillance society'. Other works are primarily libertarian and whilst some may mention the British identity card it is not given thorough historical analysis or treatment.

This study is focused upon primary source material. There is simply no available secondary source material about identity cards at this time. What does exist are the histories above, which sometimes fit in with what this study is trying to achieve, but are not tailored towards it. There is also a lack of easily available historical study about identity card systems in other countries. Many in Europe were introduced by the Nazis and were comfortably carried over by the Communist Regimes in the East or absorbed by administrative and government bureaucracies in other countries without question.

Identity cards deserve a fresh look and are an important issue relating to the history of civil liberties and conceptions of government. One of the most

² J. Agar, "Identity Cards in Britain: Past Experience and Policy Implications".

striking facts is that no common law country today³, has a compulsory identity card. This may have a historical basis and bears further investigation alongside examining the political debates surrounding the card. It has special pertinence today as it encompasses arguments about the role of the state in the lives of individuals. This is part of the debate of big government versus small government and the type of interaction appropriate between the state and the citizen. It is also an interesting model of how governments began to make use of data within a liberal democracy. This expansive use of data on citizens was taking place at a time when the amount of data and the modern nature of the Third Reich had helped produce the mechanisms that made the Holocaust possible through tracking, identifying, and transporting individuals to suit the state's policy. The existence of an identity card suggests that the citizen is viewed in a very different light by the state. Identity cards are usually a step on the road to totalitarian policies, whether or not that is an intended outcome.

This study will focus upon and analyse the arguments presented for and against the retention of identity cards in both Houses of Parliament from 1945 until 1952. The perspective of the governing Labour Party was that they were a tool by which the state could provide positive benefits to the citizen and identity cards could create a more secure, stable and safe society. These claims were vehemently rebuked by the Liberal and Conservative opposition. This study will conclude with an examination of how the famous *Willcock v. Muckle* law case impacted upon further debates within Parliament and the press' coverage of the issue.

The Second World War had disrupted communities and uprooted thousands, leaving Britain's infrastructure in ruins. Politicians had an opportunity to implement real institutional change after the 1945 election. The British people, eager for a new direction after five years of war, elected a Labour government. This Labour government held 393 seats and had an overall majority in the lower house of 147 seats.⁴ Labour now had a chance to make its mark and according to

³ USA, UK, Canada, Australia, India.

⁴ R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) pp.36-37.

many historians, "1945-51 generally is considered the period when the Labour party most clearly put its impact on British society."⁵ An important part of this was to extend and further centralise state control, which had become the norm in wartime. Through these measures the state's ability to provide for the citizen could be vastly increased. Labour was planning grand schemes such as the National Health Service. There was considerable opposition to this, as there was to their other plans for nationalising large sectors of the economy. Concern over the growth of governmental control was voiced by some, however it should be noted that "all political parties...were committed to bringing in some form of welfare state."⁶

Labour's conception of welfare reform was radical. Their very ethos was that the state, run by competent individuals, could provide for the citizen. They were committed to freedom, but this was a freedom from want; if the state could provide, it should. They were the masters now and would help people move forward. Isaiah Berlin characterised this as 'positive liberty'; it was a set of policies designed to empower the citizen. In contrast to this are the Tory and Liberal conceptions of freedom which seem to focus on what Berlin would term 'negative liberty'.⁷ This is the notion that the state should attempt to interfere as little as possible with the person. The citizen must have the largest degree of free space in which to act, so as to flourish.

The identity card represents both these notions of liberty. It could be argued that the card would function to increase positive liberty by becoming a key to enable the individual access to the state. The card could also be seen as a limitation on liberty because it restricted the individual's right to privacy and granted the police arbitrary powers of detention and harassment.

This study relies heavily upon the Hansard database. Hansard is "the Official Report of debates in Parliament."⁸ This contains debates within the House of Commons and the House of Lords, both of which feature in the study. The purpose

⁵ Schneer "Hopes Deferred or Shattered" 197.

⁶ Marwick "The Labour Party and the Welfare State" 380.

⁷ Berlin "Two Conceptions of Liberty" pp.39-58.

⁸ "Hansard 1803-2005" <http://hansard.millbanksystems.com> (Last Accessed 30th April 2010)

of this source is to record for posterity's sake the debates in both houses of parliament. Much of this study is derived from identifying arguments that relate to identity cards as discussed in either chamber. There are some obvious limitations to this primary source. One of the major ones is that it is hard to decipher the intentions of the politicians when they are speaking. Sarcasm, wit, timing, determination and intonation are not indicated in the transcripts. The amount of political point scoring is hard to gauge and the motivations of the speakers is not entirely clear. As the opposition are in opposition, there is a duty upon their part to present arguments that oppose the government's policies. Similarly members of the government may be forced to defend concepts they personally don't agree with, but must support for the sake of the party and the wishes of the party whips.

There is also, according to a book written about Hansard, "a complete ban upon colourings like 'loud applause' and 'ironical cheers,'".⁹ This was to try and present an entirely objective report of the debates of Parliament. This makes the climate of some debates difficult to gauge, because unless a member refers to the another member's laughter or booing, the Hansard transcribes are not meant to report it. This can be demonstrated by looking at a Hansard transcript of a debate that involves the case of a Mr. Hurst. He was allegedly taken to a police station for not showing his identity card and was treated poorly by the police.¹⁰ The same debate reported in *The Daily Express* contains descriptions of how "hoots of laughter echoed through the Commons" and of "Tory roars."¹¹ The newspaper report changes the entire meaning which the historian can draw from the debate. It gives a depth and meaning to the attitudes of the Tory members of the House including the House's reception to the case of Mr. Hurst. This insight is important. The fact remains that not all debates are reported in the national press and so laughter, jeering and other vocal displays are not in evidence for analysis. Despite these limitations, there is obvious value to Hansard as a source. It shows the lively dialogue between the parties and the issues that MPs felt important enough to

⁹ W. Law, *Our Hansard*, (London, 1950) p.5.

¹⁰ *Hansard*, "Police Inquires (London)" 15 May. 1947.

¹¹ *The Daily Express*, 16 May. 1947.

raise. It also shows in which debates identity cards were mentioned, be that under a debate headed, *Police Inquiries*, or one entitled, *Continuation of Emergency Regulations*.

