

The University of Liverpool

**Conservatism, Imperialism and Appeasement: The Political Career of
Douglas Hogg, first Viscount Hailsham 1922-38**

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Abstract:

By using the political career of the leading Conservative Douglas Hogg, 1st Viscount Hailsham, as a prism, this thesis explores important aspects of inter-war British politics. Considering that Hailsham held key posts during the 1920s and 1930s, his career has attracted less historical coverage than one would expect. By charting his important role in the policy-making process, this study sheds light upon the major challenges facing Conservative leaders and enhances our understanding of British politics during this turbulent period. Hailsham helped shape the moderate form of Conservatism that asserted itself at this time and became intimately involved in formulating Britain's imperial, defence and foreign policies.

Hailsham's contribution to the Conservatives' response to the rise of the Labour Party during Britain's newfound age of mass democracy emphasises the intricacies of inter-war Conservatism. Notwithstanding the overwhelmingly working class electorate, the Conservatives were the dominant party at the polls and this study demonstrates that Hailsham played no small part in the Conservatives' highly successful inter-war appeal. By the end of the 1920s, he had assumed such a prominent position that a number of high-ranking Tories regarded him as Stanley Baldwin's likely successor. During the 1930s, Hailsham confirmed that he was a committed imperialist. He was amongst those who defined Britain's policy as the Empire was transformed into the Commonwealth. He also made important contributions to the interplay between the National Government's foreign and defence policies. He was one of only a handful of ministers whose continued presence allowed them to make interventions in Britain's disarmament, rearmament and appeasement policies during the era of the European dictators and the rise of militaristic Japan. Hailsham's contribution is even more significant because he has strong claims to being the first cabinet minister to express disquiet over the mounting German menace.

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It is to my parents that I dedicate this thesis. They work so hard and I owe them so much.

Introduction

During the years 1922-38, Douglas McGarel Hogg, 1st Viscount Hailsham, sat almost continuously on the Conservative front bench in the House of Commons or the House of Lords. He was twice Attorney-General (1922-4 and 1924-8), twice Lord Chancellor (1928-9 and 1935-8), Leader of the House of Lords (1931-5), Conservative Leader in the Upper Chamber (1930-35), Secretary of State for War (1931-5), Lord President of the Council (1938), acting Prime Minister during the summer of 1928 and regarded as Baldwin's potential successor as Tory leader between 1927 and 1931. As one obituary concluded, Hailsham 'held many important offices in his brilliant career. He was one of the mainstays of the Conservative Party'.¹ Yet his career has attracted little attention from historians. This longstanding historiographical neglect should not be taken to indicate Hailsham's relative insignificance. This thesis will show that Douglas Hailsham was a politician of the first rank and a leading force in the Conservative party, and in Conservative and National governments. An examination of unpublished primary sources enables Hailsham's career to be used as a prism, through which fresh details are revealed over a range of important aspects of inter-war British politics. Hailsham made significant interventions in domestic policy, imperial policy, grand strategy and foreign policy. Even during his two periods on the Woolsack, he remained, first and foremost, a politician and a vocal figure within the cabinet and its relevant sub-committees. His career sheds fresh light on the challenges facing leading Conservatives during the inter-war period and adds a new dimension to on-going historical debates. A man so close to the nation's leaders and so involved in the key policy issues of the day deserves a comprehensive study of his own.

¹ *Sunday Times*, 20 Aug. 1950.

Literature Review²

Secondary Sources

Forty years after the death of Douglas Hailsham his son complained: 'I wish he were better remembered now than he is. He deserves to be.'³ But two decades further on, little has been done to satisfy this wish. The relative neglect of Hailsham's political career is clear in any survey of the literature. No methodical examination of his important contributions to British politics exists and, granted the vast and growing number of publications relating to inter-war British politics, his career represents a curious gap in the literature. Notwithstanding the tendency of political historians to focus disproportionately upon Prime Ministers and party leaders, historical discussion concerning this major figure was not encouraged by his own determination to be absent from the historical record and his refusal to produce memoirs. Unlike his son who wrote frequently both during and after his career, Douglas Hailsham seemed keen to ensure that he would not figure prominently in historical accounts of the period. Shortly after his retirement in 1938, he noted:

I have had no less than four publishers anxious for me to write my reminiscences; but I have explained to them that if I wrote what I really knew I should be very indiscreet and very embarrassing to the [National] Government, and if I didn't include indiscretions the reminiscences would be very dull... When the lives of the Lord Chancellors are brought up to date, all they will find to say about me is that I am believed to have been educated at Eton, that I was twice Lord Chancellor, once

² Overviews of the literature relating to the key themes of this thesis, 'Conservatism', 'Imperialism' and 'Appeasement', will be provided in the relevant sections. This review concerns Douglas Hailsham's political career more generally.

³ Lord Hailsham of St Marylebone, *A Sparrow's Flight* (London, 1990), pp.261.

Secretary of State for War, and subsequently Lord President of the Council, but that further details of my life are wrapt in obscurity.⁴

But Hailsham's attempts at achieving anonymity were less successful than he expected. However inadequate the existing literature may be, he is not completely absent from the historical record.

As Hailsham anticipated, he received an entry in R.F.V. Heuston's *Lives of the Lord Chancellors*. Although this 45-page account is nearly half a century old, it remains the most comprehensive study of Hailsham to date. With Heuston focusing predominantly upon Hailsham's career in the law, he offers only limited insights into his political activities. While Hailsham's rise through the Conservative ranks and awareness of the German menace is duly noted (but not properly explained), Heuston lacked access to the full collection of Hailsham's private papers, and those of his son and peers. Writing before the enactment of the thirty-year rule, Heuston could not consult the mass of government records now available. Forty years later, John Ramsden produced a useful article in *The Oxford Dictionary of National Biography* [ODNB], charting the main events in Hailsham's career in the law and politics. Although this was more detailed than John Simon's original *Dictionary of National Biography* [DNB] entry, Ramsden provided a brief summary and his essay fills just three pages. Apart from short entries in *Who's Who*, *Who was Who* and encyclopaedias covering twentieth century British politics, the only remaining sketch of Hailsham was published in 1924, less than two years after his political career began and with almost 15 years of frontline politics ahead of him.⁵ While useful for outlining Hailsham's early political convictions and his motives for entering politics, it has obvious limitations. These works are helpful, but there remain substantial gaps in the coverage of Hailsham's career.

⁴ Heuston, *Lives of the Lord Chancellors 1885-1940* (Oxford, 1964), p.451.

⁵ H. Begbie, *The Conservative Mind* (London, 1924).

Although Hailsham figures in literature concerning members of his family, these accounts divulge few details of his political activities. The biography of his father, Quintin Hogg, and the books on the Regent Street Polytechnic that his father founded, were written by Hailsham's sister, Ethel Wood. These studies reveal details of Hogg's childhood, and his intense involvement with the Polytechnic and the working-class boys that the institution supported.⁶ Geoffrey Lewis's biography of Hailsham's son, also named Quintin Hogg, subsequently Lord Hailsham of St Marylebone, provides some insights into Douglas Hailsham's political role. But Lewis's focus, understandably, is on Douglas's influence over his son's political beliefs and Douglas's acceptance of the Woolsack and the accompanying hereditary peerage in 1928, with its inevitable impact on Quintin's later political career. Quintin Hogg's memoirs do discuss his father's political career and retirement, but his commentary is principally concerned with his father's acceptance of a peerage and his influence over his own decision to become a Conservative.⁷ In any case, these reminiscences, like all memoirs, must be read with caution. Despite Quintin Hogg's 'formidable memory, there are inaccuracies'.⁸ One important example concerns the apparent unity of purpose between his father and Neville Chamberlain in constructing Britain's defence strategy during the first half of the 1930s.

Granted Hailsham's prominence in the Conservative ranks and his position as a senior minister in a number of governments, it is surprising that he does not figure more frequently in the reminiscences of his colleagues. His peers were well aware of his important role. When Hailsham retired from the cabinet in 1938, the leading Conservative, Samuel Hoare, informed him that

⁶ E.M. Wood, *Quintin Hogg: a Biography* (London, 1904); *The Polytechnic and Quintin Hogg* (London, 1932); *A History of the Polytechnic* (London, 1965).

⁷ Lord Hailsham, *Door Wherein I Went* (London, 1975); *Sparrow's Flight*.

⁸ G. Lewis, *Lord Hailsham* (London, 1977), p.365.

I must write to say how grieved I was to lose you as my neighbour at the cabinet. For you and I have the same cabinet age, and upon many questions much the same cabinet view. Your great services make our loss very conspicuous...⁹

Another leading Tory, Lord Halifax, similarly informed his retiring colleague:

This is only one line... to tell you how much we shall miss you... You and I have worked so long and so closely that I shall particularly feel the gap that your going makes... We all owe you very much.¹⁰

Maurice Hankey, the influential cabinet secretary and later wartime minister, witnessed Hailsham's contribution over a sixteen-year period. He informed the out-going minister that 'I was very sorry to read... that you have retired: Sorry because I know from first-hand experience how great your contribution has been ever since you came into office.'¹¹

But despite Hailsham's presence at the heart of a number of Conservative or 'National' governments, he is either forgotten or afforded only passing mentions in the recollections of his political contemporaries. Hoare makes only a solitary reference in his memoirs. Halifax does not provide any insights into Hailsham's political career and Hailsham does not figure at all in Hankey's published recollections.¹² He was omitted from Winston's Churchill's *The Gathering Storm* (London, 1948) and is also absent from Lord Vansittart's *The Mist Procession* (London, 1958), despite the two men drawing similar conclusions as to Britain's international and strategic predicaments and their shared involvement in shaping Britain's grand strategy during 1933-4. Notwithstanding their long association in the law and politics, John Simon provided only three passing references to Hailsham in *Retrospect*

⁹ The Papers of 1st Viscount Hailsham, Churchill Archives Centre, Cambridge [CAC], HAIL 1/4/20, Hoare to Hailsham, 3 Nov. 1938.

¹⁰ HAIL 1/4/21, Halifax to Hailsham, 31 Oct. 1938.

¹¹ Ibid., Hankey to Hailsham, 3 Nov. 1938.

¹² Viscount Templewood, *Nine Troubled Years* (London, 1954); Viscount Halifax, *Fullness of Days* (London, 1957); Baron Hankey, *Politics, Trials and Errors* (Oxford, 1950).

(London, 1952).¹³ Granted Simon's explanation of why he accepted Quintin Hogg's invitation to write Hailsham's entry in the *DNB*, this is surprising:

Writing a biography for the D.N.B. is the most laborious work, as I know from having written biographies of Rufus Isaacs and Crewe. I have just refused to do some others... the burden is too heavy. But I have such abiding regard and affection for your father's memory that it is a different case...¹⁴

Somewhat ironically, the most detailed coverage of Hailsham's career in his colleagues' memoirs comes from men who served with him for relatively short periods. Lord Maugham and Malcolm MacDonald provide useful insights into Hailsham's thinking on Britain's Irish policy in the late 1930s from different perspectives.¹⁵

Memoirs, of course, are inherently self-centred and self-serving and strict rules concerning cabinet discussions and ministerial papers were in operation during the 1930s.¹⁶ Consequently, many of the leading actors' reminiscences were unexciting and unrevealing. Neville Chamberlain, who wrote a great deal about Hailsham during their political careers, might have offered some retrospective thoughts but he died before he had the chance to produce any memoirs.

Despite the ever-growing literature in the biographies, monographs and articles that cover increasingly specialist areas of inter-war British history, no adequate coverage of any

¹³ For occasional references to Hailsham's career see: L.S. Amery, *My Political Life* vol.2 (London, 1955); Earl Avon, *Facing the Dictators* (London, 1962); D. Cooper, *Old Men Forget* (London, 1953); Lord Swinton, *I Remember* (London, 1948); *Sixty Years of Power* (London, 1966); Marquess of Londonderry, *Wings of Destiny* (London, 1943); Earl Winterton, *Orders of the Day* (London, 1953); A.C. Temperley, *The Whispering Gallery of Europe* (London, 1938). Hailsham appears in some the memoirs produced by junior ministers and backbench MPs. See, for example, Baron Croft, *My Life of Strife* (London, 1948); Viscount Mersey, *A Picture of Life* (London, 1941); Lord Brabazon, *The Brabazon Story* (London, 1956); O. Mosley, *My Life* (London, 1968).

¹⁴ CAC, Papers of Lord Hailsham of St Marylebone, HLSM 8/2/4, Simon to 2nd Viscount Hailsham, 18 July 1951.

¹⁵ Viscount Maugham, *At the End of the Day* (London, 1954); M. MacDonald, *Titans and Others* (London, 1972).

¹⁶ For Londonderry's battle with the cabinet office regarding his wish to publish letters he had sent via Hailsham to a cabinet sub-committee concerning German rearmament in 1934 see N.C. Fleming, *The Marquis of Londonderry* (London, 2005), pp.160-1; 199.

of the component parts of Hailsham's political career exists. Notwithstanding Hailsham's central role in important matters, historians largely conformed to the pattern set by those who produced memoirs. Hailsham usually receives only fleeting reference. His roles in passing controversial legislation, his proximity to the Conservative leadership and his connection with the celebrated 'Agreement to Differ' of 1932, are usually mentioned in the biographies of leading Conservatives.¹⁷ David Marquand's *Ramsay MacDonald* (London, 1977) provides relevant extracts from MacDonald's diary, while biographies of King George V contain intermittent but useful references to the subject of this thesis.¹⁸ Hailsham usually figures in general histories of the period,¹⁹ monographs concerning high politics and the inter-war Conservative party,²⁰ and in accounts of grand strategy and foreign policy.²¹ But this literature offers only brief snapshots of Hailsham's career. There is little detailed explanation of how he became a leading Tory and almost no recognition of his long-term role in policy-making.

The most detailed coverage of Hailsham's political career relates to his conduct during 1930-1 when the Conservatives were out of office and then when they joined the National Government. The best account of Baldwin's often inadequate Opposition leadership is provided by Stuart Ball's *Baldwin and the Conservative Party: the Crisis of 1929-31* (New

¹⁷ G.M. Young, *Stanley Baldwin* (London, 1952), provides no references to Hailsham. Limited coverage of Hailsham's career can be found in K. Middlemas and J. Barnes, *Baldwin: A Biography* (London, 1969); H. Montgomery Hyde, *Baldwin: the Unexpected Prime Minister* (St. Albans, 1973); K. Feiling, *The Life of Neville Chamberlain* (London, 1946); I. Macleod, *Neville Chamberlain* (London, 1961); D. Dilks, *Neville Chamberlain* vol.1 (Cambridge, 1984); R.C. Self, *Neville Chamberlain* (Aldershot, 2006); N. Smart, *Neville Chamberlain* (Abingdon, 2010).

¹⁸ See, for example, H. Nicolson, *King George V* (London, 1952).

¹⁹ C.L. Mowat, *Britain between the Wars 1918-40* (London, 1955); W. McElwee, *Britain's Locust Years, 1918-1940* (London, 1962); A.J.P. Taylor, *English History 1914-1945* (Oxford, 1965).

²⁰ M. Cowling, *Impact of Labour* (Cambridge, 1971); *Impact of Hitler* (Cambridge, 1975); P. Williamson, *National Crisis and National Government* (Cambridge, 1992); Lord Butler (ed.), *The Conservatives* (London, 1977); J. Ramsden, *The Age of Balfour and Baldwin, 1902-1940* (London, 1978). For studies that do not note Hailsham's interventions see R. Blake, *The Conservative Party from Peel to Churchill* (London, 1970); A. Seldon and S. Ball (eds), *Conservative Century: the Conservative Party since 1900* (Oxford, 1994); J. Charmley, *A History of Conservative Politics 1900-1996* (London, 1996); J. Ramsden, *An Appetite for Power: a History of the Conservative Party since 1830* (London, 1998).

²¹ See below, pp.10-12.

Haven, 1989).²² While charting Baldwin's fortunes, Ball makes several references to Hailsham's leadership claims. But with Baldwin the main focus, the entire story is not told as far as Hailsham is concerned. In other literature concerning 1930-1, Hailsham is portrayed as a potential conspirator who might have ousted Baldwin in 1931 and brought down the National Government soon after its inception.²³ These charges, however, run against unpublished primary evidence and will be reassessed. The understanding that Hailsham lost influence 'never to regain it',²⁴ when he was excluded from office in August 1931, will also be challenged through the exploration of Hailsham's role in imperial policy, grand strategy and appeasement during the 1930s.

Hailsham's influence and often hard-line stance are reasonably well-documented in accounts of Britain's policy towards Southern Ireland during the 1930s. But the existing literature, suggesting that Hailsham's Ulster descent and unionist convictions made him an inevitable 'Diehard', crudely over-simplifies his position.²⁵ In Britain's wider imperial policy, Hailsham's role in the 1932 Ottawa Conference and in the process of enacting Indian Constitutional Reform has attracted little coverage.²⁶ Though usually listed as a delegate to the Ottawa Conference, his conduct during the discussions has never been explored.²⁷ Hailsham's important role in the National Government's passage of the Government of India Act (1935) has been almost completely ignored – even by the leading authorities on the last years of the British Raj.²⁸

²² G. Stewart, *Burying Caesar: Churchill, Chamberlain and the Battle for the Tory Party* (London, 2007).

²³ A. Thorpe, *The British General Election of 1931* (Oxford, 1991); Williamson, *National Crisis*; J. Ramsden, 'Douglas McGarel Hogg, first Viscount Hailsham', *ODNB*, vol.60 (Oxford, 2004).

²⁴ Ball, *Baldwin and the Conservative Party*, p.208.

²⁵ D. McMahon, *Republicans and Imperialists* (New Haven, 1984); P.M. Canning, *British Policy towards Ireland 1921-1941* (Oxford, 1985).

²⁶ J. Gallagher, *The Decline, Revival and Fall of the British Empire* (Cambridge, 1980); M. Beloff, *Dream of Commonwealth 1921-42* (Basingstoke, 1989); R. Hyam, *Britain's Declining Empire* (Cambridge, 2006).

²⁷ I.M. Drummond, *Imperial Economic Policy, 1917-1939* (London, 1974); D. Abel, *A History of British Tariffs 1923-1942* (London, 1945); R.C. Self, *Tories and Tariffs* (New York, 1986).

²⁸ Hailsham is not listed in the index of one recent study although he appears briefly in the main text: A. Muldoon, *Empire, Politics, and the Creation of the 1935 India Act* (Farnham, 2009). His significance is also

In terms of domestic policy, a number of Hailsham's interventions during the 1920s are covered in Andrew Lax's unpublished PhD thesis and in Anderson's short article concerning trade union reform.²⁹ Hailsham's important role in shaping electrical development policy is identified in Leslie Hannah's *Electricity before Nationalisation* (London, 1979). These studies acknowledge the Attorney-General's role in formulating isolated government policies during the 1920s, but there is no analysis of his motivation and no broad explanation is provided for his often multifaceted response. Elsewhere, Hailsham's enthusiasm to restore the powers of the House of Lords and his role in constructing Conservative policy from 1929-1935, are outlined in Ramsden's *The Making of Conservative Party Policy* (London, 1980) and in William Frame's unpublished doctoral thesis that covers the development of Conservative policy before the 1935 General Election.³⁰ Yet, despite the usefulness of these studies, Hailsham's sustained contribution to inter-war Conservatism remains largely unrecognised.

One of the most glaring gaps in the literature relates to Hailsham's role as War Secretary – notwithstanding the growing number of studies of Britain's arms limitation, rearmament and strategic policies during the 1930s. From 1932-5, Hailsham helped shape Britain's disarmament policy and he supervised the Army during the initial stages of rearmament after Hitler became German Chancellor. In the literature considering arms limitation, Hailsham is usually dismissed as an anti-disarmament reactionary.³¹ The judgement of Dick Richardson, found in his – perhaps subjective – critique of Britain's

overlooked in more dated accounts: R.J. Moore, *Crisis in Indian Unity* (Oxford, 1974); C. Bridge, *Holding India to the Empire* (London, 1986).

²⁹ A.J. Lax, 'Conservatives and Constitutionalism: The Baldwin Government', PhD thesis, University of London (1979); A. Anderson, 'The Labour Laws and the Cabinet Legislative Committee of 1926-27', *Bulletin of the Society for the Study of Labour History*, vol.23 (1971), pp.37-54.

³⁰ W.R.G. Frame, 'The Conservative Party and Domestic Reconstruction 1931-35', PhD thesis, University of London (1999).

³¹ P. Noel-Baker, *The First World Disarmament Conference* (Oxford, 1979); C. Kitching, *Britain and the Problem of International Disarmament 1919-1934* (London, 2003).

disarmament policy during the 1920s, that Hailsham was a conservative sceptic,³² has been endorsed by other historians of disarmament policy during the 1930s.³³ In terms of defence preparations, brief references acknowledge that Hailsham advocated a commitment to send British troops to the continent in the event of a European war and accelerated rearmament. But existing works do not create a coherent image and his very real perception of the potential German menace is not linked to his conduct.³⁴ This neglect of Hailsham's role is also evident in accounts of Britain's wider rearmament programmes,³⁵ considerations of the impact of Britain's limited financial resources on defence preparations,³⁶ and assessments of Neville Chamberlain's influence over defence policy during the first half of the 1930s.³⁷ Even recent articles on the Defence Requirements Committee and the transition of Britain's disarmament policy to a rearmament programme, fail to do full justice to Hailsham's pivotal role.³⁸ Often little more is revealed than the fact of Hailsham's ministerial portfolio and his inclusion in important cabinet sub-committees.³⁹

Another omission from the literature is Hailsham's sustained involvement in Britain's foreign policy in the 1930s. This is surprising granted the size of the historiography with its

³² D. Richardson, *The Evolution of British Disarmament Policy in the 1920s* (London, 1989).

³³ C. Kitching, *Britain and the Geneva Disarmament Conference* (Basingstoke, 2003).

³⁴ N. Gibbs, *Grand Strategy*, vol.1 (London, 1976); B. Bond, *British Military Policy between the two World Wars* (Oxford, 1980); P. Dennis, *Decision by Default* (London, 1972); M. Howard, *The Continental Commitment* (Ashfield, 1989).

³⁵ S. Roskill, *Naval Policy between the Wars* vol.2 (London, 1976). Roskill's studies of Maurice Hankey also discuss Britain's defence policy and offer limited details of Hailsham's role: *Hankey: Man of Secrets* vols 2 and 3 (London, 1971-4).

³⁶ G.C. Peden, *British Rearmament and the Treasury* (Edinburgh, 1979); R. Shay, *British Rearmament in the Thirties* (Princeton, 1977).

³⁷ P. Bell, *Chamberlain, Germany and Japan 1933-4* (Basingstoke, 1996); D.J. Wrench, 'The Influence of Neville Chamberlain on Foreign and Defence Policy 1932-35', *Royal United Services Institute*, vol.125, no.1 (1980), pp.49-57.

³⁸ K. Neilson, 'The Defence Requirements Sub-Committee: British Strategic Foreign Policy, Neville Chamberlain and the Path to Appeasement', *English Historical Review*, vol.118, no.477 (2003), pp.651-684. B.J.C. McKercher's articles also downplay Hailsham's role in maintaining a continental commitment and advocating accelerated rearmament: 'From Disarmament to Rearmament: British Civil-Military Relations and Policy-Making, 1933-1934', *Defence Studies*, vol.1, no.1 (2001), pp.21-48; 'Deterrence and the European Balance of Power: The Field Force and British Grand Strategy, 1934-8', *English Historical Review*, vol.123, no.500 (2008), pp.98-131; 'National Security and Imperial Defence: British Grand Strategy and Appeasement, 1930-1939', *Diplomacy & Statecraft*, vol.19, no.3 (2008), pp.391-442.

³⁹ Gaines Post Jr., *Dilemmas of Appeasement: British Deterrence and Defence 1934-7* (Cornell, 1993).

increasingly nuanced interpretations of the policies of the so-called ‘appeasers’ and their opponents.⁴⁰ When Chamberlain formed his first administration in May 1937, Hailsham was one of only five survivors from the 1931 cabinet and his presence continued until his retirement after the Munich Agreement. Apart from the second half of 1936, Hailsham was ever-present in the cabinet and its sub-committees. Even though government and private records have been open to researchers for several decades, the existing secondary literature relegates his role in the foreign policy-making process to occasional interventions.⁴¹ Well-known accounts such as F.S. Northedge’s *Troubled Giant* (London, 1966), John Charmley’s *Chamberlain and the Lost Peace* (London, 1989) and R.A.C. Parker’s *Chamberlain and Appeasement* (Basingstoke, 1993), provide a combined total of just nine references to Hailsham. His role in the cabinet’s refusal to accept Hitler’s Godesberg terms in September 1938 has been noted by several authors but has not yet been contextualised or linked to his earlier views on the German menace. Had Hailsham been included in Cato’s venomous *Guilty Men* (London, 1940), historians might have explored his role in greater depth. But Hailsham was lucky not enter the pages of Cato’s polemic. His legal and sinecure portfolios and his declining health in the key period after 1935 probably explain his exclusion. Hailsham did not even feature in his son’s riposte to Cato – although the main thrust of this work was in line with Hailsham’s own views of the political left’s alternatives to

⁴⁰ N. Thompson, *The Anti-Appeasers* (London, 1971); D. Dutton, *Anthony Eden* (London, 1997); N.J. Crowson, *Facing Fascism, the Conservative Party and the European Dictators, 1935-1940* (London, 1997).

⁴¹ Hailsham is not even mentioned in L.M. Namier, *Diplomatic Prelude 1938-1939* (London, 1948); R. Kee, *Munich: The Eleventh Hour* (London, 1993); M. Gilbert and R. Gott, *The Appeasers* (London, 1963); F. McDonough, *Neville Chamberlain, British Appeasement and the Road to War* (Manchester, 1998); P. Neville, *Hitler and Appeasement: The British Attempt to Prevent the Second World War* (London, 2006); A. Stedman, *Alternatives to Appeasement* (London, 2010). Hailsham does receive passing references in texts such as: K. Middlemas, *Diplomacy of Illusion* (London, 1972); R.J.Q. Adams, *British Politics and Foreign Policy in the Age of Appeasement* (Stanford, 1993); J. Ruggiero, *Neville Chamberlain and British Rearmament* (London, 1999); D. Faber, *Munich: the 1938 Appeasement Crisis* (London, 2008).

appeasement.⁴² A thorough examination of Hailsham's impact on British foreign policy during the years 1932-8 constitutes a much needed addition to the existing literature.

Published Primary Sources

Douglas Hailsham figures more prominently in archival sources and published primary material than in secondary accounts. This suggests that although historians have overlooked his political career, his role was far from peripheral. The most valuable published material concerning Hailsham's career can be found scattered across the edited collections of diaries and letters. These reveal some of the inner thoughts of Hailsham's cabinet colleagues, Conservative whips, backbenchers, political opponents, well-connected journalists, military figures and high-ranking civil servants. While it is impossible to build a complete picture of Hailsham's role from these sources, they offer informed, albeit sporadic, contemporary commentary from the beginning of his political career to his retirement and help confirm his central involvement in British politics.

The most important published primary source for this study is provided by Robert Self's edited collection of Neville Chamberlain's diary letters.⁴³ These letters sent from Chamberlain to his spinster sisters who lived in Odiham, Hampshire, run from 1915 up to Chamberlain's death in 1940. The multi-volume diary letters are most valuable for political historians of the period – particularly those interested in the Conservative party. Hailsham's spectacular rise through the Conservative ranks was mirrored – and eventually surpassed – by Chamberlain's own progress. The latter was in all the administrations of which Hailsham was a member and, like Chamberlain, Hailsham was involved in Conservative policy debates during the late 1920s and 1930s. Chamberlain's letters offer an insider's account of Hailsham's performance. Important moments in Hailsham's career, including his acceptance

⁴² Q. Hogg, *The Left Was Never Right* (London, 1945).

⁴³ R. Self (ed.), *The Neville Chamberlain Diary Letters* (4 vols, Aldershot, 2000-5), [hereafter cited as *NCDL*].

of a peerage in 1928 and the crisis in Baldwin's leadership during 1930-1 receive detailed coverage. Hailsham also figures in a host of other published collections of diaries, journals and letters, of which the most useful are Self's edited *Austen Chamberlain Diary Letters* (Cambridge, 1995) and the two volumes of Barnes and Nicholson's edited *Leopold Amery Diaries* (London, 1980 and 1988).⁴⁴

Unpublished Primary Sources

This thesis makes extensive use of Hailsham's private papers held at the Churchill Archives Centre, Cambridge [CAC]. The papers were deposited there by his son in 1977, but remained 'indefinitely closed'⁴⁵ until they were bequeathed to the centre in 2003. The collection, which consists of 38 archive boxes, is now catalogued and open to researchers. The author of this study was amongst the first users of the collection and is perhaps the only person to have examined all the files relating to Hailsham's political career. The collection consists of a limited assortment of genuinely private papers, and few government documents, official correspondence or crown-copyright material are included. Hailsham's career fell conveniently within the 'age of letter-writing' when written correspondence, not the telephone, was the normal form of communication between individuals who were geographically separated.

⁴⁴ For the published diaries and letters of Hailsham's other ministerial colleagues see P. Williamson (ed.), *The Modernization of Conservative Politics: The Diaries and Letters of William Bridgeman, 1904-1935* (London, 1988); J. Norwich (ed.), *The Duff Cooper Diaries, 1915-1951* (London, 2005). For influential civil servants see J. Harvey (ed.), *The Diplomatic Diaries of Oliver Harvey 1937-1940* (New York, 1971); T. Jones, *A Diary with Letters* (London, 1954); K. Middlemas (ed.), *Tom Jones' Whitehall Diary* 3 vols (London, 1969-71); D. Dilks (ed.), *The Diaries of Sir Alexander Cadogan 1938-45* (London, 1971). For backbenchers and whips see N. Smart (ed.), *The Diaries and Letters of Robert Bernays, 1932-1939* (Lewiston, 1996); S. Ball (ed.), *Parliament and Politics in the Age of Churchill and Attlee: The Headlam Diaries* vol.1 (Cambridge, 1992); J.R. Vincent (ed.), *The Crawford Papers* (Manchester, 1984); J. Ramsden (ed.), *Real old Tory Politics: the Political Diaries of Robert Sanders, Lord Bayford, 1910-1935* (London, 1984). For well-connected pressmen see K. Young (ed.), *The Diaries of Sir Robert Bruce Lockhart 1915-1938* (London, 1973); G. Martel (ed.), *The Times and Appeasement: The Journals of A.L. Kennedy 1932-1939* (London, 2000); N.J. Crowson (ed.), *Fleet Street, Press Barons and Politics: The Journals of Collin Brooks 1932-1940* (London, 1998). For the thoughts of a senior service official see B. Bond (ed.), *Chief of Staff: Diaries of Lt.-General Sir Henry Pownall* vol.1 (London, 1972).

⁴⁵ C. Hazelhurst, S. Whitehead and C. Woodland (eds), *A Guide to the Papers of British Cabinet Ministers 1900-1964* (London, 1996), p.191.

In comparison with the papers of many of his contemporaries, the Hailsham collection is relatively small. At the same repository, Winston Churchill's papers account for 2,185 boxes, Leopold Amery's papers fill 423 boxes and Hailsham's elder son's collection consists of 1,300 boxes. Hailsham kept no diary and the surviving letters do not provide a comprehensive coverage of his political career. It seems that he destroyed many of his papers and he occasionally requested his correspondents to do the same. 'Burn this' was the instruction that accompanied a letter sent to Samuel Hoare berating Baldwin for his sluggishness when appointing whips in the House of Lords in late 1931.⁴⁶ As a result, Hailsham's papers must be used in conjunction with other sources, not least the collections of his contemporaries. But his attempt to remain anonymous at least ensures that what does survive was not written with one eye on posterity. The correspondence reflects his sincere views at the time of writing. This material offers valuable insights into Hailsham's thinking and motivation.

As with other archival collections, personal (rather than official) correspondence was usually produced only when face-to-face contact was not possible and when letter-writing was the most convenient form of communication. This depends upon confidants being geographically separated, and explains why little correspondence survives between Hailsham and his closest colleagues. He was almost always present in the ranks of leading Conservatives and he met his colleagues regularly. The separation that necessitated putting pen to paper was often absent. Yet, despite the limitations of the Hailsham collection, it is certainly more useful than was implied in one early survey which suggested that 'all that survives are [Hailsham's] fee books and letters of congratulation and condolence, sometimes with his replies'.⁴⁷ The papers include letters to and from Stanley Baldwin, Neville

⁴⁶ Cambridge University Library, Templewood Papers, vol.8, 1, (8), Hailsham to Hoare, 6 Nov. 1931.

⁴⁷ C. Hazlehurst and C. Woodland (eds), *Guide to the Papers of British Cabinet Ministers 1900-1951* (London, 1974), p.77.

Chamberlain, Winston Churchill, Edward Halifax, Lord Londonderry, Hailsham's sons, Quintin and Neil, overseas correspondents and a collection of press cuttings charting his early career.

While the Hailsham collection is somewhat disappointing for the period 1922-34, important correspondence survives from the closing years of his career and the months following his retirement. The strength of the surviving letters derives from the combination of intimacy and geographic separation.⁴⁸ Hailsham's younger son's posting overseas in Britain's diplomatic service from 1936 necessitated letter-writing to remain in contact. Neil Hogg was aware of the political realities of the day and of Britain's international predicament. He was a trusted confidant to whom Hailsham could reveal his inner thoughts. The intimacy and separation factor ensures that the papers of Hailsham's elder son, also held in the CAC, are useful. The bulk of the correspondence between father and son survives in Quintin's rather than Douglas' collection. Hailsham wrote to Quintin on a weekly basis while the latter studied at Oxford during 1926-30. Quintin was active in Oxford's debating society, interested in the political affairs of the day and these letters often disclose details concerning political matters. Furthermore, Hailsham's stroke in 1936 and his resulting physical disability necessitated dictated and typed replies to correspondents. Copies of these letters survive.

A considerable amount of material survives in the private papers of fellow cabinet ministers and leading Conservatives of the inter-war years. Many of these collections have been utilised in this thesis, the most useful of which are the papers of Neville Chamberlain held in Birmingham University Library. Although little direct correspondence between the two men survives, Chamberlain's diary and his correspondence with other political figures often highlight Hailsham's importance in the Conservative party and the Conservative and

⁴⁸ For more details see D.J. Dutton, 'Private Papers: The Case of Sir John Simon', *Archives*, vol.31 (2005), pp.73-83.

‘National’ governments of the time. Although Hailsham was reluctant to figure in the historical record, he could not control what his colleagues and political opponents privately wrote about him. Chamberlain’s letters to prominent Conservatives overseas, such as Lord Irwin, the Viceroy of India, are particularly illuminating.

Hailsham’s letters to Lord Londonderry held in the Public Record Office of Northern Ireland are also revealing. The latter’s abrupt removal from the cabinet in late 1935 meant that Hailsham had a close friend who resided at Mount Stewart across the Irish Sea. Before Londonderry was dropped by Baldwin, Hailsham informed him that ‘you have always been to me such a considerate and loyal colleague and there is no one else to whom I can unburden myself’.⁴⁹ Significantly, once Londonderry’s cabinet career had ended, Hailsham continued to confide in him, using private letters to do so. Here he divulged his inner thoughts about the government’s overseas policy. The private papers of many other leading Conservatives and non-Conservative figures housed in archives across the UK have also been utilised. A comprehensive list can be found in the bibliography.

This thesis also draws extensively upon primary material in official government records. Hailsham sat in the cabinet for over 11 of his 16 years in active politics. In addition to the use of the recently digitised cabinet minutes and cabinet memoranda, a host of cabinet sub-committee papers have been consulted, along with official and private office papers from the Dominions Office, the Foreign Office, the India Office, the Prime Minister’s Office and the War Office. These sources have been supplemented with correspondence and committee meeting minutes found in the Conservative Party Archive at the Bodleian, which provide important information about Hailsham’s role in policy debates while the Tories were both in and out of power. The source base has been widened by extensive use of Hansard’s

⁴⁹ Public Records Office Northern Ireland, Papers of the 7th Marquis of Londonderry, D 3099/2/17/75b, Hailsham to Londonderry, 17 Sept. 1935.

parliamentary debates and the contemporary press. Hailsham's often frank and controversial public speeches are well documented in newspaper reports. As well as chronicling his career, the press offered contemporary assessments of it. The use of the Conservative press is balanced by that of the Liberal-leaning *Manchester Guardian*. Although more than enough material can be collated to understand the importance of Hailsham's political career, the author is aware of the frustrating reality that much of what took place at the top of British politics occurred in private and was unrecorded. While the cabinet and its sub-committees may have been the venues where many policies were formally initiated, the manoeuvrings behind the scenes which helped shape these decisions often remain obscured.

This brief review demonstrates that no secondary study has sufficiently examined the political career of Douglas Hailsham, or adequately covered any of its component parts. The fragmented nature of the material in the existing literature fails to construct a comprehensive portrait. Hailsham's importance is often acknowledged, but has yet to be explained. Through the use of a range of primary sources combined with the existing secondary literature, this thesis will reconstruct the most important elements of Hailsham's political career.

Methodology

This thesis is not a biography. It does not discuss Hailsham's career in the law, nor offer a detailed survey of his early life unless this had implications for his political career. Little information is revealed about his family. His father is only briefly mentioned and no information is provided about his first or second wife. His sons, Quintin and Neil, only enter the analysis when their lives impact upon Hailsham's political career. His ill-fated stepson, Edward Marjoribanks, barely figures in the narrative. The thesis only touches on Hailsham's intellectual prowess, although his analytical powers are clear throughout.

But although this thesis is not, strictly speaking, a political biography, it does focus around three main aspects of a single man's political career. The value of using the political careers of individuals to further historical knowledge has been questioned. Patrick O'Brien suggests that the biographical approach is not 'a serious enough genre to engage the attention of academic historians'.⁵⁰ Graham Stewart observes that 'understanding a political career purely through biography is like watching the actions of a footballer without following the simultaneous movements of the other players on the pitch'.⁵¹ Yet a study of specific aspects of the career of Douglas Hailsham furthers historical understanding, not just about Hailsham himself, but about important themes of inter-war British politics and the challenges that the nation's leaders faced. Several recent studies have followed a similar approach in relation to Britain's appeasement policy.⁵² This thesis suggests that well-researched and properly contextualised studies of the political careers of important individuals can provide a manageable prism which furthers historical knowledge and contributes to historical debate. A biographical study almost inherently runs the risk of exaggerating the intrinsic importance of the individual concerned, but care has been taken not to overplay Hailsham's impact on events.

Structure

Part 1: Hailsham, Conservatism and Conservative Politics 1922-35

This section charts Douglas Hailsham's meteoric rise through the Conservative ranks and his role in re-shaping Conservatism at the beginning of the democratic age, a period marked by the rise of organised labour and the appearance of an avowedly socialist party

⁵⁰ P. O'Brien, 'Is Political Biography a Good Thing?', *Contemporary British History*, vol.10, no.4 (1996), p.61.

⁵¹ Stewart, *Burying Caesar*, p.2.

⁵² S. Rudman, *Lloyd George and the Appeasement of Germany 1919-1945* (Newcastle-upon-Tyne, 2011); T.L. Lewis, *Prisms of British Appeasement: Revisionist Reputations of John Simon, Samuel Hoare, Anthony Eden, Lord Halifax, Alfred Duff Cooper* (London, 2011).

capable of competing for a parliamentary majority. Highlighting the multifaceted nature of inter-war Conservatism, it provides examples of Hailsham's central involvement in shaping, presenting and implementing policy. His career helps explain what made Conservatism popular. New light is shed on the crisis in Baldwin's leadership following the 1929 General Election and on-going debates concerning the Conservative party's role in the formation of the National Government in 1931. Hailsham's support for tariff reform, his involvement in Conservative efforts to defend the constitution and his failed attempt to strengthen the powers of the House of Lords are explored. Hailsham's portrayal as a reactionary 'Diehard' is reassessed throughout the section – particularly granted his active support for state intervention geared to reduce unemployment.

Part II: Hailsham the Imperialist 1932-8

This section identifies Hailsham as a committed imperialist and demonstrates that he was a major player in Britain's imperial policy during the period when the British Empire began its transformation into the Commonwealth. His presence in the National Government from 1931-8 shows that not all the leading imperialists of the inter-war period were excluded from power. He made significant – at times decisive – contributions to the National Government's imperial policy. He assumed a leading role at the Ottawa Conference and his contribution to Indian reform helps explain how the Government of India Act (1935) reached the statute book in the face of determined Conservative opposition. While historians of Anglo-Irish relations are already aware of Hailsham's intimate involvement in shaping Britain's policy, this section reconsiders existing assumptions about his motivation in advocating an uncompromising line. Hailsham had no concept of an imminent retreat from Britain's imperial obligations, but by charting his participation in policy-making, it becomes clear that his approach was far more nuanced than that of a reactionary 'Diehard'. Imperial unity was to be fostered through economic unity and, in the end, based upon consent. The

sanctity of existing agreements, pledges and treaties were at the heart of his thoughts – whether or not he intrinsically approved of them.

Part III: Hailsham and Appeasement 1932-8

Challenges to Britain's international position in the 1930s were not confined to the component parts of the Empire. This section explores Hailsham's role as an architect of British defence and foreign policy in the era of the European dictators. It reassesses his supposed obstructionist role in Britain's disarmament policy and shows that Hailsham was amongst those ministers determined to quicken the pace and widen the scope of Britain's defence preparations after Hitler's rise to power. It highlights Hailsham's understanding of the threat posed by Nazi Germany. This acute perception underpinned his response to a variety of policies including disarmament, rearmament and appeasement. As War Secretary from 1931-5, he urged a firm line towards Hitler's Germany. As the decade progressed, however, he was driven to support the government's appeasement policy in the face of a potentially three-pronged challenge from Germany, Italy and Japan. Although he forecast the near inevitability of the Second World War, he could not devise a viable alternative to the policy of appeasement. An examination of Hailsham's experience contributes to the on-going historiography of appeasement and to our understanding of the distinctions between so-called 'appeasers' and 'anti-appeasers'.

The focus of the thesis is on the years 1922-38, but a brief outline of Douglas Hailsham's background and pre-parliamentary career is now provided.

Early Life, Career in the Law and Political Beginnings

Douglas McGarel Hogg was born in London on 28 February 1872, the eldest of the three sons of Quintin Hogg, the philanthropist and sugar merchant, and Alice Anna Graham.

Douglas was a grandson of Sir James Weir Hogg and of William Graham, both of whom were Liberal MPs. In the mid-19th Century, James Hogg rose to become Director of the East India Company. Douglas Hogg was educated at Cheam School and Eton College. His ability and intellect were soon clear at Eton where he achieved the distinction of becoming Captain of the Oppidans – the most academically distinguished member of his house. Dr Warre, Eton’s Headmaster, described him as the ‘most efficient boy who had ever passed through his hands’.⁵³ It was with some foresight that Warre predicted that ‘if Douglas entered the legal profession... he would become Lord Chancellor’.⁵⁴ This was, however, no sheltered upbringing. Hogg was aware of the challenges facing the working class. He spent his holidays with the boys from his father’s Polytechnic in a ‘most familiar intimacy with some of the hardest nuts from the London slums’. He played football against these boys and enjoyed debating with them in the institution’s society.⁵⁵

Perhaps as a result of his father’s parsimony,⁵⁶ Douglas did not continue to university, although he did receive a number of honorary degrees in later life. Instead, he spent the next eight years with the family merchant firm, Hogg, Curtis, Campbell and Co, in the West Indies and British Guiana. He studied sugar growing on the plantations and managed the company’s interests. Hogg returned to Britain in 1899 to volunteer for the Boer War. Despite initially being refused because of defective eyesight, he was accepted by the 19th Lothian and Berwickshire Yeomanry. He served as a Trooper, thoroughly enjoyed the fighting, was wounded, decorated and eventually invalided home with dysentery. He only evaded one particular Boer bullet thanks to a silver spirits flask kept in his inside pocket.⁵⁷

⁵³ *Daily Express*, 17 Aug. 1950.

⁵⁴ *Daily Mirror*, 30 March 1928.

⁵⁵ Begbie, *Conservative Mind*, p.105.

⁵⁶ Lewis, *Lord Hailsham*, p.8. Hailsham, *Sparrow’s Flight*, p.69.

⁵⁷ Viscount Simon, ‘Hogg, Douglas McGarel, first Viscount Hailsham (1872–1950), Statesman and Lord Chancellor’, *Dictionary of National Biography* (Oxford, 1959).

After returning from South Africa he embarked on a highly successful career in the law when he joined a firm of City solicitors and began reading for his Bar examinations. So impressive was the twenty-nine year-old's performance that he was granted a scholarship from which he was – strictly speaking – disqualified because of his mature age.⁵⁸ At the Bar Hogg displayed a natural talent. He had, as the leading barrister and Liberal politician, John Simon, recalled:

an accurate grasp of complicated facts, a clear view of the principles of law which had to be applied to them, a sturdy attitude in the face of the situation with which he had to deal, and a manner which was genial and conciliatory with a persuasive force behind it well calculated to win assent from the tribunal he was addressing. He was never at a loss, and no counsel was more adept at preparing the way to meet the difficulties of the case.⁵⁹

These characteristics, as Hogg's early political career demonstrated, were easily adapted to the House of Commons. Hogg was called to the bar by Lincoln's Inn in January 1902 aged 30, and his professional progress was 'extraordinarily rapid'.⁶⁰ He worked mainly in the commercial court where his business experience was a great advantage. In 1905 he married Elizabeth Brown by whom he had two sons, Quintin and Neil. Following Elizabeth's untimely death in 1925, he married Mildred Margaret Dew in 1929.

Although it would not be until late 1922 that Hogg's political career finally began, he was adopted by the East Marylebone Conservative and Liberal Unionist Association in the summer of 1909. As a committed convert to Joseph Chamberlain's campaign for tariff reform, he was their chosen protectionist candidate for the next general election. Hogg looked

⁵⁸ Ibid.

⁵⁹ Simon, 'Viscount Hailsham', *DNB*.

⁶⁰ *Manchester Guardian*, 17 Aug. 1950.

set to stand in opposition to the sitting free-trade Unionist member, Lord Robert Cecil, and he had hesitated before accepting the task as there was ‘obviously unpleasantness and difficulty in fighting a Unionist in his own constituency’. But he concluded that

the tariff reformers in East Marylebone have made reasonable effort to avoid a split in the party, and that if... they look upon me as the best man to champion their cause, I don’t think I am justified on any grounds of personal convenience in shirking the responsibility.⁶¹

Hogg’s candidature attracted significant support, as one well-attended meeting in East Marylebone demonstrated,⁶² but in the end he did not stand in the general election held in January 1910. In November, amidst confusion as to whether the constituency’s Constitutional Union or the Conservative and Liberal Unionist Association appointed Conservative candidates, Hogg withdrew. By this stage, Cecil had reached an agreement with the Conservative leadership regarding tariff reform and the appearance of another anti-Cecil candidate meant that Hogg’s standing was not required.⁶³ He may have calculated that it was unwise to embark on a career in the Conservative party by upsetting the House of Cecil.⁶⁴ After this abortive attempt, it was over a decade before he stood for parliament.

Hogg waited for his chance at Marylebone and it seemed that his entry into politics depended upon the availability of this seat. He lived in the constituency, it was near the Polytechnic and Westminster and it would allow him to continue his legal practice after becoming an MP. In the meantime, Hogg’s career in the law went from strength to strength. In 1913 he assisted in the Select Committee’s inquiry into the conduct of leading Liberals

⁶¹ *The Times*, 24 July 1909.

⁶² *Ibid.*, 1 Oct. 1909.

⁶³ For the manoeuvrings involved in this episode see a series of letters to *The Times*, 12; 13; 26; 29 Nov. and 4 Dec. 1909.

⁶⁴ Heuston, *Lord Chancellors*, p.445.

following the ‘Marconi Scandal’ and he took silk in 1917.⁶⁵ Although Lord Haldane, the then Lord Chancellor, had decided at the outbreak of the First World War that no new K.C.s should be created during the conflict, Hogg, who was medically unfit to fight, was one of only four exceptions. During the First World War, he became group adjutant of the London Volunteer Regiment and continued his legal practice. His career prospered although his private life was marred by the death of his brother and two brothers-in-law on the Western Front.

In the post-war years, Hogg was appointed a bencher of Lincoln’s Inn in 1920 and he served as the Prince of Wales’ Attorney-General during 1921-2. With annual earnings often in excess of £40,000, he became ‘Britain’s leading lawyer in commercial and libel cases’.⁶⁶ In the financial year before Hogg entered politics, he received payments totalling a staggering £46,541.⁶⁷ This ensured that by the early 1920s Hogg was already well-known in Conservative circles. The impression that he was not recognised until Lord Derby drew the Conservative leadership’s attention to a lawyer called ‘Pig’ in late 1922 is apocryphal.⁶⁸ So successful was Hogg’s legal practice that his entry into frontline politics had already been foreseen. In early 1921 one periodical anticipated that if Ernest Pollock, the Attorney-General, chose to accept a judicial appointment, Hogg would be made a Law Officer and be returned for Marylebone.⁶⁹

The following year Hogg spoke regularly to Marylebone’s Conservative and Constitutional Union and ensured that it was all but inevitable that he would be the Conservative candidate at the next general election. He made it clear that he was a Conservative and not a coalitionist. If returned to parliament, he would act as ‘a Conservative

⁶⁵ F. Donaldson, *The Marconi Scandal* (London, 1962).

⁶⁶ *Daily Express*, 17 Aug. 1950; R. Churchill, *Lord Derby: King of Lancashire* (London, 1959), p.461.

⁶⁷ Heuston, *Lord Chancellors*, p.460.

⁶⁸ Churchill, *Derby*, pp.460-1.

⁶⁹ *Saturday Review*, 5 Feb. 1921.

and nothing else'. If the coalition introduced measures that were inconsistent with Conservative principles, he would vote against them.⁷⁰ He advocated Conservative solutions to Britain's problems. In one address he raised a theme which he would repeat into the 1930s. He called for the government to undertake only 'necessary expenditure' so as to reduce taxation on British industry and foster employment.⁷¹

With his understanding of the grievances of the working classes, evidenced by his intimate involvement with the Polytechnic, he made it clear that he wanted to enter politics because he was sure that a Labour government would result 'not in improving the condition of the working classes, but in damaging not only them but the Empire'.⁷² Two years later he reiterated his conviction that 'the Labour Party was a serious menace' to Britain and its Empire. Like his philanthropic father, he 'was anxious to see improvement of the conditions under which the working classes lived [and] to see the fear of unemployment removed'.⁷³ But while sympathising with the problems of inequality, he did not believe that socialism was the solution. He was convinced that a majority Labour government would ruin the lives of the people it was supposed to help. This fear conditioned Hogg's response to a range of issues throughout his political career.

While circumstances had been unfavourable in 1909, an ideal opportunity for Hogg to begin his political career presented itself in October 1922. His opening, like that of many prominent inter-war Conservatives, came with the collapse of the Lloyd George-led Unionist-Liberal Coalition. It 'broke some careers and elevated others, creating a new set of figures

⁷⁰ *Marylebone Record*, 5 Aug. 1922.

⁷¹ *West London News*, 6 May 1922.

⁷² *Marylebone Record*, 5 Aug. 1922.

⁷³ Begbie, *Conservative Mind*, p.105.

who owed their eminence to the outcome of that crisis'.⁷⁴ It was Hogg's political watershed and from this moment, politics, not the law, became his priority.

As Hogg's speeches at Marylebone had implied, dissatisfaction with the coalition was widespread in Conservative quarters and had been simmering almost since the administration's conception in 1918. Once 332 Conservatives were returned to the Commons in the 'Coupon Election', parliamentary arithmetic suggested that coalition was unnecessary. It was also questionable whether an anti-socialist alliance was the best means to keep Labour out of power. Many Conservatives were alarmed by the prospect of 'fusion' between Lloyd George's followers and the Unionist party and by the Welshman's iniquitous sale of honours and his signing of the 1921 Anglo-Irish Treaty. Criticism of the government's handling of the Chanak Crisis led to a Conservative party meeting at the Carlton Club on 19 October 1922. A motion in favour of fighting the next General Election as an independent party was carried by a large majority. The decision of Andrew Bonar Law, the former Conservative leader, to join the dissenters who included Stanley Baldwin was significant, and Lloyd George's government resigned later that day.

With many senior Conservatives staying loyal to Lloyd George, Bonar Law became Prime Minister and assumed the Conservative leadership. Thirteen Conservative members of the coalition refused to serve in his administration. Austen Chamberlain, Robert Horne, Arthur Balfour and Lord Birkenhead were amongst the political heavyweights who remained out of power. The Law Officers, Ernest Pollock and Leslie Scott, also declined office. Only Curzon, Baldwin and Griffith-Boscawen of the leading ministers made themselves available. Lloyd George's cabinet numbering twenty was replaced by a cabinet of sixteen that included seven peers, with former ministers such as Lord Derby and the Duke of Devonshire helping

⁷⁴ S. Ball, 'The Legacy of Coalition: Fear and Loathing in Conservative Politics, 1922-1932', *Contemporary British History*, vol.25, no.1 (2011), pp.65-6.

to fill the vacuum. Contemporary critics described Law's administration as the 'second eleven' with 'second class brains'. But the government included two future Prime Ministers and three fellows of All Souls.

This situation presented an excellent opportunity for the political advancement of junior figures. Hogg was amongst the most spectacular beneficiaries. A week before his appointment as Attorney-General, *The Times* described him as 'the predestined successor' to Marylebone's retiring Conservative MP and envisaged that he would be appointed to Bonar Law's legal team. Hogg was recognised as a distinguished advocate 'with a long record of professional success'.⁷⁵ Although his subsequent election at Marylebone was a formality with neither the Labour party nor the Liberals standing, Hogg was appointed Attorney-General before he secured a seat in parliament. Bonar Law's Conservatives duly won the general election held in November returning 344 MPs to the Commons. Labour secured 142 seats whilst the fragmented Liberals won a combined total of 115. Within the space of a single month Hogg became the government's chief legal advisor, an MP, a Privy Councillor and a Knight. This was no short-lived success. Although the former coalitionists believed that they would soon be recalled to office on their own terms, those inexperienced figures who were given their first important posts – including Hogg, Leopold Amery, Neville Chamberlain, Samuel Hoare, Edward Wood, Philip Lloyd-Graeme and Thomas Inskip – formed the backbone of Conservative and National cabinets during the next two decades.

Although Hogg entered politics at the age of fifty, his contemporaries anticipated his future success. The Attorney General's uncle prophesied:

Some day when your life is written as a past Lord Chancellor, the author will say of you that he rose to be Attorney-General purely from ability, industry and character in

⁷⁵ *The Times*, 25 Oct. 1922.

the legal profession without help either from influence outside or from previous distinction in the House of Commons.⁷⁶

These expectations were soon justified. Hogg quickly became one of the government's most capable and versatile ministers.⁷⁷ One colleague remembered how Bonar Law had found 'one new-comer of first rate ability in Douglas Hogg'.⁷⁸ While his appointment without political experience was noteworthy, his subsequent rise through the party's ranks was almost unparalleled.

⁷⁶ Heuston, *Lord Chancellors*, pp.463-4.

⁷⁷ R. Blake, *The Unknown Prime Minister* (London, 1955), p.463.

⁷⁸ Amery, *Political Life*, p.122.

Part I: Douglas Hailsham and Conservatism 1922-35

British party politics entered a new era in the aftermath of the First World War. The passing of the Representation of the People Act of 1918 created a truly mass democracy which incorporated an overwhelmingly working-class electorate. This offered a stage upon which a parliamentary socialist party could realistically compete for power. In this situation thinking Conservatives feared that the enfranchised working man would become a natural Labour voter. The stark reality was that, if the country voted on class lines, the Conservatives might never again hold power.¹ There was a genuine fear that the electorate would accept ‘soak the rich’ socialist measures geared to redistribute wealth regardless of the potential consequences.² As a result, Conservatives had to reinvent themselves if they were to appeal to the new democracy and to remain serious contenders in the political game.

The party proved remarkably successful in equating the Labour party with a significant threat to the country’s existing institutions and way of life and in projecting itself as the only effective means of resisting this challenge. But Labour’s rise was not the only party determinant of the new politics. In 1922 the Liberals lost the status of Official Opposition. Thereafter, their decline was remorseless, notwithstanding a few moments of short-lived revival. The next three decades saw the party reach a point of near extinction. These two developments – Labour’s rise and the Liberals’ simultaneous decline – required a subtle, nuanced and progressive Tory response. In addition to the largely negative stance of anti-socialism, the Conservatives, especially under Baldwin’s leadership, sought to present a constructive non-socialist alternative.³ Rhetoric calling for industrial peace and national unity was accompanied by moderate social reform and a commitment to uphold established

¹ Labour was identified as ‘the major problem’ after its victory in the Spen Valley by-election in 1920. Cowling, *Impact of Labour*, p.1.

² S. Ball, ‘Democracy and the Rise of Labour: 1924 and 1929-1931’, in Ball and Seldon (eds), *Recovering Power: The Conservatives in Opposition since 1867* (Basingstoke, 2005), p.156.

³ D. Jarvis, ‘British Conservatism and Class Politics in the 1920s’, *English Historical Review*, vol.111, no.440 (1996), pp.68-70.

institutions. Conservatives sought to emphasise policies and attitudes that could unite the nation rather than divide it. This approach was also designed to attract as much of the still considerable 'Liberal vote' as possible and to draw its parliamentarians into the Conservative ranks.

This was the political environment which greeted Douglas Hogg at the start of his parliamentary career. Yet, though he made important contributions to inter-war Conservatism, his name barely figures in works that address that party's highly successful inter-war appeal. The role of Tories such as Stanley Baldwin and Neville Chamberlain and the importance of effective party organisation are now well established.⁴ Seemingly pre-occupied with legal matters while serving as Attorney-General, a series of parliamentary successes and the temporary exclusion of many of the Conservatives who had served in Lloyd George's coalition nonetheless ensured that by 1924 Hogg was already a leading party figure. He became intimately involved in shaping party policy and his continued debating and legislative achievements ensured that by 1927 he was being touted as Baldwin's successor. Despite accepting the Lord Chancellorship and an accompanying peerage in 1928, he almost succeeded Baldwin as Conservative leader in 1931.

Hogg's early parliamentary career well illustrates the complexities and different stands of inter-Conservatism. A 1924 sketch described him as a 'Tory democrat' who had accompanied Neville Chamberlain, the Minister of Health, during 'many days and nights' to craft a scheme to remove the 'cruel conditions of our industrial slums'. Hogg's Conservatism, the portrait claimed, was

⁴ Most notably, Ramsden, *Balfour and Baldwin*; R. McKibbin, *The Ideologies of Class* (Oxford, 1990), particularly pp.259-93; Jarvis, 'British Conservatism and Class Politics', pp.59-84; N.R. McCrillis, *The British Conservative Party in the Age of Universal Suffrage* (Columbus, 1998). Stuart Ball's forthcoming *Portrait of a Party: The Conservative Party in Britain between the Wars 1918-1945*, will shed further light on the subject.

the kindest and most humane form of politics... [N]o success in foreign markets can justify inhumanity in our workshops... He has a certain sympathy with the bottom-dog, and is always ready to lend a hand to the hindmost before the devil takes them.⁵

As the son of Quintin Hogg, the fondly-remembered philanthropist, Douglas had seemingly inherited his father's concern for the lower classes and he became a Conservative after studying the works of Disraeli.⁶ Such an outlook would fit neatly into Baldwin's temperate and reformist brand of 'New Conservatism', which properly asserted itself after the loss of the 1923 General Election. But, somewhat paradoxically, Hogg is usually remembered as a 'man of the traditional right',⁷ often described as a 'diehard'.⁸ He vigorously opposed what he regarded as socialist measures, believing that they would worsen the conditions of the very people they were supposed to help. His role in passing the Trade Disputes Act in 1927 and his devastating attacks on the Labour party seemed far removed from the consensual politics associated with Baldwin's Conservatism. Furthermore, as a constitutional lawyer of twenty years standing, his defence of Britain's existing institutions could easily be interpreted as a rigid defence of the social and political *status quo*.

Notwithstanding these right-wing traits, a thorough analysis of Hogg's domestic political career reveals his pragmatic and constructive contribution to inter-war Conservatism. He supported state intervention when private enterprise had failed and advocated measures which were condemned by reactionary Conservatives. Like Baldwin, he desired to prevent class conflict and facilitate social reform, and continued to display these characteristics long after the 'New Conservatism' of Baldwin's second government. Hogg's

⁵ Begbie, *Conservative Mind*, pp.109-10.

⁶ Ibid.

⁷ Heuston, *Lord Chancellors*, p.494; Frame, 'The Conservative Party and Domestic Reconstruction 1931', pp.81; 159; 220-1; Lewis, *Hailsham*, p.43.

⁸ For Birkenhead's memorable assessment of his colleagues, see Parliamentary Archive [Hereafter P.A.] Davidson Papers, DAV/180, undated note 1926/7. Maurice Cowling shares this view. See *Impact of Hitler*, pp.315-6.

political vision represented a blend of pragmatic reform and mild state intervention within the existing framework of Britain's established institutions. His ardent defence of the constitution was no aberration from the 'New Conservatism'. It held an appeal for the cautious working man, suspicious of change and anxious to return to 'normality' after the upheavals of the First World War.

Rising Star

Following his appointment as Attorney-General, Hogg was immediately drafted into discussions concerning the government's response to hunger marchers who demanded a meeting with Bonar Law, the Prime Minister, after refusing an audience with the Ministers of Health and Labour. This was Hogg's first contact with labour protests and his response typified his approach to similar issues in the future. His fear of encouraging revolutionary socialism consistently overcame his sympathy for the plight of the working class. In November 1922, Hogg attended a ministerial meeting which decided that Law should refuse the marchers' demands on the grounds that the appropriate people to see them were the ministers at the head of the departments concerned. It was also agreed that 'the Communist character and record' of the unemployed marchers' leaders should be publicised. Along with Viscount Cave, the Lord Chancellor, and Neville Chamberlain, the Postmaster-General, Hogg took a 'leading part' in drafting the Prime Minister's 'courteous but utterly uncompromising' response that 'had the desired effect'.⁹

The Attorney-General was also thrown into the deep-end of parliamentary debate. Without most of the former coalitionist ministers, Law's administration was notably short of debating strength and Hogg was drafted in to help pilot the controversial Irish Free State Constitution Bill through the Commons. This enacted the Anglo-Irish Treaty negotiated

⁹ The National Archives, Cabinet Papers [Hereafter CAB], 23/39, 'Ministerial Conference', 20 Nov. 1920; Birmingham University Library [BUL], Neville Chamberlain Diary, NC 2/22, Nov.1922; Dec. 1922.

between British and Irish leaders in December 1921 and conferred dominion status on Southern Ireland. For a committed Unionist of Ulster descent, this was a testing introduction to his parliamentary career. Yet, in terms of the Irish question, his views were more pragmatic than those of many government supporters. Although he privately ‘abominated’ the treaty, he regarded it as binding because Britain’s leaders had pledged their word to it.¹⁰ Even before his election at Marylebone he had admitted that he disagreed with many Conservatives on the ‘Irish Question’, promising ‘to do his best to make the [1921] Treaty a success’. He was not, however, advocating surrender to Irish nationalism. The Treaty, he insisted, ‘must be carried out, on both sides, not only in the letter, but in the spirit’.¹¹

Hogg accepted that the bill was not ideal, but claimed that the consequences of rejecting it would be worse than its implementation. This approach typified ‘New Conservatism’. In what became a guiding principle throughout his political career, he told the Commons that the vital consideration was ‘whether we... are going to carry out the pledge which has been given’.¹² He warned that

there could be no better way of fomenting disorder and of playing into the hands of those who wish to see the Treaty annulled than to fail to pass this Bill... [T]hose who opposed the Treaty in Ireland would be able to say that the British Government had once again played false with them.¹³

The Attorney-General’s performance was applauded on both sides of the Irish Sea. A former Conservative whip congratulated the Attorney-General on his

great success last night. I knew [sic] well how difficult it is even for practised lawyers like yourself to catch the atmosphere of the House and you just did it at once and

¹⁰ Hailsham, *Sparrow’s Flight*, p.372.

¹¹ *Marylebone Record*, 5 Aug. 1922.

¹² House of Commons Debates, 5th Series [H of C Debs], vol.159, col.557.

¹³ *Ibid.*, col.372.

apparently quite naturally and without effort... [T]he manner, tone and substance of what you said, knocked the stuffing completely out of the opposition.¹⁴

The *Irish Times* noted that the Attorney-General was ‘adapting himself to his novel position with remarkable felicity’. Hogg performance

would have done honour to an old parliamentary hand... The diehards felt bound to criticise some articles of the constitution... but the Attorney-General replied to their criticisms with the utmost candour and politeness, and steam-rolled their opposition.¹⁵

Despite the opposition of around 50 diehard MPs, the bill safely passed. Hogg’s own contribution led the *Daily Mirror* to conclude that he ‘stands out radiantly as the most notable success’ of the parliamentary session.¹⁶ After the Christmas recess, the *Daily Express* predicted that, alongside the Prime Minister, Hogg would ‘dominate... the stirring and strenuous session before us’.¹⁷ While piloting the Rent Restriction Bill through the Commons in the spring of 1923, Hogg was described as ‘the great Front Bench “find” of the Government’.¹⁸ By April 1923 he had already ‘captured the ear and the respect of the House’ and Lloyd George felt that Hogg was ‘the only man of quality on the front bench’.¹⁹ These were remarkable accolades for a man who had so recently entered parliament.

Hogg’s successes were not lost on Bonar Law. In January 1923 the Prime Minister noted that Hogg was ‘a real discovery’. He had an ‘exceptionally good brain’ that Law intended ‘to utilise a great deal’. Accordingly, Hogg was immediately appointed to cabinet committees considering domestic and overseas policy.²⁰ Years later the press baron, Lord

¹⁴ Lord FitzAlan to Hogg, 28 Nov, 1922, cited in Heuston, p.464.

¹⁵ *Irish Times*, 2 Dec. 1922.

¹⁶ *Daily Mirror*, 15 Dec. 1922.

¹⁷ *Daily Express*, 12 Feb. 1923.

¹⁸ *Ibid.*, 23 Feb. 1923.

¹⁹ *Fortnightly Review*, 1 April 1923; Middlemas (ed.), *Thomas Jones Diary* vol.1, 9 March 1923, p.233.

²⁰ P.A., Bonar Law Papers, BL 111/12/60, Bonar Law to Curzon, 24 Jan. 1923; CAB 23/45, 25-26 Jan. 1923.

Beaverbrook, informed Hogg that Law had ‘told me you would be Prime Minister’. Hogg, aware of the high regard in which the Prime Minister had held him, had ‘always suspected Bonar Law’s plan’.²¹ Although Law’s Premiership was cut short by the throat cancer that eventually killed him, Hogg’s immediate impact pointed to a bright future.

Despite this promising start to his political career, the Attorney-General was soon caught up in legal controversy. In March 1923 William Bridgeman, the Home Secretary, ordered the arrest and deportation to the Irish Free State of Irishmen residing in Britain who were suspected of plotting terrorist activity to assist in overthrowing the Free State Government to establish an Irish republic.²² As Hogg told the Primrose League, the government faced a

conspiracy under which rebellion in Ireland was being actively fermented... with men and arms, artillery and money, and under which there was going to commence a campaign in England... to assist the so-called Irish republic.

The government’s response, he continued, was the seizure of 119 of the suspected rebels who were ‘shipped... to where they can do no harm’.²³ Although Hogg had privately warned Bridgeman that a habeas corpus action could be taken for deporting the suspects without trial, the Home Secretary chose to act, risking his own reputation rather than endangering many lives.²⁴ In response to questions in the Commons on 12 March, Bridgeman explained the government’s action. It was

more agreeable to Irish sentiment for Irishmen to be dealt with by the Irish Free State Government, than by the British Government. There is still... considerable prejudice

²¹ P.A., Beaverbrook Papers, BBK/C/150, Beaverbrook to Hailsham, 5 Aug. 1928; Hailsham to Beaverbrook, 16 Aug. 1928.

²² H of C Debs, vol.161, col.1161.

²³ *Morning Post*, 4 March 1923.

²⁴ Williamson (ed.), *Bridgeman Diaries and Letters*, Bridgeman to M.C. Bridgeman, 14 Dec. 1922, pp.165-6.

against Great Britain in Ireland. That prejudice would have been used by the Irregulars in Ireland to try to get sympathy with them if these men had been interned in England – sympathy which they do not deserve.²⁵

Yet, although Bridgeman's intentions were entirely honourable, his actions were probably illegal.²⁶ After challenges from the Labour party, Hogg mounted a stout defence of his colleague, claiming that he would have been 'guilty of a very grave dereliction of duty' if he had acted otherwise. To criticism from Patrick Hastings, Labour's legal spokesman, Hogg insisted that Bridgeman's actions had his entire approval. He hoped that Hastings would 'apply to himself... the principle which I have tried to adopt, of saying to the House what he really thinks, and not what he thinks it would pay him to think'.²⁷ *The Times* reported that Hogg was an easy victor in this exchange:

There has rarely been a more general and sustained cheer than greeted Sir Douglas Hogg's indignant reply and the cheering did not only come from the government benches, for the Attorney-General has already established himself as a firm favourite with all parties.²⁸

Notwithstanding Hogg's oratorical success, this was a difficult episode for the government. The court judgement in favour of the deportees' appeal ensured that an Act of Indemnity was required to absolve Bridgeman and Hogg of responsibility.²⁹ Nonetheless, both men remained unrepentant and the appeal court's judgement was not universally accepted. The eminent barrister and former Liberal Home Secretary, Sir John Simon,

²⁵ H of C Debs, vol.161, col.1164.

²⁶ Heuston, *Lord Chancellors*, p.464.

²⁷ H of C Debs, vol.161, cols 1191-4.

²⁸ *The Times*, 14 March 1923.

²⁹ I. Gibbons, 'A Parliamentary Victory: The British Labour Party and Irish Republican Deportees, 1923', *Parliamentary History*, vol.29, no.2 (2010), p.194.

concluded that the ministers had acted lawfully.³⁰ While this episode may have been a factor in Labour's electoral success later that year,³¹ it did nothing to damage Hogg's blossoming reputation.³² Marylebone's Conservatives even used his name as an acronym for 'Has Our Genuine Gratitude – for crushing the Irish conspiracy'.³³ His firm response to seditious behaviour anticipated Hogg's opposition to subversive communist activities and industrial disputes later in the decade.

Hogg built upon his early parliamentary successes by establishing himself as a useful platform speaker. He also revealed his pronounced anti-socialist instincts and willingness to attack political opponents. In mid-1923 he claimed that the Conservative party was 'making a very great mistake' in calling the Opposition 'the Labour party':

It was a very useful thing to the Opposition to be called that, because the man who heard the two parties described as "Labour" and "Conservative" was liable to assume that the Conservatives were what their opponents would like them to think they were, capitalist and anti-labour.

Hogg, like other leading Conservatives, preferred to call Labour the 'Socialist Party' as its main objective was 'the suppression of the capitalist state by the socialist state'.³⁴ Notwithstanding the moderate image fostered by Labour leaders, for Hogg the Labour party and revolutionary socialism were synonymous. He was amongst the generation of Conservatives who believed that they should expose the supposed inherent links between

³⁰ *Bridgeman Diaries and Letters*, Bridgeman to M.C. Bridgeman, 14 Dec. 1922, pp.166-7.

³¹ Gibbons, 'Parliamentary Victory', p.194.

³² *Fortnightly Review*, 1 Sept. 1923.

³³ *The Times*, 5 Dec. 1923.

³⁴ *Ibid.*, 28 June 1923.

Bolshevism and the Labour party.³⁵ Labour was presented as a narrow-minded faction dominated by Moscow that was incapable of governing in the national interest.

When ill-health forced Bonar Law's resignation in May 1923, Hogg was 'alarmed and perturbed'.³⁶ Although the established figure of Lord Curzon was passed over and Stanley Baldwin, the little-known Chancellor of the Exchequer, became Premier, Hogg told his new chief that he was 'very glad that His Majesty has chosen you'. In accordance with convention Hogg offered his resignation.³⁷ But, even at this early stage, the Attorney-General's re-appointment was a formality. His association with Baldwin was to last for the next fourteen years and would prove to be an important axis within the on-going evolution of Conservatism.

During the autumn of 1923 Hogg was embroiled in another General Election campaign. It seems that Baldwin called for an election because of his government's inability to find a solution to high levels of unemployment without a mandate to introduce tariff reform.³⁸ On 25 October, with reparations damaging international trade and with economic uncertainty overseas,³⁹ Baldwin announced at Plymouth that, if unemployment was to be cured, industry must be protected from unfair foreign competition. Other explanations for the dissolution, constructed after the election defeat, include Baldwin's fear that Lloyd George, hoping to detach the former coalitionists from the Conservative party, intended to adopt tariff reform.⁴⁰ But Hogg's public pronouncements before the dissolution support the view that

³⁵ Begbie, *Conservative Mind*, p.9.

³⁶ Barnes and Nicholson (eds), *Amery Diaries* vol.1, 20 May 1923, p.327.

³⁷ Cambridge University Library [CUL], Baldwin Papers, vol.42, Hogg to Baldwin, 23 May 1923.

³⁸ For the debate regarding Baldwin's decision see R.C. Self, 'Conservative Reunion and the General Election of 1923', *Twentieth Century British History*, vol.3, no.3 (1992), pp.249-73; N. Smart, 'Debate: Baldwin's Blunder? The General Election of 1923', *Twentieth Century British History*, vol.7, no.1 (1996), pp.110-39; R. Self, 'Baldwin's Blunder: A Rejoinder to Smart on 1923', *ibid.*, pp.140-55.

³⁹ W.R. Garside, 'Party Politics, Political Economy and British Protectionism, 1919-1932', *History*, vol.83, no.269 (1998), p.50.

⁴⁰ T. Jones, *Lord Baldwin: A Memoir* (London, 1947), p.8; Ramsden (ed.), *Bayford Diaries*, 11 Oct. 1923, p.209.

growing unemployment was the deciding factor. While he professed no inside knowledge, he told his constituents in early November that an election might be coming. Akin to Baldwin's Plymouth speech, he claimed that in order to combat unemployment, Britain must increase 'the number of consumers who were able and willing to take our goods'. The government 'could not sit with folded arms and wait patiently'.⁴¹

Conservative leaders calculated that protectionism would give Britain bargaining power with protectionist nations, protect the home market, develop the Empire's resources and create fresh markets in the Dominions.⁴² Hogg, like many Conservatives, had fallen 'under the personal spell of [Joseph] Chamberlain' and his adoption at Marylebone during 1909 confirmed his long-standing support for tariff reform.⁴³ Significantly, protectionism was an example of the Conservatives' rejection of negative anti-socialism and showed a willingness to contemplate state intervention. This approach would 'inevitably extend the economic role and power of the state'.⁴⁴ Hogg became a leading advocate of protectionism in the Conservative ranks and this form of state involvement was entirely consistent with his brand of Conservatism: it was a non-socialist alternative geared to improve the welfare of the nation and foster imperial unity.

After the dissolution of parliament, Hogg and Baldwin appeared together at the Queen's Hall on 20 November. Alluding to their growing ties, the Prime Minister said that Hogg was 'a joy to work with and there is no one who has made such a position in the House of Commons as he has in so short a time'.⁴⁵ Hogg was active in the Conservatives' campaign before voting took place on 6 December. He spoke around the country, maintaining that protectionism was 'a buoy which would keep them afloat'. Sheltering depressed industries

⁴¹ *The Times*, 11 Nov. 1923.

⁴² *Ibid.*

⁴³ Begbie, *Conservative Mind*, p.106; *Morning Post*, 18 Oct. 1923.

⁴⁴ S. Ball, 'The Conservative Party, the role of the State and the Politics of Protection, 1918-1932', *History*, vol.96, no.323 (2011), p.286; Ball, 'Legacy of Coalition', p.68.

⁴⁵ *The Times*, 20 Nov. 1923.

would 'benefit the people of this country and the Empire at large'. Hogg expected that, rather than the cost of living rising as free traders maintained, a secure market would allow British industry to become more efficient. 'If the deadweight of unemployment was taken off the shoulder of manufacturers', he argued, 'they would increase production and so lower prices.'⁴⁶ He attacked Labour's proposals for nationalisation and the Liberals' suggested relief schemes. The former, Hogg claimed, amounted to replacing the incentive of the private owner with a salaried civil servant, while relief schemes were 'palliatives' and would 'never be a cure'.⁴⁷

Despite these arguments, the electorate once again rejected tariff reform and the Conservatives lost the election, at least as far as protectionism was concerned. Their majority of 75 became a deficit of 99. Labour amassed 191 MPs, while Asquith's re-united Liberals numbered 158. Although there was a free trade majority in the Commons, the Conservatives were still the largest party and the leadership decided to remain in office and place the responsibility for installing a Labour government on the Liberals when parliament re-assembled in January 1924.

The election setback did nothing to harm Hogg's growing reputation. Before parliament reconvened, John Simon claimed that Hogg had 'established a reputation as one of the great attorneys-general in history'.⁴⁸ It was in recognition of his growing stature that Hogg was given the important task of winding up the debate on the motion of confidence when parliament met. On 18 December Asquith had announced that he would turn the Conservatives out, believing that the Liberals' interests would be best served by putting Labour into office. Although probably reconciled to defeat, Hogg ostensibly sought to

⁴⁶ *Ibid.*, 28 Nov.; 23 Oct.; 5 Dec. 1923.

⁴⁷ *The Scotsman*, 23 Oct. 1923; *Gloucester Echo*, 28 Nov. 1923.

⁴⁸ *Daily Express*, 19 Jan. 1924.

convince enough Liberals to vote for the survival of Baldwin's government and keep Labour out of power.

In a 'forthright and hard-hitting speech',⁴⁹ the Attorney-General recalled that during the election campaign the Liberals 'were as anxious as we were to expose all the elaborate fallacies of Socialism'. He asked the Liberals some searching questions, 'Do you believe in... the establishment of a Socialist Commonwealth by a class struggle, or do you believe... in the co-operation of all classes in the State?'⁵⁰ Like Labour, the Conservatives were, he said, anxious to improve the condition of the working classes, but Hogg pointed out the clear differences between socialist methods and those advocated by the Liberal and Conservative parties. Anticipating a bleak future for the Liberals, he resolutely concluded:

we will meet [socialist] principles with the most unrelenting and bitter opposition which we can set up... We have heard a great deal about suicide [of the Liberal party] during this Debate. We believe this act which most of you are promising to do this evening... is going to destroy your party. It matters not to us whether history will record it as *felo de se* or whether it will merely say, 'suicide during temporary unsoundness of mind'. To my own friends, I would desire to say there is no reason either for panic or for discouragement.⁵¹

The speeches of Baldwin, Austen Chamberlain and Hogg 'made a great impression and heartened up our party immensely'.⁵² After Baldwin and Hogg had spoken, Duff Cooper noted that the 'Liberals looked thoroughly ashamed of themselves'.⁵³ Although the Conservatives were voted out of office and Ramsay MacDonald formed the first Labour government, the Liberals were exposed at their fault line. Ten of their supporters voted with

⁴⁹ Heuston, *Lord Chancellors*, p.465.

⁵⁰ H of C Debs, vol.169, col.669.

⁵¹ *Ibid.*, cols 672-3.

⁵² *NCDL* vol.2, Chamberlain to Hilda, 24 Jan. 1924, p.204.

⁵³ A.D. Cooper, *Old Men Forget* (London, 1953), p.123.

the Conservatives. As Hogg and other Tories had predicted, the disintegration of the Liberal party was under way.

The country's rejection of tariffs meant that a new response to the rise of Labour had to be found. This led to 'a new phase of the Conservative Party's history'.⁵⁴ The party 'surrendered its bolder, brasher tone in favour of Baldwinism' which was 'ordinary, moral, unprovocative, English and professional'.⁵⁵ Conservative leaders judged that the party could not succeed without a constructive policy. In February 1924 Baldwin called for 'a new style of Conservatism' now that Labour had emerged as the party's chief electoral opponent.⁵⁶ Pointing to measures of moderate reform embodied in the policy document *Looking Ahead*, the Conservative leader was keen to capitalise on the party's record of social reform. In the spirit of Disraeli's 'One Nation Toryism', he asked his party to look forward and not back. *The Times* tellingly concluded that the Conservatives would rely on constructive social reform to beat Labour at the polls.⁵⁷ As a result, the party moved away from the partisanship of the past, adopted a moderate character, emphasised its reformist tradition and made important changes to its organisation.⁵⁸ Baldwin demonstrated a readiness 'to sacrifice policy and ideology to the quest for power'. He accepted that 'a "liberal" or "semi-socialist" Conservatism was better than the full programme of the other side'.⁵⁹ Although critics condemned this strategy as 'disguised socialism',⁶⁰ it involved a careful blend of pragmatic reform within the parameters set by the British constitution. Evolutionary peaceful change would be used to block a socialist revolution.

⁵⁴ Seldon, 'Conservative Century', in Seldon and Ball (eds), *Conservative Century*, pp.31-32.

⁵⁵ M. Pugh, *Tories and the People 1880-1935* (Oxford, 1985), p.191; Ramsden, *Balfour and Baldwin*, p.208.

⁵⁶ Montgomery Hyde, Baldwin, p.324. Ramsden, *Balfour and Baldwin*, p.190.

⁵⁷ *The Times*, 12 Feb. 1924.

⁵⁸ S. Ball, *The Conservative Party and British Politics 1902-1951* (London, 1995), p.80; The Conservatives' electoral success in 1924 owed much to Baldwin's development of a 'new style of Conservatism', Ramsden, *Balfour and Baldwin*, p.207.

⁵⁹ Ramsden, *Balfour and Baldwin*, p.xi.

⁶⁰ Viscount Rothermere to Page Croft, 9 Aug. 1925, cited in Lax, 'Conservatives and Constitutionalism', p.455.

It was during this period that Hogg consolidated his position as a leading Conservative, renowned for his oratorical successes. He made significant contributions to this 'New Conservatism' – the most important being the creation and passage of the Electricity Supply Bill in 1926. Then, shortly after receiving a peerage, he assisted the passage of the Equal Franchise Act through the Lords in the face of determined opposition from right-wing Tories. But 'New Conservatism' was a double-edged sword and Hogg, consistent with his early interventions in politics, also became a leading advocate of another plank of Conservatism: constitutionalism. This amounted to upholding established laws and institutions. Parliamentary democracy, capitalism and the social order would be maintained, while revolution and socialism would be avoided. Baldwin frequently expressed a commitment to protect democracy against revolutionary threats, for it set the framework within which constructive reform could take place. This 'ordered freedom', as Williamson notes, was as 'progressive in appearance as it was conservative in practice'.⁶¹ Hogg's prosecution of revolutionary communists, his contribution to trade union reform and his desire to reinforce the powers of the House of Lords, all shed light upon this important strand of inter-war Conservatism.

With MacDonald's first Labour Government installed, Hogg retained his front bench seat and, as he had promised, he vigorously opposed socialist measures. His most notable attack came in May during the debate on the Nationalisation of the Mines and Minerals Bill. This, he argued, was 'an absolutely bad Bill, and one which no reasonable and honourable body of men ought to accept.'⁶² Convinced that it contained all the negative aspects of state intervention, he boldly undermined its rationale:

⁶¹ P. Williamson, *Stanley Baldwin: Conservative Leadership and National Values* (Cambridge, 1999), pp.211-2.

⁶² H of C Debs, vol.173, col.1783.

Whatever inefficiency there may be in the management of mines... whatever waste and extravagance there may be in their administration, whatever political pressure may induce the Mining Council to do... whatever loss may be sustained by ruinous experiments in retail trade or in export trade, by people who have no experience of it – all these matters... are thrown upon the taxpayers of this country, who are asked to foot the bill.⁶³

The Liberals joined the Conservatives in opposing the legislation and the Commons rejected the bill by a majority of 96.

The Conservatives' return to office was not long delayed and Hogg played a leading part in Labour's fall from power. While the attempt to ratify the Russian Treaty might have ended MacDonald's government before the close of 1924,⁶⁴ the Campbell Case triggered its downfall in November. The government collapsed after it decided against invoking the law regarding seditious conspiracy. This occurred after J.R. Campbell, the editor of the *Worker's Weekly*, the official newspaper of the Communist party of Great Britain [CPGB], published an article on 25 July calling upon the armed forces to rebel and to turn their weapons on to their 'oppressors'.⁶⁵

Hastings, the Attorney-General, began a prosecution for sedition in August but, after the cabinet considered the case, it was abandoned. Such a decision rested, constitutionally speaking, with the Attorney-General, but it was unclear whether he had been pressured by the cabinet to abandon the case. It seems that Hastings agreed with the cabinet that the prosecution should be dropped to prevent publicising subversive Communist activities.⁶⁶ Yet the popular press accepted the Communist party's allegation that the government had

⁶³ Ibid., col.1789.

⁶⁴ *Daily Telegraph*, 3 Oct. 1924; Middlemas and Barnes, *Baldwin*, p.273.

⁶⁵ J. Klugmann, *History of the Communist Party of Great Britain: vol.1* (London, 1968), pp.366-7.

⁶⁶ Ibid., p.162; P. Hastings, *The Life of Patrick Hastings* (London, 1959), p.187.

surrendered to its own left wing and pressure from the labour movement.⁶⁷ These claims played into the Conservatives' hands. They were keen to demonstrate, as Hogg suggested, that the government had 'interfere[d] with the... administration of justice in this country'.⁶⁸

At the end of September, Hastings was forced to explain to the Commons why the prosecution had been dropped. He failed to satisfy the opposition parties. The Conservatives tabled a motion of censure and the Liberals demanded an inquiry. On 8 October the Commons considered the administration's actions and Hogg was, once again, asked to play a leading role for the Conservatives. He wound up in what was the best speech of the debate.⁶⁹ Claiming that responsibility for dropping the case did not rest with the Attorney-General, he removed any underlying sympathy for Campbell, which the government had used as a justification for abandoning the prosecution. Although Campbell was a maimed and decorated ex-serviceman and only the temporary editor of the *Workers' Weekly*, Hogg asserted that he

had long been editor of the sister publication carrying on in the same interest... We know now that this publication... [was] composed by Campbell's express direction... and was noted in his own handwriting in the copy which was found by the police... [S]o far from his not being responsible for the control of the paper, he was actually a member of the Political Bureau, which controls its policy, and that he had been made such a member by direct instructions of the Communist central body at Moscow... [A]lthough his military record was excellent, his political record was vile. He was a member of the Central Executive of the Communist Party of this country.⁷⁰

⁶⁷ Marquand, *Ramsay MacDonald*, p.365; N.D. Siederer, 'The Campbell Case', *Journal of Contemporary History*, vol.9, no.2 (1974), p.153.

⁶⁸ H of C Debs, vol.177, col.680.

⁶⁹ *Amery Diaries* vol.1, 8 Oct. 1924, p.388; *Saturday Review*, 11 Oct. 1924.

⁷⁰ H of C Debs, vol.177, cols 682-4.

The result of the debate was not a foregone conclusion, but Hogg's 'devastating' criticisms proved important.⁷¹ Neville Chamberlain noted that his 'summing up was a real tour-de-force. I confess to having been rattled by the special pleading on the other side and only when I heard Hogg did I realise how strong the case against the government still remained.'⁷² A downbeat MacDonald recorded that 'the personal triumph that beamed from Douglas Hogg... [was] difficult to behold'.⁷³ The Government was defeated by 364 votes to 198 after Baldwin had instructed his party to vote with the Liberals for an inquiry. The cabinet had already decided that it would treat the Liberal amendment as a vote of confidence and MacDonald dissolved parliament the following day. There was to be a third general election in two years.

Before the end of 1924, consistent parliamentary successes had given Hogg the reputation of being 'the finest, most convincing [Conservative] speaker'.⁷⁴ Despite his political career being less than two years old, he was included in a study of the leading Conservative figures that claimed: 'It is doubtful... whether there is any man now in the Conservative party who can address the House with more power or with greater effect'. If Hogg 'had possessed twenty years ago Mr. Winston Churchill's appetite for public life, he would now be a Gargantuan figure'.⁷⁵ The 52 year-old had achieved new-found popularity. When Baldwin opened his election campaign at the Queen's Hall in October, the audience insisted on hearing Hogg, although he was not scheduled to speak.⁷⁶

The former Attorney-General was again active in the campaign and so busy speaking around the country that he almost neglected his own constituency.⁷⁷ With protectionism buried, his three-pronged message, couched in the rhetoric of the 'New Conservatism', was

⁷¹ *Daily Express*, 9 Oct. 1924.

⁷² *NCDL* vol. 2, Chamberlain to Ida, 11 Oct. 1924, p.25.

⁷³ MacDonald Diary, 30 Sept. 1924, cited in Marquand, *MacDonald*, p.372.

⁷⁴ *Daily Express*, 10 Oct. 1924.

⁷⁵ Begbie, *Conservative Mind*, pp.107; 103.

⁷⁶ *The Times*, 10 Oct. 1924.