The other main sources utilised for this study are newspapers, namely *The Times*, *The Daily Express* and *The Daily Mirror*. *The Times* is a traditional broadsheet and the latter two the tabloids of their time. As such they have dissimilar styles of reporting and a different focus upon events due to their contrasting audiences. Their purpose is inherently the same: to provide people with the news they deem most important of that day. *The Times* contains reports from Parliament and detailed reports from the Law Courts but the *Express* and the *Mirror* are much less formal. They tended to report on slightly more sensational stories, as their target audience was the less educated. The historian needs to be aware of such differences and wary of totally trusting such sources because this could lead to problems by making simplistic assumptions. This study is using two different types of newspapers in order to give a better indication of the spread public opinion across social groups regarding identity cards. Historical judgements can be made through observation of how different sections of the press chose to report the same stories. This is useful to understanding the history of the card in popular memory. The limitations are obvious, some newspapers had known political allegiances and "the need for the creation of a new Britain was pressed strongly in the mass circulation *Picture Post*, *the Daily Mirror*, and many other newspapers, which in general were less partisan than in peacetime."¹² Historians need to allow for the subjective nature of the press, even in the press' attempts to be objective reporters of the truth.

The British experience of identity cards has largely been ignored by historians. The issue of the identity card is important because it is something tangible that crystallises debates about British society and is an example of how state interaction with the citizen was dependent upon political ideology. At the heart of this debate lies rival conceptions of government and the role the state should have in the lives of its citizens in the post-war and modern world. The

¹² R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) p.39.

identity card and the issues surrounding its use were a microcosm of larger and grander debates about the role of government in a changing post-war Britain.

Chapter 1: Rationing and Regulations.

A primary argument for the retention of identity cards put forth by the Labour governments of 1945-1951 was that the cards were an enabling tool. They were a tool that enabled the state to better provide for the citizen, an expansion of positive liberty for the many. With the card citizens had freedom from hunger, as they could obtain their rations; freedom to vote, thanks to a better maintained electoral register and finally freedom from want, as child allowances and other welfare allowances expanded through use of the card and register. This chapter will examine the proposals for retention of the card and the opposition to the card regarding these issues. The first key point of opposition was the idea of regulations, the second was about the power of the executive or whether the use of certain administrative instruments, such as the card, is the right thing for government to undertake.

The newly elected Labour government had a defined agenda and clear notions of what the state could do for the benefit of the citizen. They looked upon the identity card and the accompanying data as a way to implement and supply further benefits to the citizen. They embraced the rationing system and took it as an example of how distribution of services to citizens could be achieved and managed.

On 11th October 1945 the Health Minister, Mr. Aneurin Bevan, was asked in Parliament when the identity card and National Registration system could be dispensed with. His reply: "The National Register renders important services to the country, e.g., in the field of rationing and the wartime system of electoral registration. I am not yet in a position to say when the National Register can be dispensed with."¹³ At this stage Bevan was new to power and the system was integral to the established rationing system. It was not long however until he, and

¹³ *Hansard*, "Civilian Identity Cards", 11 Oct. 1945.

others in the Labour government, realised that the national identity card and the National Register could be used to better provide for the citizen. In December 1945, when questioned about the desirability of keeping the identity card, his response had become more detailed and contained this line "Considerable use will also be made of the National Register for the purpose of bringing into operation the new scheme of children's allowances."¹⁴ This highlights how Bevan and others perceived the Register, which was the core component of the identity card system. It was a tool they could use to help the citizen; in this case ease collection of their child allowances. It is also clear at this stage that Bevan and others in government are not differentiating between the card and the register. The two were combined under the regulation, one could not exist without the other. Both combined to produce a mechanism whereby increased government control would benefit citizens; through use of the data and the card as a document certifying the holders identity.

The idea that the government should furnish the citizen with certain services had been strongly developed by the Beveridge Report, which was published to much acclaim in 1942.¹⁵ This set the scene for much of the Labour government's policies and worked well with other policies that expanded the power and domain of government. The report recommended reforms for welfare systems and is considered the basis of the modern welfare state. Labour acted on many of the policies suggested, including the expansion of National Insurance and the creation of the NHS.

The Labour government's conception of the card as a positive force for helping citizens did not exist in a vacuum. The data it provided and how it was used became vital to their conception of how the state should function. Without it the state could not work to full capacity and serve its citizens. This claim was possible due to evidence that suggests many in the government failed to see how the card could be seen as a restriction on liberty. Mr. Younger, the Under-Secretary of State for the Home Department, expresses this opinion most openly:

¹⁴ *Hansard*, "Identity Cards", 06 Dec. 1945.

¹⁵ R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) p.30.

"There cannot be any possible argument on the ground of human liberty. The seaman wants his rations, and he has to have an identity card in order to get them. It is for that sort of purpose that these regulations are required."¹⁶ This argument centres on the understanding that the need for regulations is unquestionable. Additionally because they were established for practical purposes there is no logical reason to question them. A starving man could not be a free man and so use of the identity card offset the loss of liberty against a man gaining freedom from hunger. This line of argument from Mr. Younger stems from the fact that when Labour came to power "draft legislation did not exist for many of the main planks of Labour's programme."¹⁷ They were forced to make use of already existing legislation and then bend it to their aims, the emergency powers supplied the perfect tool for this.

Evidence of how the government saw the cards is revealed again by Mr. Bevan who makes this revelatory claim: "what we have done progressively is to attenuate its [the identity card] evils until it is almost a popular document."¹⁸ This clearly expresses his understanding that the government can shape the public interest for a greater good. Bevan is acknowledging that the card had some evils but because the state had made the document better for the citizen, people had become grateful. They were now accepting of the card and perhaps it was a popular document for the benefits it provided people. For a while this was true, a poll in *The Daily Express* in 1945 shows public support for the cards.¹⁹ At the time people were required by law to carry the card. The subsequent chapter will show that the card was in fact often used as an internal passport and a means of harassing the citizen which fundamentally altered the interaction between the two. This led to a poll a year later showing a massive reversal of support for the identity card.²⁰

¹⁶ *Hansard*, "CLAUSE 1.—(Continuation for further periods of certain Defence Regulations.)", 20 Nov. 1947.

¹⁷ R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) p.49.

¹⁸ *Hansard*, "First Schedule", 20 Nov. 1947.

¹⁹ *The Daily Express*, 12 Mar. 1945.

²⁰ *The Daily Express*, 12, Aug. 1946.

Those who were against the identity card attacked it upon the principle that it was a representation of the oppressive regulation of public life by the government. They were, by and large, members of the Liberal party, though some Conservatives also objected. Regulations had been acceptable under wartime but in the post-war era, the regulation of public life was seen as a negative force. Rather than enabling the citizen it did the opposite. In an exchange prior to peace (1944) a Liberal, Captain Bernays, shows great foresight. In his speech he identifies that any government will make use of the temporary powers and argue to carry them into peace time. He states -

"To-day, we live under a system of permits...So far from an Englishman's home being his castle, he cannot even mend a leak in the roof without a permit. A man without an identity card or a ration book is an outlaw. This conception of permits is fatally easy to take root. It must be eradicated. Tyranny can so easily be clamped on a people by such simple measures."²¹

Here Bernays is working on a conception of negative liberty, that the best freedom is to have as little interference in life as possible. The regulation of a man's life via the identity card and permits does not enable him but rather impedes his freedom. The card did not guarantee less state intervention and hence was antithetical to this mode of thought. These concerns about regulation were shared by another Liberal, a Mr. Roberts, who said society must be wary "of confusing the importance of different types of regulation. For my part, it is the undermining of our personal civil liberties which is by far the most important aspect of the matter."²² He makes a clear distinction between regulations that enforced a blackout to the ones that threatened civil society such as censorship of the press. It is important to recognise that in this particular debate, the primary concern is with more pressing restrictions on freedom, Regulation 18B for example which granted the right to detain people without trial. However, identity cards were not forgotten as Bernays took care to note in his speech.

²¹ *Hansard*, "Emergency Powers (Defence) Act, 1939 (Continuance)" 14 Jul. 1944.
²² *Ibid.*

There was opposition even to the argument suggesting identity cards were integral to the practice of rationing. These MPs in opposition to the card, largely Liberals and Conservatives, saw the identity card as a definite threat to liberty and proposed solutions to this. One speaker talks of the First World War's rationing system as a way the state could both provide for the citizen and not restrict freedom when utilising an identity card. The objection here is a principled issue that, "the idea should be that a free-born member of the community is entitled to go without let or hindrance in his own realm. He should not be under the necessity of proving his identity or of producing a document to vouch that he is an ordinary British citizen."²³ Mr. Morrison, a Conservative MP, is claiming that the state should not make the citizen have to prove his identity when about daily business. Even rationing should not change this dynamic for Morrison as he explains here:

"There was rationing of food in the war in which I was privileged to play a part, but there were no identity cards. History therefore proves that they are not necessary for a rationing system. If we made the food rationing card the document of identity for purposes of food and clothing rationing, we could now dispense with the identity card."²⁴

Morrison's attack on the identity card comes at a time when the government were beginning to remove controls. On "Guy Fawkes day the President of the Board of trade announced a bonfire of controls...This removed a variety of restrictions which had previously required the issue of 200,000 licences a year."²⁵ The Conservatives proposed a further reduction of controls, as well as a reduction of rationing in 1950, which Labour contested.²⁶ This suggests Labour felt it not the time to lift controls, even five years after the end of the war. An identity card afforded the state a larger degree of control over the citizen's life than a ration card would have and so warranted more concern. This idea that the card could grant the state further control clearly excited some politicians and concerned others.

²³ *Hansard*, "First Schedule" 20 Nov. 1947.

²⁴ *Ibid.*

²⁵ R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) p.100.

²⁶ L.J. Macfarlane, *Issues in British Politics Since 1945*, (Hong Kong, 1981) p.10.

Another area where proponents of the card saw it being useful was in the realm of electoral registration. The card and the National Register would be used to form an Electoral Register that granted citizens the right to vote. An example of this was when a military man was demobilised "[he] comes along to register in the ordinary way he receives an identity card and is immediately registered as a civilian voter, and I understand that he is included in the supplementary register automatically."²⁷ This was seen as making the process of voter registration for enlisted men easier and helping them express their democratic right. There was also a suggestion from a Socialist MP that: "one could quite easily carry out an election, while national registration exists, by the adult producing his identity card, if that was suitably endorsed giving his age. This could be stamped by the polling clerk and he could then vote."²⁸ A similar suggestion was made by a member of the public in a letter to *The Times* in 1946²⁹. Both instances look upon identity cards as a card providing the citizen with the vote. The link with the national registration number was how the system was to work and this number itself became of utmost importance to the government. In reality the 1945 election was carried out through use of the National Register. Through the national registration number they could provide services in numerous ways. In 1949 Mr. Blenkinsop, the Parliamentary Secretary to the Ministry of Health, provides an incredibly detailed breakdown of how the national registration number (which was on the identity card and the key to the data held in the register) had been used in the governments eyes to the benefit of the citizen.

"They are used for food rationing, and for the National Health Service, and they provide a very useful way of notifying deaths, embarkations, etc. To executive councils in our Health Service they have proved very valuable indeed. They are also used, and have proved very helpful, in passport offices. They have enabled us in some respects to simplify the procedure for issuing passports. They have been used in other respects

²⁷ *Hansard*, "Elections and Jurors Bill" 21 Nov. 1945.

²⁸ *Hansard*, "Representation of the People Bill" 19 Dec. 1944.

²⁹ *The Times*, 05 Jan. 1946

as well. The case of the Board of Trade and furniture has been mentioned, and there are other examples."³⁰

When quizzed on how the government intended to make do when the act which guarantees national registration and the ID card ended, Mr. Blenkinsop, will not be drawn, although he does say "Mainly we wish to ensure that the national registration system is as fully used as possible at the present time."³¹ This is a clear example of how the card and the numbers associated with the card were seen as tools to be utilised to afford government better administrative and bureaucratic efficiency. This would create dependence upon the scheme under Labour's viewpoint of using it and so make it harder for them to fully remove the identity card. The government had made good use of the card and register by 1951; it had brought many benefits to post-war British society. In fact there was concern after the creation of the NHS about visitors and tourists using the NHS for free and suggestions were made that practitioners request an identity card from their patients in order to prove their nationality.³² In a limited capacity the card was being used to make sure the recipients of welfare were obtaining it in a timely and orderly fashion; an early example of preventing benefit fraud.

Opposition to this stems from similar arguments to those used against rationing but also to the amount of control the identity card and national register granted the executive. This is the key point; the concern that such regulations and powers will corrupt the executive. It is clear the backbenchers obviously saw themselves as having a duty to prevent the public from losing liberties and preventing the executive from gaining too much power. Numerous statements seem to imply that the backbenchers feel they have more in common with the public, and even the Lords saw it as their duty to protect the public from the power of the executive. A backbencher articulates this in a debate about the 'Continuation for further periods of certain Defence Regulations' 1947, he (a Conservative, Mr. Orr-Ewing) states "that the prime function of the backbenchers is

³⁰ *Hansard*, "National Registration" 28 Sep. 1949.