⁷⁷ *Ibid.*, 22 Oct. 1924.

simple: ‘the way to secure peace at home and abroad, to stamp out class hatred, and to cement the Empire closer than before’, was to vote Conservative. Constructive assertions went hand in hand with his anti-socialist rhetoric and derision of the Liberal party. He warned of the ‘red peril’ that lurked within the Labour party, while he argued that it was ‘manifest’ that the Liberals could not provide a stable government.⁷⁸ He claimed that the Labour party chose to put the country through an election rather than face an inquiry ‘because inquiry meant exposure and exposure meant disgrace’.⁷⁹ Labour, he suggested, wanted a ‘constitutional revolution’, was ‘out for nationalisation of everything’ and ‘for lending British taxpayers’ money to Bolshevik Russia’. Socialists, he argued, ‘could not prove that socialism was going to make things better’. Rather than destroying the capitalist system which had facilitated enormous social advances, the country should ‘build on the foundations which our fathers had made’. In Disraelian tones, Hogg confidently asked the electors ‘Which programme is best calculated to improving the welfare of the people?’⁸⁰

The campaign around a constructive policy combined with anti-socialism and attacks on the Liberal party was a great success, particularly after the release of the ‘Zinoviev Letter’.⁸¹ The Conservatives won 415 seats, Labour 152 and the Liberals, who fielded only 340 candidates, were reduced to 42 MPs. This marked the effective end of a Liberal party capable of winning a general election and the Conservatives’ landslide proved that they did not need an anti-socialist alliance to defeat Labour at the polls.⁸² They had succeeded in presenting themselves as the only serious alternative to socialism.⁸³

⁷⁸ Ibid., 20 Oct. 1924.

⁷⁹ Ibid., 21 Oct 1924.

⁸⁰ Ibid., 20; 23 Oct. 1924.

⁸¹ The letter called for greater communist agitation in Britain and was supposedly sent by Zinoviev, the Russian leader of the Communist International, to British Communists. Rather than having a decisive impact on the election result, it seems that the letter increased the scale of the Conservative’s victory. Ramsden, *Balfour and Baldwin*, pp.205-6.

⁸² Ball, ‘Legacy of Coalition’, p.75.

⁸³ See, C. Cook, *The Age of Alignment: Electoral Politics in Britain, 1922-1929* (London, 1975), pp.302-5.

When Baldwin formed his second government Hogg gained the unusual distinction of serving as Attorney-General with a seat in the cabinet. This gave him the chance to influence wider government policy. Notwithstanding his well deserved promotion,⁸⁴ there was disappointment that he had not been appointed Home Secretary instead of William Joynson-Hicks, the former Minister of Health. Austen Chamberlain felt that ‘Jicks [was] probably equal to the H.O. though Hogg would have been a much stronger appointment’.⁸⁵ King George V shared this conclusion. His Private Secretary notified Baldwin that

His Majesty is sorry that you have not been able to appoint Sir Douglas Hogg to the Home Office, where in these times the... difficulties in the internal government of the country necessitate an exceptionally able and strong administrator and one who has held a pre-eminent position at the bar. The fact also that the Home Secretary is the King’s principal Secretary of State and in fact constitutionally His Majesty’s Private Secretary is a reason... for the King’s special interest in his appointment.⁸⁶

The Prime Minister had considered appointing Hogg Leader of the House of Commons and Lord Privy Seal, but, after the return to the fold of the former coalitionists including Austen Chamberlain, Birkenhead and Churchill, Baldwin found himself with ‘too many powerful men’.⁸⁷ Nevertheless, Hogg became a cabinet minister and his career in Baldwin’s second government was ‘one of uninterrupted success’.⁸⁸ In 1925 he was responsible for the Administration of Justice Act and the Honours Prevention of Abuses Act and he assisted the passage of Neville Chamberlain’s Pensions Act that lowered the age of retirement to 65 from 70. By August 1925, he was recognised as ‘one of the major figures of Conservatism’.⁸⁹

⁸⁴ *Telegraph*, 6 Nov. 1924.

⁸⁵ BUL, Austen Chamberlain Papers, AC 5/1/340, Chamberlain to Hilda, 9 Nov. 1924.

⁸⁶ Baldwin Papers, vol.178, Stamfordham to Baldwin, 6 Nov. 1924.

⁸⁷ *Ibid.*, vol.42, note Nov. 1924; Middlemas and Barnes, *Baldwin*, p.276.

⁸⁸ Heuston, *Lord Chancellors*, p.466.

⁸⁹ *The Times*, 12 Aug. 1925.

As the King had implied, Baldwin's second administration faced an explosive industrial situation and an increase in communist activity that intended to incite class war and overthrow Britain's parliamentary system. It was for this reason that Hogg's predecessor recalled that 'Being Attorney-General... in those days is my idea of hell.'⁹⁰ The subversive activities of communists were first on Hogg's agenda. In various public speeches he drew attention to 'a very small' but 'very active' group

who do not desire to see things get better; who see in every difficulty and trouble a chance of making things [worse]... whose one ideal is the overthrow of civilisation as we know it today, and who, under the orders of their Moscow paymasters, are determined... to destroy the British Empire.

He wanted to see 'this accursed doctrine of class warfare stamped out', describing it as a 'foreign poison' which sought 'to infect our British body politic'.⁹¹ To combat this threat, the Attorney-General sought to use existing laws and investigated the possibility of extending the government's powers.

For all that, Conservative leaders were wary that a heavy-handed response could create communist martyrs and Hogg's difficulty lay in deciding which seditious acts should be punished. But, when the communists' campaign was injected with a new vigour in mid-1925, it became increasingly likely that the Attorney-General would act.⁹² During August treasonable posters were displayed outside Army barracks throughout England.⁹³ Hogg, at this moment, judged that more evidence was required before the perpetrators could be successfully prosecuted for sedition. Then, on 14 August, the *Workers' Weekly* claimed that 14,000 copies of a statement repeating Campbell's 'Appeal to Soldiers' had been

⁹⁰ Hastings, *Autobiography of Patrick Hastings*, p.236.

⁹¹ *Morning Post*, 19 June 1925.

⁹² Lax, 'Conservatism and Constitutionalism', p.247.

⁹³ CAB 23/50, 13 Aug. 1925.

distributed.⁹⁴ This development was discussed at a meeting attended by Hogg, Joynson-Hicks, and the Director of Public Prosecutions. Although the documents were considered seditious, caution prevailed. The meeting concluded that it was best to wait until the Communist party was further committed.⁹⁵ The possibility of a failure to convict was the restraining factor, but Hogg's patience was wearing thin and he soon proved his willingness to use existing laws to protect the constitution.

The government's response soon came and it was at Hogg's instigation. This was no surprise. On 1 October he had publicly stated that 'if and when it became necessary to act in the public interest, [the Government] would... vindicate the majesty of the law and if further powers were needed to suppress sedition they would not be slow to ask Parliament'.⁹⁶ On 7 October Joynson-Hicks informed the cabinet that he, Hogg and the Director of Public Prosecutions had made arrangements to keep the activities and speeches of British Communists under observation, with a view to taking appropriate action.⁹⁷

At the following week's cabinet there were two significant developments. First, Hogg presented a memorandum: 'The Present Law in regard to Sedition and Strikes'. He complained that considerable discontent might be stirred up in the armed forces without infringing the existing law on sedition embodied in the Incitement to Mutiny Act of 1797. This law was archaic and it was difficult to ascertain

whether any particular language does or does not amount to sedition and... the necessity of a jury trial involves very considerable delay before a conviction can be obtained. But... any amendment to the law must be very carefully considered. It is

⁹⁴ Lax, 'Conservatism and Constitutionalism', p.247.

⁹⁵ CAB 27/287, 'Public Order Committee', 24 Oct. 1925.

⁹⁶ *Morning Post*, 2 Oct. 1925.

⁹⁷ CAB 23/51, 7 Oct. 1925.

essential to avoid any undue interference with the liberty of speech; and any proposal which avoids trial by jury is bound to be very jealously scrutinised.

Hogg desired legislation along the lines of a 1921 draft bill designed to outlaw 'direct and explicit incitement to the unlawful use of force or violence' and to provide a statutory definition of sedition. At Hogg's request the cabinet established the Public Order Committee [POC], a cabinet sub-committee to consider the merits of legislation regarding sedition, the legality of a general strike and the legal position of trade unions.⁹⁸

The Attorney-General then informed his colleagues of the second key development. He believed that sufficient evidence had now been gathered to arrest nine leading Communists, that a prosecution would result in convictions and that arrests should be made forthwith.⁹⁹ The arrests went ahead. While Joynson-Hicks received the plaudits, Neville Chamberlain recognised that Hogg had laid all the groundwork. 'Jix', he noted,

brags so much of what he is going to do that the credit is generally given to him. But... he had nothing to do with it. Prosecution is the affair of the Attorney-General and even the cabinet has no power to order it as we heard in the *Campbell Case*. Hogg has been working on this for some time and... he believes he has sufficient evidence to convict. I believe the decision has been warmly welcomed by our people and... I suspect that moderate labour men are rejoicing.¹⁰⁰

Following the arrest of the nine men and another three conspirators charged with seditious conspiracy, Hogg conducted the prosecution under the Incitement to Mutiny Act at the Old Bailey in October. Those arrested included Campbell, Tom Bell, editor of the *Worker's Review*, Albert Inskip, the Communist party's Secretary, and William Gallagher,

⁹⁸ CAB 24/175, Hogg memorandum, 'The Present Law in regard to Sedition and Strikes', 9 Oct. 1925.

⁹⁹ CAB 23/51, 13 Oct. 1925.

¹⁰⁰ *NCDL* vol. 2, Chamberlain to Hilda, 17 Oct. 1925, p.315.

the well-known Communist. In all, eight out of the ten members of the CPGB's political bureau had been arrested.¹⁰¹ Although this was a legal matter, the trial had political repercussions. Henry Slessor, a Labour MP and KC, was purposefully chosen to defend 'the twelve' to involve the Labour party.¹⁰²

The claim that the prosecution's case was based on a 'motley collection of documents', as the official historian of the CPGB suggests, does not withstand examination.¹⁰³ Hogg's exposition occupied nearly four hours and was packed with evidence. It highlighted the illegal nature of the CPGB, its links to the Kremlin, its doctrines and its activities. It was so effective that it was published by 'The Anti-Socialist & Anti-Communist Union'. Hogg alleged that Communist leaders had attempted to subvert the existing order of society through an armed insurrection to replace it with a communist state.¹⁰⁴ All the accused were found guilty by a unanimous jury which took a mere 20 minutes to decide. Five of the men were sentenced to 12 months imprisonment while the remaining seven were jailed for six months.

Despite the jury's unanimity, on 1 December Ramsay MacDonald moved to censure the government in the Commons. He claimed that the arrests and prosecutions had violated free speech. Before Hogg spoke, Joynson-Hicks pointed out that the government's action had been vindicated as twelve citizens had already found the prisoners guilty.¹⁰⁵ Hogg then rose 'amid the loudest cheer of the day' and spoke in uncompromising terms. Without 'any spirit of contrition or of apology',¹⁰⁶ he stated that

¹⁰¹ Klugman, *History of the Communist Party of Great Britain* vol.2 (London, 1969), pp.67-71.

¹⁰² J.T. Murphy, *New Horizons* (London, 1941), pp.211-2.

¹⁰³ Klugman, *Communist Party* vol. 2, p.71.

¹⁰⁴ D.M. Hogg, *The Communist Conspiracy* (London, 1925), pp.40-41.

¹⁰⁵ H of C Debs, vol.188, col.2092.

¹⁰⁶ *The Times*, 2 Dec. 1925.

I formed the view that the facts laid before me disclosed a criminal conspiracy against the State. I laid the documents before the best criminal counsel whom I could find... which entirely confirmed my opinion.¹⁰⁷

He highlighted the difference between the rights of free speech and seditious conspiracy:

‘You may persuade people to vote for a different form of Government’, but it was illegal to

attempt to stir up your fellow citizens whom you know you cannot persuade in sufficient numbers to vote for the changes you advocate... [and] to attempt forcibly to overthrow the rule of the majority and the Government as by law established...

The defendants, he claimed, were ‘advocating the forcible overthrow of the Government, and as a necessary preliminary, the seduction of the King’s Army and Navy from their allegiance, loyalty, and obedience’.¹⁰⁸ The government, Hogg concluded, would have been guilty of a dereliction of duty had the campaign been allowed to continue unchecked.¹⁰⁹ With Liberal support the vote of censure was easily defeated and Hogg had achieved another debating success.

Meanwhile, the merits of strengthening the existing law in relation to sedition were considered by the POC. It included barristers, Cave (chairman), Birkenhead, Hogg and Cecil, and solicitors, Joynson-Hicks and Worthington-Evans. It first met in October. During its early meetings, Hogg maintained that it was ‘very desirable... to strengthen the law by providing a summary remedy for sedition and by enacting a statutory definition’.¹¹⁰ Ultimately, however, no amendment was recommended. Although the committee’s report concurred with Hogg’s view that the sedition law needed codifying and strengthening, it concluded that the successful prosecution of the Communist leaders had ‘obviated any

¹⁰⁷ H of C Debs, vol.188, col.2170.

¹⁰⁸ Ibid., col.2175.

¹⁰⁹ Ibid., cols 2184-5.

¹¹⁰ CAB 27/287, 22 Dec. 1925.

necessity' for immediate legislation. The packed parliamentary session and the industrial situation also weighed against action.¹¹¹ Although no amendments to the existing law were made, there were no further prosecutions for sedition in the remainder of the parliament.¹¹² Hogg's firm response to 'the twelve' appeared to deter seditious acts.

Over the next two years Hogg continued to play a prominent political role, piloting two important pieces of legislation through the Commons: the Electricity Supply Bill and the controversial Trade Disputes Bill. These measures, along with the Equal Franchise Act of 1928 and the Local Government Act of 1929, were among the most important legislative achievements of Baldwin's second government. The Electricity Bill marked the acceptance of pragmatic state intervention and, although the Trade Union Bill has sometimes been seen as conflicting with 'New Conservatism', Hogg's moderating influence proved important. His intimate involvement in drawing up both pieces of legislation began early in 1925.

The Electricity Bill was a particularly challenging measure. It was questionable whether Baldwin's administration could enact 'such an ambitious scheme of state enterprise'.¹¹³ Lord Weir, a successful industrialist, chaired a committee that investigated Britain's electrical supply during 1924-5. It found that Britain lagged behind its industrial competitors in electrical development, concluding that 'courage and possibly considerable financial investment' were needed to create an up-to-date electrical energy system.¹¹⁴ Weir confirmed suspicions that private enterprise had failed to solve Britain's electrical backwardness.¹¹⁵ The existing structure was so uneconomical that Philip Cunliffe-Lister, the President of the Board of Trade, was surprised that the first Labour government had not

¹¹¹ Ibid., 25 March 1926.

¹¹² Lax, 'Conservatism and Constitutionalism', p.265.

¹¹³ L. Hannah, *Electricity before Nationalisation* (London, 1979), p.95.

¹¹⁴ Ibid., pp.89-90.

¹¹⁵ H.H. Bailin, *The Organisation of Electricity Supply in Great Britain* (London, 1946), p.184.

attempted to nationalise it.¹¹⁶ Government intervention was, therefore, deemed necessary if electrical supply was to be made efficient, as electrification on a national scale was beyond the capacity of any private power company or municipality. In 1925 there were 17 different frequencies in operation across Britain and, out of a total of 438 generating stations, 322 supplied only 11 per cent of the total energy. In addition to centralising the production of electricity, standardising frequency was essential to reduce expenditure.¹¹⁷

The government sought to produce a cost-efficient and co-ordinated supply of electricity without creating a state monopoly that carried the stigma of nationalisation. Therefore, while the newly created Central Electricity Board [CEB] would direct the building of new power stations, link suitable stations together and own the 'Gridiron' system, other assets would remain in private hands. While maintaining the incentives of private enterprise, the government followed Weir's proposal which sought 'partial subordination of vested interests... for the benefit of all'.¹¹⁸ With an improved electrical system geared to enhance Britain's industrial competitiveness, reduce unemployment and raise living standards, this approach fitted neatly with Baldwin and Hogg's vision of Conservatism. However, a bill along the lines of the Weir Report would meet serious opposition in Conservative circles. The delicate situation was not helped by Wilfred Ashley, the Minister of Transport and technically responsible for electrical development. He lacked 'the political stature to drive through a bill so offensive to the prejudices of many of the Cabinet and most Conservative backbenchers'.¹¹⁹ Hogg, now a leading parliamentary performer, was brought in. But he was not simply the government's mouthpiece in the Commons. He chaired the cabinet's 'Electrical Development' sub-committee, which was established in May 1925, charged with formulating a bill. The Attorney-General, therefore, was principally responsible for the

¹¹⁶ CAB 27/281, 'Electrical Development Committee', 7 July 1925.

¹¹⁷ Hannah, *Electricity*, p.88.

¹¹⁸ *Ibid.*, p.94.

¹¹⁹ Middlemas and Barnes, *Baldwin*, pp.393-4.

government's proposals. Unsurprisingly, he had a firm grasp of the subject matter. 'I can really answer questions about this Act without very much research', he later told his son, who debated its merits at the Oxford Union.¹²⁰

The sub-committee aimed to create a bill that would reduce the price and extend the availability of electrical energy to the consumer, 'from the largest industrial user to the artisan in his home'.¹²¹ Hogg understood that isolated stations needed to be interconnected to enhance reliability and efficiency. This depended on standardising the frequencies of the various franchises. 'Standardisation', he later told the Commons,

will at once cheapen the cost of electricity. It will render possible that mass production which is one of the secrets of reduced expenditure, and therefore will benefit all those parts of the country which are using... the standard frequency.¹²²

The sub-committee broadly accepted Weir's report, but, as Hogg recognised, the most important departure was the decision on who should pay for the scheme. Unlike Weir, Hogg and his colleagues concluded that no financial grant should be made from state funds:

We think it undesirable that the scheme should be open to the charge that the electrical industry is being subsidised by the State and so enabled to compete unfairly with rival sources of power; further we think that the cost of producing cheap electricity should be borne by those consumers who profit by it.¹²³

The committee concluded that there should be no financial grant from the state.¹²⁴ The Treasury accepted an alternative plan that involved a £33,500,000 government guarantee of private investment to raise the necessary capital. Although moderate Conservative opinion

¹²⁰ HSLM 8/2/2/1, Hogg to Quintin Hogg, 7 Feb. 1927.

¹²¹ CAB 27/281, 'Terms of Reference'.

¹²² H of C Debs, vol.199, col.1160.

¹²³ CAB 24/176, Hogg memorandum, 24 July 1925.

¹²⁴ Ibid., Hogg memorandum, 21 Dec. 1925.

judged that the guarantee was a preferable expedient to prevent the taxpayer footing the bill, Hogg expected much opposition from right-wing Conservatives but, he defiantly asserted, ‘we must not be afraid of it’.¹²⁵

With the cabinet’s approval, the final proposals, embodied in the Electricity Supply Bill, were set to be presented to the Commons in March 1926. After 33 Conservative MPs signed a motion rejecting the bill, Hogg and Wilfred Ashley found it necessary to speak at a Conservative party meeting on 25 March. Addressing over 250 party members, the ministers illustrated that the bill was not socialism. The scheme, Hogg claimed, commanded the support of expert opinion and was necessary to reduce the cost of electricity, facilitate its wider use, promote greater trade and reduce unemployment. To charges that it would make nationalisation easier, Hogg replied that if the government did nothing critics could say that private enterprise had failed. If this scheme was a success, however, there would be no justification for nationalisation.¹²⁶ Hogg suggested that rigid adherence to the failing *status quo* would undermine stability. This was ‘New Conservatism’, reforming to conserve the existing order. His ‘most convincing speech’ helped clear the air and the hostile motion was dropped.¹²⁷ Nevertheless, the bill still had a difficult passage through the Commons.

When he presented the second reading of the bill on 30 March, he attempted to silence Conservative critics by claiming that the Labour Opposition were ‘quite right to say that the bill is not socialism, and that it did not bring nationalisation any closer’. In the non-partisan rhetoric of the ‘New Conservatism’, Hogg claimed that the right attitude was ‘not to discuss whether or not it assists the political nostrums of one side or the other... but whether or not the Bill is designed to improve the conditions of the people’. He pointed out that the existing position was unsatisfactory. Britain could not use electricity as cheaply or to the same extent

¹²⁵ CAB 27/281, June 30 1925.

¹²⁶ *Daily Express*; *The Times*, 26 March 1926.

¹²⁷ Ball (ed.), *Headlam Diaries*, 26 March 1926, p.81; *The Times*, 26 March 1926.

as other industrialised countries. Under the new scheme, electricity would, he claimed, be generated at the lowest possible cost.¹²⁸ Asking government supporters not to be scared by the bogey word ‘nationalisation’, the Attorney-General urged them to

vote for a scheme which... will not only benefit the people whom we are here to serve, but will in fact make nationalisation more difficult by removing some of the very difficulties and criticisms which consumers to-day can level against the supply of electricity.¹²⁹

Hogg’s espousal was widely applauded. ‘No one in parliament’, one newspaper claimed, ‘can make a rallying speech like the Attorney-General’.¹³⁰ Yet, although it had passed its second reading, one Conservative backbencher still noted that ‘a good many people on our side are much opposed to the Bill’.¹³¹

The committee stage proved arduous. As John Moore-Brabazon, Parliamentary Secretary to the Ministry of Transport, recalled: ‘We sat in committee for three months... morning and afternoon, three times a week, with many amendments put in on every clause’.¹³² As late as November even one moderate government supporter was still asking himself ‘is it a “socialist measure” [?] – [T]hat is the question.’¹³³ Many revisions were proposed by the Conservatives George Balfour, Dennis Herbert and Joseph Nall. Balfour even congratulated ‘the Socialist benches, because... the leaders of all political parties are degenerating to the level of their aspirations’.¹³⁴

¹²⁸ H of C Debs, vol.193, cols 1934-8.

¹²⁹ Ibid., col.1947.

¹³⁰ *Manchester Guardian*, 31 March 1926.

¹³¹ *Headlam Diaries*, 26 March 1926, p.81.

¹³² Brabazon, *Brabazon Story*, p.124.

¹³³ *Headlam Diaries*, 10 Nov. 1926, p.104.

¹³⁴ H of C Debs, vol.193, col.1877.

The most contentious measure proposed was the government guarantee. Hogg was confident no call would be made upon the taxpayer, but he appreciated that ‘unless we had the taxpayer behind us we should never be able to raise the money in the first instance’.¹³⁵ The guarantee would thus ensure the scheme’s success. The nation’s credit, the Attorney-General felt, was ‘not to be buried like a talent in a napkin, but to be used’.¹³⁶ He anticipated that state funds would not be required because this was an investment opportunity which was difficult to refuse. After five years he estimated that the CEB would have spent £18.5 million with a saving of £21 million. Thus the scheme would cost ‘£2.5 million less than nothing’. He reckoned that the figures would ‘be very much better when the scheme was completed in the mid-1930s’.¹³⁷ Outside parliament, Hogg told his constituents that the bill was justified because British industry would be better placed to compete with its rivals. The scheme ‘was calculated infinitely to benefit the whole of the people of this country – to make them richer, happier and better off than if the government had not had the courage to pass it’.¹³⁸ This pragmatic reforming measure, geared to improve the welfare of the nation and block nationalisation, exemplified the ‘New Conservatism’.

Winding up the third reading in November, Hogg alluded to the level of opposition and the allegations he faced from the government’s own supporters:

I have been told that ‘Socialist’ is too good a word for me; I am a Communist. I have been told that I have degraded the office of Law Officer of the Crown, that I have betrayed the party which has done me the honour of allowing me to be one of its leaders...¹³⁹

¹³⁵ *Ibid.*, vol.199, col.1346.

¹³⁶ *Daily Express*, 12 Nov. 1926.

¹³⁷ HSLM 8/2/2/1, Hogg to Quintin Hogg, 7 Feb 1927.

¹³⁸ *Marylebone Record*, 16 Oct. 1926.

¹³⁹ H of C Debs, vol.199, col.1501.

Yet, for Hogg there was a difference between blanket socialism and constructive state assistance. He believed that the capitalist system was the best guarantee of industrial efficiency and trusted that the principles upon which Britain's economic development had been founded would be preserved in the bill. The government, he pointed out,

employ[ed] no wage-earners and the individual station is still operated by the individual. We take no part away from the incentive of gain, because the cheaper the station runs the cheaper will be the current. We create no kind of bureaucracy, because we simply co-ordinate the supply.¹⁴⁰

The CEB would only operate stations if no one else would and, with the government virtually guaranteeing the scheme's success, Hogg expected that this would never happen.¹⁴¹

The bill had been 'admirably handled' by Hogg and was safely enacted. At the end of its Commons journey, he and Moore-Brabazon made excellent speeches.¹⁴² The latter remembered that Hogg's ability to 'make the most polished little speech' in response to unforeseen amendments to the bill's convoluted clauses was 'nothing short of miraculous'.¹⁴³ The bill received royal assent in December and stood as a tribute to Hogg's ability to carry a sizable and controversial measure through the Commons. It created the National Grid System that became operational within a decade and which has been the basis of Britain's electrical supply ever since. This was no mean feat. Baldwin's 1929 election address maintained that 'There has been no more remarkable achievement in recent times than the reorganisation of the generation and transmission of electricity in Great Britain'.¹⁴⁴ During a Lords debate on

¹⁴⁰ Ibid., col.1511.

¹⁴¹ Hogg to Quintin Hogg, 7 Feb. 1927.

¹⁴² *Observer*, 14 Nov. 1926.

¹⁴³ Brabazon, *Brabazon Story*, pp.124-5.

¹⁴⁴ Bodleian Library, Conservative Party Archive [CPA], CRD 1/7/2, 'Baldwin's Election Address', 4 May 1929.

industrial rationalisation in October 1934, Hogg, by then Viscount Hailsham, looked back on what had been achieved:

Some twenty years ago Great Britain hardly counted in electrical engineering... [It] has now brought itself fully up to the level of its foreign competitors and is able to hold its own in competitive enterprise, not only in supplying the home market but also in securing its fair share of foreign orders...¹⁴⁵

By the outbreak of the Second World War output had increased fourfold and consumers of electricity had risen from three-quarters of a million in 1920 to nine million in 1938. This was amongst the most important pieces of legislation passed during the inter-war years.¹⁴⁶

While the Electricity Bill progressed through parliament, the coal dispute escalated into the General Strike of 1926, the greatest industrial dispute in British history. Although the quarrel was at heart between mine owners and miners, the strike was widely interpreted as a challenge to Britain's constitution and parliamentary democracy.¹⁴⁷ In the wake of this challenge, Hogg piloted through the Commons the Trade Disputes and Trade Unions Act of 1927. This measure was bitterly contested with scenes of disorder in the Commons comparable with earlier debates on Irish Home Rule.

The Conservative party had officially opposed Liberal trade union legislation since before the First World War. The Trade Disputes Act of 1906 granted unions immunity from liability for damages sustained through strikes. Conservatives argued that this placed trade unions above the law. The Trade Union Act of 1913 allowed union fees to be used for political ends via the 'political levy' unless workers 'contracted out'. This fund provided the Labour party with its major source of income. Conservatives claimed that, while many

¹⁴⁵ H of C Debs, vol.92, col.46.

¹⁴⁶ Middlemas and Barnes, *Baldwin*, p.394.

¹⁴⁷ See, for example, Cooper, *Old Men Forget*, p.147.

workers might vote Conservative or Liberal and could theoretically ‘contract out’, the levy took advantage of human apathy and encouraged intimidation.¹⁴⁸ As Hogg’s ministerial career began, Conservative leaders were repeatedly reminded of the case for amending trade union law. Backbench discontent was demonstrated through a number of private member’s bills designed to hasten government action. During Baldwin’s second administration, Conservative pressure culminated in the Macquisten Bill of 1925 that aimed to substitute ‘contracting in’ for ‘contracting out’. It was, however, dropped after Baldwin’s ‘Man of Peace’ speech instructed his party to vote against the measure. In typically conciliatory fashion he concluded his speech: ‘Give peace in our time, O Lord’.¹⁴⁹

Despite Baldwin’s prayer, the industrial situation remained unstable throughout 1925. The coal industry continued its decline and, once Britain returned to the gold standard at the pre-war rate, exports effectively became 10 per cent dearer. Convinced of the inefficiencies of nationalisation, the government presented itself as an honest broker between the miners’ union and the mine owners, favouring the voluntary rationalisation of the industry through closing or merging uneconomic pits.¹⁵⁰ The situation, however, deteriorated and the cabinet heard on 30 July 1925 that ‘Unless some action could be taken to avert it, a miners’ strike would begin at midnight’.¹⁵¹ With the likelihood that the strike would involve other key industries, the cabinet granted the miners a temporary £10 million subsidy to maintain wages at their existing level, while an inquiry was held by a commission under the chairmanship of the leading Liberal, Herbert Samuel. The subsidy was sanctioned to demonstrate to the

¹⁴⁸ P. Dorey, *The Conservative Party and the Trade Unions* (London, 1995), pp.4; 27-8; Lax, ‘Conservatism and Constitutionalism’, p.29.

¹⁴⁹ H of C Debs, vol.181, cols 834-41.

¹⁵⁰ Ball, ‘Conservative Party, the role of the State’, pp.288-9.

¹⁵¹ CAB 23/50, 30 July 1925.

country that 'every expedient had been tried',¹⁵² although Hogg was amongst those in the cabinet who regarded this step as submission to blackmail.¹⁵³

While a solution to the coal dispute might have been found during the interim period, the subsidy, in practice, only delayed the General Strike and allowed the government to finalise its provisions for widespread industrial action.¹⁵⁴ Throughout this whole affair, Hogg showed little sympathy for the miners' plight. His conviction that the Trade Union Council's threat of industrial action in industries that were not concerned with the dispute was unconstitutional motivated his actions. This helps explain why neither he nor his son, Quintin, was 'moved by the fact that it was... hunger which drove the miners back to work'.¹⁵⁵

Once the enquiry was under way, Hogg was keen to remove the justification for future strike action. He wanted the scope of Samuel's enquiry to be as wide as possible. Concerned that nationalisation was not under the commission's consideration, he informed Baldwin that

a principal object in appointing the commission is to enable us to satisfy the miners and the country... that the government is right hereafter if it has to resist a strike; we want to be able to say that the miners are unreasonable in refusing to discuss the matter of lower wages or longer hours.

While perfectly satisfied that nationalisation would not enhance the industry's performance, Hogg asked the Prime Minister 'how can we expect the miners, or the country to accept a conclusion that there is no alternative... if the commission has been debarred from

¹⁵² D. Dilks, 'Baldwin and Chamberlain', D. Butler (ed.), *The Conservatives* (London, 1977), p.299.

¹⁵³ Chamberlain Diary, NC 2/21, 9 Aug. 1925.

¹⁵⁴ Swinton, *Sixty Years*, pp.82-3.

¹⁵⁵ Lewis, *Hailsham*, p.21.

considering the one alternative which the miners claim to be possible?’¹⁵⁶ The impact of Hogg’s intervention is difficult to ascertain, but Samuel’s commission *did* go on to consider nationalisation and, as the Attorney-General had expected, it was ruled out as a feasible alternative.

Although leading Conservatives followed the Prime Minister’s lead in publicly expressing their desire for industrial peace,¹⁵⁷ Hogg and the POC investigated the possibility of amending trade union law and forestalling a General Strike by declaring it illegal. In his October 1925 memorandum, Hogg had stated that ‘I should like to render illegal any strike which is directed against the State and not against the employers’. Although he had yet to ‘find a satisfactory form of words’ which would not unduly interfere with industrial disputes,¹⁵⁸ he had decided *before* the events of May 1926 that general strikes should be outlawed.¹⁵⁹ As regards the repeal of earlier legislation, Hogg struggled to frame a solution as political considerations complicated the picture. Although many government supporters demanded the repeal of the Trade Disputes Act, he recognised that this piece of legislation was

regarded by all the Trade Unions as their Magna Charta and any attempt to repeal it would be considered... as an attack upon the Trade Unions and would rally all trade unionists to support the extremists.¹⁶⁰

By December 1925 Hogg decided that legislation should be postponed ‘to allow the industrial situation to develop’,¹⁶¹ and in March 1926 the POC agreed that legislation ‘should be reserved for immediate consideration on the happening of the next industrial emergency’.

¹⁵⁶ Baldwin Papers, vol.18, Hogg to Baldwin, 5 Aug. 1925.

¹⁵⁷ Salisbury letter to *The Times*, 7 Dec. 1925.

¹⁵⁸ CAB 24/175, Hogg memorandum, 9 Oct. 1925.

¹⁵⁹ Lax, ‘Conservatives and Constitutionalism’, p.61.

¹⁶⁰ Hogg memorandum, 9 Oct. 1925.

¹⁶¹ CAB 27/287, 22 Dec. 1925.

Public opinion would then ‘be in full sympathy with and would actively support the Government’.¹⁶²

This cautious approach shaped the cabinet’s response to the coal dispute. The government was determined that, if a widespread strike should follow, it would not be held responsible. After the Samuel Commission recommended temporary wage reductions and colliery amalgamations in March 1926, the cabinet was willing to accept the report and concluded that the ongoing negotiations ‘must not be allowed to break down through any fault... of the Government’.¹⁶³ The coal owners reluctantly agreed to the report, but the Miners’ Federation refused to accept a temporary wage cut. When the state subsidy expired on 1 May, the miners withdrew their labour.

The government offered to extend the subsidy for two weeks if the miners, or the Trade Union Congress [TUC] on their behalf, accepted a temporary reduction in wages in principle.¹⁶⁴ But miners’ leaders refused to entertain such a plan. The General Strike formally began after the TUC issued strike notices and the cabinet received news of an incident in the *Daily Mail* office on 3 May. Printers refused to publish an editorial that condemned the forthcoming strike as a ‘revolutionary move’. Hogg, along with Churchill, Neville Chamberlain, Balfour and Bridgeman, judged that the strike had already begun and agreed that ‘the best thing to do was to bring the uncertainty to an end and face the issue’.¹⁶⁵ Consequently, Baldwin intimated to the TUC that the government required an unconditional withdrawal of the strike threat before negotiations were resumed.¹⁶⁶ On 4 May workers in the transport, docks, iron and steel, printing, gas, electricity and other industries, joined the miners on strike. The TUC pledged not to allow the miners to suffer as a result of the re-

¹⁶² Ibid., POC Report, 25 March 1926.

¹⁶³ CAB 23/52, 22 March 1926.

¹⁶⁴ Ibid., 2 May 1926.

¹⁶⁵ H. Macmillan, *Winds of Change* (London, 1966), p.216.

¹⁶⁶ M. Morris, *The General Strike* (London, 1976), p.227.

organisation of the industry.¹⁶⁷ The strike lasted until 13 May, but it failed to compel the government to accept the miners' demands.

Hogg's public statements about the strike were typically robust. Like many contemporaries, he was keen to portray the General Strike as an attack upon Britain's established institutions. In the government-edited *British Gazette*, he placed responsibility for the strike entirely upon the TUC. By

issuing notices on Saturday calling a general strike they had challenged the whole principle of free and constitutional government, and had rendered negotiations almost impossible. In spite of that threat the government, in its anxiety to avoid disaster... continued to seek a peaceful solution until the very last moment, when by the action taken in consequence of these notices, all hope of a voluntary settlement was destroyed.¹⁶⁸

In similar terms, he told his constituents that the conflict

was not intended to affect the merits of the dispute between the miners and the mine owners, but... to coerce the government, to compel it to do what it thought wrong in the national interest... It was an attempt to overthrow the whole constitutional government... and substitute for it the tyranny of one particular section of the population...¹⁶⁹

While Hogg – perhaps deliberately – overplayed the revolutionary threat, the TUC had always aimed to compel the government to act, as it was the only body capable of providing

¹⁶⁷ G. McDonald, 'The Defeat of the General Strike', Peele and Cook (eds), *The Politics of Reappraisal, 1918-1939* (London, 1975), p.64.

¹⁶⁸ *British Gazette*, 11 May 1926.

¹⁶⁹ *Marylebone Record*, 15 May 1926.

the subsidies which would maintain the miners' wages while reorganisation took place.¹⁷⁰ Attempts to coerce the administration to change its course, Hogg judged, were unconstitutional and should not be entertained by a democratic government.

As Hogg had anticipated, the industrial emergency presented the government with an opportunity to legislate. Granted the enthusiasm for a quick response from inside the cabinet, Conservative backbenchers, Conservative associations throughout the country and employers' associations, it was surprising that legislation was not immediately introduced. In fact, unbeknown to the public, who listened to Baldwin's broadcast that promised a 'square deal' to both sides of the dispute, the government 'came within a hair's breadth of introducing legislation'.¹⁷¹ Inside the cabinet, Hogg was the principal advocate of an immediate legislative response.

On 6 May the Attorney-General was appointed to a cabinet sub-committee to consider introducing legislation to 'strengthen the powers of the government'. He expressed his desire to outlaw general strikes and protect those who had stayed at work. He also presented Baldwin with a draft bill to amend the Trade Disputes Act. Neville Chamberlain, who found Hogg 'a perfect tower of strength', agreed with this approach. Like Hogg, the Minister of Health felt the bill

offer[s] a means of hitting our adversaries in a vital spot and the sooner we can do that the better... I am convinced that the time for parleys and listening is past; the best thing now is to strike quickly and hard.¹⁷²

Baldwin, however, preferred to wait for events to take their course. Hogg was only allowed to bring his draft bill before the cabinet after he had pressed the Prime Minister 'for some days'.

¹⁷⁰ M.C. Shefftz, 'The Trade Disputes and Trade Unions Act of 1927: The Aftermath of the General Strike', *Review of Politics*, vol.29, no.3 (1967), p.390.

¹⁷¹ Lax, 'Conservatism and Constitutionalism', p.68.

¹⁷² Chamberlain Diary, NC 2/22, 7 May 1926.

But, rather than reflecting a difference in political outlook between Baldwin and Hogg, this highlighted the contrast in temperament between the two men. Hogg was, and would continue to be, a more dynamic force than the Prime Minister. He advised Baldwin to warn union leaders that a bill would be introduced unless the strike was promptly halted. In response, the Prime Minister ‘snapped his fingers a great deal but said nothing’.¹⁷³ Nevertheless, despite Baldwin’s delaying tactics, the draft reached the cabinet on the evening of 8 May. Support for Hogg’s bill was ‘practically unanimous’ and the cabinet ‘were all quite clear’ that it should be presented to the Commons.¹⁷⁴

Consistent with his earlier ‘Sedition and Strikes’ memorandum, Hogg’s three-clause ‘Illegal Strikes Bill’ aimed to prevent the use of trade union funds in strikes directed against the state. To honour the government’s pledge, non-striking trade unionists would not be expelled from their union or be deprived of any rights or benefits. Courts would be allowed to freeze union funds and employers permitted to bring actions for damages against the unions. Sympathetic strikes would also be placed outside the protection of the 1906 Act. The draft bill maintained that

it is illegal to commence or continue... any strike which has any other object than the maintenance or improvement of conditions of labour in the industry or the branch of the industry in which the strikes are engaged, and which is intended or calculated to intimidate or coerce the government or the community...¹⁷⁵

¹⁷³ Ibid.

¹⁷⁴ *Amery Diaries* vol.1, 8 May 1926, p.453; CAB 23/53, 8 May 1926.

¹⁷⁵ CAB 27/327, ‘Illegal Strikes Bill’, May 1926.

Significantly, this was not a reactionary attempt to crush trade unions. Hogg's primary objective was to undermine the TUC's ability to co-ordinate the strike and bring industrial action to an end.¹⁷⁶ The cabinet agreed that the draft bill should be introduced on 10 May.¹⁷⁷

At the eleventh hour, however, Baldwin's government postponed the bill's consideration for two days. Hesitations were apparent in influential quarters but, most importantly, the cabinet was presented with evidence suggesting that the strike was already collapsing.¹⁷⁸ Baldwin had succeeded in shifting attention away from the miners' plight to 'portraying himself as the defender of the constitution and parliamentary democracy... against a misguided TUC's blackmail tactics'.¹⁷⁹ In this situation legislation would have appeared provocative and Baldwin urged that 'we should hold our hand for a few days longer'. The King had also warned Joynson-Hicks and Hogg that 'anything done to touch the pockets of those who are now only existing on strike pay might cause exasperation and serious reprisals'.¹⁸⁰ Baldwin's moderating influence prevailed and Hogg was not amongst the cabinet dissenters who included Amery, Neville Chamberlain, Churchill, Cave and Balfour.¹⁸¹ The Attorney-General 'showed his dislike for delay', but 'could not advise proceeding if we were not unanimous'.¹⁸² This interval effectively ruled out an immediate legislative response.

Unfolding events rendered legislation to end the strike unnecessary. On 11 May Justice Astbury ruled that no trade dispute could exist between the TUC and the government, that the General Strike was not protected by the Trade Disputes Act and that it had flouted union rules. If this view was upheld, the unions would be liable for incitement to breach of

¹⁷⁶ G.A. Phillips, *The General Strike* (London, 1976), pp.165-6.

¹⁷⁷ CAB 23/53, 8 May 1926.

¹⁷⁸ *Ibid.*, 10 May 1926; Middlemas (ed.), *Thomas Jones Whitehall Diary* vol.2, 10 May 1926, p.45.

¹⁷⁹ McDonald, 'Defeat of the General Strike', p.74.

¹⁸⁰ Mowat, *Britain between the Wars*, pp.323-4.

¹⁸¹ *Amery Diaries* vol.1, 10 May 1926, pp.453-4.

¹⁸² Chamberlain Diary, NC 2/22, 10 May 1926.

contract and faced the seizure of their assets. This judgement, accompanied by John Simon's speeches on the 6 and 11 May that concurred with Astbury's conclusion, made it easier to postpone legislation. If the strike already defied the established law, as two legal authorities maintained, legislation was unnecessary.

The strike ended on 13 May with an outright victory for the government. Baldwin's 'calm statesmanship' appeared to be a key factor in the government's success and his stature in the country reached its zenith.¹⁸³ Although Hogg had favoured action, he accepted Baldwin's conciliatory approach and, after the collapse of the strike, he claimed that 'the prestige of this country with foreign Governments and foreign peoples has been placed on a higher level than perhaps it had ever been before'.¹⁸⁴

Although the General Strike had collapsed, it had proved that the government's attempt at industrial reconciliation had failed. Legislation dealing with trade union powers and general strikes was all but inevitable. The cabinet decided that action was necessary to protect the constitution and the community against future 'general' strikes. Churchill concluded that the government was 'bound to have a bill' after the trade unions had challenged Britain's constitution.¹⁸⁵ Hogg believed a bill was necessary because the legality of general strikes remained ambiguous. While he regarded Simon's opinion as 'a great public service',¹⁸⁶ that view was not shared universally. Henry Slessor, the Labour party's former Solicitor-General, claimed that the strike was perfectly legal and Arthur Goodhart, academic lawyer and fellow of Corpus Christi College, Cambridge, agreed.¹⁸⁷ In addition to legal clarity, legislation would also assuage discontent among Conservative backbenchers and

¹⁸³ Swinton, *Sixty Years*, pp.82-3; R. Blake, 'Baldwin and the Right', in J. Raymond, (ed.), *The Baldwin Age* (London, 1960), p.49.

¹⁸⁴ *Marylebone Record*, 18 Dec. 1926.

¹⁸⁵ Baldwin Papers, vol.162, Churchill to Baldwin, 10 Jan. 1927.

¹⁸⁶ H of C Debs, vol.195, cols 793-4.

¹⁸⁷ R.V. Sires, 'The Repeal of the Trade Disputes and Trade Unions Act of 1927', *Industrial and Labour Relations Review*, vol.6, no.2 (1953), p.237; A.L. Goodhart, 'The Legality of the General Strike in England', *Yale Law Journal*, vol.36, no.4 (1927), pp.464-485.

Conservative associations throughout the country.¹⁸⁸ Gervais Rentoul, founding chairman of the 1922 Committee, summed up general Conservative opinion: ‘it is difficult to defend or excuse the present state of affairs under which trade unions are placed above the law’.¹⁸⁹

In the interval between the strike and legislation, Hogg adopted a cautious approach. Although the government was considering the position of the trade unions, he wanted to ‘clear the misconception that the government wanted to smash [them]’. He accepted the right to strike, but maintained that a general strike was ‘a treasonable conspiracy’, ‘an attempt... to coerce the community into doing something which it does not desire to do by a process of starvation and ruin... [T]hat is not a right; it is a crime.’¹⁹⁰

While there was a broad consensus that reform was necessary, there was considerable disagreement over the particulars of legislation. Hogg complained that ‘It is an awfully thorny problem; we must do something and yet it is very difficult to know how far to go... without justifying a charge of persecution and undue interference.’¹⁹¹ Amending the trade unions’ privileged position without appearing hostile to the working class was important. Any bill that seemed punitive would undermine ‘New Conservatism’ and efforts to eradicate class conflict. Hogg was very aware of this. Notwithstanding his popular right-wing image and strong constitutionalist impulses, he was amongst the more moderate Conservative leaders during the deliberations over legislation. He eventually presented to the Commons a bill which did not have his full agreement. His thoughts on legislation were remarkably consistent. While the strike might have justified his belief that a bill was required, the proposals he advocated after May 1926 were based on his early conclusions. There ‘was a

¹⁸⁸ *Telegraph*, 18 May 1926; Dorey, *Conservative Party*, p.30.