³¹ *Ibid.*

³² *Hansard*, "New Clause (Charges to be Paid by Certain Classes of Persons)", 19 Oct. 1949.

to protect the people from the exercise of functions unfairly by the Executive."³³ This statement also expressed the idea that such regulations are being unfairly used by the executive, that such regulations were not a part of everyday life.

In the same debate as above, other backbenchers express their concern at giving a blanket renewal of the regulations until 1950: "I object to giving power to carry on these regulations for three years, I say the best thing is to cut the whole lot out and have them up again next year, when we need pass only those which are necessary."³⁴ This is an attempt to make the Executive more accountable when using these emergency regulations, though the amendment they had introduced fell. Once the 'emergency' is declared to have passed the state would lose their current powers. They would instead have to introduce new, peacetime legislation that afforded them the same degree of control. This would be a fundamentally different debate that allowed for a distinction between concerns at using war time, near dictatorial powers, and powers of regulation for the betterment of the people. In 1951 Mr. Orr-Ewing again makes an appeal about the role of the backbenchers

"I believe it to be the duty of Private Members on both sides of the House, indeed it is one of our main functions, to ensure that we bring to the attention of the Administration, in the interests of our constituents generally, any examples of the misuse of power by the great administrative machine. We all realise that this machine has grown tremendously during the last few years—perhaps inevitably. That means that there is all the more reason why we should exercise the powers that are given to us as individuals to ensure that we can prevent the misuse of the far greater powers which exist in the executive and the administrative machine of this country."³⁵

³³ *Hansard*, "CLAUSE 1.—(Continuation for further periods of certain Defence Regulations.)" 20 Nov. 1947

³⁴ *Ibid.*

³⁵ *Hansard*, "Transitional Powers and Emergency Laws (Continuance)" 14 Nov. 1951

This appeal is to both Labour, Conservative and Liberal members. Limitations upon the Executive should be imposed by both sides of the house for the betterment of the people and country.

The concern about the identity card granting the executive too much power also appears in the House of Lords. Lord Hawke says "we all know, once the Executive get a power they relinquish it with extraordinary reluctance. It is like the crocodile and the bulldog: Give them a regulation and they will never give it up."³⁶ Because the Lords had a different set of interests, being unelected representatives of the people, they were likely to be more objective and discerning when examining powers granted to the Executive. The commons at this time was also dominated by a Labour party that openly called itself socialist; some concern then appears ideological. This was oft expressed from Tory MPs as well, and there was a strong undercurrent of opposition to 'socialism' running through many debates. This was due to concern Labour government had brought measures of 'socialism' into existence.

The scheme's opponents were applying a degree of agency to the Executive. This means they were not simply concerned that Labour who would overstep the mark and make use of these powers in a way that marginalised the freedom of the individual but any party could. What is being debated are conflicting ideas of governance and these arguments are well reflected in the arguments about identity cards. A more centralised state providing a better life for people, versus a more laissez faire state that interferes less.

This chapter has demonstrated how the Labour government viewed the identity card as an enabling tool from the emergency wartime regulations. It was not to be mired in obscurity because of its somewhat dubious past (and implications) but was to be fully utilised in empowering the citizen with new allowances and services the government could provide. They saw the argument about liberty as not overly important but did occasionally pay lip-service to the concerns of the opposition. The opposition on the other hand objected to this form

³⁶ *Hansard*, "Supplies and Services (Transitional Powers)", 20 Nov. 1951.

of control and identification of individuals being carried into post-war Britain. They saw it as unnecessary for the citizen's well being and a continuation of unwelcome regulations. Life would be better if the state need not require the citizen to hold an identity card, a ration card was acceptable, but only just. Combined with this we see backbenchers and Lords concerned about the type of powers such regulations were affording the Executive. This was a non-partisan concern, no matter which party was in government, affording them such power was deemed unwise.

Chapter 2: Stabilising Society

A second major argument for retaining identity cards, as identified by this research, is that retaining the card would help create a more secure society. This belief originates from the primary use of the identity card during the war years. It was to act as a form of denial to deserters from the Armed Forces. If deserters had no identity card, due to their desertion, they could not obtain food rations, clothes rations and lead a normal life. This was meant to make it easier to catch deserters and punish them. Desertion remained an issue in the post-war period, with some 20,000 estimated deserters in 1947³⁷, but the card began to be used by the police in a wider number of ways. It became routine for a constable to ask to see a citizen's identity card, as if this in some way could prevent criminal activity. It is clear the Labour government felt the cards could be used, even just in the interim, to make people's lives safer and create a more stable society. The card was not just employed by the police, it swiftly came to be seen as a check on fraud. This measure, again first introduced in war-time to cope with displaced communities, had now become an entrenched practice. Many politicians defended this upon the merit of the card preventing fraud and not that it was simply convenient to utilise a wartime regulation. This chapter will explore arguments presented for the retention of identity cards as helping produce a measure of stability to post-war society.

³⁷ *Hansard*, "Armed Forces (Deserters)" 02 Feb. 1948.

The inevitable bureaucracy created by a wartime state led to an administrative perception that proof of identity was required in all instances. The Post Office was authorised to demand the production of identity cards for “opening of a savings bank account, the payment of monies, and the delivery of a postal packet to a caller at a Post Office”³⁸. Post-war, Labour MPs appeared content to justify use of the card as a measure against fraud. Their reasoning was not based upon it being a wartime measure, rather on it being a correct means of tackling crime and fraud. The Assistant Post-Master, Mr. Burke, said in 1946, “the Post Office requires the production of the identity card in order to assist in preventing accounts being opened for the purpose of fraud. This requirement, which is a simple and expeditious method of establishing the bona fides of the applicant, has been accepted by the vast majority of the people who normally bank with the Post Office.”³⁹ His claim about people accepting the measure was not unfounded. Letters to *The Times* in the same year argue that one practical use of the card is in the prevention of fraud at the Post Office.⁴⁰ This and other letters⁴¹ suggest that people were constantly looking for uses for the card they *had* to carry and were willing in some instances to utilise it. The government believed that producing the card at Post Offices was an effective way “to protect the people's money.”⁴² The government were acting with noble intentions to benefit citizens. The fact the Post Office did require the identity card for the measure of fighting fraud suggests that fraud was deemed to be a specific problem. This quote from the Post-Master General in 1947 details the fact that there were problems with the use of the cards:

“The curtailment and abandonment of pre-war safeguards and checks have led to a growth in the amount of losses by fraud, particularly since 1945. The recent large increase is attributed in the main to two factors—to the fact that forged identity cards are easily obtainable by

³⁸ Hansard, “Identity Cards” 29 Mar. 1950.