¹⁸⁹ *Fortnightly Review*, 14 Jan. 1927.

¹⁹⁰ *Morning Post*, 15 Oct. 1926; *Manchester Guardian*, 30 Oct. 1926.

¹⁹¹ CAC, Leopold Amery Papers, AMEL 2/1/11/2, Hogg to Amery, 12 Oct 1926.

clear line of continuity running from Hogg's memorandum of October 1925, through... to the Act of 1927'.¹⁹² The legislation was not just a reaction to the General Strike.

A week after the strike collapsed, a cabinet sub-committee, the 'Legislation Committee', was appointed to consider trade union legislation. Cave, Churchill, Hogg and Steel-Maitland, the Minister of Labour, formed its 'effective core'.¹⁹³ Like Cave, Hogg suggested that legislation should be 'introduced immediately'.¹⁹⁴ As with his 'Illegal Strikes Bill', he wanted the legislation to outlaw general strikes, fulfil the government's pledge to protect workers who had refused strike orders and make trade union officials and funds liable if a jury held that a strike had occurred for a 'political or malicious end'.¹⁹⁵ Unlike Cave, however, Hogg was concerned about the consequences of a reactionary course. He 'doubt[ed] the wisdom' of amending the political levy, warning that it would lay the government open to a considerable risk of misrepresentation.¹⁹⁶ He advised against repealing Section 4 of the 1913 Act which gave trade unions immunity against actions for tort. Although employers' associations demanded its repeal, Hogg recognised that it was 'too late merely to reverse' as even moderate trade unionists regarded this clause as a 'charter of protection'. Such a punitive step, he anticipated, would result in a future Labour government reversing the legislation. More broadly, it was

important that the legislation which we introduce shall command the support of the great mass of public opinion, and that it shall not be capable of being represented as an attempt by the Conservative Party to use the present situation to exploit any political end.¹⁹⁷

¹⁹² Lax, 'Conservatism and Constitutionalism', p.141.

¹⁹³ A. Anderson, 'The Labour Laws', p.37.

¹⁹⁴ CAB 27/327, Hogg memorandum, 31 May 1926.

¹⁹⁵ CAB 27/326, 'Legislation Committee', 3; 28 June 1926.

¹⁹⁶ Ibid., 3 June 1926.

¹⁹⁷ Hogg memorandum, 31 May 1926.

Despite Cave favouring action on both the political levy and Section 4, the committee initially followed Hogg's advice.

The sub-committee reported to the cabinet on 7 July, concluding that a bill should be introduced 'while the memory of the strike was fresh in the public mind'.¹⁹⁸ Although the cabinet accepted the report, it postponed legislation through requesting further inquiry into torts and picketing.¹⁹⁹ In the interval, the committee drew upon suggestions from backbenchers, employers' associations and the party in the country. Regrettably, trade unions were not consulted.²⁰⁰ These opinions proved 'mutually contradictory'.²⁰¹ Amid this uncertainty, Cave, seeking to reverse the Committee's earlier conclusions, presented his own draft bill in November. It included the repeal of the 1906 Act, repeal of Section 4 of the 1913 Act and reform of the political levy.²⁰² Hogg, once again, argued against following such a course.

Consistent with his remarks to the POC in 1925, he said that he objected 'as strongly as anyone to the... Trade Disputes Act [1906]', but the Attorney-General felt that

the Act was regarded by all Trade Unionists as their Magna Charter [sic], and that any attempt to interfere with it... would rally moderate Trade Union opinion to the side of the extremists. [I]t would be politically unwise to attempt to repeal...²⁰³

On this issue, Hogg's caution prevailed. Determined that the bill should be welcomed by moderate opinion, he carried his colleagues. Although Cave and Churchill dissented, the

¹⁹⁸ CAB 27/326, 'Legislation Committee Report', 28 June 1926.

¹⁹⁹ CAB 23/53, 7 July 1926.

²⁰⁰ Sires, 'Trade Union Act of 1927', p.231.

²⁰¹ Phillips, *General Strike*, p.276.

²⁰² CAB 27/326, 22 Nov. 1926.

²⁰³ *Ibid.*, 15 Nov. 1926.

committee concluded that ‘the political and other objections’ to repealing Section 4 ‘outweigh[ed] any advantage’.²⁰⁴

The Attorney-General could not, however, resist pressure to reform the political levy. Cuthbert Headlam, MP for Barnard Castle, typified a broad swathe of Conservative opinion, when he explained to Churchill that ‘we must do something to stand up for our own people – unless we do so... we shall lose much of our “working man” support.’²⁰⁵ Churchill informed Hogg that a bill which did not modify the political levy would be regarded as ‘a farce’.²⁰⁶ But the latter noted the ‘extreme difficulty of finding out the real facts of working opinion’. He had met Sandeman Allen, Conservative MP for Liverpool West Derby, who reported that Lancashire’s workers ‘would bitterly resent’ any alteration to the political levy.²⁰⁷ Hogg disliked the system in which a worker had to ‘contract out’, but he was moved by the political effects of amending the law. Nevertheless, the majority of the committee backed Cave and the decision was settled in his favour in the cabinet.²⁰⁸ Despite Neville Chamberlain and Steel-Maitland joining Hogg in opposition, Baldwin, usually credited with being the main force for moderation, ‘was inclined to include it on grounds of political expediency’.²⁰⁹

The constructive aspects of reform, as advocated by Hogg and Chamberlain, were largely excluded from the bill. The Attorney-General had called for the inclusion of compulsory strike ballots before strikes began, believing that a strike should not occur ‘without the approval of the men affected by it’. He expected that this measure would be ‘a valuable safeguard’, noting that the only union which had held a ballot before the General Strike had recorded a majority of two to one against industrial action.²¹⁰ But this proposal

²⁰⁴ CAB 27/326, 3 Dec. 1926.

²⁰⁵ CAC, Churchill Papers, CHAR 21/51/45, Cuthbert Headlam to Churchill, 16 Feb. 1927.

²⁰⁶ CHAR 21/51/4, Churchill to Hogg, 22 Feb. 1927.

²⁰⁷ *Ibid.*, Hogg to Churchill, 19 Feb. 1927.

²⁰⁸ CAB 27/326, 10 Nov. 1926; CAB 23/54, 30 March.

²⁰⁹ Chamberlain Diary, NC 2/22, 16 March 1927.

²¹⁰ Hogg memorandum, 31 May 1926.

was dropped and the only minor change was the granting of free postage to unions that voluntarily adopted the scheme.²¹¹ Hogg had also desired to protect trade unionists from fear of expulsion and the loss of their financial contributions if they resisted future strikes.²¹² Loathing the potential for workers to be subjected to unreasonable pressure, he noted the hypothetical case ‘of a trade unionist who having contributed for many years to the provident funds of his union is expelled for refusing to participate in a strike with the object of which he is not in sympathy’.²¹³ He proposed that if workers were expelled from a union for refusing to strike, they ‘should be entitled to recover from the union the surrender value of their contributions’.²¹⁴ Yet Section 2 of the final bill only permitted individuals to pursue the issue at their own expense. The contributions of non-strikers were protected *only* if a strike was declared illegal. But, although the bill lacked constructive clauses, Hogg’s participation was not futile. Without his moderating influence it would have contained more restrictive measures.

In February, Baldwin was still arguing that ‘the draft Bill required further consideration’.²¹⁵ Hogg, who had been keen to press ahead with legislation eight months earlier, was ‘indignant’ at the lack of progress. He had instructed Hankey, the cabinet secretary, ‘to call the P.M.’s attention to the position and say if the P.M. did not raise it at the cabinet he [Hogg] would’. After Chamberlain had also complained to Baldwin about the ‘outrageous’ delay,²¹⁶ the cabinet approved the final draft of the Trade Disputes and Trade Unions Bill on 30 March 1927.

²¹¹ CAB 27/326, 21 March 1927.

²¹² For Amery’s support see AMEL 2/1/11/2, Amery to Hogg, 9 Oct. 1926.

²¹³ CAB 27/326, 29 Nov. 1926.

²¹⁴ *Ibid.*, 22 Nov. 1926.

²¹⁵ CAB 23/54, 2 Feb 1927.

²¹⁶ Chamberlain Diary, NC 2/22, 10 March 1927.

The bill was regarded by many Conservatives as the most important legislation passed by Baldwin's second administration.²¹⁷ With the Labour party vehemently against alteration of the existing situation, Cave anticipated that the Commons debate would be 'a battle royal'.²¹⁸ When the bill received its first reading in April 1927, Chamberlain judged that it 'had a very good reception from our party... who find it much stronger than they had expected'.²¹⁹ The second reading was billed as the 'greatest contest [the Government] have yet had to face'.²²⁰ Hogg was appointed the minister responsible for the bill in the Commons and was the first to face the Labour party's onslaught. With considerable foresight, the *Daily Express* predicted that if he 'acquits himself well... he will place himself in the running for the ultimate succession to Mr Baldwin'.²²¹

Hogg, making a strong case for the bill, opened the debate on 2 May. He began by outlining its four basic principles. The first maintained that a 'general strike', or any strike or lockout designed to coerce the government or inflict hardship on the community, was illegal and that no person should be deprived of union membership or their financial contributions if they refused to take part in an *illegal* strike. The second outlawed intimidation. The third substituted 'contracting in' for 'contracting out' to ensure that no one would be compelled to subscribe to the funds of a political party. The final stipulation held that, unlike the situation in 1926, the State should have 'the loyal and undivided service' of the Civil Service.²²² Civil servants were not to be affiliated to trade unions of non-government employees and public authorities were prohibited from making it a condition of employment that workers must be trade union members.

²¹⁷ Ball, *Baldwin and the Conservative Party*, p.167.

²¹⁸ Baldwin Papers, vol.11, Cave to Baldwin, 13 March 1927.

²¹⁹ NCDL vol.2, Chamberlain to Ida, 9 April 1927, p.407.

²²⁰ *Daily Mirror*, 3 May 1927.

²²¹ *Daily Express*, 29 April 1927.

²²² H of C Debs, vol.205, col.1333.

Hogg also commenced an attack on the bill's opponents, suggesting that much criticism was unjustified because the bill had been condemned even before the government's plans were announced. This, he claimed, showed

a complete misapprehension of the objects and effects of the Bill, so complete as to lead one almost to suspect that they may be the result of a preconceived determination to resist the Bill whatever it contains, rather than a considered disapproval of its terms.²²³

Although Hogg had identified 'a much more moderate section of Socialist and Labour opinion [that regarded]... the general strike is a tragic blunder, a menace to the community and a blow against the masses of our people which spells ruin to trades unionism', he was disappointed that they were unwilling to admit 'the unlawfulness of the policy which they regard as so foolish'.²²⁴

Hogg challenged the assumption that the General Strike's failure had shown the labour movement that its effects were exaggerated and would never again be utilised.²²⁵ The Attorney-General believed it would be irresponsible for the government to gamble that industrial peace would be secured because *some* labour leaders had apparently learned their lesson. He noted that

it is not true to say that the Labour party or the TUC have declared that there shall be no General Strike again... The more responsible, the more thoughtful leaders may have said it, but there are numbers of others who take just the opposite view.²²⁶

²²³ Ibid., cols.1305-6.

²²⁴ Ibid., col.1335.

²²⁵ For this view, see, for example, H.A. Clegg, 'Some Consequences of the General Strike', *Transactions of Manchester Statistical Society* (13 Jan. 1954), p.16.

²²⁶ H of C Debs, vol.202, col.713.

Hogg quoted the Chairman of the Executive Council of the TUC who had claimed that ‘more intense and formidable’ general strikes were inevitable. Albert Purcell, the former President of the TUC and a sitting Labour MP, had also asserted that ‘The class struggle itself, the inexorable urge of economic forces, is going to create the conditions for other and more formidable general strikes’. Hogg could

multiply quotations from numerous other prominent members of the party opposite... which show that... so far from the general strike being put aside as a weapon which will ruin trade unionism, which is a delusion and a madness and a menace to the State, it is regarded as one which they intend to use in the years to come.

Granted the uncertainty surrounding the legality of the General Strike, he then claimed that if the government believed that it was ‘a wicked crime against the State’, it should be clear that it was illegal.²²⁷

Herein, Hogg felt, lay the justification for outlawing ‘general strikes’. This was not legislating against trade unions under the guise of protecting the population. Despite claims that all sympathetic strikes would be illegal under the bill, Hogg insisted that such industrial action would remain ‘perfectly legal, so long as it is a strike directed against the employer and not against the Government or the community’.²²⁸ Although this was presented as a reasonable objective, critics pointed out that the government or the community could indirectly suffer at the hands of a strike aimed at an employer. This was one of a number of grey areas in the bill. It was difficult to ascertain when a strike would begin to have a wider impact.

As regards intimidation, the Attorney-General made it clear that any picket could peacefully persuade any person to abstain from work. He could appeal to his sentiments or

²²⁷ Ibid., vol.205, cols 1313-14.

²²⁸ Ibid., col.1315.

use an argument addressed to his intellect. But Hogg realised how effective it could be to warn a worker ‘that if he dares to continue work his family... will be ostracised, his children’s lives will be made intolerable... and he himself will be driven out of work and hounded out on the street’.²²⁹ Despite his private misgivings about the reform of the political levy, he shrewdly pointed out that, on the one hand, Labour MPs claimed that substituting ‘contracting in’ for ‘contracting out’ was unnecessary, because it was very easy to secure exemption. Yet, on the other hand, Opposition members declared that such a step would cripple the trade unions. This offered easy pickings for the Attorney-General:

It cannot be true to say that nobody is at present subscribing except those who desire to subscribe, and, in the same breath, to say that if you limit the subscriptions to those who desire to subscribe, you will seriously diminish their funds... [T]hose who use methods of intimidation, or raise difficulties against their members, will no doubt be affected, and may be seriously affected. But... I can hardly suppose that the Parliamentary party which sits on the Opposition benches would desire to find themselves supported... [by] people who do not desire to pay them.²³⁰

Notwithstanding the vagueness of some of the bill’s provisions, Hogg had constructed a compelling argument. The national press applauded his performance. The *Daily Telegraph* claimed that he had ‘achieved a rhetorical success of the first magnitude’.²³¹ The *Daily Mirror* concluded that although Hogg faced

a fierce and almost constant fire of interjections, unmannerly interruptions and shouts of mocking laughter... not once did he lose his self-control. Clear, direct, forceful, he

²²⁹ Ibid., col.1324.

²³⁰ Ibid., col.1326.

²³¹ *Telegraph*, 3 May 1927.

presented his case for the Bill in one of the most masterful speeches ever heard in the House.²³²

Although the Liberal *Manchester Guardian* accused him of ‘a looseness of grip upon the subject matter’, it conceded that

whatever may be said of the speech itself, at the end of it he stood before the House a stronger and more respected statesman through having under the severest ordeal maintained an example of parliamentary dignity and good manners.²³³

Hogg’s composed delivery, consistent with the rhetoric of ‘New Conservatism’, was designed to imply that the bill was not a retaliatory attack on the trade unions.

Hogg’s exposition of the bill met significant criticism from the Opposition.²³⁴ The Labour party’s response was obstructive and aggressive. Several Labour members were warned by the Speaker and the party was obliged to deny that the disturbances were pre-arranged.²³⁵ Indicative of the violation of parliamentary rules was the contribution of Jack Jones. After being warned by the Speaker, Jones repeatedly interrupted Hogg and claimed that the Attorney-General was ‘a liar from the top of his head to the sole of his foot’.²³⁶ He described the Conservatives as a ‘Dirty lot of Dogs’ and branded the legislation as a ‘Hogg Bill and he [Hogg] is well named’.²³⁷ After the Speaker had instructed Jones to withdraw, he continued his insults as he left the chamber: ‘’Ogg’s yer name and ’ogg yer are, ’ogg ’ogg

²³² *Daily Mirror*, 3 May 1927. See also *The Times*, 3 May; *Saturday Review*, 7 May 1927.

²³³ *Manchester Guardian*, 3 May 1927. See also: *Headlam Diaries*, 2 May 1927, p.118.

²³⁴ See, for example, N. Mackenzie and J. Mackenzie (eds), *The Diary of Beatrice Webb* vol. 4 (London, 1985). 2 May 1927, p.121.

²³⁵ *Telegraph*, 3 May 1927.

²³⁶ H of C Debs, vol.205, cols 1326-7.

²³⁷ *Daily Mail*, 3 May 1927.

'ogg – bloody pig'.²³⁸ In the debates that followed Baldwin and Worthington-Evans received similar, albeit less provocative, treatment. Hogg told his son:

The only attempt to debate the Bill, as apart from denouncing it and barracking... was on Thursday when Snowden and Thomas both made good speeches, the former especially made the Socialists forget their inferiority complex...

Anticipating that enacting the bill would prove to be a long battle, Hogg expected that 'I shall have used all my strength in the next 2 months'.²³⁹ Three weeks later he noted:

It's been Trade Disputes all the way! The House was very good tempered on the whole and even hilarious at times. But of course there was no progress; and the Socialists delay divisions... and indulge in all the familiar tactics of obstruction.²⁴⁰

The bill's journey through its various stages continued until the end of July. A timetable and the guillotine were necessary after the Opposition tabled over two hundred wrecking amendments and resorted to disruptive tactics to hold up progress.

With the parliamentary battle on-going, Hogg attempted to dispel misrepresentations of the bill in the country. He appeared on cinema newsreels and published a pamphlet to expound the bill's merits.²⁴¹ Responding to one Labour party pamphlet which claimed that 'practically all stoppages of work may be declared illegal', he suggested that 'the men who published it must have known they were lies when they did so'.²⁴² This was not just public rhetoric. Although unsure about some of the bill's provisions and disappointed that

²³⁸ Mosley, *My Life*, p.212.

²³⁹ HSLM 8/2/2, Hogg to Quintin Hogg, 7 May 1927.

²⁴⁰ *Ibid.*, Hogg to Quintin Hogg, 24 May 1927.

²⁴¹ *Ibid.*, Hogg to Quintin Hogg, 7 May 1927; D. Hogg, *The Trade Disputes Bill* (National Union of Conservative and Unionist Association, 1927).

²⁴² *The Times*, 21 May 1927.

constructive proposals had been omitted, the Attorney-General believed in its fundamental justice. When his son was about to debate the bill at the Oxford Union he advised him

to concentrate mostly upon attack and on the four principles which the Socialists have never yet accepted or rejected, and on the necessity for legislation in view of the experience of last year and the declaration of so many Socialists that they intend to repeat the experiment.²⁴³

If Hogg could justify the aims of the bill, criticism relating to its drafting was valid. It was for this reason that the *Manchester Guardian* claimed that his motives were ‘rather different from what he would have us believe’. One Labour MP similarly noted that the Attorney-General

knows how to draft a bill, if he wants to draft it, so that the people who read it can understand it... I suggest that this bill in its drafting is quite deliberate for the purposes of making the trade unions a cote of pigeons for the lawyers to pluck.²⁴⁴

While it is tempting to agree with these statements and conclude that certain clauses were deliberately vague to restrain trade union activities,²⁴⁵ the cabinet’s procrastination led to the last-minute cobbling together of the bill. Nobody knew until the last moment who would take charge of it, no minister was asked to look at the entire draft and no one was asked to accept or reject amendments.²⁴⁶ Furthermore, after Hogg had admitted the difficulty of finding suitable formulae in his 1925 memorandum, it is unsurprising that some found the bill’s wording unsatisfactory. When introducing it, he appealed to the Commons to assist with amending its phraseology, so long as its principles remained intact. Many amendments were

²⁴³ HSLM 8/2/2, Hogg to Quintin Hogg, 14 June 1927.

²⁴⁴ *Manchester Guardian*, 6 May 1927; H of C Debs, vol.205, col.153. See also *Thomas Jones Dairies* vol.2, 2 May 1927, p.99.

²⁴⁵ Anderson, ‘The Labour Laws’, p.39.

²⁴⁶ Dilks, *Neville Chamberlain*, p.509.

accepted and one backbench Conservative recorded in June that the bill was ‘infinitely better... than when it was first introduced’.²⁴⁷

It would not have surprised Hogg that the impact of the Act proved to be something of an anticlimax.²⁴⁸ He expected that the average trade unionist would find that it did not prohibit strikes, or cripple trade unions.²⁴⁹ Hogg had found that ‘the trade unionist did not object to the Bill if he was told what was in it’.²⁵⁰ He was confident that trade unions would ‘soon learn by practical experience that any fears which may have been engendered by ill-considered assertions of extremists are absolutely groundless’.²⁵¹ Even critics admit that the Act’s effects ‘do not appear to have been great’ and that it was important only as a symbol.²⁵² It did not lead to court decisions unfavourable to organised labour, or radically weaken collective bargaining, and trade unions still enjoyed immunity from actions in tort.²⁵³ For the remainder of the inter-war period, Britain’s industrial relations were relatively peaceful. The Act’s main clause was never invoked.

Nonetheless, in Labour demonology the Act was presented as an attack on the trade unions, ‘an outrageous assault’ upon the working class, and ‘a show of bad temper’ by the Conservatives.²⁵⁴ Historians have generally viewed it as a divergence from ‘New Conservatism’. Baldwin’s authorised biographer suggested that it marked the moment when ‘the Disraelian make-believe rolled away like a morning mist’.²⁵⁵ Yet the bill was not a complete aberration from Baldwin’s or Hogg’s political vision and it was probably ‘the

²⁴⁷ *Headlam Diaries*, 22 June 1926, p.118.

²⁴⁸ Mowat, *Britain between the Wars*, p.337; P. Renshaw, ‘Anti-Labour Politics in Britain 1918-27’, *Journal of Contemporary History*, vol.12, no.4 (1977), p.704.

²⁴⁹ *The Times*, 21 May 1927.

²⁵⁰ *Ibid.*, 7 June 1927.

²⁵¹ *Observer*, 31 July 1927.

²⁵² N.A. Citrine, *Trade Union Law* (London, 1950), pp.21-25; Shefftz, ‘Trade Disputes’, pp.387-8.

²⁵³ Sires, ‘Trade Union Act of 1927’, p.232; McDonald, ‘Defeat of the General Strike’, p.85.

²⁵⁴ Clegg, ‘Consequences of the General Strike’, p.25. Shefftz, ‘Trade Disputes’, pp.393; 396; Renshaw, ‘Anti-Labour Politics’, p.703.

²⁵⁵ Young, *Stanley Baldwin*, p.124; Blake, ‘Baldwin and the Right’, p.29; Taylor, *English History*, p.251.

minimum retribution' acceptable to the cabinet and the Conservative party and 'a good deal less draconian than some lobbies had wanted'.²⁵⁶ The rejection of a stronger line was, in fact, 'a typical product of Conservatism'.²⁵⁷ The Act had been inspired by earlier Liberal legislation and Hogg's own consideration of the position of trade unions and the legality of strikes predated the General Strike. The events of May 1926 merely confirmed suspicions that trade unions could not responsibly exercise their power.

Hogg stood fast to the legislation throughout the remainder of his career. When the second Labour government attempted to repeal it in 1931, he wrote a number of newspaper articles to expose the 'manifest wickedness' of this initiative.²⁵⁸ For Hogg the Trade Disputes Act defended the institutions which allowed democracy and freedom to flourish and he sincerely believed that it was 'a right, a just, and a necessary measure'.²⁵⁹ When Attlee's Labour administration repealed the entire Act following the Second World War, Hogg's elder son mounted a spirited but unsuccessful opposition.²⁶⁰

While the Trade Disputes Bill progressed through the Commons, Hogg supported the expulsion of the Soviet trade delegation from London and the termination of the Anglo-Russian trade agreement in May 1927. In March he had investigated the Soviet Union's suspected subversive campaign in Britain. He had informed the cabinet that documentation, supplied by the Foreign Secretary, that suggested Soviet interference in Britain's domestic affairs, was authentic but could not 'be produced in a court of law or published'.²⁶¹ While this report might have persuaded Joynson-Hicks and the cabinet that action was necessary, Hogg was not intimately involved in the expulsion of the Soviet delegation. The Arcos Raid on 12

²⁵⁶ A. Taylor, 'The Party and the Trade Unions', Seldon and Ball (eds), *Conservative Century*, pp.506-7; Phillips, *General Strike*, p.275.

²⁵⁷ Anderson, 'The Labour Laws', p.40.

²⁵⁸ Hatfield House, 4th Marquis of Salisbury Papers, S.(4)139/44, Hailsham to Salisbury, 18 July 1931.

²⁵⁹ H of C Debs, vol.205, col.1315.

²⁶⁰ Ibid., vol.419, cols 290-295.

²⁶¹ CAB 23/54, 16 March 1927; See H. Flory, 'The Arcos Raid and the Rupture of Anglo-Soviet Relations, 1927', *Journal of Contemporary History*, vol.12, no.4 (1977), p.715.

May confirmed the cabinet's conviction that the Soviet delegation used its London trade mission as a cloak for disseminating hostile propaganda. Although a missing War Office document – the pretext for the raid – was not recovered, over 250,000 incriminating documents were found.²⁶² For Hogg, enough was enough:

There was a time when the self-respect of a great empire demanded that we should put an end to a hospitality which had been persistently abused, and that we should turn out people who had shown themselves to be enemies of the country with which they professed to be friends.²⁶³

Although this may have seemed like surrender to the Tory right, who had unremittingly called for a severing of relations with Soviet Russia, Hogg believed that the government had acted in spite of his party's right-wing. Highlighting the government's moderate vision, he told his son that:

With all the Bolshie intrigues and wickedness it takes a little cool thinking to see that this expulsion is *not* the logical sequence to that indignation... We all have our die-hards and extremists but... [the] difference between us and the Socialists is that we act in spite of our extremists (Soviet expulsion and Electricity Bill) and they always give in to theirs (Campbell prosecution and Russian Treaty).²⁶⁴

Hogg made his final appearance on the floor of the Commons in March 1928 and enjoyed another personal triumph after the Labour party requested an enquiry into the publication of the Zinoviev letter.²⁶⁵ Ramsay MacDonald alleged that his party had been the victim of 'political fraud' after the letter was leaked from the Foreign Office and printed in

²⁶² Flory, 'Arcos Raid', p.708.

²⁶³ *The Times*, 7 June 1927.

²⁶⁴ HLSM 8/2/2/2, Hogg to Quintin Hogg, 2 Dec. 1927. Emphasis added.

²⁶⁵ The Zinoviev letter was eventually proved illegitimate by the *Sunday Times* in 1967.

the *Daily Mail* ahead of the 1924 General Election.²⁶⁶ Hogg wound up the debate on behalf of the government and turned the Opposition's case on its head. MacDonald's sincerity rather than that of the civil service came under scrutiny. The Attorney-General repeatedly asked the Labour leader when he had intended to publish the letter and, in the process, implied that MacDonald had deliberately meant to withhold it until after the election. Hogg reminded the Commons that 'fraud does not consist only in misstatement of fact but equally in the concealment of it'. He then pointed out that if Labour had been returned in 1924, the Russian Treaty, which included a £44 million loan to the Soviet Union, would have been ratified. Hogg suggested that the Zinoviev letter confirmed 'the danger which we had been pointing out... that this Russian Government... were going to use this money to produce a revolution in this country'.²⁶⁷ Although MacDonald's hostile motion was doomed to failure, Hogg 'pounded Ramsay to a jelly'.²⁶⁸ The Liberal MP, Leslie Hore-Belisha, claimed that Hogg had made 'one of the most terrific onslaughts in recent memory'.²⁶⁹ Even Lord Irwin, the Viceroy of India stationed in Delhi, recognised that

The Labour Party must surely have had a thoroughly humiliating day on the Zinoviev letter. I couldn't help feeling sorry for Ramsay, first for having allowed himself to be pushed into asking for the debate... and, in the second place, at his merciless battering by Douglas Hogg.²⁷⁰

Hogg's vigorous advocacy of the Conservative cause assisted his continued rise through the party's ranks. The venomous and confrontational nature of many of his attacks, however, often hid his moderate vision while providing apparent evidence that he was a figure of the

²⁶⁶ H of C Debs, vol.215, col.47.

²⁶⁷ Ibid., cols 89-92.

²⁶⁸ *NCDL* vol.3, Chamberlain to Ida, 25 March 1928, pp.76-77.

²⁶⁹ *Daily Express*, 23 March 1928; *Headlam Diaries*, 19 March 1928, p.143.

²⁷⁰ British Library, Indian Office, Irwin Papers, Eur.C.152/18, Irwin to Chamberlain, 21 April 1928.

extreme right. This conflicted with his contributions to government policy made in the cabinet and its sub-committees.

Heir not Apparent

The day after Hogg's fifty-fifth birthday the *Daily Mirror* noted that he had 'made good in astonishing fashion'. He had established himself as one of the government's best debaters, while the Labour Opposition lived in fear of his 'remorseless analytical logic'.²⁷¹ Although he had never occupied a major office of state and had spent less than five years in parliament, the *Daily Express* recognised that he had become a leading Conservative figure.²⁷² Neville Chamberlain had already characterised Hogg as 'one of the best, straight & loyal and possessed of a wonderful brain. Moreover he is a first class fighting man.'²⁷³ Hogg was beginning to be seen as a possible future leader of the Conservative party.

During 1926 and 1927, Neville Chamberlain, in a series of revealing letters to Lord Irwin, considered who might succeed Baldwin. In August 1926, Hogg was not listed amongst the potential heirs. What was notable, however, was Chamberlain's dismissal of the potential candidates.²⁷⁴ Except for one crucial difference, by August 1927 the position of possible successors was unchanged. 'Winston's admirers still distrust his judgement', Austen Chamberlain, Neville's half brother, was now 'an elder statesman' with no ambitions for the Premiership, Birkenhead lacked 'the sense of responsibility', Amery 'carries less and less weight in cabinet', 'Jix is not taken seriously', Steel-Maitland 'begins to emerge as first and foremost a bore' and Philip Cunliffe-Lister 'does not go down very well in the House' and it seemed likely that he would accept a peerage and retire to his wife's estate. Unlike his letters

²⁷¹ *Daily Mirror*, 1 March 1927.

²⁷² *Daily Express*, 21 Oct. 1927.

²⁷³ *NCDL* vol.2, Chamberlain to Hilda, 20 March 1926, p.338.

²⁷⁴ Eur.C.152/17, Chamberlain to Irwin, 15 August 1926.

of 1926, Chamberlain provided an assessment of the Attorney-General. He had ‘the greatest possible respect for Hogg’s opinion’, noting that his colleague

had charge of the TU Bill and carried it with consummate skill, tact and firmness. But besides the addition he thereby made to his parliamentary reputation, he has become one of the most influential Members of the Cabinet by sheer force of character... People are beginning to talk of him as a possible leader in the future, and so far as I am concerned, I believe he would make a great one.²⁷⁵

In September 1927 Baldwin confirmed Chamberlain’s impression of likely heirs, noting that ‘the best men are Neville and Hogg, and I think on the whole the second would be chosen. He needs more political experience, but he is first rate and stuffed with character.’²⁷⁶ After a spectacular rise, Hogg was in the running to succeed Baldwin.

Yet in March 1928, ill-health forced the retirement of Viscount Cave from the Lord Chancellorship and Hogg was promoted to the highest legal position in the land. This necessitated a peerage and a seat in the Lords as the Lord Chancellor acted as Speaker in the upper house. Once Hogg was banished to the unelected chamber, his chances of becoming Conservative leader were considerably reduced. Bearing in mind Baldwin’s recognition that Hogg would probably succeed him, Dilks describes the Prime Minister’s decision to send him to the Lords as ‘mysterious’.²⁷⁷ While it was not impossible for a peer to lead a political party in the inter-war era, a peerage was a significant handicap in an age of mass democracy.²⁷⁸

²⁷⁵ Ibid., Chamberlain to Irwin, 25-27 Aug. 1927.

²⁷⁶ Ibid., Baldwin to Irwin, 15 Sept. 1927. See also, Chamberlain Diary, NC 2/22, 1 July 1927.

²⁷⁷ Dilks, *Neville Chamberlain*, p.559.

²⁷⁸ For a peer and specifically Hailsham’s potential to become party leader see: C. Cooper, ‘Heir not Apparent: Douglas Hailsham, the role of the House of Lords and the Succession to the Conservative Leadership 1928-31’, *Parliamentary History*, vol.31, no.2 (2012), pp.206-229.

The change was one Hogg and prominent Conservatives viewed without enthusiasm. When it seemed probable that the fifty-seven year-old would be asked to succeed Cave, he confessed to the outgoing Lord Chancellor:

Whoever has to take your place will have a very difficult task to live up to it. For myself I have a selfish cause of regret in being compelled to face up to a decision which I was most unwilling to take... Everyone wants to see you back again and no one more than me.²⁷⁹

When it was clear that Cave would resign, Baldwin ‘sent at once for Douglas and told him he wanted him to take the Woolsack’. The Prime Minister pressed upon Hogg the importance of taking the position, pointing to the lack of suitable alternatives. Hogg approached Chamberlain, ‘saying that quite certainly he did not want to leave the Commons now’.²⁸⁰ In ‘considerable distress of mind’, the Attorney-General confessed that ‘only now that I am face to face with the decision have I fully realised that I don’t want to take the Woolsack’. The ‘real difficulty’ was his fear that a peerage would end his claim to the Premiership. This did not concern him from the perspective of personal ambition. ‘I don’t know that I have any ambition that way’, he insisted, but ‘I don’t want to see W. Churchill Prime Minister. I have the greatest respect for his brilliant abilities but none for his judgment.’²⁸¹ Hogg, however, feared ‘that his desire not to shirk his duty’ meant that ‘he might have already committed himself’.²⁸²

Chamberlain was ‘*deeply* distressed’ and sought to prevent Hogg’s accession to the Woolsack.²⁸³ He was ‘filled with consternation at the news, for I regarded it as a disaster for

²⁷⁹ British Library, Cave Papers, ADD MS 62502, Hogg to Cave, 26 March 1928.

²⁸⁰ Eur.C.152/18, Chamberlain to Irwin, 12 Aug. 1928.

²⁸¹ Chamberlain Diary, NC 2/22, 28 March 1928.

²⁸² Chamberlain to Irwin, 12 Aug. 1928.

²⁸³ Chamberlain Papers, NC 7/11/24/9, pencil note, Chamberlain to Hogg; Hogg to Chamberlain, 28 March 1928.

the party if D.H. had gone to the Lords'. He planned to tell the Prime Minister that Birkenhead, the India Secretary, should return to the Lord Chancellorship. As he informed Irwin:

I went at once to search for the Prime Minister but he had left the House, and I had to leave it over till next morning when there was a cabinet. I arrived a minute early meaning to tackle the Prime Minister at once, but Douglas, looking very miserable, told me it was too late.²⁸⁴

At the cabinet meeting on 28 March the new law officers were announced and Hogg became Lord Chancellor. When Chamberlain finally met Baldwin, the latter insisted that Hogg's promotion was 'inevitable'. He could not appoint the erratic Birkenhead for fear that the latter 'might be found drunk in the street'. A despondent Chamberlain noted: 'It is lamentable. I wonder what Winston thinks? "One more obstacle removed?"' Chamberlain judged Hogg's apparent exclusion from the leadership 'a real calamity'.²⁸⁵ The new Lord Chancellor was 'the best man we have for such a position' and the man 'who might well stand between us and a Churchillian domination'.²⁸⁶ The Minister of Health was aghast that

S.B. did not consider the fortunes of the party to be so dependent on D.H as I did and do. I think he has all the qualities of a great leader and with him available there would have been no question of a possibility which he and I both consider very dangerous viz the acceptance of Winston as leader.²⁸⁷

Hogg's position in the party had become so important that prominent Conservatives overseas were shocked at these developments. Lord Stonehaven, Governor General of

²⁸⁴ Chamberlain to Irwin, 12 Aug. 1928.

²⁸⁵ Chamberlain Diary, NC 2/22, 30 March 1928.

²⁸⁶ *NCDL* vol.3, Chamberlain to Hilda, 31 March 1928, pp.78-9. For a discussion of Conservative doubts regarding Churchill see: Stewart, *Burying Caesar*, pp.65-75.

²⁸⁷ Chamberlain to Irwin, 12 Aug. 1928.

Australia, deplored Hogg's removal from the Commons,²⁸⁸ while Irwin informed Baldwin that he

was much surprised to see Hogg had taken [Cave's] place. Somehow I had plotted Hogg's course out differently, but no doubt a layman is always apt to underestimate the magnetic attraction to a lawyer of the highest professional prize.²⁸⁹

The Viceroy had sent a similar message to Neville Chamberlain.²⁹⁰ The latter's reply, however, got to the root of Hogg's transfer:

[Y]ou are mistaken in thinking that Douglas Hogg was tempted out of politically active life by the glitter of the Lord Chancellorship. No doubt he was dazzled by it and indeed wanted it – some day. But when the moment came he realised that it meant the sacrifice of his chance of succeeding S.B. and he had no doubt which of the two courses had most attraction for him. The whole thing was really a tragedy.²⁹¹

Hogg's acceptance was motivated by loyalty to his leader and the Conservative party and by a sense of duty – principles that he held throughout his political career. 'I have no doubt', his elder son recalled, 'my father genuinely believed that it was his patriotic duty to accept the Woolsack.'²⁹²

Hogg received his peerage for the newly created barony of Hailsham and took his place in the Lords.²⁹³ He felt that he had been 'unduly hurtled by the P.M. who never gave him a second chance and consulted no one'.²⁹⁴ Baldwin had lined up the Attorney-General on 25 March. 'I am pretty sure it will be Hogg', he wrote to the dying Cave, 'He would carry on

²⁸⁸ Chamberlain Papers, NC 7/11/20/22, Stonehaven to Chamberlain, 12 Oct. 1927.

²⁸⁹ Eur.C.152/18, Irwin to Baldwin, 31 March 1928.

²⁹⁰ Ibid., Irwin to Chamberlain, 21 April 1928.

²⁹¹ Chamberlain to Irwin, 12 Aug. 1928.

²⁹² Hailsham, *Door Wherein*, p.88.

²⁹³ For a series of congratulations on Hogg's promotion see Heuston, *Lord Chancellors*, pp.468-9.

²⁹⁴ Chamberlain Diary, NC 2/22, 30 March 1928.

your great tradition.’²⁹⁵ The Prime Minister then appointed Inskip as Attorney-General before Hogg had accepted the Woolsack, which left the latter with little choice but to accept.²⁹⁶ Hogg found it difficult to hide his disappointment, noting that ‘my thoughts are rather of the past than of the present; but the office is a very great one and I shall have to do my very best to justify the confidence of my friends’.²⁹⁷ This move also ended his practice at the Bar. He lamented: ‘I liked the House of Commons and the Bar, and I felt that I understood and was understood by them both. But in the end there seemed no alternative choice.’²⁹⁸

But, despite occupying the most senior legal position in the land, this was not the end of Hailsham’s political calling. As Attorney-General, he had been unusually politically-focused and, after his promotion, he hoped to continue in like vein. Speaking at the by-election necessitated by his elevation to the Lords, he insisted that he would continue to play a political role. When asked ‘Is it etiquette for a Lord Chancellor to take part in party politics?’ Hailsham replied ‘Most Certainly. The Lord Chancellor is a member of the cabinet, and in every election that I can remember... has been as active as his abilities allowed.’²⁹⁹ Hailsham duly retained his membership of cabinet sub-committees that shaped government policy,³⁰⁰ continued to give ‘priority to political duties’ and made significant contributions to British politics over the next decade.³⁰¹

Granted Hailsham’s prominent role in Baldwin’s constructive brand of Conservatism, it was fitting that his first major contribution in the upper chamber came during debates on

²⁹⁵ Cave Papers, ADD MS 62502, Baldwin to Cave, 25 March 1928.

²⁹⁶ A. Lentin, *The Last Political Law Lord: Lord Sumner* (Newcastle, 2008), pp.186-7.

²⁹⁷ AMEL 6/3/89, Hailsham to Mrs Amery, 3 April 1928.

²⁹⁸ BBK C/150, Hailsham to Beaverbrook, 16 Aug. 1928.

²⁹⁹ *Telegraph*, 30 April 1928.

³⁰⁰ In October 1927 Hogg joined the government’s Disarmament Policy Committee that shaped the government’s attitude to multilateral disarmament. After his acceptance of the Lord Chancellorship, he remained a member of this committee and made important interventions until the Conservatives lost the 1929 General Election. For the minutes of the Disarmament Policy Committee, see CAB 27/361. For more details see Richardson, *British Disarmament Policy in the 1920s*, pp.186; 192.

³⁰¹ J. Ramsden (ed.), *The Oxford Companion to Twentieth Century British Politics*, p.400.

the Equal Franchise Bill in May 1928. This measure extended the franchise to women aged 21 and over on the same conditions that men enjoyed. Although the Commons passed the bill by 377 votes to 10, the ‘flapper vote’ met determined opposition from members of the Lords. This derived from uncertainty regarding the impact that the bill would have on future election results. Many contemporaries mistakenly feared that it would act in the Labour party’s favour.³⁰² Six months earlier Hailsham had admitted that

Equal Franchise is an experiment... Whether or not it will be a success depends on the spirit in which the vote is exercised. If the elector in the future regards the vote as a means of getting some selfish advantage... then indeed the state will be in grave danger. But if the vote was regarded as a responsibility, if the voter trained himself or herself to study political problems with a single eye to the welfare of the State, then the extension of the franchise would raise the whole standard of the people.³⁰³

In the Conservative-dominated upper chamber with its strong reactionary component, Hailsham largely dropped the confrontational tone that he had displayed in the Commons and adopted a conciliatory style, attempting to convince the second chamber of the merits of progressive policies rather than attacking the Opposition. Moving the second reading of the Equal Franchise Bill, he claimed that it ‘ought not to require any lengthy argument to support its justice’. The debate in the Commons, Hailsham observed, had found not ‘ten just men but just ten men’ who had registered their opposition.³⁰⁴

The Lord Chancellor maintained that it was wrong to deny women the franchise ‘by reason of their sex alone’. To arguments that the bill would give the vote to more women than men, Hailsham found that this was not ‘a ground for depriving women of the same vote’. He

³⁰² Lentin, *Lord Sumner*, p.188; Jarvis, ‘British Conservatism and Class Politics’, pp.69-71. This fear ‘largely disappeared when subjected to scrutiny’. D.H. Close, ‘The Collapse of Resistance to Democracy: Conservatives, Adult Suffrage, and Second Chamber Reform, 1911-1928’, *Historical Journal*, vol.20, no.4 (1977), p.915.

³⁰³ *The Times*, 4 Nov.1927.

³⁰⁴ House of Lords Debates, 5th Series [H of L Debs], vol.71, col.161.

dismissed charges that the bill would have disastrous effects upon the fortunes of the Conservative party, and ‘utterly decline[d] to discuss this question from the point of view of Party expediency’. The issue went beyond party politics. Throughout his political career Hailsham believed that past pledges, however inconvenient, must be honoured. A pledge to women had been given and he expressed the government’s determination

to carry out the administration of the country according to the principles which we hold and which those who returned us share, and we should regard it as nothing less than a betrayal of the national trust if we were to use that power to carry out some sort of gerrymandering of the Constitution so as to ensure a permanent political ascendancy for the particular side to which we belong.³⁰⁵

This was ‘New Conservatism’ and governing in the national interest in action. Hailsham had the rhetoric to match. He rejected the notion that the extended franchise depreciated the quality of the electorate, noting that since universal male suffrage began in 1918, the Conservatives had always polled the largest vote.³⁰⁶

During the bill’s passage, Hailsham helped reject ‘a gallant but unsuccessful’ amendment proposed by Lord Newton.³⁰⁷ This proposal was intended to increase the voting age for men and women to 25 without disenfranchising men aged between 21 and 24 who already had the vote. Lords Sumner, Gainford and Halsbury spoke in support of the amendment. Hailsham felt the proposal would deny ‘the country something which every Party in the State desires’.³⁰⁸ He pointed to the amendment’s regressive nature, since men expecting to receive the vote at 21 would be denied it for another four years. The Lord Chancellor then made a decisive point, appealing to the imperialist instincts of Conservative

³⁰⁵ Ibid., cols 161-6.

³⁰⁶ Ibid., col.434.

³⁰⁷ *Irish Times*, 13 June 1928.

³⁰⁸ H of L Debs, vol.71, col.438.

peers. The voting age, regardless of other qualifications, had always been 21 across the English-speaking world.³⁰⁹ Newton's plan, therefore, would be out of step with the rest of the Empire. The government avoided embarrassment and the amendment was defeated by 87 votes to 41.

During the summer recess Hailsham's continued political role was clear when he accepted responsibility to lead Britain's 'Empire Parliamentary Delegation' to Canada to consider Empire trade, economic development and migration.³¹⁰ Yet, almost as soon as Hailsham's trip across the Atlantic was announced, it was cancelled. Baldwin, longing for a summer vacation, wanted Hailsham to act as Prime Minister in his absence. He informed the Lord Chancellor that 'There is nothing I dislike more than putting a friend to such inconvenience and causing him such disappointment... But I must ask you to give up your visit to Canada and act as my deputy'. Austen Chamberlain, who had deputised for Baldwin before, was ill and the Prime Minister noted that 'for obvious though different reasons', Churchill, the Chancellor of the Exchequer, and Joynson-Hicks, the Home Secretary, were both unsuitable. Baldwin had advised the King that Hailsham was the only man for the job. When the Prime Minister told Hailsham that 'it is clearly your duty to your country', the Lord Chancellor had no option but to accept.³¹¹ Baldwin expected that no problems would arise in his absence, but he told Hailsham that if it was 'necessary to call ministers together, you will act'.³¹² While the Lord Chancellor was a surprise choice, his nomination was welcomed.³¹³

During Baldwin's absence Hailsham visited 10 Downing Street 'to see what it was like there as P.M.' and remained in contact with his colleagues. He spent one day at Newick Park with Joynson-Hicks and, 'in order to preserve the balance of the cabinet', he enjoyed 'a

³⁰⁹ Ibid., col.435.

³¹⁰ *Manchester Guardian*, 15 July 1928.

³¹¹ HAIL 1/1/2, Baldwin to Hailsham, 4 Aug. 1928.

³¹² Ibid., Baldwin to Hailsham, 7; 11 Aug. 1928.

³¹³ *The Times; Daily Mirror*, 10 Aug. 1928.

very pleasant evening with Winston'.³¹⁴ Baldwin observed 'how delicate and diplomatic your calls [were] on Jix and Winston!'³¹⁵ Although the summer passed without incident, this appointment was significant for three reasons. First, Hailsham had reached the necessary standing to act in Baldwin's absence after less than six years in politics. This was a signal achievement. Second, it emphasised his continuing political role. Third, by appointing Hailsham, Baldwin had avoided promoting the leadership claims of either Churchill or Joynson-Hicks.³¹⁶

Before the Conservatives were swept out of power by the General Election of May 1929, Hailsham continued to make political interventions, advising Neville Chamberlain on the Local Government Bill. This was the government's main piece of legislation for 1929, designed to improve state relief and remove inefficiencies in local government.³¹⁷ Granted the enormity of the proposed legislation, Hailsham suggested that Chamberlain should 'lay down any principles as he had done with the Trade Disputes Bill'. The Minister of Health accepted Hailsham's advice which he spelt out 'in the five main defects of Local Government'.³¹⁸ Chamberlain's presentation of this complicated bill is regarded as one of his finest parliamentary performances.³¹⁹ In the Lords, Hailsham argued that the bill would improve the efficiency of the social services and, by removing 'injustices which have pressed too long upon productive industry', it would 'do more to cure unemployment than any... wild-cat schemes'.³²⁰ This was yet another example of his support for non-socialist constructive reform.

³¹⁴ Baldwin Papers, vol.163, Hailsham to Baldwin, 27 Aug. 1928.

³¹⁵ HAIL 1/1/2, Baldwin to Hailsham, 3 Sept. 1928.

³¹⁶ *Daily Express*, 1 Sept. 1928; *Headlam Diaries*, 8 Aug. 1928, p.154.

³¹⁷ Dilks, *Neville Chamberlain*, p.571. For an overview of the Act see pp.566-77.

³¹⁸ Chamberlain Diary, NC 2/22, 1 Dec. 1928.

³¹⁹ See, for example, *Morning Post*, 19 Feb. 1929.

³²⁰ H of L Debs, vol.73, cols 700-1.

With the parliament coming to an end, the Lord Chancellor, following precedent, chaired the Conservatives' Emergency Business Committee [EBC] that included his fellow cabinet ministers Joynson-Hicks, Salisbury, Worthington-Evans, Hoare and Cunliffe-Lister. This was belatedly established to draft the party's manifesto for the forthcoming election and answer questionnaires from candidates during the campaign.³²¹ Hailsham also crafted the introduction to Baldwin's election address. In typically temperate tones, this held that the Government had

fulfilled pledges given in 1924, to an extent which no government has equalled, and as a result... the Empire is more firmly united, the prestige of the country stands higher, the prosperity and welfare of our people is greater than ever before.³²²

Although the Conservatives ultimately lost the election, Hailsham's committee performed as well as circumstances permitted and he would again fill this role during the 1931 and 1935 election campaigns. From its inception just five weeks before polling day, the EBC faced a difficult task.³²³ Samuel Hoare, the Air Secretary, blamed Baldwin for his lack of initiative which, he felt, played no small part in the election loss: 'The Prime Minister in accordance with his practice left it almost entirely to his colleagues'. Hoare, alluding to the EBC, continued:

You cannot draw up a political manifesto in a committee and all that can be said of our manifesto is that it was better than might have been expected... [O]ur whole campaign lacked the effect of concrete proposals...³²⁴

³²¹ Ramsden, *Conservative Party Policy*, p.30.

³²² CPA, CRD 1/7/2, 'Mr Stanley Baldwin's Election Address', 4 May 1929.

³²³ CAB 23/60, 24 April 1929.

³²⁴ Templewood Papers, vol.5, 4 (51), Hoare note, 'The Resignation of the Second Baldwin Government', June 1929.

In less than 24 hours, Hailsham and Davidson, the Party Chairman, ‘pulled together’ the ‘rather haphazard’ efforts of various ministers to formulate the manifesto which was then presented to other ministers for inspection. Although Baldwin had not attended a single EBC meeting, the cabinet accepted the manifesto after some minor revisions. This ‘demonstrated a total lack of preparation for the election during five years of power’.³²⁵

The election produced a hung parliament. The increased number of Liberal candidates in comparison to 1924 split the anti-socialist vote and facilitated the return of more Labour candidates. Although the Conservatives polled more votes than their opponents, Labour became the largest party in the Commons for the first time. As news of Conservative losses filtered through, Hailsham told Baldwin that his ‘splendid fight all through the election’ had ‘set us all an example’. He assured his leader that the result would have been worse without ‘the quiet confidence you inspire in the people’.³²⁶ Nevertheless, Hailsham was disappointed to lose office. He received a viscountcy in the King’s birthday honours, but noted that ‘I should have been better pleased if I had not become a Viscount and stayed as Lord Chancellor’.³²⁷ Neville Chamberlain was less sympathetic towards his leader. The election, he noted, ‘has come and gone in disaster’:

S.B. dallied so long with reconstruction [of the cabinet] that it never came... [H]e lacks the qualities of a leader in that he has no power of rapid decision and consequently no initiative.³²⁸

The defeat marked Baldwin’s second rejection by the electorate. The prominence of his name in the campaign had obvious ramifications when his party lost 140 seats. ‘Conservative faith in the “Baldwin legend” was shaken, and his leadership... became highly

³²⁵ Ramsden, *Conservative Party Policy*, p.30.

³²⁶ Baldwin Papers, vol.36, Hailsham to Baldwin, 31 May 1929.

³²⁷ BL, India Office, Reading Papers, Eur.F.118/28, Hailsham to Reading, Jan 1930.

³²⁸ Chamberlain Diary, NC 2/22, 1 July 1929.

vulnerable.³²⁹ The defeat ‘heralded almost two years of stress, diminishing confidence, and apparent failure’.³³⁰ The Conservative leader found the task of opposition ‘constitutionally repugnant’ and the vigour he had shown during the campaign quickly evaporated.³³¹ Baldwin’s opposition leadership discouraged Conservatives throughout the country and Hailsham became increasingly frustrated. While the political outlook of the two men remained fundamentally united, Hailsham’s conduct in opposition and treatment of the minority Labour government was far removed from Baldwin’s conciliatory style. The first difference concerned the timing of the resignation of the outgoing government. Hailsham, seeking to repeat the tactic of January 1924, ‘felt very strongly that we should meet the House of Commons and leave it to the Liberals to turn us out’.³³² Parliamentary arithmetic did not demand that the Conservatives relinquish office but Baldwin decided that the government should resign before parliament met.

General unease over Baldwin’s leadership and discontent over the election result were compounded by the press barons’ damaging attacks. Speculation about who should succeed Baldwin was soon rife and in a field of four possible successors, Hailsham, notwithstanding his peerage, had remained in the political frontline and continued to be considered as a potential successor. Without an obvious replacement in the Commons, Baldwin’s successor could have been found in the Lords. Of the four candidates, Churchill aroused much opposition because of his coalitionist past and his supposed erratic judgement. His continuing commitment to free trade left him at odds with the party’s growing support for tariff reform. Robert Horne, the former Chancellor, derived strength from his ‘City’ connections, but had

³²⁹ P. Williamson, ‘“Safety First”: Baldwin, the Conservative Party, and the 1929 General Election’, *Historical Journal*, vol.25, no.2 (1982), p.409.

³³⁰ S. Ball, ‘Failure of an Opposition? The Conservative Party in Parliament 1929-1931’, *Parliamentary History*, vol.5, no.1 (1986), p.83.

³³¹ Eur.C.152/19, Irwin to Davidson, 25 Feb. 1930.

³³² Hoare note, ‘The Resignation of the Second Baldwin Government’.

lost his seat in 1922 and did not promote his claims.³³³ That left Hailsham and Neville Chamberlain as the front-runners. Once Chamberlain became party chairman in June 1930, however, he was in no position to succeed Baldwin, leaving Hailsham the man most likely to become Conservative leader if Baldwin fell – which was not unlikely in late 1930 and early 1931. Hailsham's strength emanated from his ability to appeal to both the centre-right of the party and the diehards. These sections of the party were encouraged by his vigorous attacks on the Labour government, his past record of upholding the majesty of the law and defending the constitution and his public support for tariff reform.

Baldwin's fortunes ebbed and flowed during the lifetime of the Labour government, but his position was never secure until after the spring of 1931. By contrast, Hailsham thrived. After returning from a tour of the Far East and India during late 1929 and early 1930, he provided a foretaste of the sort of opposition leadership he might offer. When the slump in the West Indian sugar trade was debated in the Lords in March 1930, Hailsham attacked the government for refusing to act. Having a firm grasp of the subject matter as a former overseer to a sugar planter in Demerara, he claimed that 'the cause of the disaster is due to tariff action and can only be met by tariff means'.³³⁴ He was also active in the country, telling a meeting in Bradford in May 1930 that 'no government in history had made so many mistakes in such a short time'. He again associated himself with the party's newfound enthusiasm for protectionism by declaring that he had always been a convinced tariff reformer.³³⁵ In May and June he attacked the government's imperial policy or, as he claimed, its complete lack of one.³³⁶ Hailsham offered a dynamic example for Baldwin to follow, but the latter seemed

³³³ For his claims see: Templewood Papers, vol.1, 1 (10). Samuel Hoare to N. Chamberlain, 8 Oct. 1929.

³³⁴ H of L Debs, vol.76, cols 1006-11.

³³⁵ *The Times*, 8 May 1930.

³³⁶ *Ibid.*, 24 May; 8 June 1930.

reluctant to respond. Baldwin's failure to elevate the importance of 'Empire trade' and protectionism during his public speeches in May ended the party's truce with Beaverbrook.³³⁷

By the autumn of 1930, lack of confidence in Baldwin's leadership was widespread. The 'grass-roots of the party were within a hair's breadth of breaking out into open revolt and the control of the leader and Central Office was on the brink of complete collapse'.³³⁸ The press barons' campaign continued and their sponsorship of candidates at by-elections against official Conservatives resumed after a failed *rapprochement* in the summer between Chamberlain and Beaverbrook. The pressmen opposed Baldwin's acceptance of Labour's policy toward Indian constitutional reform and his failure to embrace their policy of 'Empire Free Trade'. But, on 8 October, during the Imperial Conference in London, Baldwin was thrown an unexpected lifeline. Richard Bennett, the Canadian Prime Minister, declared that he was willing to begin a preferential trading system throughout the Empire.³³⁹ As one Conservative MP penned to Baldwin, this 'provide[s] us with a happy issue out of all our party afflictions'.³⁴⁰ It allowed the Conservatives to accept the principle of imperial preference without surrendering to the press barons' Empire Crusade.³⁴¹ Yet this did not end the disquiet over Baldwin's leadership.³⁴² Tory diehards forced a vote of confidence at the Caxton Hall meeting on 30 October and only days before this meeting Lord Derby, the veteran weather-vane of the party's mood, told Baldwin that he should resign.³⁴³

At the Caxton Hall Baldwin presented the 'free hand' policy to introduce tariffs after the next election. This was quickly adopted. When the meeting moved on to the question of the leadership, Baldwin withdrew, leaving Hailsham as his chief defender. Confronting a

³³⁷ Ball, *Baldwin and the Conservative Party*, pp.81-2.

³³⁸ *Ibid.*, p.97.

³³⁹ *The Times*, 9 Oct. 1930.

³⁴⁰ Baldwin Papers, vol.31, Hilton Young to Baldwin, 9 Oct. 1930.

³⁴¹ Ball, *Baldwin and the Conservative Party*, p.100.

³⁴² Williamson, *National Crisis*, p.131.

³⁴³ Baldwin to Davidson, 30 Nov. 1930, cited in Middlemas and Barnes, *Baldwin*, p.579.

group of determined diehards which included his own stepson, Edward Marjoribanks, he frankly admitted to the assembled MPs, peers and candidates that there would be drawbacks if Baldwin remained leader. The party would ‘continue to face the unremitting hostility of a very powerful press’, and he conceded that ‘Mr Baldwin is not a spectacular leader in opposition’. But Hailsham questioned whether there was a better man in waiting and concluded his defence amid cheers: ‘Unless you are prepared to choose a leader who will take his orders from the owners of this press you are no better off – you will have the same vendetta against the new man.’³⁴⁴ Even Baldwin’s opponents conceded that Hailsham had made a brilliant speech.³⁴⁵ To revealing cries that he rather than Baldwin should lead, Hailsham replied emphatically ‘No.’³⁴⁶ The meeting voted 462 to 116 in Baldwin’s favour. Yet, underlying problems persisted. That same day the official Conservative candidate was beaten by a Beaverbrook-Rothermere ‘Empire Crusader’ in the South Paddington by-election.

With the Labour government failing to respond to Bennett’s initiative at the Imperial Conference and with the Conservatives’ ‘free-hand’ policy in place, Hailsham was given the opportunity to mount another attack. In December he moved a resolution in the Lords deploring the government’s refusal ‘to respond to the advances made by the Prime Ministers of the Dominions’. The government had ‘thrown aside... a golden opportunity of improving the markets for British manufacturers’.³⁴⁷ He delivered the sort of denunciation that was lacking from Baldwin in the Commons:

Dominion Premiers had come thousands of miles to attend this Conference... in the hope of carrying forward some practical step for the closer economic association of

³⁴⁴ *The Times*, 31 Oct. 1930.

³⁴⁵ Croft, *Life of Strife*, p.187.

³⁴⁶ Winterton, *Orders of the Day*, p.160.

³⁴⁷ H of L Debs, vol.79, cols 370-3.

the Empire. That... they went back disappointed and disillusioned, is due to one thing only – that is, to the obstinacy, to the lack of vision and to the lack of preparation by the government.³⁴⁸

If the recovery in Baldwin's fortunes should prove only temporary, Hailsham was inadvertently advertising himself as the Conservative leader's replacement.

In the absence through ill-health of Lord Salisbury, the Conservative Leader in the Lords, Hailsham stepped in as his temporary replacement in December 1930. In this new role, his belief in the innate value of the upper chamber was revealed. He was willing to use the Lords' residual powers to delay Commons' legislation. With the government unlikely to survive for a full term, the Lords' delaying power amounted, in practice, to a veto on legislation. With Hailsham at the helm, Conservative peers were 'more prepared to insist upon their amendments, defying the Commons majority'.³⁴⁹ This contrasted with Baldwin's sometimes supine leadership in the Commons.

After the Christmas recess Hailsham resumed his attacks on the Labour administration. He berated the government's unemployment record. After 20 months in office unemployment had doubled to reach 'a figure which had never been reached in the history of this country'. 'We know now', he claimed, 'that any socialist party, which claims to be able to deal immediately and drastically with unemployment is making a claim which it knows to be false.'³⁵⁰ Days later the government's Education Bill was considered by the Lords. Hailsham opposed the bill, informing the incapacitated Salisbury that 'We are all for throwing it out on the 2nd reading'.³⁵¹ In the Lords, Hailsham, the son of the founder of the Polytechnic, explained that he disagreed with the bill, 'not because I have not sympathy with

³⁴⁸ Ibid., cols 377-85.

³⁴⁹ P. Williamson, 'The Labour Party and the House of Lords 1918-31', *Parliamentary History*, vol.10, no.2 (1991), pp.334-7.

³⁵⁰ H of L Debs, vol.79, cols 1044-5.

³⁵¹ Salisbury Papers, S.(4) 139/75-76, Hailsham to Salisbury, 4 Feb. 1931.

the average or under-average child’, but because the bill did not consider ‘the education of the average or under-average child in the right way’. He claimed that

to keep everybody in school until the age of fifteen, whether they are learning anything or not, or capable of learning or not, is a mistaken view of education. You do not improve the education of the whole, but you hinder the education of those who can take advantage of it.³⁵²

The bill was rejected by a majority of 146, triggering the resignation of Charles Trevelyan, the President of the Board of Education.³⁵³

While Hailsham continued to enjoy parliamentary success, confidence in Baldwin’s leadership approached a new nadir in early 1931. While this latest crisis was not entrenched in the local Conservative associations as in the previous October, it was arguably more serious because ‘party managers had turned against [Baldwin] and... collective leadership had cracked’.³⁵⁴ When another Beaverbrook-Rothermere nominee intervened at a by-election held at East-Islington in February, Hailsham, who had a long-term distrust of what he regarded as the unconstitutional powers of the press,³⁵⁵ again defended his leader. In ‘one of the most vicious attacks... that has ever been made in British political history’, he informed an audience at East-Islington that

Lord Beaverbrook... is compared to an elephant trumpeting in the jungle, or a man-eating tiger. I am inclined to compare him to a mad dog running along the streets and

³⁵² H of L Debs, vol.79, col.1069.

³⁵³ Ibid., cols 1049-52.

³⁵⁴ Williamson, *National Crisis*, p.184.

³⁵⁵ *Morning Post*, 18 Oct. 1923; Bodleian Library, Papers of the 3rd Earl Selborne, Eng.Hist,1012, fol.143, Hogg to Viscount Woolmer, 31 Jan. 1924; Begbie, *Conservative Mind*, p.112.

yapping and barking, and would remind his lordship that the best way to treat a mad dog if you can't muzzle him is to shoot him.³⁵⁶

Notwithstanding Hailsham's efforts, the by-election result was humiliating. The Beaverbrook-Rothermere candidate secured a larger vote than the official Conservative, while the split Conservative vote enabled the return of the Labour candidate. Baldwin was again vulnerable. Derby recorded the gravity of the situation:

I am aghast at the feeling that there is with regard to Baldwin... There was always a certain amount of feeling last summer but it is nothing compared to what it is now... we shall never win the election under his leadership. He... has got absolutely no drive.³⁵⁷

Neville Chamberlain confessed that 'things were much worse than at the time of the Caxton Hall meeting... [with] a general feeling that the party could not win the [next] election with S.B. as leader'.³⁵⁸

Who then could lead the Conservatives to victory? With Chamberlain trapped in an office that made it 'impossible' for him 'to make any move', consideration turned to extraordinary solutions. Following a conversation with the Tory peer, Lord Linlithgow, Chamberlain noted:

I was one of those whose name was mentioned as his [Baldwin's] successor but more and more [Linlithgow] found people turning to the idea that after all Hailsham might be the best man in spite of not being in the Commons... the difficulty about a peer as leader was more in opposition than in office. The duties of a P.M. were becoming so onerous that it was increasingly difficult for him to attend the House of Commons and

³⁵⁶ *Daily Express*, 19 Feb. 1931.

³⁵⁷ Chamberlain Papers, NC 8/10/21, Derby to Chamberlain, 25 Feb. 1931.

³⁵⁸ *NCDL* vol.3, Chamberlain to Hilda, 1 March 1931, p.240.

if he was going to have a deputy there was a good deal to be said for him not being a member himself.³⁵⁹

Independently, Derby reached a similar conclusion. ‘Had it’, he asked the Party Chairman,

ever been considered whether it would not be possible to have the Prime Minister in the House of Lords, giving him the power to speak in the House of Commons [?] It is done in France with I believe success. It frees the Prime Minister from all the petty details of House of Commons work and gives him time to see people and really think about policies. If this were agreed to surely all would accept Lord Hailsham as Prime Minister with some energetic person like yourself as leader in the House of Commons.³⁶⁰

If Baldwin was forced to resign, Hailsham was now the leading candidate to succeed him. A ‘choice for the peerage was not impossible’.³⁶¹

On 26 February Robert Topping, General Director at Central Office, sent Chamberlain a memorandum.³⁶² This wounding communication stated that ‘in the interests of the party... the leader should consider his position’.³⁶³ Senior Conservatives eventually presented a toned-down version to Baldwin after the favoured Conservative candidate withdrew from the St George’s Westminster by-election rather than defend Baldwin’s leadership against another Beaverbrook-Rothermere opponent. Baldwin’s initial reaction was to ‘face the inevitable and resign’.³⁶⁴ Davidson, the former Party Chairman, noted: ‘he had definitely made up his mind to throw in his hand’.³⁶⁵ Chamberlain’s discussions with leading

³⁵⁹ Ibid., Chamberlain to Ida, 21 Feb. 1931, p.239.

³⁶⁰ Derby to Chamberlain, 25 Feb. 1931.

³⁶¹ Stewart, *Burying Caesar*, p.67.

³⁶² Ball, *Baldwin and the Conservative Party*, pp.137-8; 141-2.

³⁶³ Middlemas and Barnes, *Baldwin*, p.586.

³⁶⁴ Ibid., p.588.; Williamson, *Stanley Baldwin*, p.39.

³⁶⁵ Eur.C.152/19, Davison to Irwin, 6 March 1931.

Conservatives produced the same reaction. ‘Every one I think, except William Bridgeman, was of the opinion that S.B. would have to resign.’³⁶⁶ *The Times* had even prepared an article entitled ‘Mr Baldwin Withdraws’.³⁶⁷ After an eleventh-hour intervention by Bridgeman, however, Baldwin decided that he would continue as leader and fight St George’s himself or find another candidate.³⁶⁸

Although Baldwin had been spurred into action, it appeared that his leadership was on borrowed time. Austen Chamberlain concluded that ‘unless there is a very early election, S.B. cannot stay the course & that the sooner he goes the better’.³⁶⁹ Neville Chamberlain had also decided that Baldwin would ‘probably not be able to remain leader much longer’.³⁷⁰ His solution to the succession was clearer than ever before:

The party must have a leader to fight the Election and for that purpose I think both Houses must be brought in. I expect the Lords would like Hailsham. The Commons I am told are more inclined than for some time to listen to the idea of a leader in the other House although there is some slight misgiving about the soundness of Hailsham’s judgement, there is great admiration for his vigour and determination. If therefore S.B. does disappear there is a strongish possibility that the two Houses would unite in choosing Hailsham as leader.³⁷¹

Austen Chamberlain expressed doubts as to the practicality of a leader in the Lords with a deputy in the Commons,³⁷² but his half-brother ‘did not take that view as final’. ‘It depended on the relations between the two men.’³⁷³ With Chamberlain bound to lead the Commons if

³⁶⁶ *NCDL* vol.3, Chamberlain to Hilda, 1 March 1931, pp.240-1.

³⁶⁷ Montgomery Hyde, *Baldwin*, p.230.

³⁶⁸ Middlemas and Barnes, *Baldwin*, p.589-90.

³⁶⁹ Austen Chamberlain Papers, AC 5/1/534, Chamberlain to Ida, 13 March 1931.

³⁷⁰ Chamberlain Diary, NC 2/22, 8 March 1931.

³⁷¹ Chamberlain to Hilda, 1 March 1931.

³⁷² Austen Chamberlain Papers, AC5/1/533, Chamberlain to Hilda, 7 March 1931.

³⁷³ Chamberlain to Hilda, 1 March 1931.

Hailsham succeeded, these relations were excellent.³⁷⁴ Hailsham agreed with Chamberlain's plan that if Baldwin fell either man would serve under the other, but refuse office under Churchill. Hailsham, consistent with his thoughts in 1928, believed that a Churchillian leadership would be a 'disaster' and he regarded Horne, as a 'second rater'. Chamberlain said that he 'would like our partnership... to be something closer than the ordinary relations of colleagues and that if I for instance were leader I should consult him about everything'. Hailsham 'expressed similar views'.³⁷⁵

With Chamberlain ensnared by the party chairmanship, Hailsham was the leading candidate to succeed the floundering Baldwin.³⁷⁶ Philip Cunliffe-Lister, former President of the Board of Trade, believed that 'a Hailsham-Chamberlain combination' would be met with general approval.³⁷⁷ Geoffrey Ellis, who had been Chamberlain's preferred successor to Davidson as Party Chairman, confirmed that 'the Hailsham-N.C. combination is what the City would like and... no alternative would have a chance'.³⁷⁸ The former Deputy Chief Whip, Lord Bayford, was of the same mind: 'The only possible suggestion... is that Hailsham should lead the party and Neville be leader in the House of Commons.'³⁷⁹ On-going difficulties over Baldwin's leadership thus outweighed the inconveniences of a party leader and potential Prime Minister operating from the upper house.

Yet against all expectations, Baldwin survived. His Commons speech on the Irwin-Gandhi Pact on 12 March was 'one of the greatest in his life',³⁸⁰ while his indictment of the press barons for seeking 'power without responsibility – the prerogative of the harlot throughout the ages', has echoed down the years. Two days later the Baldwinite, Duff

³⁷⁴ Chamberlain Papers, NC 7/11/21/7, Hailsham to Chamberlain, 21 Dec. 1928.

³⁷⁵ Chamberlain Diary, NC 2/22, 8 March 1931.

³⁷⁶ Ball, *Baldwin and the Conservative Party*, p.135.

³⁷⁷ Chamberlain Diary, NC 2/22, 8 March 1931.

³⁷⁸ *NCDL* vol.3, Chamberlain to Ida, 7 March 1931, p.244.

³⁷⁹ *Bayford Diaries*, 22 March 1931, p.245.

³⁸⁰ Middlemas and Barnes, *Baldwin*, p.593.

Cooper, comfortably won the St George's by-election and on 24 March Chamberlain negotiated an agreement with Beaverbrook and the press baron fell into line with the party leadership. Baldwin eventually stepped down at a time of his own choosing in 1937.

The Conservative leader reacted to speculation concerning the succession by informing Chamberlain that 'he was very angry with some of his colleagues, particularly Hailsham, who he'd believed had been plotting against him'. Baldwin was also 'sore' at the Party Chairman, which the latter found 'difficult to stomach without resentment'.³⁸¹ Granted the pact between Hailsham and Chamberlain, Baldwin's biographers claim that his 'anger at Hailsham was not therefore unjustified'. Williamson similarly concludes that Hailsham was guilty of 'outright disloyalty'³⁸² and Thorpe suggests that the former Lord Chancellor had 'plotted' against Baldwin.³⁸³ But the evidence shows that Hailsham did not seek to dislodge Baldwin. Rather than an intrigue against the Conservative leader, the Hailsham-Chamberlain pact was a defensive arrangement to prevent Churchill grasping the party leadership. During the critical days in early March Hailsham 'had not heard anything of what took place over the weekend... but he agreed with [Chamberlain] that in the circumstances we ought to consider what might happen *if* there were a change'.³⁸⁴ The two men reacted to but did not shape events and, as nearly all informed participants expected Baldwin to resign, it was prudent for the acting Conservative Leader in the Lords and the Party Chairman to consider their options.

Although Ramsden notes that Hailsham 'was not prominent in support of Baldwin', Hailsham had in fact shielded his political chief throughout. In July 1930 he called from the public platform for party unity,³⁸⁵ in October he declared that 'We cannot hope to beat the Socialists unless we are united amongst ourselves', and he defended Baldwin at the Caxton

³⁸¹ Chamberlain Diary, NC 2/22, 11 March 1931.

³⁸² Middlemas and Barnes, *Baldwin*, p.591; Williamson, *National Crisis*, p.189.

³⁸³ Thorpe, *British General Election of 1931*, p.97. See also, Ramsden, 'Viscount Hailsham', *ODNB*, p.561.

³⁸⁴ *NCDL* vol.3, Chamberlain to Ida, 7 March 1931, p.244. Emphasis added.

³⁸⁵ *The Times*, 25 July 1930.

Hall.³⁸⁶ In February 1931 he attacked Beaverbrook, in Baldwin's defence, at East Islington. Even as late as March he protested against the press barons' 'constant vilification and misrepresentation' of Conservative leaders and for running rival candidates at by-elections that undermined party unity.³⁸⁷ Austen Chamberlain was bewildered when Baldwin informed the business committee that he felt he 'had not been properly supported by Hailsham in particular & his other colleagues in general!' Chamberlain concluded that 'It is difficult to be patient'.³⁸⁸

Williamson cites Hailsham's apparent offer of the Conservative leadership in the Lords to Beaverbrook as an attempt to cultivate the press baron to help oust Baldwin. Yet this conclusion is also wide of the mark. It rests upon Beaverbrook's boastful remark recorded in the diary of the journalist Bruce Lockhart months *after* Baldwin's lowest ebb and it should not be taken seriously. Hailsham was in no position to make such an offer and Lockhart's same diary entry maintains that Hailsham 'wanted to be Lord Chancellor in the next government' and, therefore, *not* Prime Minister or Conservative leader.³⁸⁹ With Hailsham reluctant to lead, it is an exaggeration to conclude that he tried to oust Baldwin, particularly granted his dismissal of Horne's candidature and his belief that a Churchillian succession would be a disaster for the party. While Hailsham shared Beaverbrook's desire to use tariffs to unite the empire, he was alienated by the press lord's blatant disloyalty and apparent readiness to destroy the Conservative party in order to achieve his goals. In addition to attacking the press barons from the public platform in the spring, Hailsham informed Viscount Elibank in February that there could never be any unity of purpose between him and Beaverbrook:

³⁸⁶ *Irish Times*, 24 Oct. 1930.

³⁸⁷ *The Times*, 7 March 1931.

³⁸⁸ Austen Chamberlain Papers, AC 5/1/534, Chamberlain to Ida, 13 March 1931.

³⁸⁹ Williamson, *National Crisis*, pp.243-4; Young (ed.), *Lockhart Dairies* vol.1, 10 June 1931, p.171.

I want to preserve the party which he seeks to destroy, there is plainly no common aim between us and I propose to continue to denounce him... much as it may displease our would-be press rulers.³⁹⁰

Hailsham never actively sought the party leadership or the Premiership. Back in 1923 he had ‘regard[ed] the office of Prime Minister as a responsibility rather than as a prize’.³⁹¹ In March 1931 his position was unchanged. Chamberlain noted that Hailsham ‘did not *want* to be leader [and] he could not imagine anyone desiring to take on such a load’.³⁹² Hailsham himself wrote that ‘I have never coveted leadership – I shouldn’t be in the Lords now if I had’. He hoped that the Conservatives would soon return to power and that he would serve the party ‘in whatever capacity I would seem most useful’. He would only take the leadership ‘if it were to appear that [the party] wanted me to lead’.³⁹³ He would dutifully accept such an appointment in the same spirit as he had accepted the Lord Chancellorship. The fact that Hailsham’s name was being linked with the succession to an apparently doomed leader scarcely amounts to an act of treachery.

After Baldwin’s resurgence, talks amongst leading Conservatives did something to heal the breach in the party hierarchy.³⁹⁴ Hailsham noted ‘a very difficult and disagreeable talk in the business committee last week, but I think the air is cleared’.³⁹⁵ The Conservative leader, Chamberlain noted, ‘had a terrible bucketing from his colleagues... [B]ut he certainly means to carry on’.³⁹⁶ It seems that Hailsham was particularly vocal at this meeting which did nothing to remove Baldwin’s misplaced suspicions. By early June Hailsham sensed ‘that he

³⁹⁰ National Archives of Scotland, 2nd Viscount Elibank Papers, GD 32/25/76/12, Hailsham to Elibank, 21 Feb. 1931.

³⁹¹ Baldwin Papers, vol.42, Hogg to Baldwin, 23 May 1923.

³⁹² *NCDL* vol.3, Chamberlain to Hilda, 1 March 1931, p.241.

³⁹³ Hailsham to Elibank, 21 Feb. 1931.

³⁹⁴ Chamberlain Diary, NC 2/22, 21 March 1931.

³⁹⁵ Salisbury Papers, S.(4)140/47-8, Hailsham to Salisbury, 27 March 1931.

³⁹⁶ CAC, Swinton Papers, SWIN I 2/1, Chamberlain to Philip Cunliffe-Lister, 26 March 1931.

was out of favour with Baldwin, having demanded a more vigorous leadership in Baldwin's presence'.³⁹⁷

Following this meeting, Baldwin accepted that forthright attacks on the Labour government were now in step with public opinion. Encouraged by the likelihood that MacDonald's government would soon fall, there was a closing of the Conservative ranks.³⁹⁸ Baldwin's improved performances in the Commons, the latest truce with Beaverbrook, the broad party consensus in favour of tariff reform and support for the party's new programme solidified the leader's position.³⁹⁹ This new atmosphere 'of optimism and full-scale attack' suited Hailsham and his most trenchant denunciations of the Labour government came after the Easter recess.⁴⁰⁰ He 'threatened, obstructed and mutilated [legislation] on the ground that the Conservative peers were more representative of the electorate than the government'.⁴⁰¹ He maintained that the Lords were acting in the national interest against a dangerous minority government, which induced Liberal votes to pass bills through the lower chamber. The assaults upon Labour's legislative programme even appeared to challenge the privileged prerogatives of the Commons.

This new approach was clear in April 1931 when the Land Bill returned to the Commons in 'a mutilated form'.⁴⁰² The Lords, with vested interests in the land, naturally opposed a bill which they claimed set the foundations for state farming.⁴⁰³ Hailsham remained 'anxious' to help reduce the growing numbers of the unemployed, but he was not 'too sanguine of the future' granted the government's record. Following warnings regarding

³⁹⁷ *Lockhart Diaries*, 10 June 1931, p.171.

³⁹⁸ Ball, *Baldwin and the Conservative Party*, p.166.

³⁹⁹ The 'four point programme' included economic retrenchment, protection for British industry, assistance to agriculture and imperial development. *Ibid.*, pp.167-8.

⁴⁰⁰ Ball, 'Failure of an Opposition?', p.94.

⁴⁰¹ Williamson, *National Crisis*, p.244.

⁴⁰² *The Times*, 24-25 April 1931.

⁴⁰³ For the National Farmers' Union concerns see A.F. Cooper, *British Agricultural Policy, 1912-36* (Manchester, 1989), pp.130-31.

Britain's national finances from the Chancellor, Philip Snowden, Hailsham concluded that 'we have no right to allow unlimited experiments'.⁴⁰⁴ Controversy erupted after he asked the government 'whether they will or will not advise the House of Commons to waive their Privilege'. This was seized upon by the government spokesman, who claimed this request was a challenge to the rights and privileges of the Commons.⁴⁰⁵ Lloyd George expected 'one more big fight before [he] died... the land and Lords look[ed] likely to furnish it'.⁴⁰⁶ He hoped that Hailsham's tactics would enable him to inflict another defeat on the upper chamber as in 1911.

Although Williamson suggests that Hailsham's tactics amounted to 'parliamentary brinkmanship' and 'attempted blackmail',⁴⁰⁷ Hailsham dealt with the government's measure with some circumspection. He informed the ailing Salisbury that he found himself in 'a very difficult situation':

We are in some trouble over the Agricultural Land Bill. Our backbenchers want to reject it on 2 reading; but all the Commoners, Business Committee and the Agricultural Committee alike, beg us to pass the Second Reading and amend in committee.⁴⁰⁸

Instead of throwing the bill out as his backbenchers desired, Hailsham requested an assurance that, if the peers passed the Second Reading, the Labour government would ask the Commons to consider the Lords' amendments on their merits.⁴⁰⁹ The floundering government understandably seized the opportunity to gain political capital. Christopher Addison, the

⁴⁰⁴ H of L Debs, vol.80, col.785.

⁴⁰⁵ Ibid., cols 687-90, 1049-50.

⁴⁰⁶ Williamson, 'The Labour Party', pp.338.

⁴⁰⁷ Ibid., pp.336-8.

⁴⁰⁸ Salisbury Papers, S.(4)139/97, Hailsham to Salisbury, 20 Feb. 1931.

⁴⁰⁹ H of L Debs, vol.80, cols 1054-55.

Minister of Agriculture, claimed that Hailsham had called for the Commons to ‘forgo its own rights and privileges’,⁴¹⁰ while Prime Minister MacDonald uttered a thinly veiled warning:

Let the House of Lords do its worst... There is such a thing as a Parliament Act, and if there is not there is such a thing as an election. The House of Lords, like every other anachronistic institution in this country, must be subject to the will, desire and mandate of the electors.⁴¹¹

Viscount Brentford, formerly William Joynson-Hicks, jumped to Hailsham’s defence. It was only after a ‘masterpiece of argument and conciliation’, that Hailsham ‘induced the Lords to waive their opinions and pass the Second Reading’.⁴¹² Hailsham himself noted that ‘all our backbenchers were breathing fire and slaughter to me from the tea room’. They wanted to throw out the bill entirely because they were ‘afraid of privilege points if we are to amend’.⁴¹³

In reply to Labour’s attempt to make the issue into one of constitutional principle, Hailsham boldly declared: ‘It is not a case of peers versus the people – it is a case of peers and the people against the socialists.’⁴¹⁴ This was another example of his determination to use Britain’s constitution to resist socialism. The Lords, he insisted,

will discharge [their] duty to the electors and the people of this country... This House does not desire to challenge the expressed will of the people. But to say that... it is bound to accept any measure which a minority government [puts forward]... is a perversion of the truth which I do not think will deceive the electors.⁴¹⁵

⁴¹⁰ *The Times*, 25 April 1931.

⁴¹¹ *Daily Express*, 2 May 1931.

⁴¹² *The Times*, 30 April 1931.

⁴¹³ Salisbury Papers, S.(4)139/105, Hailsham to Salisbury, 26 Feb. 1931.

⁴¹⁴ *The Times*, 25 April 1931.

⁴¹⁵ H of L Debs, vol.80, cols 1057-8.

It was his 'misfortune to be one of the Peers' but, he insisted, 'I am not against the people'. The peers, he maintained, 'are not and cannot of necessity be against the people',

so long as they remain part of the constitution of this country, [the Lords] are bound to discharge their duty when they see measures brought forward which the country has not asked for, the country does not want, and which have only passed the House of Commons by virtue of a discreditable bargain between two political parties.⁴¹⁶

Such active leadership during Salisbury's absence ensured that Hailsham was his natural successor when the former finally stepped down in June 1931. Salisbury informed Baldwin that 'Of my colleagues on the Front Bench [Hailsham] is best fitted for the job as I am certain you will agree'.⁴¹⁷ Yet this was another position into which Hailsham grudgingly stepped. Without a hereditary connection, he was unsure whether he would be acceptable to the Conservative peers. When Salisbury confided that it was unlikely that he would return to his former role, Hailsham expressed his concerns:

it would presumably be for S.B. to choose a successor; and I am by no means convinced that he would wish that person to be myself, or that I should be willing to accept responsibility. It is one thing to be working as your deputy, with the knowledge that I have you behind me... it is quite another matter to be recognised official leader of the party in our House, with all the responsibility which that involves for our own divisions and without the prestige and long hereditary tradition that you bring.⁴¹⁸

On the eve of his appointment Hailsham 'didn't want the post if it could be avoided'. With his eyes firmly on the Woolsack, he had informed Baldwin about 'the importance of continuity in leadership and the undesirability of a Lord Chancellor as Leader [of the

⁴¹⁶ *The Times*, 8 June 1931.

⁴¹⁷ Baldwin Papers, vol.166, Salisbury to Baldwin, 16 Jan. 1931.

⁴¹⁸ Salisbury Papers, S.(4)140/58-61, Hailsham to Salisbury, 2 April 1931.

Lords]’.⁴¹⁹ Hailsham ‘pressed Baldwin so strongly that he agreed to leave it open over the weekend’. But an unauthorized announcement in the *Daily Express* on 15 June, which reported that Hailsham had succeeded Salisbury, forced a decision. As with his succession to the Woolsack in 1928, Hailsham was compelled to accept.⁴²⁰

National Crisis

While Baldwin clung to the Conservative leadership during 1930-31, MacDonald’s Labour government found itself increasingly incapable of dealing with Britain’s unemployment problem and the deteriorating balance of trade. This situation was compounded after the effects of the Wall Street Crash reached Europe. During 1931 gold drained out of the City of London and sterling became exposed. Uneasiness turned into panic when the May Report forecast a budget deficit of £120 million at the end of July.⁴²¹ The resultant ‘flight from the pound’ and ensuing financial emergency had enormous political implications. The Bank of England understood that it could rescue sterling only with large credits from New York and Paris and these loans depended on the government producing a balanced budget. In order to achieve this end, the May Report called for a 20 per cent cut in unemployment benefit. With the Labour government unlikely to achieve the necessary economies, it became plausible that a ‘national’ coalition government might be formed to introduce and share the responsibility for implementing unpopular measures. Although many leading Conservatives remained hostile to the coalition solution, if the government could not agree on an economy package, such an expedient would prove ‘difficult to avoid’.⁴²²

The speed and the severity of the crisis of mid-1931 shocked many contemporaries, but Hailsham was not entirely surprised that the emergency arrived. He had been amongst the

⁴¹⁹ Ibid., Baldwin to Salisbury, 11 June 1931; Hailsham to Salisbury 11 June 1931.

⁴²⁰ BBK C/150, Hailsham to Beaverbrook, 16 June 1931.

⁴²¹ J. Stevenson and C. Cook, *The Slump* (London, 1977), p.2.

⁴²² Williamson, *National Crisis*, p. 274.

most vocal Conservatives in drawing attention to Britain's deteriorating economic position. In October 1930, he highlighted the fragile state of Britain's economy,⁴²³ and in February 1931 he told the Lords that the government was exacerbating the situation by adding 'an enormous amount of taxation'.⁴²⁴ He warned that 'if the expenditure on the relief schemes is so heavy that it is going to result in throwing more people out of work than it brings into temporary employment... it is not even a palliative'.⁴²⁵ In March Hailsham claimed that, in order to prevent bankruptcy, 'we have got to retrench, we have got to cut down'.⁴²⁶ In June, a month before the publication of the May Report, he referred to the growing cost of unemployment insurance and calculated that, if Britain was to maintain its financial stability, it was 'essential... that the insurance fund should be put on a proper insurance basis'. He wanted to eradicate 'those false and mischievous ideas... that the state ought to see that people who do not work are as well off as those who do'.⁴²⁷

Granted Labour's inability to tackle the economic crisis, Conservatives anticipated victory at the next election on the scale of 1924. Once John Simon had resigned the Liberal Whip in June 1931 and negotiations between his followers and the Conservatives began over an electoral pact, 'All the indications suggested... that the Conservatives and their Simonite allies would win the following general election.'⁴²⁸ Yet, despite these positive omens, the publication of the May Report led to 'much talk... about a National Government'. With Baldwin abroad, on 2 August Neville Chamberlain called together Austen Chamberlain, Cunliffe-Lister, Hailsham and Hoare. After 'a long and useful discussion', he noted that

⁴²³ Ball, *Baldwin and the Conservative Party*, pp.158-9.

⁴²⁴ H of L Debs, vol.79, col.1047.

⁴²⁵ *Ibid.*, cols 1045-6.

⁴²⁶ *The Times*, 21 March 1931. See also: *The Times*, 7 March 1931.

⁴²⁷ *Observer*, 21 June 1931.

⁴²⁸ Ball, *Baldwin and the Conservative Party*, p.169.