³⁹ Hansard, “Savings Bank (Opening of Accounts) 25 Jul. 1946.

⁴⁰ *The Times*, 05 Jan. 1946.

⁴¹ *The Times*, 10 Jan. 1946.

⁴² Hansard, “Savings Bank (Opening of Accounts) 25 Jul. 1946.

determined offenders; and to the increase in criminal activity following demobilisation. All the same, the requirement that the National Registration identity card be produced, first when a new account was opened, and later when a withdrawal on demand was made, has been of valuable assistance in checking fraud. Further measures for preventing fraud have recently been introduced.”⁴³

Here he acknowledges some shortcomings with the system but argues the cards have still been of some use in preventing specific types of fraud. That the card is useful even in a limited capacity and this justified its use and retention. There seems an implicit notion here that more regulations and documents can reduce crime.

The opposition attacked this measure with unusual vehemence. They questioned the validity of postal clerks to ask for the identity card, they accused the government of attempting to “discourage savings through direct Government channels.”⁴⁴ They also raised concerns about how valid a check the card was on fraud. Their key argument centred on the fact that such measures did not decrease fraud but potentially made it easier for fraudsters to operate. They also suggested that due to the card being used as a means of denial, deserters become criminals forced outside the system and hence are driven to act more violently or fraudulently. The continual questioning of the card’s tackling fraud draws two interesting quotes to light. The first is made by a Conservative MP, who says “As a check on fraud, is not this system a failure, in view of the fact that there was less fraud before the war when there were no identity cards, and is not the inference that controls breed evasion of controls and dishonesty increases under Socialism?”⁴⁵ Here, Mr. Marlowe is making an appeal to a more innocent time where identity cards were not required for transactions at the Post Office. He believes it is proper that Britain should return to the pre-war way of managing life which appears to have been based on inherent trust and resulted in a lower fraud

⁴³ *Hansard*, “Post Office” 02 Jul. 1947.

⁴⁴ *Hansard*, “Savings Bank (Opening of Accounts) 25 Jul. 1946.

⁴⁵ *Hansard*, “Savings Bank Depositors (Identity Cardss)” 02 Jul. 1947.

rate. The second quote is from the Post-Master who first introduced the measure. He explains why he did so: "The reason I made it sprang from the same wide and unnatural diffusion of the population necessitated by war. It was also to meet the difficulty which people might have of making remittances from distant parts of the country."⁴⁶ The war had displaced large portions of the population and therefore strangers appeared in many communities, creating a more distrustful atmosphere. To help negate this the identity card was used to establish trust at Post Offices and in a time of war and fear this measure was probably welcomed, or at least accepted. He too wishes a return to the lifestyle before the war, arguing: "We should do as much as we can to simplify life, and restore it to its ancient freedom, and absence of formality. We should restore to the citizen the dignity of his rights and privileges, without the necessity for the production of a piece of paper to prove who he is."⁴⁷ The opposition find it an affront to the law abiding citizen to have to show who he is when interacting with the state. In linking 'Socialism' to his accusation the MP, Mr. Marlowe, is accusing it of being an ideology of controls and regulations. This relates strongly back to ideas analysed in the previous chapter.

Rationing was a system that created many opportunities for the criminal underclass, who were able to create a black-market for goods. Supporters of the identity card claimed it could combat this criminality in conjunction with the ration book; the opposition believed the card useful to any character of shady discretion and dubious ethics. Roger Eatwell states, "During the late 1940's 'spivs became a common term, referring to the amiable, if slightly unrespectable, characters who could obtain anything, at a price, off coupons; 'fell off a lorry' was a phrase which took on a new meaning."⁴⁸ This demonstrates there was a creation of criminality with the limitation on goods and services. The rationing system allowed these people to exist. Mr. W.S Morrison commented in parliament "The dishonest man—the spiv, as he has been called—is generally possessed, I am told, of five or six different identity cards which he produces at his pleasure...So in the

⁴⁶ *Hansard*, "First Schedule" 20 Nov. 1947.

⁴⁷ *Ibid.*

⁴⁸ R. Eatwell, *The 1945-1951 Labour Governments*, (London, 1979) p.99.

detection and prevention of crime no case can be made out for the identity card."⁴⁹ The sceptical nature of W.S Morrison is well founded largely due to the fact citizens had two days to provide his identity card at a police station. Despite the fact it was required everyone must carry their identity card there was a built-in loophole. The two days grace for producing the identity card meant spot-checks were not effective in solving crimes.

In 1949 there were questions being raised about the creation of violent criminals because the system forced deserters to resort to criminality. Here "Mr. Longden asked the Secretary of State for the Home Department if he is aware of the continuance of a high rate of criminal assaults on individuals arising from the unsocial actions of men who depend for a livelihood on the possession of fake identity cards and stolen ration units."⁵⁰ And "Mr. Sutcliffe asked the Secretary of State for the Home Department how many persons, arrested for housebreaking and other crimes of violence during 1947 and 1948, did not possess identity cards; and how many were found to be deserters from His Majesty's Forces."⁵¹ Both these examples highlight a concern that people forced outside the system, may have to resort to violence. This directly challenged the notion identity cards could be used to stabilise society. With identity cards, everyone became a potential criminal and it went some way to removing the cornerstone of common law legal practice that one is innocent until proven guilty. Of course removing the two days grace people had to produce the card could have gone some way to solving this, but so could an amnesty for deserters.

The fact remained that the Police found the card an incredibly useful tool in their arsenal. It meant they had legitimate power to stop anyone and ask them for their identity card. An article from 1945 in *The Daily Mirror* reports on a raid that involved 3000 "uniformed police, C.I.D. men and Army, Navy and Air Force police of three nations."⁵² The operation is described as an attempt to target the 10,000 deserters in London though it does not give numbers detained, only a quote from a Police source that it was very profitable. The police here are acting in the capacity

⁴⁹ Hansard, "First Schedule" 20 Nov. 1947.

⁵⁰ Hansard, "Crimes of Violence (Legislation)" 03 Feb. 1949.

⁵¹ Hansard, "Crimes of Violence (Arrests)" 26 May. 1949

⁵² *Daily Mirror*, 15 Dec. 1945.

granted to them by the government. At this time catching deserters was the priority and that was bound to remain the case whilst conscription was in force. Tackling crime through the identity card could even be seen as a very early 'broken windows' scheme. Crack down on the minor offence of not carrying an identity card and this tackles those likely to commit crime, stopping them before they can commit worse offences.

In examining the post-war archives of both *The Daily Mirror* and *The Daily Express* it is relatively easy to identify how the identity card was used in tackling crime. There are numerous instances that appear where a deserter has been found with a stolen identity card and then subsequently put in jail for six months⁵³. Another man, who was never on the national register, is given six months hard labour⁵⁴. However, it is likely this made the news because it is an unusual case and the punishment so steep as to deter other deserters. There are also instances where under-age minors were using the card to fool police and enlistment officers.⁵⁵ Requests to see the card appear common practice, a clear example that the practice had become part of a policemen's arsenal in tackling crime probably because it allowed you to talk to suspects for longer. The police are mandated to carry out their duties, and performing spot checks on people to ask for their identity card was within this mandate at the time. This meant increased aggressive behaviour of the police towards innocents.

There was a measure of support from the public on the use of the card in this manner. A letter to *The Times* highlights how some were willing to accept the card as a means of identification and a means to prove their innocence. In a letter one author writes he has "always regarded them as something of a safeguard for the holder...only disliked by those who wished to conceal their identity and their actions"⁵⁶. There are other letters referring to similar themes and grasp upon criminal activity as justification. Some are particularly alarmist with one author stating "in these days one can hardly pick up a newspaper without reading of

⁵³ *Daily Mirror*, 04 Apr. 1945.

⁵⁴ *Daily Mirror*, 19 Jun. 1945.

⁵⁵ *Daily Mirror*, 06 Nov. 1947.

⁵⁶ *The Times*, 29 Dec. 1945

burglaries and old ladies being hit over the head, surely anything the general public can do to assist our short-handed police be willingly done.”⁵⁷ The concern at the time suggests some people were prepared to make sacrifices of liberty, and expected others to, for the betterment of society. These letters express the sentiment of the public for law and order to be swiftly re-established post-war. The card was seen as a tool capable of helping in this transition, not just some relic of wartime.

An ex-Policeman who served from 1921-1946 C.H. Rolph writes:

“The police, who had by now got used to the exhilarating new belief that they could get anyone’s name and address for the asking, went on calling for their production with increasing frequency. If you picked up a fountain pen in the street and handed it to a constable, he would ask to see your identity card in order that he might record your name as that of an honest citizen. You seldom carried it; and this meant that he had to give you a little pencilled slip requiring you to produce it at a police station within two days.”⁵⁸

The compromise between security and liberty is tricky to balance in wartime but usually abuses in the name of security appear obvious once the threat has passed. The issue, for government, then is to resist the temptation to use regulations in a manner outside of their intended original usage. The transition phase from war to peace was when the identity card was in existence and thus how the card was used in the wartime became how it was used to stabilise post-war society. The danger was that this potentially meant the more authoritarian practices originally granted in the name of security were becoming the norm even as the threat diminished. British society was risking forgetting how to function without these practices and powers.

Opponents often highlighted examples of the police abusing their powers. One such case involves a Mr. T.A Hurst, there are conflicting reports about his

⁵⁷ *The Times*, 22 Nov. 1948.

⁵⁸ C.H. Rolph, *Personal identity*, (London, 1957) pp.22-23.

treatment but it appears he was hustled to a police station for refusing to show his identity card. This would contravene the rules that require the Police to simply give the individual a piece of paper requiring them to present their identity card, in two days time, at a police station. The account is disputed by the Secretary of State for the Home Department⁵⁹. The case is reported upon by the *Daily Express'* parliamentary reporter⁶⁰. Thanks to the *Express'* reporting it becomes clear this exchange in the House drew much mirth from the assembled MPs. In particular Mr. Hurst claimed he was told by a police officer that "this was not going to be a free country any more", this drew "(Tory Roars)." ⁶¹ It is however difficult to draw concrete facts from this case, due to relying upon hearsay and conjecture it cannot be determined which account is closest to the truth.

It is clear though that this was not an isolated incident. Reports in Newspapers headed "Three Men Show Their Identity Cards - To Little Purpose"⁶² highlight the fact the card was a tool to sanction police interference with people's lives. The case of John Bunyan also reaches Parliamentary debate⁶³. This is an interesting case as it almost mirrors the case of Clarence H. Willcock whose case is considered instrumental in helping abolish the identity card. The opposition are objecting to the fact that Mr. Bunyan was pulled over for a motoring offence and had to show not only his driver's license but also his identity card. Why should the card be requested at every opportunity? The card's existence did not guarantee a more stable or secure society. In fact it appears to have made law abiding citizens more cautious of interactions with the police as they were liable to be hassled. It represented an erosion of trust rather than a building up of trust.

This chapter has demonstrated how the Labour government felt a secure society was built upon regulation of interaction and accountability of the individual to the police. As rationing was still prevalent and desertion a problem, the card was meant to help catch deserters more quickly and to act as a means of denial. They used the identity card in what were novel ways at the time; as an

⁵⁹ Hansard, "Police Inquires (London)" 15 May. 1947.

⁶⁰ *The Daily Express*, 16 May. 1947.

⁶¹ Ibid.

⁶² *The Daily Express*, 08 Nov. 1945.

⁶³ Hansard, "Identity Cardss (Production)" 24 Jul. 1957.

attempted check on postal fraud, it saw some limited success. The opposition's argument centres upon the claim it is an unjust intrusion upon public life. That it creates distrust and allows fraud to take place more easily. Combined with this, the ostracism of deserters from society made these men more violent and determined offenders. The opposition suggested the card changes the relationship of the citizen with the state and makes the citizen more wary of interactions with state run institutions.

Chapter Three: Willcock v. Muckle

The crux of the identity card debate came down to the fact that the citizen was required to carry their card and produce it upon demand. This went against all notions of living in a free country and represented the regulation of public life, after an emergency had passed. This final chapter will take the case of Clarence H. Willcock and analyse it in depth to discover which arguments from the two previous chapters arise. It shall also examine the impact of the case on further debates in Parliament and the response of the press to the case.

On 7th December 1950 Clarence Henry Willcock was pulled over for speeding in Finchley by PC Harold Muckle. "The formalities began. Car numbers, Road Fund license, driving license, certificate of insurance"⁶⁴ but when PC Muckle asked Mr. Willcock for his identity card everything changed. Mr. Willcock refused, telling PC Muckle he would not show his identity card, nor would he appear at a police station in two days to show it. He was issued summons to appear before a Highgate court and found guilty of not showing his identity card within the time allotted, however he was given an absolute discharge, although he was fined for speeding. The appeal went to the King's Bench Division (today the Queen's Bench, a division of the High Court of Justice) where "after a preliminary skirmish before a court of three judges, was adjourned for argument by the Attorney General before a full court of seven judges because of the unexpected magnitude of the issue it raised."⁶⁵ The argument presented by Willcock's lawyers was similar to the one

⁶⁴ C.H. Rolph, *Personal identity*, (London, 1957) p. 24.