‘None of us want a coalition... but we agreed it might be unavoidable though only on condition that tariffs were accepted.’⁴²⁹

In the weeks that followed, MacDonald hoped to achieve all-party co-operation if his cabinet agreed to expenditure cuts. But Hailsham was hostile to such an approach. He feared that collaboration could lead to the Conservative party joining a coalition. Very publicly Hailsham sought to dampen such rumours. Although his party ‘would not try to make party capital out of the inevitable unpopularity which economy always entailed’,⁴³⁰ he ‘doubt[ed] whether it is our proper function to go any further than to offer the most sympathetic consideration to any scheme the government may bring forward’.⁴³¹ A week before the Labour government resigned, Hailsham admitted that a ‘national’ government ‘was a valuable device when some situation of overwhelming emergency arose’, but he saw little hope for such an expedient ‘when the different sections were radically divided, not only as to the cause of our troubles, but as to the possible remedies for overcoming them’. His rhetoric was not geared to facilitate collaboration. Ignoring the external aspects of Britain’s predicament, he maintained that the crisis ‘was the direct, inevitable and logical result of having tried to start socialist legislation in this country’. The Conservatives had ‘pointed out that if the Socialist theories were wrong they must lead precisely to these disasters’.⁴³² At this stage, Hailsham, with his pronounced anti-coalitionist views, hoped that the Labour government would implement the necessary economies before a general election was held. This, he expected, would see the Conservatives and their allies returned with a mandate to introduce tariff reform.

⁴²⁹ *NCDL* vol. 3, Chamberlain to Hilda, 2 Aug. 1931, p.272.

⁴³⁰ *The Times*, 17 Aug. 1931.

⁴³¹ R. Skidelsky, *Politicians and the Slump* (London, 1967), pp.356-357.

⁴³² *Manchester Guardian*, 16 Aug. 1931.

During the height of the crisis in mid-August Hailsham was not directly involved in the negotiations with the party leaders, but he adopted a supportive role. With the government unable to agree to an economic package, he now felt it was ‘more likely to go to the country against the May Report’. He offered Chamberlain, who acted for the Conservatives along with Hoare, his assistance:

I don't imagine that I can be of much use to you... probably you will just want to see the city folk... and make up your own mind. But sometimes it is a help in making a decision... to be able to state the problem to someone else... I can see many difficult decisions which you may have to take in the next 2 or 3 days.⁴³³

On 20 August Hailsham was part of a small group of leading Conservatives consulted by Chamberlain and Hoare. Shocked by the severity of the crisis, the group dropped its demand for tariffs and agreed that ‘retrenchment was the vital thing and that we must... concentrate on that’.⁴³⁴ The following day, Hailsham outlined his perception of the crisis to Lord Londonderry:

the economic situation is deteriorating much faster than anyone [predicted]... and unless a dramatic move is made to restore confidence *at once* there may be a most appalling and irrevocable crash. I went up yesterday and spent the afternoon with Neville and Sam at a meeting which Bobby Monsell, Kingsley Wood and Philip C-Lister also attended. Neville is probably seeing the P.M. again today – he saw him again at 5 yesterday and came back to report to us... I expect nothing will happen until Monday. But the trouble is the bankers don't know if they can wait till Monday; and

⁴³³ Chamberlain Papers, NC 7/11/24/10, Hailsham to Chamberlain, 15 Aug. 1931.

⁴³⁴ *Ibid.*, NC 1/26/446, Chamberlain to his wife, 21 Aug. 1931.

present indications are that the government proposals will not be adequate to restore that confidence which is the immediately essential factor.⁴³⁵

As the former Lord Chancellor suspected, the Labour cabinet was unable to secure agreement and MacDonald went to Buckingham Palace on 23 August to resign. The King, however, refused the Prime Minister's request and, the following day, it was agreed that MacDonald would head a three-party National Government for the sole purpose of balancing the budget. There was to be a cabinet of just ten ministers before an election was held along party lines. MacDonald was joined in the new cabinet by the Labour party's J.H. Thomas, Philip Snowden and Lord Sankey. Baldwin, Chamberlain, Hoare and Cunliffe-Lister formed the Conservative contingent, and with Lloyd George indisposed, Herbert Samuel and Lord Reading represented the Liberals. The short-term nature of the arrangement was clear in its presentation as a 'co-operation of individuals rather than a coalition in the ordinary sense'.⁴³⁶ Yet, the National Government, in one form or another, held office for the rest of the decade.

Much historiographical debate surrounds the administration's formation and the role of the Conservative party has not escaped censure. Orthodox accounts suggest that the party engineered the formation of the National Government, intentionally splitting the Labour movement and then forcing a general election to win a 'protectionist ramp'.⁴³⁷ Hailsham's experience, however, confirms revisionist interpretations and the present consensus which suggests that the party acted defensively in what it thought was the national interest – particularly as the Conservatives temporarily dropped their demand to implement tariff reform, which Hailsham and other party leaders had earlier agreed was a prerequisite of

⁴³⁵ Londonderry Papers, D3099/2/4/84, Hailsham to Londonderry, 21 Aug. 1931.

⁴³⁶ PA, Herbert Samuel Papers, A/77/7, 'Memorandum of events: August 20-23 1931', 23 Sept. 1931.

⁴³⁷ S. Webb, 'What Happened in 1931: A Record', *Political Quarterly*, vol.3 (1932), pp.1-17; J.D. Fair, 'The Conservative Basis for the Formation of the National Government of 1931', *Journal of British Studies*, vol.19, no.2 (1980), pp.142-164.

joining a coalition.⁴³⁸ Despite Hailsham's anti-coalitionist views and the postponement of tariff reform, alarming circumstances meant that he accepted the formation of the government. He revealed to Londonderry that, although he had foreseen such a crisis as the 'inevitable result of socialist legislation', the Conservative leadership were 'all a little dazed at the suddenness and completeness with which it is arriving'.⁴³⁹ After the establishment of the new government, he felt that Baldwin, Chamberlain and Hoare 'could not have acted otherwise than they did'.⁴⁴⁰

Although the press included Hailsham in provisional cabinet lists, he was not offered a cabinet post.⁴⁴¹ Despite Chamberlain's appeal for his inclusion, Baldwin explained that MacDonald had vetoed him on the grounds that he was 'particularly obnoxious to the Labour Party'.⁴⁴² Although Baldwin and Chamberlain had hoped to persuade MacDonald that Hailsham should become Lord Chancellor outside the cabinet, Lord Sankey refused to take the India Office and retained the Woolsack. Hailsham was offered the Leadership of the House of Lords in conjunction with a non-cabinet portfolio as War Secretary or Lord Privy Seal. But the former Lord Chancellor refused these offers as he believed, with some justification, that he should have been included in the cabinet on merit. He was 'very much hurt by the cavalier way in which SB dismissed his claim to office'.⁴⁴³ Baldwin 'did not push the matter' and it seems that he found it difficult to forgive and forget Hailsham's supposed

⁴³⁸ S. Ball, 'The Conservative Party and the Formation of the National Government, August 1931', *Historical Journal*, vol.29, no.1 (1986), pp.181; D. Wrench, "'Cashing in": The Parties and the National Government, August 1931-September 1932', *Journal of British Studies*, vol.23, no.2 (1984), pp.35-153. R. Bassett, *1931: Political Crisis* (Aldershot, 1958). Williamson's *National Crisis* confirms this interpretation.

⁴³⁹ Hailsham to Londonderry, 21 Aug. 1931.

⁴⁴⁰ *Amery Diaries* vol.2, 30 Aug. 1931, p.195.

⁴⁴¹ *Telegraph, Irish Times*, 25 Aug. 1931.

⁴⁴² Montgomery Hyde, *Baldwin*, p.338.

⁴⁴³ Austen Chamberlain Papers, AC 6/1/801, A. Chamberlain to Ivy, 24 Aug. 1931.

intrigues of six months earlier.⁴⁴⁴ Hailsham and Brentford both concluded ‘that S.B. is jealous and afraid of Douglas as a person who has been acclaimed as an alternative leader’.⁴⁴⁵

While there is general agreement that Hailsham was excluded because of his role in the passage of the Trade Disputes Act, other factors contributed to MacDonald’s objections.⁴⁴⁶ Hailsham’s leadership of the Opposition in the upper chamber, his anti-socialist rhetoric and his avid commitment to tariff reform provide additional justifications and help explain why MacDonald ‘personally detested Hailsham’.⁴⁴⁷ Nevertheless, Hailsham was ‘furious with Baldwin’ and ‘very sore at not having been asked to be Lord Chancellor’.⁴⁴⁸ When the Conservative business committee learned of the cabinet’s composition, Hailsham ‘at once showed that he was bitterly annoyed by the retention of Sankey on the Woolsack’.⁴⁴⁹ His anger was not just based on his personal exclusion from the cabinet. He informed Londonderry, who had accepted office outside the cabinet as First Commissioner of Works that ‘I don’t think our House ought to be led by someone outside the cabinet and I think I would be more useful as a platform speaker than as a caretaker’. The former Lord Chancellor hoped that ‘your official life will be short and merry and before many weeks are over I shall see you back in a Conservative Cabinet’. But he was aware that the Conservative ministers would have ‘a tough job to force dissolution’ as the Liberals ‘will seek any excuse to prolong your existence’ to delay an election and a Conservative victory at the polls.⁴⁵⁰

Hailsham, of course, was not the only notable absentee from the National administration. No Conservative peer was offered a cabinet position and no place was found

⁴⁴⁴ Thorpe, *British General Election of 1931*, p.97.

⁴⁴⁵ *Amery Diaries*, 30 Aug. 1931.

⁴⁴⁶ See, for example, V. Bogdanor, ‘1931 Revisited: The Constitutional Aspects’, *Twentieth Century British History*, vol.2, no.1 (1991), p.18; Middlemas and Barnes, *Baldwin*, p.631; Lewis, *Hailsham*, p.44.

⁴⁴⁷ MacDonald to Beauchamp, 15 May 1931, cited in Williamson, *National Crisis*, fn, p.352.

⁴⁴⁸ *Lockhart Diaries* vol.1, 21 Aug. 1931. p.183; *Amery Diaries*, 30 Aug. 1931, p.195.

⁴⁴⁹ Templewood Papers, vol.4, 1 (48) ‘The formation of the National Government’.

⁴⁵⁰ Londonderry, *Wings of Destiny*, p.45; Hailsham to Lady Milner, 29 Aug. 1931, cited in Williamson, *National Crisis*, p.359.

for former Conservative ministers such as Amery and Churchill. This seemed to confirm the temporary character of the government. One periodical recorded that, ‘miracles apart, it cannot last’. Without Hailsham, Irwin and Simon, ‘it cannot by any stretch of the imagination be described as “all the talents”’.⁴⁵¹ Cuthbert Headlam noted that the government ‘does not inspire me with much confidence... a good many people are out of it – Hailsham – for instance – who won’t be best pleased!’⁴⁵²

Such was Hailsham’s significance that opponents of the National Government were hoping to use him as a catalyst to break the coalition. The ultra-protectionist Beaverbrook was ‘very contemptuous’ about the presence of Hoare and Cunliffe-Lister in a cabinet from which Hailsham and Amery were excluded.⁴⁵³ With tariff reform absent from the government’s immediate agenda, the press baron ‘strongly urged [Amery] to work closely with Hailsham... to keep a positive campaign going and decide when the critical moment should come for putting an end to the coalition’.⁴⁵⁴ Amery was ‘glad [Hailsham] is outside and I can look to him as an ally in helping to bring the thing to a conclusion reasonably soon’.⁴⁵⁵

Yet Hailsham never considered acting without the consent of the party leadership. At Baldwin’s request he spoke at the Kingsway Hall on 27 August to Conservative MPs, peers, and candidates, allaying fears that he opposed the party’s place in the coalition. He endorsed the actions of the party leadership and his ‘cherubic speech’ was met with loud cheers.⁴⁵⁶ He assured the meeting that he ‘most heartily approved’ of the Conservative leadership’s decision to join the National Government. He moved the resolution because Baldwin feared ‘that some people might imagine that the reason why I was not in the cabinet was because I

⁴⁵¹ *Saturday Review*, 29 Aug. 1931.

⁴⁵² *Headlam Diaries*, 26 Aug. 1931, p.214.

⁴⁵³ AMEL 6/3/49/36, Amery to his wife, 1 Sept. 1931.

⁴⁵⁴ *Amery Diaries* vol.2, 31 Aug. 1931, p.196.

⁴⁵⁵ *Ibid.*, 30 Aug. 1931, p.195.

⁴⁵⁶ *Ibid.*, 28 Aug. 1931, pp.194-5.

was not in sympathy with the policy which the party was pursuing'. He insisted that the reason he was not included was quite simple – he was not asked.⁴⁵⁷ In what was by now a characteristic call for party unity he asked

every Conservative M.P. to attend unceasingly during the session and to record his vote on every measure which the Government brings forward... It would be a tragedy, perhaps an irretrievable disaster, if this Government were defeated in the economy measures.

But he only favoured the government's continuation during the period necessary to safeguard sterling and he informed the meeting that he expected that an election would be held within two months.⁴⁵⁸

This sentiment was clear on 2 September when he became the first Conservative to call publicly for a general election. The National Government, he said, had been 'formed for one purpose, and one purpose only, to balance the budget'. It was 'absolutely essential to finish the task quickly... and to have an immediate dissolution'. Economies alone, he felt, would not correct Britain's balance of trade:

So long as the National Government lasts the Conservative Party cannot proceed with their constructive programme of tariffs and imperial development, for no one would be so foolish as to believe that the Liberals would agree to such a programme.⁴⁵⁹

Significantly, Hailsham had warned the leadership that although 'the party had responded positively to the call of patriotic self-abnegation, its patience was limited'.⁴⁶⁰ The same day

⁴⁵⁷ *Daily Telegraph*, 26 Aug. 1931.

⁴⁵⁸ *Manchester Guardian*, 29 Aug. 1931.

⁴⁵⁹ *Daily Express*, 3 Sept. 1931.

⁴⁶⁰ N. Smart, *The National Government 1931-40* (Basingstoke, 1999), p.14.

he told Amery that he hoped ‘that the leaders in the cabinet will realise... the vital necessity of going to the country at once’.⁴⁶¹

Hailsham’s call for an election has led one historian to claim that he was ‘hovering threateningly’ and that he ‘remained a potential source of trouble until mid-September when by going on holiday at a time of national crisis, he dented his image’.⁴⁶² With Beaverbrook returning from Canada aiming ‘to spike Baldwin’s guns with Hailsham’,⁴⁶³ ‘the possibility of a Hailsham-Amery-Beaverbrook alliance emphasised the need for extreme care’.⁴⁶⁴ Yet suspicions that Hailsham planned to deliver a fatal blow to Baldwin are unfounded, particularly granted his past dismissal of co-operation with the press barons and considering that he left the country for a month-long holiday in Cortina. After being enlisted to represent the Conservative party at the Indian Round Table Conference, Hailsham wanted to gather his strength ‘before this wretched Indian Congress begins next month’ and return ahead of the dissolution.⁴⁶⁵ Up to this point, his speeches were in step with party opinion and he accepted the National Government as a short-term expedient to avoid financial catastrophe. He also appreciated that the coalition served to prevent the Conservatives from being single-handedly lumbered with implementing unpopular economies. Events, however, soon transformed the former Lord Chancellor’s attitude to the coalition and cut short his holiday.

Believing that the worst of the crisis was over, Hailsham departed for the continent in the first week of September and parliament passed the Economy Bill on 8 September. But, against Hailsham’s expectations, the government’s economy measures failed to instil international confidence in sterling and the cabinet was forced to abandon the Gold Standard and parity with the dollar on 19 September. This fresh crisis prompted Hailsham’s hurried

⁴⁶¹ AMEL 2/1/20, Hailsham to Amery, 2 Sept. 1931.

⁴⁶² Thorpe, *General Election of 1931*, p.97. See also D. Marquand, ‘1924-32’, Butler (ed), *Coalitions in British Politics* (London, 1978), pp.65-66.

⁴⁶³ *Lockhart Diary* vol.1, 1 Sept. 1931, p.182.

⁴⁶⁴ Williamson, *National Crisis*, pp.359-60.

⁴⁶⁵ Hailsham to Londonderry, 21 Aug. 1931.

return to London to take his place in the Lords to debate the suspension of the Gold Standard on 21 September.

The departure from gold, described by one historian as ‘a watershed for the world’,⁴⁶⁶ helped prolong the existence of the National Government. A coalition made up of leaders from across the political spectrum, determined to put the parity of sterling first, was seen as the best route to stability. The ‘City’ and leading politicians alike understood that a break-up of the National Government could have disastrous effects. Hailsham did not depart from this conclusion. It was understood that the stabilisation of the currency could take months, perhaps years, and an election under a ‘National’ banner was now all but inevitable.⁴⁶⁷ The main argument against an early election – that it would threaten sterling’s position on the Gold Standard – was no longer applicable. The best means to foster international confidence was a stable majority government.

Although Hailsham confessed that he had expected that the formation of the National Government would have been enough to inspire the necessary confidence and keep Britain on the Gold Standard, he accepted that the government’s action was unavoidable. Recognising that an election could not be long averted and acknowledging the growing enthusiasm for protectionist legislation, he highlighted another pressing economic problem facing Britain. He claimed that it was ‘a matter of extreme urgency’ that the country’s

export trade shall increase, that our imports of... articles which need not be imported, should be reduced and that the trade balance of this country should be restored to that level upon which our prosperity in the past has been built up and our existence in the future must necessarily depend.⁴⁶⁸

⁴⁶⁶ Marquand, *MacDonald*, p.660.

⁴⁶⁷ Wrench, ‘Cashing in?’, p.143.

⁴⁶⁸ H of L Debs, vol.82, cols 113-7.

But notwithstanding general Conservative confidence that they would win their long-awaited mandate for tariff reform and Hailsham's earlier bullishness, he quickly became 'rather timid' about the Conservatives standing without their coalition partners.⁴⁶⁹ With more than party interests now at stake, he was not alone in this conversion. Despite seemingly irreconcilable differences between Liberal free-traders and Conservative protectionists, a single-party appeal seemed inadvisable when the bankers warned that such a step could shatter international confidence. These concerns led to the agreement of the 'Doctor's Mandate' amongst the party groups within the government. This meant that, with avid free traders and protectionists campaigning under the same label despite recommending markedly different solutions to repair Britain's trade deficit, the National Government went to the country without a coherent policy.

After the appeal to the country was announced, Hailsham and Amery demanded that the Conservatives should adopt a 'full hundred per cent tariff policy'. This set the tone for Hailsham's approach throughout the campaign.⁴⁷⁰ In one address he asserted 'I stand here quite unrepentantly as a Conservative and claim that the one positive policy... [is] the imposition... of such a tariff as will adequately protect our trade and industry.'⁴⁷¹ Although he supported a combined appeal to block Labour's return to power, this did not involve dropping tariff reform. He knew that if the Conservatives were returned to Westminster in large numbers, the chances of enacting protectionism would increase. Hailsham continued to regard protectionism as a constructive example of state intervention.

As in 1929, Hailsham chaired the Conservative EBC that concentrated on issues confronting Conservative candidates.⁴⁷² He also played an active role during the campaign

⁴⁶⁹ *Amery Diaries* vol.2, 28 Sept. 1931, p.205.

⁴⁷⁰ Jones, *Diary with Letters*, 6 Oct. 1931, p.14; *Daily Express*, 17 Oct. 1931.

⁴⁷¹ *Manchester Guardian*, 7 Oct. 1931.

⁴⁷² Ramsden, *Conservative Party Policy*, p.59.

and detected a change in atmosphere in the country. There were, he noted, 'quite a lot of socialists present who came to listen and not interrupt'. His meetings had been 'packed to the doors... orderly and enthusiastic at the end'.⁴⁷³ Yet despite this favourable impression, he could not have predicted the scale of the victory. The election was a supreme endorsement of the National Government and the Conservatives recorded an unprecedented 55 per cent share of the vote, returning 470 MPs. With the support of the Samuelite Liberals, the Simonite Liberals and Ramsay MacDonald's National Labour contingent, the government commanded a majority of over 500. The Labour party's parliamentary representation was reduced to a rump of 46 seats. The joint electoral appeal had clearly been important and this was not lost on Hailsham. As he wrote to John Simon:

Now that the battle in the constituencies is fought and won, may I just send one line of congratulations on the part you have played[?] Your letters were read with great success on more than one platform... I am sure that the lead you gave had a great share in the victory. I hope to see your name... in the reconstructed cabinet.⁴⁷⁴

In an enlarged cabinet numbering twenty Simon became Foreign Secretary, MacDonald continued as Prime Minister and the Conservatives were given eleven cabinet places. While this did not reflect their parliamentary representation, the party had a majority in the cabinet and Neville Chamberlain occupied the single most important department when he replaced Snowden as Chancellor. Baldwin continued as Lord President of the Council, in effect deputy Prime Minister, and Hailsham became Secretary of State for War and Leader of the House of Lords. The Earl of Radnor was sure that the leadership of the upper chamber 'could not be in

⁴⁷³ BBK C/150, Hailsham to Beaverbrook, 9 Oct. 1931.

⁴⁷⁴ Bodleian Library, Simon Papers, 69/20, Hailsham to Simon, 29 Oct. 1931.

better hands'. Hailsham felt 'real pride' in his appointment, remembering the esteemed statesmen who had occupied the position before him.⁴⁷⁵

While Hailsham was relieved at the government's success, not all Conservatives were enthusiastic about the new arrangement. Amery, not invited to join the new administration, was concerned about the prospects for protectionist legislation. He lamented that

the Unionists who have been put in are mostly quite hopelessly ineffective for Cabinet purposes. The only exception is Douglas who has been given the War Office and who rang me up this morning to say how vexed he was about me [being left out] and how little he relished the prospect of himself joining such a crowd. His view was that our Party's case had been singularly badly handled by S.B.⁴⁷⁶

Nevertheless, by accepting office Hailsham had resolved to make the arrangement a success. His message was very different from that issued at the Kingsway Hall three months earlier. Referring to Disraeli's celebrated aphorism, he explained to the Lords his rationale for supporting the multi-party solution:

It is true that this country does not like coalitions... [B]ut there are occasions in our national life, occasions of national peril so imminent and so overpowering, when the only way in which we could hope to meet and overcome them is by the union of all sections of the nation in the face of common danger. We believe, and the nation agrees, that the present situation is one of those instances, and we intend that the confidence which the nation has given us shall not be abused.⁴⁷⁷

He called for co-operation between all component parts of the government. With fundamental fiscal policies undecided he publicly claimed that if his new colleagues were

⁴⁷⁵ H of L Debs, vol.83, cols 8; 23.

⁴⁷⁶ *Amery Diaries* vol.2, 6 Nov. 1931, p.219.

⁴⁷⁷ H of L Debs, vol.83, col.27.

brave enough to put aside out-worn shibboleths of party creeds, if they are determined to face facts not from the point of view of whether this party theory will be disproved or that fiscal doctrine exploded, but from the single point of view whether or not the national good demands it, then I think our hopes may be realised... I believe a solution can be found if [it]... is sought for in the right spirit and with an unprejudiced mind.⁴⁷⁸

Notwithstanding almost a decade of attacking MacDonald, he quickly came to admire the Prime Minister for having, in Hailsham's eyes, acted in the national interest. During the Christmas recess he told his former opponent:

I hope you are getting the rest you must have if you are to carry us through the manifold problems of the coming year and that when next Xmas comes, you will still be Prime Minister of a National Government, able to look back with pride on a year of national and imperial achievement for the people's good.⁴⁷⁹

Hailsham's conversion from an avid anti-coalitionist to the man who crafted an unlikely solution to prolong the government's existence was underway. In typically pragmatic fashion, he had accepted the moderated or watered-down Conservatism that would inevitably result from coalition politics and that would weaken the influence of the Tory right.⁴⁸⁰

After the governmental appointments were finalised, *Hailsham moved* the Abnormal Importations Bill in the Lords which passed through both houses on 20 November 1931. This allowed the government to impose duties of up to 100% *ad valorem* on foreign goods which entered Britain for the next six months. He told the Lords that the government had not committed itself to a concrete policy in relation to the balance of trade, but reminded them that if the Conservatives had been elected alone, protectionism would have been among the

⁴⁷⁸ *Daily Express*, 7 Nov. 1931.

⁴⁷⁹ TNA, Ramsay MacDonald Papers, PRO 30/69/1441/399, Hailsham to MacDonald, 27 Dec. 1931.

⁴⁸⁰ Smart, *National Government*, p.10.

first measures implemented.⁴⁸¹ Although he was now part of a ‘National’ coalition government, he anticipated that the bill would ‘be replaced by a more permanent structure’ which would embrace agriculture and other industries.⁴⁸² The War Secretary, therefore, had revealed his expectation that the government would formulate tariff proposals embracing a tax on foreign foodstuffs. While this did not assuage the concerns of the government’s free trade supporters, it reflected Hailsham’s conviction that tariffs were part of the solution to Britain’s imbalance of trade. He wanted to maintain the ‘National’ image of the government, but he did not necessarily think this prevented the implementation of a protectionist policy.

The fiscal differences within the cabinet were initially hidden by the immediate need for economy, but as soon as definite proposals were considered cracks appeared. A cabinet committee on the balance of trade containing representatives from all the government’s component parts was appointed in December. Following a number of difficult meetings, Snowden, MacDonald’s National Labour colleague, spoke for all the government’s free traders when he told the Prime Minister that he could not continue ‘sacrificing beliefs and principles bit by bit until there was none left’.⁴⁸³ The committee reported in January 1932 in favour of introducing tariffs. Of the non-Conservative ministers MacDonald, Runciman, Simon, Sankey and Thomas accepted the committee’s majority report as a pragmatic attempt to correct Britain’s imbalance of trade.⁴⁸⁴ Samuel’s Liberals and Snowden, however, refused to acknowledge its necessity. Samuel, the Home Secretary, Archibald Sinclair, Secretary of State for Scotland, Donald Maclean, President of the Board of Education and Snowden, the

⁴⁸¹ H of L Debs, vol.83, col.71.

⁴⁸² Ibid., col.77.

⁴⁸³ Viscount Snowden, *Autobiography* vol.2, (London, 1934), p.1007.

⁴⁸⁴ For Runciman’s acceptance see: D.J. Wrench, “‘Very Peculiar Circumstances’: Walter Runciman and the Formation of the National Government’, *Twentieth Century British History*, vol.11, no.1 (2000), p.73.

Lord Privy Seal, all prepared to resign.⁴⁸⁵ When the proposals came before the cabinet on 21 January, agreement seemed impossible. As Samuel recorded:

We sat morning and afternoon... and Snowden, Donald Maclean, Archie Sinclair and I intimated that we should be compelled to withdraw from the government if the proposals of the report were adopted. The Prime Minister then said “But you are not going to be allowed to withdraw from the National Government like that”, and that it would be better to take our decision that evening.

At a meeting at Snowden’s flat that night MacDonald implored the dissidents not to resign. But neither the Prime Minister’s predicament of being left in a reconstructed and Conservative-dominated cabinet, nor the damaging effects their departure might have on the exchange rate, was enough to persuade the free trade ministers to change their minds. MacDonald suggested that the dissidents should remain in the government but abstain from voting on the Import Duties Bill. ‘This’, Samuel noted, ‘we all agreed was impracticable’. The dissidents decide to resign and publish a joint statement.⁴⁸⁶

The free traders thus entered the next day’s cabinet meeting expecting to resign.⁴⁸⁷ MacDonald said that ‘all present would have to face what would be the result of a break-up of the National Government’. Baldwin added that, although he had ‘never pretended to like coalitions’, he believed ‘the National Government to be a National necessity... He would regret its collapse as keenly as a Conservative government.’⁴⁸⁸ Thomas and Sankey made similar statements. Nevertheless, ‘there seemed nothing to do except say “goodbye”’.⁴⁸⁹ Suddenly, however, Hailsham intervened. He suggested a scheme which would allow the

⁴⁸⁵ Samuel Papers, SAM A 87/7, ‘The Course of Political Events, 19-25 January 1932’.

⁴⁸⁶ Ibid.

⁴⁸⁷ Snowden, *Autobiography* vol.2, p.1010.

⁴⁸⁸ CAB 23/70, 21 Jan. 1932.

⁴⁸⁹ Chamberlain memorandum, 30 Jan. 1932, cited in Self, *Tories and Tariffs*, p.686.

protesting ministers to remain in the cabinet, but have the liberty to speak and vote against the government's bill.

Hailsham, like Baldwin, was no admirer of coalitions but he was 'impressed by the large measure of agreement that had been reached by the National Cabinet under the Prime Minister's Chairmanship'. He suggested that, in the extraordinary circumstances of the day, some relaxation could be made in the normal rule of collective responsibility. He proposed that

those who did not find it possible to reconcile their lifelong convictions with the recommendations... should be free to state that they did not agree... and even to vote against it in Parliament... [T]he Tariff issue did not overlap other questions so much that disagreement on this one point must force some of the members of the Cabinet to withdraw their help... That Government having, by its formation, provided one new precedent, need not be afraid of creating a second.

Maclean immediately expressed enthusiasm and MacDonald did not rule out the suggestion. Simon read a statement pleading for unity and stressing that the tariff was 'not the basis upon which we stand'. The cabinet then adjourned to consider Hailsham's plan.⁴⁹⁰ After only 15 minutes in an adjoining room, the free traders accepted the expedient.

The press communiqué stated that 'The Cabinet, being essentially united on all other matters of policy, believes that by this special provision it is best interpreting the will of the nation and the needs of the time.'⁴⁹¹ The free-trade dissidents were granted the freedom to speak and vote against protectionist proposals and whips were not to be applied in parliament, thus extending this freedom to MPs supporting the government. Although the dissident ministers were not permitted to campaign against the legislation and would vote

⁴⁹⁰ *NCDL* vol.3, Chamberlain to Ida, 23 Jan. 1932, p.304; CAB 23/70, 22 Jan. 1932.

⁴⁹¹ *The Times*, 23 Feb. 1932.

with the government on a motion of censure, the Liberal party could run free trade candidates at by-elections if they supported the government's wider programme.⁴⁹² The free trade ministers and their followers did speak and vote against the Import Duties Bill in February 1932, but the enormous Conservative majority ensured its safe Commons passage.

While similar solutions had been considered by MacDonald and Chamberlain, the 'Agreement to Differ' was Hailsham's achievement. MacDonald's claim that he had already suggested this expedient is misleading.⁴⁹³ Hailsham's solution differed from the Prime Minister's suggestion as the free traders were given the latitude to speak and vote against the proposals rather than silently abstain. Similarly, while Chamberlain has been credited with inventing the solution,⁴⁹⁴ his own record of events suggests that this was not the case. He had 'not thought it possible for members of the House of Commons to take such a course though I had contemplated that Snowden might do it. However to my astonishment McLean [sic] at once said that such a proposal merited careful consideration.'⁴⁹⁵ It has also been suggested that Hailsham, as 'one of the most aggressively protectionist ministers', was delegated by leading Conservatives to suggest the plan to emphasise their sincerity.⁴⁹⁶ But Chamberlain's belief that this solution was not possible and his surprise that the scheme was considered imply that Hailsham's intervention was not stage-managed. As Austen Chamberlain noted,

I gathered from Hailsham that... the solution was actually proposed by H. himself. That it should originate with him must... have surprised all his colleagues as it certainly surprised me.⁴⁹⁷

⁴⁹² D.J. Wrench, "'The Needs of the Time': The National Government and the 'Agreement to Differ', 1932", *Parliamentary History*, vol.23, no.2 (2004), p.257.

⁴⁹³ MacDonald Diary, 22 Jan. 1932, cited in Marquand, *MacDonald*, p.713.

⁴⁹⁴ D. Southgate, 'Baldwin 1923-32', Southgate (ed.), *The Conservative Leadership 1832-1932* (London, 1974), p.245; Wrench, 'Needs of the Time', p.256.

⁴⁹⁵ *NCDL*, Chamberlain to Ida, 23 Jan. 1932, p.304.

⁴⁹⁶ Marquand, *MacDonald*, p.713.

⁴⁹⁷ Austen Chamberlain Papers, AC 5/1/571, Chamberlain to Hilda, 24 Jan. 1932.

Once again, Hailsham's pragmatism had clearly shown that he was not a right-wing reactionary stuck in a diehard caste.

The evening after Hailsham's solution was endorsed, he shared a platform with Austen Chamberlain in Birmingham. Hailsham admitted that the former Conservative leader 'believes in coalition more than I do', but he made it clear that circumstances justified the 'Agreement to Differ'. The curse of coalition, he felt, was 'to do nothing unless everyone agrees', but Britain's economic situation 'was threatening the very existence of our people'. It was,

imperative that we shall... maintain a common front... I believe so far from weakening our position, nothing will so strengthen the weight of our influence abroad as the knowledge of the fact that even these fiscal differences... are not of avail to shake the solidarity of the British cabinet.

Chamberlain concurred. It would have been calamitous if 'national unity... had been broken at this hour'.⁴⁹⁸

The 'Agreement to Differ' contradicted Lord Melbourne's dictum that cabinet ministers must all say the same thing in public regardless of private disagreements. This was bound to incur condemnation. MacDonald expected that 'the usual pundits will declare that it is violating [the] constitution'.⁴⁹⁹ While the Conservative reception of the measure was generally favourable, those who anticipated a return to office if the free traders withdrew berated the solution. Amery expected that 'the whole world would rock with laughter at the fatuity of this proposal'.⁵⁰⁰ Historians have also viewed the agreement unsympathetically.⁵⁰¹

⁴⁹⁸ *Irish Times*; *Manchester Guardian*, 23 Jan. 1932.

⁴⁹⁹ MacDonald Diary, 22 Jan. 1932.

⁵⁰⁰ *Amery Diaries*, p.227, 22 Jan. 1932.

⁵⁰¹ Taylor, *English History*, p.330; Wrench, 'Needs of the Time', pp.249-250.

But criticism of Hailsham's scheme fails to take into account the contemporary fear that resignations would shatter international confidence in sterling, particularly as MacDonald's National Labour group might well have followed the free traders out of office. It was for this reason that contemporary reactions to the expedient were, on the whole, supportive. *The Times* noted that 'an overwhelming popular majority has decreed departure from the party system for the very reason that circumstances are not normal'.⁵⁰² Neville Chamberlain was 'well satisfied' with the arrangement.⁵⁰³ Hoare admitted that 'I do not like the arrangement, but I think that on the whole the alternatives were more objectionable'.⁵⁰⁴ Even some 'whole hog' protectionists endorsed the agreement.⁵⁰⁵ Lord Cushendun, a former Conservative minister, described it as 'common sense',⁵⁰⁶ a relieved Sankey was sure that it was 'The best for England',⁵⁰⁷ and leading Liberals also supported the arrangement.⁵⁰⁸ After MacDonald had informed George V of the dramatic events at the cabinet meeting, the King, with 'great relief', thanked the Prime Minister for

staving off what might have been a national crisis... [T]he greatest credit is due to you and Lord Hailsham for your patience and wisdom in formulating conditions which in the end proved acceptable to the dissidents.

He believed that the government had followed the 'only possible course to maintain a united front' and he shared the cabinet's fear of the potentially disastrous effects of resignations.⁵⁰⁹

Hailsham justified the innovation to the Lords on 10 *February* as 'an exception to a very

⁵⁰² *The Times*, 23 Jan. 1932. See also *Daily Mirror*, 26 Jan. 1932.

⁵⁰³ NCDL vol.3, Chamberlain to Ida, 23 Jan. 1932, p.304.

⁵⁰⁴ BL, Hoare India Office Papers, Eur.E.240/1, Hoare to Willingdon, 28 Jan. 1932.

⁵⁰⁵ Self, *Tories and Tariffs*, p.688.

⁵⁰⁶ *The Times*, 26 Jan. 1932.

⁵⁰⁷ Bodleian Library, Sankey Papers, Diary, MSS Eng.Hist, e.286, 22 Jan .1932.

⁵⁰⁸ See C. Cooper, "'The Best for England'? Liberals, Coalitions and the Right to Dissent: the "Agreement to Differ" Revisited', *Journal of Liberal History* (2013).

⁵⁰⁹ George V to MacDonald, 23 Jan. 1932, Royal Archives, K.2340, 3-K, cited in Nicolson, *King George V*, p497.

sound constitutional principle which can only be justified by exceptional circumstances'. The only alternative was the disintegration of the government.⁵¹⁰

The long-term success of the 'Agreement to Differ' depended, as Hoare noted, 'upon the spirit with which it is worked'.⁵¹¹ Hailsham 'hope[d] and believe[d] that it will be worked on both sides in such a spirit as will make it a success'.⁵¹² The conduct of the free traders in parliament, however, disappointed this expectation. Once Samuel attacked the Import Duties Bill 'root and branch' on 4 February, the 'Agreement to Differ' began to look absurd.⁵¹³ Churchill initially welcomed the device but, after seeing it in practice, he told the Commons that 'I never imagined then that we were to be confronted repeatedly with... the indecent, and even scandalous, spectacle of Ministers wrangling upon the Treasury Bench'.⁵¹⁴

Yet critics of the expedient perhaps forgot its limited purpose. Although Baldwin hoped that a 'centre' party might be created once protectionism was established,⁵¹⁵ this was never Hailsham's intention. The creator of the 'Agreement to Differ' had far less ambitious plans. His formula acknowledged stark differences amongst the cabinet whilst rendering the free traders' opposition to protectionism ineffectual.⁵¹⁶ This was a deliberate intention. He aimed to keep the cabinet united until a system of imperial preference was established at the Imperial Conference at Ottawa. An exasperated Amery wrote, 'Douglas confessed that the compromise was his suggestion and thought it necessary for the sake of the foreign situation and to keep the Liberals in till after Ottawa!'⁵¹⁷ Hailsham, a convinced tariff reformer, had created 'the political basis upon which the National Government's protectionist regime was

⁵¹⁰ H of L Debs, vol.83, cols 552; 555-6.

⁵¹¹ Hoare to Willingdon, 28 Jan. 1932.

⁵¹² H of L Debs, vol.83, cols 555-556.

⁵¹³ *Headlam Diaries*, 4 Feb. 1932, p.230.

⁵¹⁴ H of C Debs, vol.261, cols 550-551.

⁵¹⁵ Jones, *Diary with Letters*, 28 Jan. 1932, pp.25-6

⁵¹⁶ Self, *Tories and Tariffs*, p.699.

⁵¹⁷ *Amery Diaries* vol.2, 26 Jan. 1932, p.228,

launched'.⁵¹⁸ Protectionism was enacted, the Liberals were split at their latest fault line and the cabinet faced the uncertainty of a floating pound without a single resignation.⁵¹⁹ This was a real coup for the Conservative party.

As Hailsham had anticipated, the political consequences of the Ottawa Conference were significant. When the agreements were set to be ratified in September 1932, the Liberal ministers found the agreements unacceptable.⁵²⁰ Nevertheless, the majority of the government were willing to implement the agreements. The dissenting ministers preferred not to apply the 'Agreement to Differ', Hailsham did not repeat his call for unity and the free traders resigned from the government. The War Secretary saw the ministerial resignations as an acceptable price to pay.⁵²¹ Importantly, and unlike the situation early in 1932, with the National Government firmly established and the Ottawa Agreements in place, the resignation of Samuel, Sinclair, Snowden and a number of junior ministers did not affect sterling. In his resignation letter, Snowden alluded to the changed situation:

The circumstances then [January] were different from what they are today [September]. The budget had been balanced on paper, but it remained to be seen what the actual result would be at the end of the financial year... The position of sterling was at that time uncertain. Neither of these reasons for maintaining the compromise of last January any longer exists.⁵²²

Notwithstanding these resignations, MacDonald and the other non-Conservative members of the government remained. The 'national' character of the ministry was preserved by the appointment of additional Simonite Liberals.

⁵¹⁸ Smart, *National Government*, p.46.

⁵¹⁹ Wrench, 'Needs of the Time', pp.261-2; 264.

⁵²⁰ CAB 24/233, Samuel to MacDonald, 16 Sept. 1932. For Hailsham's dismissal of Samuel's claim that the agreements were 'unconstitutional' see PREM 1/120, Hailsham to MacDonald, 23 Sept. 1932.

⁵²¹ Self, *Neville Chamberlain*, p.174.

⁵²² Snowden to MacDonald, 28 Sept. 1932, *Manchester Guardian*, 29 Sept. 1932.

Owing his initial political career to the collapse of the Lloyd George coalition, Hailsham, a man who inherently disliked this form of government, had now formulated a proposal that prolonged the existence of the National Government. Although this resulted in a moderated tariff policy, Hailsham was willing to defend this. He regarded the Conservatives as a national party governing in the national interest. The fear of financial collapse and the unrestrained socialism of the Opposition overcame Hailsham's loathing of coalition. The government was very unlike Lloyd George's administration and Conservative anti-coalitionists were able to participate 'without seeing this as inconsistent or hypocritical'.⁵²³ Remembering MacDonald's personal contribution to unity in 1931, Hailsham continued to value the former Labour leader's presence in the coalition. When the by then former Prime Minister lost his Seaham seat in 1935, Hailsham

hope[d] within the next few weeks to see you once more in the House to defend the National cause and to strengthen the front bench. I shall not forget my 4 years of service under your leadership, and I hope I may remain your colleague for a long time to come.⁵²⁴

Hailsham's role in the National administration again highlighted the differences between him and less pragmatic Conservatives.

Full Circle

As the 1930s progressed, Hailsham's career became increasingly concerned with overseas and defence matters. But, when given the opportunity to influence domestic policy, he displayed the same multifaceted traits that were apparent earlier in his career. His brand of Conservatism was remarkably consistent. Progressive instincts continued to combine with strident anti-socialism and a determination to uphold Britain's constitution. Hailsham

⁵²³ Ball, 'Legacy of Coalition', p.78.

⁵²⁴ MacDonald Papers, PRO 30/69/758/405, Hailsham to MacDonald, Christmas 1935.

remained willing to accept state intervention to alleviate unemployment and improve the condition of the people in situations when capitalism had failed. His long-held constitutionalism and anti-socialism were reflected in his support for constitutional reform designed to reinforce the House of Lords.

Lords reform had been on the Conservative agenda ever since the Parliament Act of 1911 reduced that chamber's powers. After the extension of the franchise in 1918, Bonar Law had promised to restore the chamber's authority and various private members' bills drew attention to the subject during the 1920s.⁵²⁵ Although enthusiasm for reform in the Conservative ranks was not lacking, 'no one', as Bridgeman noted, 'could ever agree on the best kind of Reform'.⁵²⁶ With the array of cross-party opinion embraced within the National Government, the cabinet was predictably divided.

Hailsham's involvement in this question began shortly after his own elevation to the upper chamber when Lord Clarendon presented a reform bill in December 1928. Although reform was avoided, Hailsham and Salisbury were disappointed that Baldwin's administration failed to grapple with the issue.⁵²⁷ Before the General Election in 1929, Hailsham, as chairman of the EBC, even vetoed the subject from the Prime Minister's election address. He judged that the suggested 'very weak' statement 'would be much better omitted especially in the interests of those in favour of Reform'.⁵²⁸

This, however, did not detract from Hailsham's belief that second chamber reform was desirable. When the Conservatives were out of power, he supported the suggestion of Neville Chamberlain, then Party Chairman, that a party committee should investigate the

⁵²⁵ M. Pugh, *Electoral Reform in War and Peace* (London, 1978), p.157.

⁵²⁶ *Bridgeman Diaries*, Oct. 1933, p.256.

⁵²⁷ CAB 23/59, 5 Dec. 1928; Baldwin Papers, vol.5, Salisbury to Baldwin, 16 Dec. 1928.

⁵²⁸ CAB 24/203, Hailsham, 'Prime Minister's Election Address', 7 May 1929.

question.⁵²⁹ In December 1930, Chamberlain, aware of his colleague's support for constitutional reform, hoped to persuade Hailsham to chair the committee. Although flattered that the Party Chairman regarded him as 'the best man for the job', Hailsham turned down the offer. After he was compelled to stand in for Salisbury, the indisposed Conservative Leader in the Lords, 'the job is one I would gladly be spared'.⁵³⁰ Nevertheless, Hailsham's support for reform remained. On returning to office in November 1931, he sensed that the National Government might be the vehicle for Lords reform, telling the Bonar Law memorial college 'that a strong second chamber was a necessity and that reform was a task only to be carried out by a national government'.⁵³¹ Yet, it was unlikely that the chamber's powers would be strengthened. As Chamberlain noted, it was 'just possible that the National Government might secure the Reform of the House of Lords, if its powers are left as they are'.⁵³²

This situation, however, changed in October 1933 when Stafford Cripps, the former Solicitor-General, told the Labour party conference that the next Labour government should, if necessary, abolish the House of Lords, pass an emergency powers bill and streamline the Commons' procedure to assist Britain's transition to socialism.⁵³³ This merely confirmed the suspicions of many advocates of reform. Conservative ministers now believed that the issue had 'become more urgent'.⁵³⁴ In the following days several resolutions to safeguard and strengthen the second chamber were introduced at the Conservative party conference.⁵³⁵ Bridgeman was 'delighted' that Baldwin, Hailsham and Cunliffe-Lister all favoured reform.

⁵²⁹ CPA, CRD 1/35/2, Chamberlain to Hailsham, 8 July 1930.

⁵³⁰ Ibid., Chamberlain to Hailsham, 16 Dec. 1930; Hailsham to Chamberlain 27 Feb. 1931. See Hailsham to Chamberlain, 4 Feb. 1931.

⁵³¹ *The Times*, 23 Nov. 1931.

⁵³² CRD 1/35/2, Chamberlain to Joseph Ball, 11 Nov. 1932.

⁵³³ *The Times*, 2-3 Oct 1933; W. Frame, "'Sir Stafford Cripps and His Friends': The Socialist League, the National Government and the Reform of the House of Lords 1931-1935", *Parliamentary History*, vol.24, no.3 (2005), pp.318-9. Cripps repeated this theme, see: *The Times*, 8 Jan. 1934.

⁵³⁴ Baldwin Papers, vol.59, Salisbury to Baldwin, 23 Oct. 1933.

⁵³⁵ Frame, 'Conservative Party and Domestic Reconstruction', p.77.

They agreed that ‘not only reform of its composition, but addition to the powers of the H. of L. were desirable & should be carried out during the 1934 session’. Although Bridgeman was unsure whether MacDonald would ‘take up the challenge’, the three Conservative ministers ‘thought there was a chance of persuading him to do it’.⁵³⁶ Chamberlain recorded ‘a good talk with Hailsham... and I am glad to say that we found ourselves in substantial agreement on all major points’. The Chancellor had now come around to Hailsham’s line:

the matter has taken on a new aspect, in consequence of Cripps’ public warning of what he intends to do if he gets his chance, his statements have made possible the strengthening of the power which previously I thought we could not contemplate.⁵³⁷

Although the Prime Minister was ‘terribly nervous about it’, he did not object on principle and Chamberlain entertained ‘good hopes that in spite of many difficulties, we may get something done’.⁵³⁸

Following Cripps’ threats and amid mounting restlessness amongst backbench Conservatives,⁵³⁹ the National Government established a ‘Cabinet Political Committee’ [CPC] in November to examine the issue.⁵⁴⁰ Chaired by MacDonald, it included the peers, Hailsham, Londonderry and Sankey, and MPs, Baldwin, Chamberlain, Ormsby-Gore, Simon, Runciman and Thomas.⁵⁴¹ Yet, before the committee had met, Salisbury presented a private member’s bill to the Lords in December.⁵⁴² The bill envisaged a reduced number of peers, and a more powerful chamber that could resist Commons’ legislation, consisting of a continuing hereditary element and an elected component.⁵⁴³

⁵³⁶ *Bridgeman Diaries*, Oct. 1933, p.256.

⁵³⁷ CRD 1/35/2, Chamberlain to Ball, 31 Oct. 1933.

⁵³⁸ *NCDL*, vol.4, Chamberlain to Hilda, 3 Feb. 1934, p.54.

⁵³⁹ Ramsden, *Conservative Party Policy*, p.76.

⁵⁴⁰ CAB 23/77, 2 Nov. 1933.

⁵⁴¹ CAB 27/562, ‘Cabinet Political Committee’, 29 Jan. 1934.

⁵⁴² Cowling, *Impact of Hitler*, p.49.

⁵⁴³ Ramsden, *Conservative Party Policy*, p.76. For the committee report see CRD 1/35/4, July 1931.

With no government policy in place, Hailsham found himself ‘in an intolerable position’.⁵⁴⁴ The Leader of the Lords believed that Salisbury’s bill should not be rejected on its first reading ‘unless there is anything inherently indecent’ in it. He intended to vote for a second reading without committing himself to any of its principles.⁵⁴⁵ During the debate, however, Hailsham learned that Earl De La Warr, a National Labour junior minister, intended to vote against the bill. He immediately consulted Sankey, the National Labour Lord Chancellor, who said that he would do the same. Their votes were ‘the result of a remark made by the P.M. at a National Labour Dinner to the effect that it would “ease his position” if his Labour colleagues voted against the Bill’.⁵⁴⁶ Although Hailsham had already committed himself to vote in favour, efforts were made to get all other ministers to abstain. The National Labour peers, however, refused and voted against the bill.

This lack of unity caused some acrimony and Hailsham and De La Warr were seen in ‘heated conversation’ after the division.⁵⁴⁷ Sankey complained that: ‘We had a very difficult time with [Hailsham] when De La Warr and I voted against the first reading of Salisbury’s Bill.’⁵⁴⁸ So frustrated was the War Secretary that he offered MacDonald his resignation. The Prime Minister, however, threatened that if Hailsham resigned, he would go too. Although Hailsham remained in office over the Christmas recess, he planned to resign if nothing was done.⁵⁴⁹

After reassurances from MacDonald, Hailsham accepted that what had happened in the Lords resulted from a misunderstanding. But, with Salisbury’s bill set for its second reading, the War Secretary realised that

⁵⁴⁴ Chamberlain Diary, NC 2/23, 22 Jan. 1934.

⁵⁴⁵ *Daily Express*, 20 Dec. 1933. The difficulty for Conservative ministers was that Salisbury’s bill was based upon the report of the Conservative committee that Lord Linlithgow eventually chaired.

⁵⁴⁶ Chamberlain Diary, NC 2/23, 22 Jan. 1934.

⁵⁴⁷ *Daily Express*, 20 Dec. 1933.

⁵⁴⁸ Sankey Diary, Eng.Hist e.287, summary of 1933.

⁵⁴⁹ Chamberlain Diary, NC 2/23, 22 Jan. 1934.

It may well be that the government's attitude will either be one which I could not adopt, or one which your National Labour Peers would not accept... I only want to do whatever is best for the National Government without putting an impossible strain on my own conscience.⁵⁵⁰

In January, he again threatened to resign after Baldwin informed a group of Conservative MPs that there was no time to deal with the subject in the Commons. Hailsham stayed on after Chamberlain had mediated and once it became clear that Baldwin was referring only to the present session rather than the full parliament.⁵⁵¹ Yet Hailsham remained exasperated by the government's lack of progress. Although the CPC had been established in November, he grumbled that 'the P.M. ... did not intend to call it, being bothered by his [National Labour] party who had committed themselves against reform'. Chamberlain suggested that the War Secretary should ask the cabinet when it was to meet.⁵⁵² This he did and the committee finally assembled on 29 January.

At the committee's opening meeting Cripps' commitment to abolish the second chamber dominated Hailsham's thoughts. Regarding the Lords as a bulwark against socialism, he argued, as he had during the lifetime of the second Labour government, that the view of the Commons would not necessarily represent the view of the people. He feared that the Parliament Act 'provided no safeguard... [if] an extremist Government took office and proceeded to implement a revolutionary policy'. He wanted to retain a hereditary element and to give the upper chamber powers to call a referendum or a general election before measures

⁵⁵⁰ MacDonald Papers, PRO 30/69/680/228-30, Hailsham to MacDonald, 3 Jan. 1934.

⁵⁵¹ Chamberlain Diary, NC 2/23, 22 Jan. 1934.

⁵⁵² Ibid.

‘of a specifically dangerous character’ were passed.⁵⁵³ MacDonald expressed no views and, despite Baldwin’s earlier enthusiasm for reform, he now seemed reluctant to act.⁵⁵⁴

Meanwhile, as part of a wide-ranging policy review to prevent the sort of mistakes made ahead of the 1929 General Election, the Conservative party established the Cabinet Conservative Committee [CCC]. This embraced all the government’s Conservative cabinet ministers and, over thirteen meetings, it formulated the party’s programme for the next general election.⁵⁵⁵ This allowed Hailsham to develop his thoughts on Lords reform. With no tangible government progress on the issue, he suggested that the Conservatives ‘ought to investigate the possibilities of laying down in statute form certain unchallengeable principles of the constitution’. Although Britain had an unwritten constitution, he wondered ‘whether something could not be crafted on to it which would prevent Cripps and his friends from smashing it as soon as they had the chance’.⁵⁵⁶ He even warned against improving the Commons’ efficiency because that carried the hidden danger that ‘if we were kept out at the next general election the improved machinery would enable the socialists to get busy much more easily’.⁵⁵⁷ Yet, with the second reading of Salisbury’s Bill approaching, the CCC had not formulated its plans on Lords reform.

The cabinet committee finally considered Salisbury’s bill in February. It was agreed that ministers should abstain and that the government would take up the question if sufficient support was shown. But the committee was far from unanimous; Londonderry favoured action and Hailsham was ‘strongly opposed to shelving reform’.⁵⁵⁸ Yet it was Hailsham, the keenest man in the government to reinforce the Lords’ powers, who delivered the fatal blow

⁵⁵³ CAB 27/562, 29 Jan. 1934; Chamberlain Diary, NC 2/23, 29 Jan. 1934; See Frame, ‘Cripps and His Friends’, pp.326-8.

⁵⁵⁴ Chamberlain Diary, NC 2/23, 29 Jan. 1934.

⁵⁵⁵ Ramsden, *Conservative Party Policy*, p.77.

⁵⁵⁶ CRD 1/64/2, ‘Conservative Cabinet Committee’, 2 March 1934.

⁵⁵⁷ *Ibid.*, 9 March 1934.

⁵⁵⁸ CAB 27/562, 12 Feb. 1934.

to Salisbury's bill. During its second reading in May, Hailsham covered over the cracks within the cabinet, pointing out that there was no mandate for Lords reform because it was not part of the crisis which had brought the National Government into existence. He then declared that there was 'little prospect' that it would receive serious consideration in the Commons unless it was introduced as a government measure.⁵⁵⁹

The bill comfortably passed its second reading, but was then dropped. Salisbury accepted that without the government's support it would never progress through the elected chamber. The non-Conservative elements of the National Government, 'anxious that the powers of the House of Lords, as laid down in the Parliament Act, should remain unchanged', blocked reform.⁵⁶⁰ Although Hailsham received a more sympathetic hearing from his Tory colleagues, no progress was made towards reform in the CCC. In the autumn of 1934 Baldwin's conciliatory approach prevailed. The Conservative leader's caution had been reinforced by the King, who claimed that reform 'would divide the country and disturb... constitutional tranquillity'.⁵⁶¹ The Conservative party's 1935 election manifesto omitted the subject after Baldwin feared that it would become 'a dominant feature in the election'.⁵⁶² Although Hailsham's thirst for action remained,⁵⁶³ he grudgingly accepted that political difficulties prevented strengthening the Lords. The unity of the National Government and the delicate political atmosphere prevailed over Lords reform.

The deliberations of the CCC also revealed that Hailsham's constructive contribution to Conservatism continued into the 1930s. His role was not restricted to advocating tariff reform, constitutionalism or negative anti-socialism. He was an active participant in the

⁵⁵⁹ H of L Debs, vol.92, cols 117-8.

⁵⁶⁰ CAB 27/562, 'Summary of deliberations of CPC', 29 Jan. 1934; Frame, 'Cripps and His Friends', pp.330-1.

⁵⁶¹ MacDonald Diary, 29 June 1934, cited in Frame, 'Conservative Party and Domestic Reconstruction', p.82.

⁵⁶² Chamberlain Diary, NC 2/23, 30 Oct. 1934.

⁵⁶³ Salisbury Papers, S.(4)160/39, Hailsham to Salisbury, 18 Nov. 1936.

party's policy review, second only to Chamberlain in his contributions.⁵⁶⁴ As the government struggled to alleviate mass unemployment, the CCC gave serious consideration to a state-sponsored land settlement scheme. In October 1934, in the expectation that international trade would contract still further, Hailsham chaired a ministerial sub-committee charged with crafting proposals which would enable the party to go to the country pledged to create 100,000 jobs on the land over the next five years.⁵⁶⁵ During the spring of 1934, Hailsham's committee decided that this could be done through a 'family farm policy' and the War Secretary nominated retired soldiers for this work. It would be funded by placing a levy or duty on imported products, such as bacon, to deliver increased employment.⁵⁶⁶ As with the Electricity Bill of 1926, the necessary capital would be raised without increasing taxes or using taxpayers' money.

Hailsham's committee advocated mild state intervention on 'the basis of an updated version of one-nation Toryism'. While left-wing Tories such as Walter Elliot supported this course, Hailsham was also a leading Conservative advocate.⁵⁶⁷ This may conflict with popular perceptions of the Tory centre-right, but Hailsham's support for this measure is unsurprising. He was always ready to accept state intervention when unbridled capitalism was unsuccessful. In 1933 he had praised Elliot, the Minister of Agriculture, who had 'promote[d] vigorously the development of a corporate relationship between the nation and the farming industry'.⁵⁶⁸

But the 'family farm policy' collapsed in January 1935 after Lloyd George proposed his 'New Deal'. Joseph Ball, the director of the Conservative Research Department, explained that once the Welshman had 'come out with a proposal to place 1,000,000 on the

⁵⁶⁴ Frame, 'Conservative Party and Domestic Reconstruction', pp.35-6.

⁵⁶⁵ Ramsden, *Conservative Party Policy*, p.82.

⁵⁶⁶ CRD 1/64/2, 9 March 1934.

⁵⁶⁷ Frame, 'Conservative Party and Domestic Reconstruction', p.159.

⁵⁶⁸ Cooper, *British Agricultural Policy*, p.161. For Hailsham's praise of Elliot see Hailsham to Bledisloe, 3 Aug. 1933, p.171. For Elliot's 'quasi-corporatist' approach, see pp.160-183.

land... a National Government scheme to place 100,000 on the land in the course of the next five years would... sound ridiculous'.⁵⁶⁹ Hailsham concurred and his committee reported that 'Fantastic though [Lloyd George's] proposal is, it nevertheless seems to preclude us altogether from coming out now with a policy aimed at placing only 10% of this number on the land during the next five years'.⁵⁷⁰ Consequently, the party's 1935 campaign omitted the policy. Nevertheless, Hailsham had supported a proposal that had 'a clear bias... towards the supporters of one-nation Conservatism based upon home production and upon economic nationalism'.⁵⁷¹

When Baldwin succeeded MacDonald as Prime Minister in May 1935, Hailsham returned to the Woolsack. As in his previous stint as Lord Chancellor, he remained, first and foremost, a politician. Almost immediately after assuming the Premiership, Baldwin considered when the next general election should be held. Once the campaign got underway in late October 1935, Hailsham, as in 1929 and 1931, chaired the EBC which 'worked very well'.⁵⁷² Hailsham was not, however, only an organiser. As an effective platform speaker, the sixty-three year-old's gifts were utilised in the country. He opened the Conservatives' platform campaign at Bury on 25 October and he also spoke at Darwen, Derby, Frome, Reading, Retford, Walthamstow and Warrington.⁵⁷³ The Conservatives' chief organising officer was 'more grateful than I can say for the meetings you have so very kindly undertaken to address'. The Lord Chancellor had 'a great rallying and steadying effect'.⁵⁷⁴

With the deteriorating international situation as Italy prepared for its attack on Abyssinia, Hailsham keenly defended the government's rearmament policy. The Opposition,

⁵⁶⁹ CRD 1/64/9, Ball to Hailsham, 31 Jan. 1935; Ball memorandum on interview with Hailsham, 1 Feb. 1935.

⁵⁷⁰ CRD 1/64/12, 'Report of Sub-Committee B', July 1935.

⁵⁷¹ Frame, 'Conservative Party and Domestic Reconstruction', p.220.

⁵⁷² CRD 1/7/20, H. Brook to Sir J. Ball, 15 Jan. 1936.

⁵⁷³ *The Times*; *Manchester Guardian*, 25 Oct. 1935.

⁵⁷⁴ HAIL 2/2/1, Miss Maxse to Hailsham, 4 Nov. 1935.

he claimed, ‘stood for defiance but not defence’.⁵⁷⁵ The National Government’s policy, by contrast, was necessary if Britain were to be capable of fulfilling existing commitments. There was, he said, ‘no use professing that we were willing to carry out our obligations... when all the world knew that we were not strong enough to do it’.⁵⁷⁶

The Lord Chancellor also drew on more familiar themes in his platform speeches. Granted his record of berating the Labour Opposition, his tone was predictable. Fearful of what ‘Cripps and his friends’ would do if Labour gained a majority, Hailsham popularised what he believed were the hidden perils of a Labour administration. Supporting Malcolm MacDonald’s re-election at Retford, Hailsham informed an audience that if the Labour party

get the chance they are going to overthrow our existing parliamentary institution and substitute legislation by decree of the Cabinet. They propose to bring about the changes which... must result in a first class financial crisis, which, as Mr. George Lansbury said, would result in the collapse of the banks and a crisis in the City of London.

Linking the Opposition’s extravagant spending plans to the widely-held perception of their economic incompetence, the Lord Chancellor claimed:

They don’t tell you where the money is to come from, except George Lansbury. He tells us that... we have control of the Mint, and all we have to do is to print [money]... They tell the widow that instead of 10s. she shall have a pension of £1 a week. But they do not tell her that the £1 won’t go as far as the 10s. before the scheme was put into operation.⁵⁷⁷

⁵⁷⁵ *The Times*, 8 Nov. 1935.

⁵⁷⁶ *Manchester Guardian*, 9 Nov. 1935.

⁵⁷⁷ *The Times*, 1 Nov. 1935.

This was normal platform rhetoric, but Hailsham's concerns about Labour's return to power were genuine. He had privately noted that 'If a Socialist Government was returned... it would mean literally the end of the British Empire and untold misery for the inhabitants of these islands.'⁵⁷⁸

Stannage observes that a week before polling day a 'key incident' of the campaign 'revolved around the unlikely person of Lord Hailsham'. The author seems unaware of the Lord Chancellor's continuing political role. Consistent with his attacks on the Labour party during the 1920s, Hailsham 'raised the spectre of a Moscow-dominated Labour government'.⁵⁷⁹ In a speech that received extensive press coverage, he highlighted the supposed electoral co-operation between the Communist and Labour parties. Noting that in 57 of London's 62 constituencies, Communists openly worked with the Labour party, Hailsham suggested that this was 'curious' granted that the Communists wanted 'to see this country plunge into civil war and revolution'.⁵⁸⁰ Keen to present the electorate with a clear choice, Hailsham contrasted the sober leadership of the National Government with what might follow if Labour secured its first majority:

If anyone wants to produce... civil war, riot, and disturbance, let him vote for the Socialist and Communist Parties. If anyone wants to see the... country more prosperous, employment increased, homes built, houses erected week by week, slums cleared away, factories erected, better work for better pay, then he will vote for the National Government which has made so much progress during the past four years.

Hailsham's remarks did not please all of his listeners. 'So loud and prolonged was the shouting that... the chairman appealed to the section of the audience to behave as

⁵⁷⁸ HAIL 1/3/6, Hailsham to a Conservative friend, 19 Nov. 1934.

⁵⁷⁹ T. Stannage, *Baldwin Thwarts the Opposition* (London, 1980), p.149.

⁵⁸⁰ *Manchester Guardian*; *The Times*, 9 Nov. 1935.

Englishmen'.⁵⁸¹ As in the 1920s, Hailsham had purposefully 'equated Socialism with revolution and totalitarianism' by drawing a simplistic assessment of the relationship between the Labour party, the Communist party and Moscow.⁵⁸² Other Conservatives followed his lead and the press provided quotations from leading Soviet and British communists that apparently supported his claims.⁵⁸³

In November, the National Government was returned with a huge, albeit reduced, majority of 240. Hailsham had not 'expected quite such a good result'.⁵⁸⁴ Although he thought that his colleagues had 'achieved more and are doing more than any government in modern times', he had feared that the 'perpetual misrepresentation by socialists and by newspapers' could have affected the result.⁵⁸⁵ Yet the Lord Chancellor should not have been too surprised. Baldwin had timed the election well. Indian reform, which had haunted the Conservative party since 1930, was settled and Attlee had recently become Labour's relatively unknown leader. In the wake of Italy's attack on Abyssinia in October, the decision to fight the election in support of the League and limited rearmament was welcomed. With Britain's economy slowly improving, unemployment falling and the wage cuts of 1931 reversed, 'Labour faced an opponent which had not clearly failed in any area of activity'.⁵⁸⁶ It was with some satisfaction that Hailsham told the Lords in October 1934 that there was

no reason to be ashamed of the progress which has been made... We see that in this country almost alone in the world production has increased, exports have revived, and

⁵⁸¹ *Ibid.*, 9 Nov. 1935.

⁵⁸² Stannage, *Baldwin*, p.170.

⁵⁸³ *The Times*, 11 Nov. 1935.

⁵⁸⁴ HAIL 1/3/8a, Hailsham to Stella Gwynne [sister in-law], 10 Dec. 1935.

⁵⁸⁵ HAIL 1/3/2, Hailsham to Mrs Firth, 15 March 1934.

⁵⁸⁶ Stannage, *Baldwin*, p.245.

unemployment has decreased. While there is still a long road to go before we reach our old standard of prosperity and well-being, we have no reason to despair...⁵⁸⁷

Conclusion

How, then, should Douglas Hailsham's Conservatism be judged? According to Birkenhead's assessment written during Baldwin's second administration, Hailsham had 'Excellent judgement except on matters of pure politics when wrong because too diehard'.⁵⁸⁸ Such a view is reflected in Maurice Cowling's assessment that Hailsham was a 'thinking diehard', however paradoxical that description may seem.⁵⁸⁹ Hailsham did, as contemporaries recognised, have 'a good Tory backbone'.⁵⁹⁰ This was clear throughout his career in his zealous determination to uphold, and if possible strengthen, the existing constitution, his effective employment of anti-socialist rhetoric and his persuasive condemnation of the Labour party.

But, notwithstanding Hailsham's right-wing image, he made important contributions to the moderate, progressive and pragmatic brand of Conservatism which flourished under Baldwin's leadership. His thoughts were more nuanced than those of a pure reactionary and his caution in relation to the Trade Disputes Act demonstrated his opposition to knee-jerk politics. Although his presentation was sometimes far removed from Baldwin's soothing rhetoric, the two men shared many convictions. Hailsham's advocacy of the Conservative cause had more in common with that of Neville Chamberlain. The latter noted that 'Hogg and I are... the only ones who really annoy the Socialists'.⁵⁹¹ Hailsham's vigour is a key reason why he was considered as Baldwin's likely successor when the latter struggled to meet the

⁵⁸⁷ H of L Debs, vol.94, col.47. For a similar statement see vol.95, col.25.

⁵⁸⁸ Davidson Papers, DAV/180, undated note 1926/7.

⁵⁸⁹ Cowling, *Impact of Hitler*, pp.315-6.

⁵⁹⁰ *Manchester Guardian*, 30 Oct. 1935.

⁵⁹¹ *NCDL* vol.2, Chamberlain to Hilda, 3 April 1927, p.405.

demands of Opposition leadership. Hailsham had the ability to reach out to sections of the Conservative right which Baldwin often lacked.

Throughout his political career Hailsham sponsored limited schemes of state intervention and progressive measures. While a preferential system of Empire trade appealed to his imperialist instincts, this was also an example of his support for state involvement designed to reduce unemployment. His contribution in constructing party policy ahead of the 1935 General Election highlighted his continued willingness to grant the state an increased role. His participation in a coalition government under Ramsay MacDonald, and his scheme to hold that administration together, reflected his ability to adapt to changing circumstances and act in what he believed was the national interest. Hailsham's Conservatism followed Disraeli's vision. In early 1928, he asserted that his priorities were 'the maintenance of our Empire, the defence of our institutions and the betterment of the conditions of our people'.⁵⁹² In August 1927 Neville Chamberlain offered a revealing assessment of Hailsham's outlook:

I thought at one time that he was inclined to be too uncompromising on the extreme right. But I have had reason to know that this is not so. On more than one occasion I have had most valuable support from him in opposing Diehards or in backing what you might call left-wing proposals.⁵⁹³

Hailsham's balanced approach led Austen Chamberlain to suggest that his judgement was 'on all questions... as good as that of any member of the cabinet'.⁵⁹⁴ Throughout Hailsham's involvement in domestic politics, he subordinated lingering prejudices to practical solutions. He was, as a 1924 assessment held, a 'Tory democrat' but, perhaps most of all, he was aware

⁵⁹² *Western Morning News*, 10 Jan. 1928.

⁵⁹³ Chamberlain to Irwin, 25-27 Aug. 1927.

⁵⁹⁴ Austen Chamberlain Papers, AC 5/1/467, 5 Feb. 1929. Chamberlain typescript.

of and accepted the political realities of the day. His pragmatic realism was at the heart of the success of inter-war Conservatism.

Part II: Hailsham the Imperialist 1932-8

Although the British Empire stood at its territorial height during the inter-war period, the imperial ideal came under threat during Douglas Hailsham's political career. Britain's retreat from its former glory was apparently reflected in Southern Ireland's accession to Dominion Status in 1922, while the Statute of Westminster of 1931 confirmed the Dominions' complete sovereignty and seemingly indicated a weakening of the imperial edifice. Hailsham himself accepted that there 'was nothing left to bind the Empire together save allegiance to the Crown'.¹ Nonetheless, he strove to maintain imperial unity and held high expectations of the role that Britain and its empire could still play, writing that the 'future of civilisation may well depend on the growing co-operation and cohesion of the different parts of the Empire'.² In his dealings with imperial matters during the 1930s, Hailsham's thinking was underpinned by a clear perception of Britain's national interests, the Empire's interests and, perhaps most importantly, a belief in the sanctity of existing treaties, agreements and declarations – whether or not he intrinsically approved of them. His involvement in on-going imperial difficulties well illustrates the consistency and clarity of a committed imperialist.

Following the formation of the enlarged National Government in November 1931 and his appointment as War Secretary and Leader of the Lords, Hailsham became the 'Government's maid-of-all-work' assuming responsibilities beyond his departmental portfolio.³ The Army was 'fortunate to get as its chief a politician of first-rate stature', but Hailsham 'was frequently employed on other government business',⁴ finding a suitable outlet in imperial policy. He assumed a leading role in the Imperial Economic Conference held at

¹ *The Times*, 1 Sept. 1932.

² HAIL 1/3/4, Hailsham to Mrs Daisy Bates, 29 May 1934.

³ Heuston, *Lord Chancellors*, p.475.

⁴ Bond, *British Military Policy*, p.40.

Ottawa in 1932 and he was central to Britain's dealings with the Irish Free State. He also made important, but largely unexplored, contributions to the Government of India Act, which reached the statute book in 1935.

In so far as Hailsham's contribution to imperial policy has been considered, historians follow the judgement of some contemporaries in dismissing him as a reactionary. According to Malcolm MacDonald, successively (and for a period concurrently) Colonial and Dominions Secretary, Hailsham was as 'dyed in the wool a Tory as ever sat on the woollack or anywhere else; and his views on the Irish problem were rabid'.⁵ The Irish Free State's delegate to the League of Nations was advised that Hailsham was 'one of the strongest "diehards"',⁶ while John Sankey, Lord Chancellor 1929-35, noted that Hailsham was 'a true patriot but has Ulster blood in his veins and compromise is foreign to his nature'.⁷ When a cabinet subcommittee considered Indian constitutional reform during 1932-3, Hailsham was seemingly one of its 'awkward customers'.⁸ These simplistic assessments require modification.

True, Hailsham was born during Britain's imperial apogee and belonged to a generation which regarded the Empire as a fact of life.⁹ He had no concept of an imminent retreat from Britain's imperial obligations, sharing the view 'that wise policy, tactful diplomacy and good administration could keep the system in being for a long time yet'. This vision may appear short-sighted, but it was widely believed that the transformation from Empire into Commonwealth could maintain British influence.¹⁰ This formed the hallmark of

⁵ MacDonald, *Titans*, p.60.

⁶ *Documents on Irish Foreign Policy*, [DIFP] vol.4, 95 NAI DFA, 19/13, S. Lester to J.P. Walshe, 26 July 1932.

⁷ Sankey Diary, MSS Eng. Hist. c.288, 5 Jan. 1935.

⁸ Cross, *Samuel Hoare*, p.153-4.

⁹ G. Peele, 'Revolt over India', in Peele and Cook (eds), *The Politics of Reappraisal*, p.115.

¹⁰ Beloff, *Dream of Commonwealth 1921-42*, pp.3-4. See also: J. Darwin, "'Imperialism in Decline?'" Tendencies in British Imperial Policy between the Wars', *Historical Journal*, vol.23, no.3 (1980), pp.657-679, particularly, p.667. For the contemporary view of Lester Pearson, a future Canadian Prime Minister, see: Hyam, *Britain's Declining Empire*, p.1.

imperial policy between the wars and underpinned the 1921 Anglo-Irish Treaty and the National Government's approach to Indian constitutional reform, calculated to preserve Britain's pre-eminence in the subcontinent.

But Hailsham's outlook was not simply reactionary; he was fully aware that the Empire needed to change if it were to survive. 'The British Commonwealth of Nations', he said in 1931, 'is a living organism, and living organisms never stand still.'¹¹ For Hailsham there was no contradiction between the extension of self-government and imperial unity. As he had outlined in one speech delivered in early 1927:

[T]he British Empire means something different from any Empire the world has ever known. In history empires denoted one nation or group of peoples exercising dominion over a number of subjected races. Today the British Empire means the free association of seven great, self-governing democracies, each of them autonomous and independent, and all of them linked together in one organic whole, none of them subordinate to each other, and yet all content to remain in that association...¹²

While Hailsham conveniently overlooked outstanding issues between Britain and the Dominions, such as the range of safeguards embodied in the Anglo-Irish Treaty, he recognised that the future of the Empire was based upon consent. This conviction, however, did not mean that Britain could not exert its influence to foster imperial unity. During a House of Lords debate on the Statute of Westminster in November 1931, Hailsham claimed that Britain 'should lose no possible chance of linking up the Empire permanently together'. Anticipating the 1932 Imperial Economic Conference, he continued:

[T]here is an opportunity coming to us... which must be grasped quickly if it is to be grasped at all, of forging a more permanent link, a more material link, which will so

¹¹ Heuston, *Lord Chancellors*, p.475.

¹² *Somerset Standard*, 7 Jan. 1927.

tighten up the relationship between every part of the Empire that in time to come it would be unthinkable for any of them, from the mere point of view of self-interest, to divorce themselves from the material well-being and prosperity as well as the moral strength which their membership of the British Commonwealth of Nations involves.¹³

Economic bonds, he concluded, could 'take the place of the legal ties which have been dissolved.'¹⁴ Long-term voluntary agreements would, he hoped, be as binding as former legal commitments because of the inter-dependence they would create.

These thoughts were not original or uncommon. What, however, made Hailsham's contribution to Britain's imperial policy during the 1930s significant was the exclusion from power of other leading imperialists of the era. As Roberts notes 'of the old imperialists of 1925, only Lord Hailsham was left as Birkenhead was dead and Amery, Churchill, George Lloyd and Salisbury were out'.¹⁵ Yet, notwithstanding Hailsham's prominent role, the history of the imperialist right during the 1930s has been told through the careers of those absent from power.¹⁶ While the Tory right bemoaned its own impotence, complaining that Baldwin compromised true Conservatism by an unnecessary coalition with Liberal and Labour politicians,¹⁷ Hailsham's presence in the National Government and his intimate involvement in imperial policy meant that Conservative imperialists were not entirely excluded. Indeed, the problems of Britain's imperial identity bore the most obvious imprint of Hailsham's intervention and his contribution to imperial policy merits close investigation. Leo Amery, the self-proclaimed champion of the imperialist right, even feared that Hailsham was 'busy

¹³ H of L Debs, vol.83, cols 227-8.

¹⁴ Ibid., col.761.

¹⁵ Roberts, *Holy Fox*, p.46.

¹⁶ See, for example, R. Toye, *Churchill's Empire* (London, 2009); Amery *Diaries* vol.2; J. Charmley, *Lord Lloyd and the Decline of the British Empire* (London, 1987); Croft, *Life of Strife*.

¹⁷ D. Dutton, *Liberals in Schism* (London, 2008), pp.62-3.

trying to secure the leadership of the empire policy section' of the party and was 'anxious to push me into the background'.¹⁸

The Ottawa Conference 1932

Though imperial conferences had been held since the late 1880s, the Ottawa meeting in 1932 was of more than usual importance. The previous meeting held in 1930 ended without the introduction of imperial preference. However, the effects of the international economic crisis and the contraction of world trade gave a renewed boost to the cause of expanding Empire trade by means of a protective tariff against foreign competition. The protectionist measures taken by foreign countries 'gave new cogency to the old argument' that the development of the Empire into an economic unit would shelter it from the uncertainty of world markets.¹⁹ Consequently, *The Times* predicted that Ottawa would be 'the most momentous conference in the history of the British Nations'.²⁰

Hailsham's conduct in the 1920s had already demonstrated that he was a committed tariff reformer. He believed that closer economic cooperation between the self-governing Dominions and the mother country would serve two purposes: it would foster imperial unity through inter-dependence and it would reduce domestic unemployment. In 1928 he had told Amery that 'so long as we... depend for our existence on foreign markets', there was 'no cure for unemployment except tariff reform'.²¹ By 1931, he was ready to publicly assert that Britain's trade could be balanced 'by one means and by perhaps one means only – a tariff'.²² These hopes led Hailsham to anticipate that Ottawa would be 'the turning point in the Empire's history'.²³ He was, then, a natural member of the high-powered cabinet delegation

¹⁸ *Amery Diaries*, vol.2, 28 Sept. 1932, p.282.

¹⁹ Beloff, *Commonwealth*, pp.185-6.

²⁰ *The Times*, 21 July 1932.

²¹ AMEL 2/3/6, Hailsham to Amery, 24 Aug. 1928.

²² *Daily Express*, 8 Oct. 1931.

²³ BBK C/150, Hailsham to Beaverbrook, 17 Aug. 1932.

which set sail for the Canadian capital in the summer of 1932. Although the Prime Minister remained at home, Britain's representatives had 'absolute powers to negotiate'. Hailsham joined Baldwin, Neville Chamberlain, Runciman, Cunliffe-Lister, Thomas and John Gilmour.²⁴

Following nomination by his British colleagues, Hailsham chaired the main committee at the Ottawa Conference charged with the 'Promotion of Trade within the Commonwealth'. The appointment was greeted with acclamation.²⁵ He also became a member of the committee addressing 'methods of economic co-operation'.²⁶ His prominence was no accident. Baldwin, who was only the nominal head of the British delegation, made a deliberate decision that the bulk of the work should fall to Hailsham and Chamberlain, two committed tariff reformers. He calculated that 'if they failed, the Diehards at home would know it was not from half-hearted trying'.²⁷ The *Sunday Express* even suggested that 'the Empire's hopes' rested entirely upon Hailsham and the Canadian premier and conference chairman, Richard Bennett.²⁸

Hailsham was optimistic of success, but aware that he faced a difficult task. He declared that, despite 'conflicts of interest and divergent theories... we all feel assured that all those with whom we are going to negotiate are... inspired by a common belief in the great possibilities of this Empire'.²⁹ This hope, however, did not disguise the gulf between the various delegations' demands. 'Do not think', the War Secretary warned one Conservative audience,

²⁴ I.M. Drummond, *Imperial Economic Policy 1917-1939* (London, 1972), p.221.

²⁵ *The Times*, 25 July 1932.

²⁶ CAB 32/101, 'Imperial Economic Conference Meeting of United Kingdom Delegation', 21 July 1932.

²⁷ Jones, *Diary with Letters*, Jones to Dr Abraham Flexner, 14 July 1932, pp.49-50.

²⁸ *Sunday Express*, 24 July 1932.

²⁹ *Observer*, 3 July 1932.

that the great statesmen of the Dominions will set aside the Dominions' interests to benefit our manufacturers... The conference can only be a success if each party is determined to protect the essential interests of his own unit... and is determined to prefer the interests of the rest of the British Empire to those of any foreign nation.³⁰

This assessment matched that of Richard Bennett. Britain's High Commissioner in Canada noted that Bennett was 'at some pains to defend his doctrine of an imperial system based on one's own country first and the Empire second as against the outer world'. The Canadian Premier 'quoted with approval a recent speech in which Lord Hailsham had developed the same thesis'.³¹

With this view the prevailing opinion amongst the Empire's leaders and Bennett's willingness to take Hailsham's hypothesis to an extreme, the British had serious difficulties at the conference. Despite a highly successful legal career and a decade of front bench politics, Hailsham had 'never worked so hard'.³² By mid-August he had assumed command of Britain's delegation after Chamberlain had 'more or less collapsed'. 'The work of the Conference was... pushed on to Douglas', noted Amery, present at Ottawa as an observer.³³ This was no easy burden to bear. On one occasion, the Canadians 'were pretty merciless'. They were 'at [Hailsham] from ten to 12.30 to get him to frame the formula they wanted on Russia, and then when he tried to escape caught him again and kept him till 3 a.m.'³⁴ The difficult, almost impossible, negotiating style adopted by Bennett exacerbated British problems. His 'wholly Canadian-orientated attitude' meant that he pursued national interests regardless of the consequences.³⁵ After the close of the conference, Chamberlain suggested

³⁰ *The Times*, 10 March 1932.

³¹ PREM 1/112, W.H. Clark memo of a discussion with Bennett, 11 March 1932.

³² Mersey, *Picture of Life*, pp.362-3; See also Chamberlain papers, NC 1/23/48, Chamberlain to his wife, 9 Aug. 1932.

³³ *Amery Diaries* vol.2, 17 Aug. 1932, p.253.

³⁴ *Ibid.*, 23 Aug. 1932, p.254.

³⁵ Beloff, *Commonwealth*, p.188.

that ‘most of our difficulties centred round the personality of Bennett’.³⁶ Thomas felt that he was a liar who had tried to split Britain’s delegation.³⁷

The Dominions held high expectations of the concessions that they might receive from Britain. The Canadians demanded the termination of the Anglo-Russian Treaty regarding Russian exports of wheat, and the Australians expected a tax on foreign meat. Hailsham complained that ‘Dominion demands are hopelessly unreasonable, their offer amounts to nothing in the way of more trade’.³⁸ Dominion expectations were ‘preposterous’ and ‘likely to wreck the conference’.³⁹ In the event, however, agreements were reached and contemporaries recognised that Hailsham had been ‘a tower of strength’.⁴⁰

Hailsham and Chamberlain were the key figures in securing agreements with the Australians and Canadians. Together, during ‘another black day’, they told the Australians that the British delegation could not accept a duty on foreign meat.⁴¹ Such a course was unacceptable to Runciman, Thomas and the free trade ministers in London. Consequently, the former Australian Premier, Stanley Bruce, threatened ‘to go home and take my delegation with me’.⁴² Baldwin, however, successfully intervened and prevented the Australians leaving. The Dominions, Australia included, accepted a quota to restrict Britain’s imports of foreign beef, veal, mutton and lamb for a five-year period, which most members of the National Government tolerated.⁴³

A similar arrangement was formulated in regard to Canadian wheat. This was no easy negotiation. Hailsham and Chamberlain feared that a permanent breach had opened up

³⁶ Chamberlain papers, NC 2/17, Ottawa Diary, 20 Aug. 1932.

³⁷ Sankey papers, MSS. Eng.Hist C.506/99-101, ‘Notes on a Cabinet meeting after Ottawa’.

³⁸ *Amery Diaries* vol.2, 18 July 1932, p.243.

³⁹ AMEL 6/3/50/20, Amery to his wife, 30 July 1932.

⁴⁰ *The Times*, 10 Aug. 1932.

⁴¹ NC 2/17, Ottawa Diary, 15 Aug. 1932.

⁴² Middlemas and Barnes, *Baldwin*, p.682.

⁴³ NC 2/17, Ottawa Diary, 12 Aug. 1932.

between themselves and the Canadians that would ruin the conference.⁴⁴ Bennett requested a British embargo on Russian wheat and the termination of the Anglo-Russian Trade Agreement of 1930. Hailsham was understanding and, when the Canadian press asked the War Secretary whether Britain could concede an embargo on Soviet wheat and lumber, he replied, ‘we may not be able to do all we are asked to do, but we can certainly do something’.⁴⁵

Hailsham’s longstanding repugnance of the communist system and ‘abundant evidence’ that Soviet five-year plans were designed to ‘smash’ Britain’s trade fortified his sympathy for the Canadian demands. Referring to the Soviet Union, he held ‘a strong objection on moral grounds to trading with what was virtually a slave state’.⁴⁶ After exhausting negotiations, and notwithstanding the political repercussions in London, the Anglo-Soviet Treaty of 1930 was denounced as Britain accepted an anti-dumping clause which was unmistakably directed at Russia. The British and Canadian governments agreed to ‘regulate, restrict or prohibit the entry’ of commodities which undercut Empire products with ‘unduly low prices’ sustained through state action.⁴⁷ This decision underlay the free-traders’ later decision to resign from the National Government.

A key objective for Hailsham at the conference was the establishment of tariff boards to place industrial competition between Britain and the Dominions on to a fairer footing. Through the ‘domestic competitor principle’, he sought to end the protection of Dominions’ industries which had no viable future, without killing off those with clear potential. Hailsham felt that without the principle in place the government’s position at home would be indefensible. Its endorsement would make it ‘much easier for him to justify the raising of

⁴⁴ Ibid.

⁴⁵ Foreign Office papers [hereafter FO], 371/16320, Ashton Gwatkin to Wellesley, 4 Aug. 1932.

⁴⁶ CAB 23/71, 27 April 1932.

⁴⁷ Ashton Gwatkin to Wellesley, 18 Aug. 1932.

prices of primary commodities' to those who opposed food duties.⁴⁸ The War Secretary hoped that British concessions on foreign imports could result in Australian and Canadian acceptance of the principle.

This approach proved successful. Australia accepted that 'protection by tariffs shall be continued or granted against United Kingdom products only to those industries which are reasonably assured for success'.⁴⁹ Canadian acquiescence again proved difficult with Bennett going back on an initial statement that he 'saw no serious objection' to Hailsham's plan.⁵⁰ The War Secretary found the Canadian *volte-face* 'very disappointing'. It was at his instigation that the British demanded a definite answer from Bennett whether he was prepared to enter into an agreement which would embody the principle or not.⁵¹ After a 'long and angry meeting', Bennett agreed and the proposal was included in the final Anglo-Canadian Agreement.⁵² It was, in Hailsham's view, one of the key achievements of the Conference. 'For the first time', he later told the Lords,

Canada and Australia have accepted... that no higher measure of protection shall be imposed as against United Kingdom products than is necessary to give a reasonable opportunity of fair competition between the United Kingdom manufactures and the domestic manufactures in the Dominions. That is... a very great advance on anything that has been achieved before.⁵³

Overall, the outcome of the conference rested on a knife-edge. After month-long discussions, conclusions were reached only at the eleventh hour. No party had secured exactly what it wanted and, notwithstanding Hailsham's efforts, there were many who

⁴⁸ CAB 32/101, 8 Aug. 1932.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, 5 Aug. 1932.

⁵¹ *Ibid.*, 8 Aug. 1932.

⁵² Drummond, *Imperial Economic Policy*, pp.238-42.

⁵³ H of L Debs, vol.85, col.882.

questioned the conference's achievements. Lord Ponsonby, Labour's Leader in the Lords, demanded a general debate because of 'the crisis which has arisen over Ottawa'.⁵⁴ During the Lords debate which ratified the agreements, one Labour peer insisted that the conference was a 'complete failure, and that it was only saved from actual breakdown by Great Britain making concessions out of all reason'.⁵⁵

Criticism of Britain's delegation was not restricted to the ranks of the Labour party and Hailsham himself did not escape censure. Amery, angry at his exclusion from the National Government and extreme in his commitment to 'Empire Free Trade', was upset by the conference's limited achievements. He felt that the British delegation's refusal to accept duties on meat was 'the greatest disappointment of the conference'.⁵⁶ But granted the political considerations to which coalition politics gave rise, Amery's expectations were unrealistic. His claims that Hailsham was 'a weak reed', with 'no real courage', 'afraid of what MacDonald and Runciman will say', and generally of 'no real help' were contradicted by the observations of those around the conference table.⁵⁷ Amery's criticism of Hailsham matched his disillusionment with the entire British delegation who, he felt, were 'driving too hard a bargain'.⁵⁸ Unsurprisingly, the British ministers loathed Amery's presence. 'I think a good many of us who were at Ottawa', Hailsham recollected, 'rather resented the part he played there in trying to smash the agreements.'⁵⁹ He spoke 'most bitterly' of Amery's conduct at Ottawa, while Chamberlain accused the former Dominions Secretary of 'inciting the Dominions to make impossible requests'.⁶⁰

⁵⁴ Ponsonby, papers MSS Eng.hist, C.674, fol.16, Ponsonby to Hailsham, 29 Sept. 1932.

⁵⁵ H of L Debs, vol.85, col.821.

⁵⁶ *The Times*, 5 Sept. 1932.

⁵⁷ AMEL 6/3/50/19, Amery to his wife, 27 July 1932; *Amery Diaries* vol.2, 18 July 1932, p.243-4; BBK C/6, Amery to Beaverbrook, 17 Aug. 1932.

⁵⁸ Baldwin Papers, vol.98, Amery to Baldwin, 15 Aug. 1932.

⁵⁹ HAIL 1/3/3, Hailsham to V.A. Malcolmson, 1 Feb. 1934.

⁶⁰ *Amery Diaries* vol.2, 17; 23 Aug. 1932, pp.253-4.