⁶⁵ *Ibid* p. 27.

presented at the first hearing. They argued "that the emergency legislation introducing identity cards was now redundant, because the 'emergency' was clearly at an end, and thus he had committed no offence"⁶⁶ in not producing the card. They were arguing that because the emergency was that of the Second World War, which had long since passed, the powers no longer had legal authority, despite the continued extension of the regulations by Parliament. The appeal was not successful, the Attorney General Sir Frank Soskice argued for the prosecution that "in 1939 Parliament had legislated to deal not with one emergency but with several, undefined emergencies, and that consequently the legislation requiring the carrying of ID cards remained valid."⁶⁷

This was hardly the outcome Mr. Willcock and his lawyers had hoped for. However in their statements the judges delivered a damning verdict against the police and the government. Speaking in his summation, Lord Chief Justice Goddard said:

"The court wishes to express its emphatic approval of the way in which they [the lower court justices] acted in granting the defendant an absolute discharge. Because the police may have powers, it does not follow that they ought to exercise them on all occasions or as a matter of routine...to demand production of the card from all and sundry...is wholly unreasonable. This Act was passed for security purposes; it was never passed for the purposes for which it is now apparently being used. To use Acts of Parliament passed for particular purposes in wartime when the war is a thing of the past - except for the technicality that a state of war exists - tends to turn law-abiding subjects into lawbreakers, which is a most undesirable state of affairs." ⁶⁸

⁶⁶ Egan, "The Forgotten Champion of Liberalism", 16.

⁶⁷ Ibid.

⁶⁸ Willcock v. Muckle. No. 844-854. Kings Bench Division. 26 June 1951

This statement helped set the tone for the following debates in Parliament and the reporting in the press. Identity cards and their use by the police came under renewed scrutiny by all, not just the scheme's original opponents.

At the heart of this case was the defence's claim that the emergency which the act drew its existence from, had ended. To continue a system of regulation of public life without the emergency is, in effect, to exert tyranny upon the people. This concept and even similar wording appears in *The Times*, their editorial, stated "it is excellent To have a giant's strength, but it is tyrannous to use it like a giant."⁶⁹ The prosecutor, the Attorney General, argued that in fact the emergency did not refer to a single emergency and suggested "the basic fallacy in the argument on behalf of the defendant is that it does not distinguish between a scheme of events and the emergency relating to those events."⁷⁰ This is an argument focused upon the technicality of language that the prosecution is using to justify the continuation of emergency regulations. It is an 'end justifies the means argument' in the sense that an emergency can be taken to relate to events that may no longer have any relation to the original emergency. The emergency regulations removed public scrutiny and made people beholden to the whims of the government. They gave the government considerably more power for whatever uses they deemed necessary in wartime. Following the war the powers had remained and this was seen as dangerous by the judges. The Lord Chief Justice's attack upon the argument presented by the Attorney General is incredibly relevant to today. An example being when Gordon Brown used legislation designed to tackle terrorism to freeze some £4 billion in assets from Icelandic bank Landisbank.⁷¹

The prosecution was asked by the Lord Chief Justice why it is routine of the police to ask for the identity card of motorists. The reply was that it aids in working out if the motorist was involved in a previous offence and that the card could help clear up misunderstandings. The response of the Lord Chief Justice was not favourable "if the police wanted to be able to find out what previous

⁶⁹ *The Times*, 28 Jun. 1951.

⁷⁰ Willcock v. Muckle. No. 844-854. Kings Bench Division. 26 June 1951

⁷¹ D. Hannan. "Gordon Brown, not Iceland, acted like a Terrorist" *Telegraph.co.uk*

convictions a motorist had had, they should ask Parliament for the necessary powers. They should not use a statute for a purpose for which it was never intended."⁷² Looking back to the first chapter, instances arise where the National Register appears to have been used for a purpose outside of its intended use. It is safe to assume the Lord Chief Justice's words would apply to any abuses of statute. At the very least it would warrant analysis and a determination by the courts as to whether the government was able to use the card to deal with a problem outside of its mandate. In suggesting the police should ask for specific powers if they are not capable of doing their job properly he seems to imply then that should the government wish for a mechanism to exert control in the way the card did they must present their case to Parliament and not simply rely upon wartime measures.

The closing statement on the case made by the Lord Chief Justice relates directly to the previous chapter on building a more stable and secure society. Specifically it supports the thesis of those who opposed the identity card and argued that it did more to create tension and distrust within society. He says of the police's use of powers to ask for people's identity cards that "such action tends to make people resentful of the acts of the police, and inclines them to obstruct the police instead of assisting them."⁷³ This suggests that the dynamic between the citizen and the state is profoundly influenced by the mandatory nature of the act to carry the card and present it upon demand.

The importance of this case is evident in the conclusion the Lord Chief Justice delivered. The issues the case brought to the fore fuelled further questioning against the identity card in Parliament. The leader of the Liberal Party asked the Prime Minister on 2nd July "whether, in view of the judgement of the King's Bench Divisional Court dismissing the appeal of Clarence Harry Willcock from a decision of magistrates concerning the refusal to produce an identity card, he will review in all Departments concerned the emergency legislation still existing so

⁷² *The Times*, 27 Jun. 1951

⁷³ Willcock v. Muckle. No. 844-854. Kings Bench Division. 26 June 1951.

as to terminate such legislation at an early date.”⁷⁴ The fact the question was raised in Prime Ministers Question Time demonstrates how important some MPs believed the judgement to be. Mr. Clement Davies was the leader of the Liberal Party of which Mr. Willcock was as well, and certainly this supports some theses that the Liberal party ⁷⁵ were the most vehement in attacking identity cards and regulations upon principle alone. The Prime Minister’s response again states the *status quo* of the government line: “The emergency legislation still in force is already kept under review, so that powers which are no longer required may be relinquished without delay.”⁷⁶ Attlee presents the same justification, which was inherently criticised by the Lord Chief Justice, that the powers were required for government to function. The fact that these powers originated from emergency legislation was of no real concern to the government. The regulations being under constant review prevented any attempted abuses, despite evidence to the contrary.

This question is raised shortly after the verdict from the case and Mr. Davies’ intention to question the Prime Minister upon the matter was documented by the press⁷⁷ showing how they deemed there to be continued public interest. A Labour backbencher also questions the identity card on the 28th of June⁷⁸, at a time when the papers were reporting on the case. Other MPs raise questions⁷⁹ and it culminates on the 14th of November when the case is again referenced as part of a stinging attack on identity cards by a Conservative MP, Mr. Alport. He says

“Although the court in this case upheld the decision of the magistrates against Mr. Willcock, certain strictures were passed by the Lord Chief Justice, and the other justices sitting with him, upon an interpretation of the Act which enabled the police to use their powers, and which I

⁷⁴ Hansard, “Emergency Legislation” 02 Jul. 1951.

⁷⁵ Egan, “The Forgotten Champion of Liberalism”, 16-17.

⁷⁶ Hansard, “Emergency Legislation” 02 Jul. 1951.

⁷⁷ *The Daily Mirror*, 20 July. 1951.

⁷⁸ Hansard, “Identity Cards” 28 Jun. 1951.

⁷⁹ Hansard, “Identity Cards” 26 Jul. 1951.

think are very relevant to the particular Regulations which we are discussing.”⁸⁰

The judgement did not detract from the focus of the debate; what the Lord Chief Justice had said was vitally important to the debate about continuation of regulatory powers.

Newspaper interest in the case reflected the importance placed upon the actions of Mr. Willcock. The American press, including *The Chicago Daily Tribune*⁸¹ and *The New York Times*⁸², when reporting the abolition of the cards, all place emphasis on Mr. Willcock’s perceived role in the removal of the card. They are keen to play up the role of ‘people power’ in helping to remove the card and emphasising the individual’s role in the battle against unjust government. *The Times*, in Britain, however, although providing extensive analysis of the case whilst it was ongoing and an editorial about it⁸³, does not mention Mr. Willcock when identity cards are removed. This appears somewhat unusual and suggests they were telling a different story to the American press, which had to provide a larger context for its readers. *The Daily Mirror* however makes it front page news and does reference Mr. Willcock, suggesting they too wish to give the story a more personalised touch⁸⁴. This fits the narrative of a more populist publication which may wish to acknowledge a person’s part in bringing down the system. Of course there are other reasons why the system lapsed and failed, one large one being the cost of the system as Jon Agar identifies in his paper⁸⁵. This study does not wish to suggest the case alone was responsible, rather that the case had an impact upon Government’s perception of the card. It also brought the opposition’s arguments into the public realm and addressed the key issues why the card was so contentious.

⁸⁰ Hansard, “Transitional Powers and Emergency Laws (Continuance)” 14 Nov. 1951.

⁸¹ *Chicago Daily Tribune*, 22 Feb. 1952.

⁸² *New York Times*, 22 Feb. 1952.

⁸³ *The Times*, 28 Jun. 1951.

⁸⁴ *The Daily Mirror*, 22 Feb. 1952

⁸⁵ J. Agar, “Identity Cards in Britain: Past Experience and Policy Implications”

The importance of the Highgate court judges giving Willcock an absolute discharge cannot be understated. This set up the hearing at the High Court and helped set a precedent which was then affirmed by the more senior court. They effectively ruled that "If a person is summoned before them [court] for failure to produce his identity card on demand, justices should in the absence of some real reason for the demanded, grant the defendant an absolute discharge."⁸⁶ This basically meant that the police could not really enforce the law, the only reason someone would be prosecuted successfully would now be if they were a deserter who had refused to show his identity card, or someone guilty of a crime. This dramatically undermined the regulation and is why the judgement was deemed helpful in ending the system. It took the proverbial legs out from beneath the act. It suggests the Judges were most concerned about the liberty of the individual.

The core issue came down to how the card had shaped interaction between the state and citizen. The rival conceptions of government suggest the Liberal and Conservative MPs were largely at odds with Labour's understanding of the government. There also appears to be little evidence that the Lord Chief Justice saw the card as warranted for cracking down upon the problem of deserters. The case was an important step in the removal of the identity card. It addressed the core nature of an identity card system, which gives the state power to detain an individual and require them to prove who they are at the arbitrary request of agents of the state. The case limited this interaction and determined the police, perhaps the most obvious coercive agent of the state, could no longer arbitrarily ask for the card. The Lord Chief Justice also delivered a damning verdict about the use of powers outside their intended remit.

Conclusion:

The facts suggest that post World War II, the Labour party were keen to utilise the identity card system to further their aims of introducing a wider range of welfare provisions. The cynical may say it also suggests a party and ideology

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Willcock v. Muckle. No. 844-854. Kings Bench Division. 26 June 1951.

willing to compromise the freedom and independence of the individual for a perceived greater good. They were in the process of creating a bureaucratic state with the National Register and identity card at its heart. Oddly enough this is exactly what the Labour government of today envision; a centralised database of its citizens, on which is held up to fifty categories of information, including all fingerprints, an iris scan and other biometric data⁸⁷. Sixty years later, a Labour government is again arguing that identity cards could help better manage society, making citizens safer and allowing continued access to welfare benefits provided by the state.

The liberty of the individual was the rallying cry of opponents to the scheme. They argued for a society without continued regulation and where the onus was never upon the citizen to identify themselves arbitrarily to agents of the state. Just because identity cards were a tool in the government's administrative and data processing bureaucracy, including allowing for the police to tackle wartime crime and desertion, was not enough reason for the authoritarian practices to continue into peacetime. The opposition appealed to the pre-war era where people interacted upon inherent trust and responsibility. They rejected the notion one could trade-off liberty of one kind for liberty of another. They felt it important to limit the state's ability to interfere with the lives of law abiding citizens. By the time they were abolished, the National Register and identity card were being used by more than 39 government agencies⁸⁸. Proof of the opposition's fears that the government would, and did, find more uses for the powers that the identity card regulations afforded them, than was originally intended by the legislature.

To allow the state and the police access to an identity card is to fundamentally change the relationship the citizen has with the state. It makes the citizen subservient to the arbitrary control of the state and grants the state total access to personal data on the individual. It allows the state to collate all this information into a centralised database and that could be seen as dangerous; it

⁸⁷ Identity Cardss Act 2006.

⁸⁸ J. Agar, "Identity Cardss in Britain: Past Experience and Policy Implications"

affords the government with an increased degree of control. The debates of the past seem to echo, even mirror, the debates of today and Britain would do well to heed the actions of individuals such as Clarence H. Willcock and the judgement of the Lord Chief Justice.

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