If Ottawa had not been a total success, the British delegation deserves credit for delivering workable settlements. With Dominion expectations often running contrary to British interests, the very fact that a number of bilateral agreements were reached represented ‘the triumph of a theory of Empire’.⁶¹ The British were not completely paralysed by the ‘coalition atmosphere’ as Amery suspected.⁶² Thomas, recognising that Britain’s delegates had been ‘held up to blackmail and ransom’, paid tribute to Chamberlain and Hailsham ‘for the manner in which they had conducted the negotiations with splendid loyalty to their colleagues... in the face of every kind of insult and discourtesy’.⁶³ Philip Cunliffe-Lister noted that ‘Neville and Douglas have had to bear the brunt of insufferable treatment in their negotiations with [Bennett]; and they have both been admirable. I doubt if I could have kept my temper.’⁶⁴ Beaverbrook was ‘sorry’ that the agreements did not go ‘much further’, but accepted that Hailsham had ‘performed an immense public service’.⁶⁵ Snowden knew that his former colleagues had endured ‘a hell of a time’,⁶⁶ while Salisbury understood that ‘to reconcile British interests and Dominion claims without spoiling a great imperial policy was a herculean task’.⁶⁷ Even Bennett appreciated ‘the distinguished services of Lord Hailsham’.⁶⁸

The conference had assembled not to build a new imperial system, but to mitigate problems created by the global depression and Hailsham had managed to extract key concessions from the Dominions. In addition to the ‘domestic competitor principle’, a great deal of groundwork for economic integration had been laid. India accepted the principle of preference and Britain had little difficulty in reaching agreements with South Africa.

⁶¹ K.W. Hancock, *Survey of British Commonwealth Affairs* vol.2 (Oxford, 1937), p.229.

⁶² BBK C/6, Amery to Beaverbrook, 17 Aug. 1932.

⁶³ Drummond, *Imperial Economic Policy*, pp.259-60.

⁶⁴ A. Earl, ‘The Political Life of Viscount Swinton 1918-1938’, MA Thesis, Manchester University (1960), p.248.

⁶⁵ H of L Debs, vol.85, col.850.

⁶⁶ Snowden, *Autobiography* vol.2, p.1018.

⁶⁷ Baldwin Papers, vol.98, Salisbury to Baldwin, 15 Aug. 1932.

⁶⁸ CAB 32/112, ‘Committee on the Promotion of Trade’, 19 Aug. 1932.

Preferences were granted to Britain by the Dominions, albeit usually by increasing tariffs on foreign imports. As Hailsham later told the Lords: ‘We have not completed an edifice’, but ‘we have laid foundations which will result in better trade within the Empire.’⁶⁹ Chamberlain was also optimistic. He hoped that ‘the real liking that has sprung up among the various delegations... will bear fruit in future’.⁷⁰ These hopes were justified. The relative share of imperial trade increased significantly and from 1935-39 the Empire consumed nearly half of Britain’s exports.⁷¹

Hailsham remained in Canada to speak to the Canadian Bar Association where he stressed the conference’s achievements. He regarded the conference as an ‘emphatic success’ because the agreements would cultivate imperial unity. The economic agreements were a bonus as ‘increased purchasing power in any one part meant increased demands for products all round’.⁷² On his return to London, he informed Churchill that ‘We had a very strenuous time in Ottawa, but I believe that the arrangements are really a big work and a great step forward in Imperial unity.’⁷³ Publicly he stressed the possibilities: ‘the Ottawa agreements represent a really great achievement from the Imperial as well as from the economic point of view’. As Leader of the Lords he demanded attendance from Conservative peers to debate the agreements, for ‘any possibility of the legislation being defeated would be a catastrophe for the whole Empire’.⁷⁴

⁶⁹ H of L Debs, vol.85, col.882.

⁷⁰ NC 2/17, Ottawa Diary, 20 Aug. 1932.

⁷¹ Beloff, *Commonwealth*, pp.191-2.

⁷² *The Times*, 1 Sept. 1932.

⁷³ Churchill papers, CHAR 2/574A, Hailsham to Churchill, 27 Sept. 1932.

⁷⁴ *Manchester Guardian*, 14 Oct. 1932.

When challenged by one Labour peer during the Lords' debate on the agreements, Hailsham was defiant: 'Ottawa did not fail... something big and great was achieved there'.⁷⁵

Developing his thoughts on imperial unity, his hopes for the future were clear:

the material links which bind the Empire together had practically ceased to exist... [I]t was desirable in the interests of the Empire as a whole to reinforce that sentimental link with the material bond of a common economic interest, and we believe that we have found that link in the Agreements which we have made.⁷⁶

Hailsham was not concerned about the limited economic benefits for Britain. It was a success by the very fact that agreements had been reached. 'If Ottawa had failed the results on the Empire at large would have been disastrous.' Looking ahead to the World Economic Conference, to be held in mid-1933, Hailsham asked,

What chance would there have been for a World Economic Conference, where there was no such tie of sentiment... [that] made the Ottawa Conference a far more promising field than any meeting between foreign peoples?⁷⁷

The energy, persistence and tact that Hailsham had demonstrated at Ottawa made him a natural selection for Britain's delegation for the League of Nations World Economic Conference. He hoped to make progress on lines similar to Ottawa, proposing that the British delegation should again advocate the 'domestic competitor' principle.⁷⁸ Unlike Ottawa, however, Hailsham did not take a prominent role and the conference proved futile. Aiming to revive international trade and stabilise commodity prices, 'Roosevelt torpedoed the whole

⁷⁵ H of L Debs, vol.85, col.873.

⁷⁶ Ibid., col.882.

⁷⁷ Ibid., col.873.

⁷⁸ CAB 29/140, 'Committee on Monetary Policy and the Economic Conference', 22 May 1933.

thing' after his American delegation refused to accept plans to return international currencies to the Gold Standard to prevent currency speculation.⁷⁹

Hailsham's Irish Question 1932-38

The Ottawa agreements were a step, albeit a limited one, in the direction of one of the principal goals of Hailsham's career: imperial unity. Separatist tensions continued to menace the integrity of the British Empire and the Irish question occupied British statesmen throughout the inter-war period. A.J.P. Taylor's assertion that Lloyd George had 'conjured' it 'out of existence' with the 1921 Treaty is mistaken.⁸⁰ Following significant gains by Eamon de Valera's Fianna Fáil party in the elections of 1927, Hailsham feared that the 'Free State looks like giving us more trouble in the near future'.⁸¹ This realisation contrasted with his assertion earlier that year that 'there is not one of the self-governing Dominions which is not perfectly satisfied with the good faith of this country and... equality of status which we have all professed'.⁸²

During the inter-war period, Ireland 'still dominated [Conservative] party thinking about the appropriate way to handle imperial difficulties' and, once de Valera's party came to power in March 1932, Irish Nationalism entered 'a revolutionary phase'.⁸³ The Free State 'displayed a more strident nationalism and indulged in more unilateral actions in its dealings with the [British] government'.⁸⁴ De Valera assumed office as President of the Executive Council, pledged to withhold land annuities and abolish the Oath of Allegiance given to the British Monarch and the Free State Constitution. He sought to 'undermine first the

⁷⁹ Derby Papers, 920 DER(17) 47/3, Derby to Louis Wiley, 19 July 1933.

⁸⁰ Taylor, *English History*, p.161.

⁸¹ HAIL 8/2/2/2, Hailsham to Quintin Hogg, 6 Nov. 1927.

⁸² *Somerset Standard*, 7 Jan. 1927.

⁸³ N. Mansergh, *Survey of British Commonwealth Affairs* (London, 1952), p.26.

⁸⁴ D. Harkness, 'England's Irish Question', Peele and Cook (eds), *The Politics of Reappraisal*, pp.39-40.

symbolism and later the substance of Dominion status'.⁸⁵ By 1938 many of the agreements and safeguards established in 1921 had been discarded. The Oath of Allegiance, appeals to the Privy Council and the Governor Generalship were all abolished, while the role of the Monarch was reduced to the point of triviality. Financial obligations were not adhered to and led to the Anglo-Irish 'economic war', which lasted from 1932 until 1938. In 1937 a new constitution renamed the Free State 'Eire', which became a republic in all but name. The Anglo-Irish Agreement signed in 1938 further undermined the 1921 Treaty and emphasised Eire's autonomy. With de Valera's republicanism the very antithesis of Hailsham's imperialism, the latter sought to resist what he regarded as the unreasonable demands of a man determined to create an all-Ireland republic. Hailsham, determined to foster imperial unity, emerged as a leading figure in Britain's response to de Valera's challenges.

Hailsham's religious beliefs and ancestral links with Northern Ireland added further dimensions to his opposition to Irish republicanism. Descended from Scottish Protestant settlers in Ulster during the seventeenth century, he was a committed Unionist and, 'brought up in a powerfully evangelical tradition', he could be 'violently anti-papal in his expressed opinions'.⁸⁶ His ill-fated stepson had produced the first volume of a sympathetic biography of Edward Carson, the foremost symbol of Ulster Unionism, and Hailsham regarded Carson as one of his 'oldest and dearest friends'.⁸⁷ Such factors no doubt played a part in shaping Hailsham's response to Britain's Irish question, but the conclusion that his reluctance to negotiate with the Free State was the result of reactionary views is overly simplistic.

⁸⁵ D. Fitzpatrick, 'Ireland since 1870', R.F. Foster (ed.), *The Oxford History of Ireland* (Oxford, 1989), p.217.

⁸⁶ Lewis, *Hailsham*, p.3; Lewis, 'Quintin McGarel Hogg, Lord Hailsham of St Marylebone', *Biographical Memoirs of Fellows of the Royal Society*, vol.48 (2002), p.224.

⁸⁷ *The Times*, 23 Oct. 1935; See Hailsham's preface in E. Majoribanks, *The Life of Lord Carson* (London, 1932).

Although Hailsham is generally portrayed as the Diehards' 'watchdog in cabinet',⁸⁸ his response to Irish violations of past agreements was shaped by an understanding of Britain's imperial interests, a belief in the sanctity of treaties, a sense of personal commitment to the 1921 Treaty, a willingness to support the rights of the majority in Northern Ireland and a recognition of de Valera's single-minded determination to achieve his ambitions. Following discussions with de Valera in mid-1932, Hailsham concluded that further negotiations would be futile after the Irishman admitted that harmonious relations between Britain and the Free State could never be secured until a united-Irish republic was established. Hailsham deplored the idea of concessions designed to win the goodwill of an Irish leader who, he believed, would never be content on terms acceptable to the United Kingdom. He advocated measures designed to coerce the Free State government into moderating its demands.

While Hailsham was no Diehard, the image that Heuston encourages of a minister who sought to re-establish negotiations between London and Dublin because Thomas, the Dominions Secretary, was 'a stupid and dishonest plebeian, constitutionally incapable of seeing the Irish point of view', is equally misleading.⁸⁹ Thomas and Hailsham had agreed upon a policy of coercion towards Southern Ireland, and when the former reneged on his earlier position, it was the War Secretary who persuaded the cabinet to reject efforts to engineer a settlement. Hailsham ensured that Britain maintained economic pressure on the Free State.

The key to Hailsham's influence over Anglo-Irish policy was his membership of the government's Irish Situation Committee (ISC) from its inception in March 1932 until its final meeting in 1938. Established to deal with the predicament created by de Valera's accession to

⁸⁸ P.M. Canning, 'The Impact of Eamon de Valera: Domestic Causes of the Anglo-Irish Economic War', *Albion*, vol.15, no.3 (1983), p.201. See McMahon, *Republicans and Imperialists*, p.33; D. McMahon, "'A Transient Apparition': British policy towards the de Valera government 1932-5", *Irish Historical Studies*, vol.22, no.88 (1981), p.335; C. Sanger, *Malcolm MacDonal: Bringing an end to Empire* (Liverpool, 1995), p.112.

⁸⁹ Heuston, *Lord Chancellors*, pp.477-8.

power, it had responsibility for coming to terms with the Free State government on constitutional, financial, defence and economic questions – partition was not to be discussed.⁹⁰ In addition to Hailsham, this powerful committee included MacDonald, the Prime Minister, Chamberlain, Chancellor of the Exchequer, Simon, Foreign Secretary and Baldwin, the Lord President and Conservative leader. At the outset, Hailsham assumed a prominent role and helped draft the government’s position on the question of the Oath and the land annuities.⁹¹ This formed the essence of the government’s Commons statement and tallied with the advice of Irish opposition leaders.⁹² In almost identical terms Thomas wrote to de Valera:

the Oath is an integral part of the [1921] Treaty... the Irish Free State government are bound by the most formal and explicit undertaking to pay the land annuities... [T]he failure to do so would be a manifest violation of an agreement which is binding in law and in honour on the Irish Free State.⁹³

Despite the National Government’s determination to defend its position, the Free State defaulted on land annuities and other payments totalling around £1.5 million. Hailsham warned his colleagues that Britain faced ‘a long and difficult dispute’.⁹⁴ He was convinced that the Free State was legally committed to pay the annuities, while he understood the wider significance of the Oath.⁹⁵ Irishmen, he maintained, as ‘natural born British subjects owe allegiance to the King by virtue of the fact that they are born in allegiance’. But the Free State ‘was taking steps publicly to remove the statutory obligations binding them to observe and carry out the [1921] Treaty’. Repudiating the Oath would ‘constitute a breach of an

⁹⁰ CAB 27/522, ‘Irish Situation Committee’, ‘Explanatory Note’.

⁹¹ CAB 23/70, 23 March 1932.

⁹² H of C Debs, vol.263, col.1044; McMahon, *Republicans and Imperialists*, p.54.

⁹³ T.P. Coogan, *De Valera* (London, 1993), p.446.

⁹⁴ CAB 27/523, 12 April 1932.

⁹⁵ The payments were owed for loans provided under the Irish Land Acts and were confirmed in financial agreements signed by Cosgrave’s government in 1923 and 1926. The Oath was a provision of the 1921 Treaty. Elected members of the Dáil were required to take the Oath before sitting in the chamber.

obligation'.⁹⁶ Hailsham, who as Attorney-General had helped guide the 1921 Treaty through the Commons, was aware that it was only with these safeguards that Southern Ireland had been granted Dominion status in the first place. From this episode he drew a conclusion that would condition his response to de Valera for the rest of the decade: 'No useful purpose would be served by... entering into negotiations or making fresh bargains with a government which has just shown... that it could not be relied upon to keep the most solemn engagements.'⁹⁷

In the hope of negotiating a settlement, the Irish leader invited representatives of the British Government to Dublin in June 1932 with a return visit to London scheduled two days later. In the first official visit to the Free State by British cabinet ministers, Hailsham accompanied Thomas. Suggestions that the War Secretary's presence was designed to intimidate the Irish through an implied threat of military force are misplaced.⁹⁸ One Irish historian even triumphantly claims that if 'the British thought that de Valera was going to be intimidated into submission, they were in for a sore disappointment'.⁹⁹ In reality, Hailsham's attendance reflected his deep involvement in Irish policy. The sixty year-old was a leading constitutional lawyer, Leader of the Lords and a former Lord Chancellor, and he did not cross the Irish Sea brandishing his portfolio as Minister for War. With Neville Chamberlain absent at Lausanne negotiating war debts, Hailsham was, after Baldwin, the most senior Conservative in the government.¹⁰⁰ As Thomas informed the Commons before their departure, 'Lord Hailsham is accompanying me as a member of the cabinet'.¹⁰¹ Nonetheless, Hailsham's involvement did not signal a change in his outlook. Before leaving for Dublin, he stated that de Valera 'should not be misled into thinking that because the United Kingdom

⁹⁶ CAB 27/523, 13 April 1932.

⁹⁷ Ibid., 9 May 1932.

⁹⁸ See, for example, Coogan, *De Valera*, pp.449-50; Earl of Longford and T.P. O'Neill, *Eamon de Valera* (London, 1970), p.279.

⁹⁹ T. Ryle Dwyer, *De Valera's Finest Hour* (Dublin, 1982), p.25.

¹⁰⁰ McMahon, *Republicans and Imperialists*, p.55.

¹⁰¹ H of C Debs, vol.266, col.1589.

Government were willing to discuss the questions at issue, they had changed their views'. He warned that 'the greatest care should be taken to avoid raising expectations which could not be realised'.¹⁰²

After their arrival in Dublin on 8 June, it soon became apparent that agreement was unlikely. De Valera set out the two fundamentals for an agreement. The first was the end of partition; the second the recognition of Ireland as a republic. Thomas and Hailsham 'had some difficulty in refraining from entering a protest', but judged 'it wiser to keep silence'. The British would not coerce the Six Counties into joining the Free State and, fearing the wider consequences for imperial unity, the National Government desired the Free State's continued presence in the Commonwealth. The Irish leader rejected British offers to modify the terms of the Oath and declared that 'there was no legal justification for demanding payment of the land annuities'.¹⁰³ The British were determined to uphold past agreements while the Irish wanted to smash them.

As a result of the negotiations, Thomas regarded de Valera with 'considerable disapproval'.¹⁰⁴ Hailsham's position was identical. Despite their different political persuasions, both ministers felt that de Valera was 'a complete dreamer... with no grasp of realities, though of complete personal sincerity'.¹⁰⁵ Coogan claims that the ministers' understanding of the Irishman amounted to a 'monumental misjudgement of de Valera's character'.¹⁰⁶ Yet Hailsham's initial impressions were remarkably perceptive. Impressed by de Valera's resolve, he believed the Irishman when he claimed that 'nothing short of an agreement as to fundamentals would produce permanent peace and goodwill'. Those fundamentals were utterly unacceptable to Hailsham and would remain so. Recognition of de

¹⁰² CAB 27/523, 5 June 1932.

¹⁰³ CAB 24/230, 'Note by Thomas and Hailsham', 8 June 1932.

¹⁰⁴ MacDonald, *Titans*, p.55.

¹⁰⁵ 'Note by Thomas and Hailsham', 8 June 1932.

¹⁰⁶ Coogan, *De Valera*, pp.445; 450.

Valera's ultimate aspirations guided Hailsham's response to Irish questions and dominated Britain's reaction to Irish violations of past agreements until 1935.¹⁰⁷

During the second meeting held in London on 10 June, de Valera went back 'hundreds of years in the tracing of England's hand in Ireland'. Thomas found it 'utterly impossible to negotiate with one holding the views he did'.¹⁰⁸ The British maintained that the land annuities were raised from tenant purchases and were not part of the Free State account. They offered Empire arbitration but de Valera, remembering the recommendations of the Irish Boundary Commission, turned this down believing that 'the dice would always be loaded in favour of the stronger party'.¹⁰⁹ The impasse was complete. The official statement following the second meeting, which MacDonald, Baldwin and Samuel also attended, claimed that after 'prolonged discussion... it was not found possible to reach an agreement'.¹¹⁰ Hailsham later reflected:

de Valera and his friends do not want to negotiate... they have merely insisted on the repudiation of their liability. Nor do I see much hope of settling political questions... [W]hen we do make a generous settlement it is only used as an excuse for further demands.¹¹¹

In similar terms, the Prime Minister claimed that de Valera refused 'to face the real facts of the situation'. The Irishman's 'generalities about goodwill have no existence in reality... [H]e will do nothing except what is a step to an Irish Republic and is undoubtedly a complete prisoner of the Irish Republican Army.'¹¹²

¹⁰⁷ 'Note by Thomas and Hailsham', 8 June 1932.

¹⁰⁸ J.H. Thomas, *My Story* (London, 1937), p.188.

¹⁰⁹ 'Note by Thomas and Hailsham', 8 June 1932.

¹¹⁰ *The Times*, 11 June 1932.

¹¹¹ HAIL 1/1/1, Hailsham to Granard, 8 June 1934.

¹¹² MacDonald Papers, PRO 30/69/678/782, MacDonald to the Archbishop of York, 13 Sept. 1932.

Hailsham's report to the Lords placed responsibility for the breakdown of negotiations firmly on de Valera's shoulders: 'Unhappily it would seem that an Irishman... does not desire to observe the obligations which the Irish Free State has undertaken if they should prove in his opinion inconvenient'. The violation of past agreements – for which he himself shared responsibility – remained Hailsham's primary concern:

for a Government to allow a unilateral repudiation of obligations solemnly entered into for no reason except that the repudiating party preferred not to carry them out... is a course which is an impossible one in International Law... and is one which this country would not tolerate from any Government of any complexion at all.¹¹³

With no agreement in sight the 'economic war' began and 'heralded a return of the Irish question to the British domestic scene with a vengeance'.¹¹⁴ 'So long as de Valera is there', MacDonald lamented, 'there is no way out.'¹¹⁵

The National Government imposed a 20 per cent tariff on Irish goods entering Britain, designed to recoup the losses from the land annuity payments and compel the Irish Government to reconsider its policies. Thomas's biographer notes that the Dominions Secretary and Hailsham 'persuaded the cabinet to make its one firm stand during a decade of appeasement'.¹¹⁶ While this is an exaggeration, such an approach later in the decade would have put both men firmly in the 'anti-appeaser' camp of subsequent historiography. The Free State responded by imposing protective duties on British goods and no negotiations between Britain and the Free State took place at the Ottawa Conference. When Bennett, the conference chairman, offered to intervene in the dispute, Hailsham replied: 'What is the use

¹¹³ H of L Debs, vol.85, col.750.

¹¹⁴ Harkness, 'England's Irish Question', p.53.

¹¹⁵ Coogan, *De Valera*, p.452.

¹¹⁶ G. Blaxland, *J.H. Thomas* (London, 1964), p.262.

of mediation with a man like Mr. de Valera? He told Mr. Thomas himself that he wanted an Irish Republic with Ulster. Obviously he is hoping for an impossibility.’¹¹⁷

The impact of the ‘economic war’ was inevitably greater on the Free State than on the United Kingdom and the resulting hardship may have been a factor in a sudden softening of Thomas’s approach. In September he recommended to the ISC a financial settlement. But Hailsham, supported by Neville Chamberlain, became the dominant force in the sub-committee and sought to stiffen the government’s resolve. Britain, the former maintained, ‘could admit no compromise’.¹¹⁸ Until the question of the Oath was satisfactorily settled, tariffs should be maintained, even if the land annuities issue was resolved. ‘It would’, the Committee concluded, ‘be unthinkable in Cosgrave’s [the opposition leader] interests, as well as our own... to acquiesce in the repudiation of the financial provisions.’¹¹⁹

In early October Hailsham attended another abortive conference held in London to discuss annuities, pensions and the apparent over-taxation of Ireland since the Union. In the days leading up to the conference, Thomas suggested to Hailsham that political questions, such as the abolition of the Oath, might also be considered. The War Secretary, however, warned his colleague that the consideration of political issues would provide the Irish with a pretext for breaking off the negotiations. Suspecting that the Irish had no real interest in reaching a financial agreement, he replied:

I myself believe that de Valera does not intend to pay anything and, therefore, there is no chance of a settlement. I, for one, could not be a party to an agreement to tear up the [1921] Treaty and to let off Ireland from all her liabilities... Negotiations will

¹¹⁷ *Irish Times*, 30 July 1932.

¹¹⁸ CAB 27/523, 27 Sept. 1932.

¹¹⁹ *Ibid.*

therefore break down and there will be no need to bring in the considerations as to the Oath.¹²⁰

When the conference met the two delegations were poles apart. From the British perspective, Hailsham accused the Irish of ‘bad law and bad equity’.¹²¹ To Irish claims that the agreements had not been ratified by the Dáil, the War Secretary bluntly replied that if ratification was necessary it would have been stated in the agreements themselves.¹²² As regards Empire arbitration, he tried to convince the Irish that they had adopted an overly stubborn position:

[I]t was quite true that the losing side in an arbitration often felt the award to be unjust. It would not necessarily follow, however, that the grievance... [would] lead to repudiation... The United Kingdom had always felt that they had been unfortunate in arbitrations, but they had never attempted to re-open any settlements so reached.¹²³

The Irish, however, did not concur and de Valera, quite fantastically, concluded that instead of Southern Ireland owing Britain £5 million a year, Britain owed the Free State £400 million, excluding interest. In such an atmosphere, the conference broke down and the Free State’s violation of the 1921 Treaty continued. In November 1932 de Valera marginalised the role of the Governor General. He replaced the King’s representative with a ‘Fianna Fail shopkeeper from Maynooth’ whose anonymity became a joke.¹²⁴ George V’s private secretary noted that the new position was ‘ridiculous and derogatory to the King’s dignity’.¹²⁵

Later that month, when Thomas recommended concessions to allow an Irish republic to remain within the Commonwealth, Hailsham stopped the Dominions Secretary in his

¹²⁰ TNA, Dominions Office papers [hereafter DO], 35 397/13, Hailsham to Thomas, 10 Oct. 1932.

¹²¹ *DIFP*, vol.4, no.136, NAI DFA Secretary’s Files S1/4, ‘Anglo-Irish Finance Conference’, 14 Oct. 1932.

¹²² CAB 27/494, ‘Anglo-Irish Finance Conference’, 14 Oct. 1932.

¹²³ *Ibid*, 15 Oct. 1932.

¹²⁴ McMahon, *Republicans and Imperialists*, p.99; R. Fisk, *In Time of War* (London 1983), p.23.

¹²⁵ PREM 1/133, C. Wigram to E. Harding, 26 Aug. 1933.

tracks. It was 'no use', Hailsham claimed, offering 'something the United Kingdom could not implement'. Any concessions over the Oath would represent 'betrayal and surrender on a matter of vital importance'.¹²⁶ So strongly did Hailsham express himself that 'he carried the committee with him'.¹²⁷ Even in early 1933 when the President of the Board of Trade pointed to disquieting trade figures, Hailsham's defiant stance prolonged the 'economic war'. Such a struggle, he admitted, could not be carried on without injuring both sides. But he insisted that it was impossible for Britain 'to give in; the people... would not allow it'. Offers to modify the Oath, extend the timescale for the land annuities and allow arbitration, 'represented the last word in our generosity'.¹²⁸ Hailsham saw little point in negotiating and in March 1933 he even refused to meet de Valera when the Irishman passed through London on his way to Geneva. The War Secretary had concluded that 'a private luncheon or dinner party... was not likely to be productive of good'. Dulanty, the Free State's High Commissioner, consequently complained of the War Secretary's 'granite-like' attitude.¹²⁹

Hailsham was at the centre of Britain's response to Irish violations but his hard-line had failed to produce the desired results. If the British were hoping to see the replacement of de Valera's minority government by the pro-Treaty party, they miscalculated.¹³⁰ In the election of January 1933, de Valera's party secured a majority for the first time. It appears that the National Government was misled by poor intelligence from, among others, Lord Midleton, a Southern Unionist and former cabinet minister. In one letter from October 1932 Midleton informed Hailsham that 'de Valera's position will begin to fall by leaps and bounds in about a month from now'. If the British stuck to their guns, Midleton claimed, de Valera

¹²⁶ CAB 27/523, 25 Oct. 1932.

¹²⁷ Canning, 'Impact of Eamon de Valera', p.203.

¹²⁸ CAB 27/523, 6 March 1933.

¹²⁹ DO 35/397/11111/65, Wigram to Butterbee, 29 March 1933.

¹³⁰ McMahon, *Republicans and Imperialists*, p.87.

would go ‘for good and all’.¹³¹ Such predictions, however, proved to be wishful thinking. Despite the objections of Cosgrave’s opposition party, the Dáil abolished the Oath in May 1933. Hailsham’s response was typically based on the sanctity of past agreements:

The [1921] Treaty is a bargain between this country and the Irish Free State. Neither... can by unilateral action alter the terms of the bargain... [E]ven if one party purports to alter the bargain, that attempt has no legal, no international effect at all.¹³²

This attitude underpinned the public image of the National Government’s policy although there was on-going talk of mediation throughout 1933, particularly on the part of the Dominions Secretary. Hailsham and Chamberlain, however, continued to block concessions that might lead to a settlement. Economic pressure on the Free State was maintained, but there was little more that Britain could do to compel de Valera’s capitulation, short of resorting to force.

This was an eventuality that concerned de Valera. In the second half of 1933 he seemed paranoid about military reprisals and collusion between the National Government and Cosgrave’s Cumann na nGaedheal party. In September he announced in the Dáil that Hailsham and General Mulcahy, an opposition member and a former minister and Defence chief, had met in Glasgow for conversations.¹³³ The allegations, however, were completely unfounded. The President’s intelligence sources proved hopelessly inaccurate. After Mulcahy received a public apology, Hailsham remarked: ‘I said at the time that it was untrue... I am glad that it is now admitted’.¹³⁴

Military sanctions were never seriously contemplated in British circles, but in late 1933 de Valera sought an assurance that further treaty infringements would not be met by

¹³¹ DO 11111/350, Midleton to Hailsham, 5 Oct. 1932. For more examples, see: PREM 1/132.

¹³² H of L Debs, vol.87, col.866.

¹³³ *Irish Times*, 29 Sept. 1933.

¹³⁴ *Manchester Guardian*, 5 Oct. 1933.

force. ‘The Government of the Irish Free State’, he declared, ‘would sincerely welcome such a statement.’¹³⁵ Thomas wanted to give a straight answer and state that Britain would not use force against the Free State. Hailsham, however, felt it better ‘to keep the enemy in doubt as to the risks he is running’. He suggested that Thomas should not rule out the military option but state that it would be ‘a grave mistake to suppose that the only course... [open to] the UK would be the use of armed force to protect their Treaty rights’.¹³⁶ When Hailsham failed to convince Thomas, the question was put to the cabinet. When the issue was raised the War Secretary stated that he ‘was somewhat horrified lest the cabinet should adopt [Thomas’s] view’. De Valera was ‘proposing to do a very grave wrong to the United Kingdom’ and had shown no subtlety in pursuing his policy of a united Irish republic. ‘Was it not plain’, Hailsham asked, that

the reason why the Irish had not already dared to repudiate the Treaty was that they did not know whether they would be up against force or not. If there was any risk of force they would not run it; if there was no risk they would act.¹³⁷

He then outlined the circumstances in which Britain might have to use force, such as defending the British occupied Treaty Ports, and he alluded to the wider implications of the policy adopted towards Ireland: ‘If we allowed the safeguards to be broken by the Free State, how could anyone support a corresponding arrangement with India?’ With the Diehard campaign against Indian constitutional reform then in full swing, his reasoning carried the cabinet. Typically, on all matters Irish, he was supported by Lord Londonderry, the Air Secretary, who shared Hailsham’s ancestral links with the Six Counties. Britain refused to give de Valera the assurance he desired, but the Irish leader ploughed on.¹³⁸

¹³⁵ *IDFP*, no.213, NAI DFA Secretary’s Files S1, de Valera to Thomas, 29 Nov. 1933.

¹³⁶ DO 11111/a/31, Hailsham to Thomas, 24 Nov. 1933.

¹³⁷ CAB 23/77, 4 Dec. 1933.

¹³⁸ *Ibid.*, 30 Nov.; 4 Dec. 1933.

Next on de Valera's agenda was the abolition of the right of appeal to the Privy Council. In November a bill passed through the Dáil that removed this safeguard from the Free State's constitution. This was no trifling issue as its removal would allow the Free State to assert its right to secede from the Commonwealth. Enshrined in the 1921 Treaty to maintain a unified imperial legal system, this safeguard also ensured that British *not* Irish judges would have the final say on interpretations of the 1921 Treaty and the Free State's constitution.¹³⁹ For those in the Free State who sought judicial independence from Westminster, however, it 'perpetuate[d] British interference in their country's affairs'.¹⁴⁰

In a significant speech during December 1933 Hailsham told the Lords that the right of appeal could not be removed without the sanction of the Imperial Parliament. 'It was plain', Hailsham stated, 'that the Free State could not consistently with the terms to which it owed its existence as a Dominion repeal the right of appeal which was expressly safeguarded by the Treaty.'¹⁴¹ De Valera observed that Hailsham's was 'the most astonishing speech he had ever read'.¹⁴² After suggesting that, if Hailsham was correct, the Statute of Westminster was a 'fraud' upon the Dominions, the Irishman got to the crux of his case: 'secession ought to be a matter for us... It is for the Irish people to decide what their associations with other countries will be... the Irish people are not going to be a slave people.'¹⁴³

Hailsham's speech, according to the *Manchester Guardian*, was 'bad law and worse politics'.¹⁴⁴ General Hertzog, the South African premier, similarly told the Union parliament that the statement 'implies a lack of knowledge on Lord Hailsham's part'.¹⁴⁵ According to the

¹³⁹ J.D. Krikorian, 'British Imperial Politics and Judicial Independence: The Judicial Committee's Decision in the Canadian Case *Nadan v. The King*', *Canadian Journal of Political Science*, vol.33, no.2 (2000), pp.297-8.

¹⁴⁰ D.B. Swinfen, *Imperial Appeal* (Manchester, 1987), p.93.

¹⁴¹ H of L Debs, vol.90, col.335.

¹⁴² *The Times*, 8 Dec. 1933.

¹⁴³ *Ibid.*

¹⁴⁴ *Manchester Guardian*, 9 Dec. 1933.

¹⁴⁵ *Irish Times*, 16 Feb. 1934.

latter, however, the position of South Africa and the other Dominions had changed with the Statute of Westminster, but the Free State's status was subtly different:

the Free State, unlike other Dominions, became a Dominion by accepting a treaty, under terms of which it agreed not to exercise certain legal rights... [I]t was... an integral part of the settlement that the Free State should accept and maintain certain obligations.¹⁴⁶

He expanded his thinking in a letter to Thomas, which was passed on to the Dominions:

the [1921] Treaty itself laid down that the constitutional position of the Irish Free State was the same as that of Canada at that date i.e. 1921; and that it had been expressly decided with regard to the Dominion of Canada, in a series of cases that the right of the citizens of Canada to appeal to the Privy Council... was a right which could not be taken away by the Dominion parliament without the express sanction of the Imperial parliament.¹⁴⁷

Hailsham's thinking was underpinned by his understanding of constitutional law and a sense of personal commitment. When he had helped pilot the Irish Free State Constitution Bill through the Commons in 1922, he had stated that the Supreme Court of the Free State was 'in the same position' as in the other Dominions. The 'decisions of these courts are final and conclusive, *unless* his Majesty... exercise[s] his prerogative right and grant[s] leave to appeal to the Privy Council... [which] may review the decision'. Article 66 of the Free State's constitution maintained that 'nothing shall impair the right of the Privy Council to grant leave to appeal'.¹⁴⁸ In 1922 Hogg had insisted that this was one of the most important safeguards which ensured that the Free State's constitution could not be used to set up a republic. The

¹⁴⁶ CAB 27/523, 12 April 1932; See also CAB 23/77, 4 Dec. 1933.

¹⁴⁷ DO 11111a/33, Hailsham to Thomas, 15 Dec. 1933.

¹⁴⁸ H of C Debs, vol.159, cols 378-9.

Attorney-General knew that ‘lawyers on both sides of the House... will all agree with me’ when he stated that

there can be no possible doubt at all that the prerogative right of the Crown which exists in the case of Canada and other self-governing Dominions is preserved in the case of Ireland.¹⁴⁹

Eight years later, ahead of the 1930 Imperial Conference, Hailsham and Baldwin informed MacDonald, then Labour Prime Minister, that they could only accept an alteration to appeals on the basis of agreement between Britain and the Free State.¹⁵⁰

In 1933 Hailsham’s position remained unchanged. He denied that the Statute of Westminster had altered the situation in relation to the Free State because Article 2 of the 1921 Treaty held that any constitutional amendment that conflicted with that Treaty was ‘absolutely void and inoperative’.¹⁵¹ The Treaty gave the Free State the same constitutional position as Canada in 1921. It did not, however, guarantee constitutional development.¹⁵² For Hailsham, amendments to the Free State’s constitution depended upon the consent of the British government. Thomas Inskip, the Attorney-General, drew the same conclusion. He recommended that the Free State should be informed ‘that the Bill is regarded as a breach of the [1921] Treaty’.¹⁵³ While this interpretation remains contentious, it is noticeable that Cosgrave had told MacDonald in 1931 that ‘we have reiterated time and again that the Treaty is an agreement which can only be altered by consent’.¹⁵⁴ The Dáil’s abolition of the right to

¹⁴⁹ Ibid., cols 373-8. See also Krikorian, ‘British Imperial Politics’, p.298.

¹⁵⁰ Swinfen, *Imperial Appeal*, p.120.

¹⁵¹ DO 11111a/33, Hailsham to Thomas, 15 Dec. 1933; McMahon, *Republicans and Imperialists*, p.8.

¹⁵² Mansergh, *Commonwealth Affairs*, pp.26-28.

¹⁵³ PREM 1/133, Inskip to Thomas, 21 Sept. 1933.

¹⁵⁴ Hancock, *Commonwealth Affairs*, p.336.

appeal was met with dismay in Unionist quarters. Carson claimed that ‘every promise to the Irish loyalists had been broken, everything that made life and property safe was gone’.¹⁵⁵

Notwithstanding claims that Lloyd George had apparently threatened a ‘terrible and immediate war’ upon Southern Ireland if the Irish delegates did not sign the 1921 Treaty, it had been ratified by both parliaments. This, in Hailsham’s opinion, made de Valera’s demands unlawful. Hailsham told the Lords that de Valera

seems to have a theory that, inasmuch as no one enters into a treaty completely freely, that is to say, that since every nation when it enters into a treaty does so under the pressure of surrounding circumstances... any nation can at its will repudiate the obligations which it has undertaken... whilst at the same time retaining the advantages... [T]hat doctrine is wholly untenable either in International or Municipal Law.¹⁵⁶

The War Minister’s personal experience of negotiating with the President merely confirmed his objections. The Irishman

was so much obsessed with his own bigoted view of Anglo-Irish relations... that there was no common meeting ground on which any settlement with him was possible, and there was no use, therefore, in making a move to re-open negotiations... everything that I read as to the proceedings in the Irish Free State tends to confirm me.¹⁵⁷

As the Irish showed no sign of modifying their demands, Hailsham concluded that ‘from what I have seen of de Valera, I do not myself think that any scheme which would appeal to

¹⁵⁵ *The Times*, 7 Dec. 1933.

¹⁵⁶ H of L Debs, vol.93 col.1076.

¹⁵⁷ HAIL 1/1/1, Hailsham to Granard, 5 March 1934.

him would be likely to be satisfactory to British opinion'.¹⁵⁸ There was, therefore, no point negotiating if a long-term agreement was never going to be found.

Until the formation of Baldwin's last government in June 1935, Hailsham, first in agreement with Thomas, then without the concurrence of the Dominions Secretary, dominated Britain's Irish policy. Canning suggests that 'whenever it came to a cabinet decision regarding Ireland', it 'fell into Hailsham's die-hard views'.¹⁵⁹ This interpretation, however, does less than justice to Hailsham's position. While he remained 'a vigorous champion of Ulster',¹⁶⁰ the fact that he was able to carry the cabinet with him, a coalition which included moderate Conservatives such as Baldwin and Hoare, Liberal Nationals and former leaders of the Labour party, suggests that this approach does not merit the description 'diehard'. Defending a treaty he had helped guide through the Commons should not be labelled in this way. The sanctity of treaties, the wider effects that surrendering to Irish nationalism could have on imperial unity and a recognition of de Valera's ultimate demands determined Hailsham's reaction to Irish republicanism. Yet, although the 'economic war' continued until 1938,¹⁶¹ the Free State progressed towards republican status. In 1935 the Irish Nationality and Citizenship Act and the Aliens Act made British citizens aliens in the Free State. Hailsham's unsuccessful stand against concessions encouraged a fresh approach from the National Government.

With Baldwin's return to the premiership in June 1935, Hailsham left the War Office and replaced Sankey as Lord Chancellor. More importantly for Anglo-Irish affairs, Malcolm MacDonald, son of the former Prime Minister, succeeded J.H. Thomas as Dominions Secretary in November. This challenged Hailsham's dominating influence over Irish policy.

¹⁵⁸ HAIL 2/2/2, Hailsham to Granard, 25 March 1935.

¹⁵⁹ Canning, 'Impact of Eamon de Valera', p.201.

¹⁶⁰ McMahon, *Republicans and Imperialists*, p.31.

¹⁶¹ The only relaxation of the punitive measures was the 'coal-cattle pact' agreed in January 1935 that reduced duties on both commodities.

When Thomas retired from front-line politics the following year, Hailsham praised him for having ‘been a fine imperialist all his life’.¹⁶² This was not a description he applied to the new Dominions Secretary, whom he later noted was ‘one of the least staunch of our cabinet about the Empire’.¹⁶³ A clash between the two men became increasingly likely. Unlike his father, whose attitude ‘was indistinguishable from that of Lord Hailsham’,¹⁶⁴ Malcolm was prepared to make significant concessions to secure better relations with the Free State. He even informed de Valera that he ‘would like to see’ partition ended ‘in due course’.¹⁶⁵ Such an outcome was utterly repugnant to Hailsham. ‘I don’t believe the people of this country’, he wrote, ‘would ever agree to hand over Ulster to the tender mercies of the Irish Republicans.’¹⁶⁶ In 1936 the Irish High Commissioner hoped that liberal-leaning members of the National Government ‘might be able to influence the mind of the Six Counties Government’, but he realised that Hailsham ‘would fight to the death against any alteration of the present position’.¹⁶⁷ Nonetheless, fresh approaches were made to de Valera, although the full cabinet was unaware that discussions were taking place. MacDonald and Baldwin appreciated that Hailsham’s forceful and capable resistance might have prevented this initiative from ever being taken.¹⁶⁸

Following this initial approach, MacDonald told his colleagues that ‘the absence of agreement between the United Kingdom and the Irish Free State on very important matters... weaken[ed] the moral authority of the British Commonwealth’.¹⁶⁹ Hoping to achieve a lasting settlement, he recommended that Britain should accept a one-off token payment to end the land annuity dispute. If this could be realised, the tariffs maintained since 1932 could be

¹⁶² HAIL 1/3/10b, Hailsham to Willoughby, 1 July 1936; Londonderry papers, D 3099/2/17/75a, Hailsham to Londonderry, 8 June 1936.

¹⁶³ HAIL 1/4/27, Hailsham to Neil Hogg, 24 Nov. 1938.

¹⁶⁴ *DIFP*, vol.4, no.294, NAI DFA Secretary’s Files S32, J.W. Dulanty to J.P. Walshe, 4 Nov. 1935.

¹⁶⁵ MacDonald, *Titans*, p.64.

¹⁶⁶ HAIL 1/1/1, Hailsham to Granard, 2 July 1934.

¹⁶⁷ *DIFP*, vol.4, no.372, NAI 2003/17/181, Dulanty to Walshe, 14 Oct. 1936.

¹⁶⁸ Fisk, *Time of War*, p.30.

¹⁶⁹ CAB 27/523, 12 May 1936.

removed as the Oath was already consigned to history. MacDonald even thought it desirable to return the ports retained by Britain under the 1921 Treaty to the Free State, if a satisfactory defence agreement could be reached. Partition, however, was not to be discussed.¹⁷⁰ By this stage the troublesome question of Indian constitutional reform was settled and Hailsham could no longer use it as a factor against concessions to the Free State.

Predictably, Hailsham objected to the Dominions Secretary's plan. One 'onslaught', MacDonald recalled, 'was so weighty that the situation was critical'.¹⁷¹ Hailsham believed that seeking agreement with de Valera 'could produce no good result at home, in Ireland or elsewhere'. It was, he held, 'a pity to revive a dormant issue' as de Valera was pursuing his 'obsession' of an all-Ireland Republic. The failure of such discussions could re-create 'anti-British feeling in the Free State'. More pragmatically, Hailsham argued against the reduction of tariffs on Irish goods, because forthcoming trade discussions with the Dominions and Argentina were more likely to be a success if 'the Free State supply was still arriving in reduced quantities'.¹⁷² But, despite Hailsham's spirited opposition, the cabinet endorsed MacDonald's plan. Crucially, Chamberlain, who had been 'one of the most uncompromising opponents of conciliation',¹⁷³ now backed MacDonald's line. Londonderry's removal from the government in late 1935 combined with Chamberlain's *volte-face* left Hailsham isolated in the cabinet and the sub-committee.

While MacDonald gained authorisation to open formal discussions with the Free State, de Valera proposed to eliminate the Crown from Irish domestic affairs. The resulting legislation, Hailsham felt, would place the Free State outside the Commonwealth. This he regarded as a disaster. The gravity of the situation led the Lord Chancellor temporarily to

¹⁷⁰ Ibid.

¹⁷¹ MacDonald, *Titans*, p.61.

¹⁷² CAB 27/523, 12 May 1936.

¹⁷³ McMahon, 'A Transient Apparition', p.341.

adjust his approach. He now felt that an effort to negotiate must be made, as 'it was unthinkable that we should let the Free State go out of the Commonwealth without an effort on our part to keep them in'.¹⁷⁴ When, however, it became clear that the new Irish constitution would remove Article 1 of the 1921 Treaty, which maintained that the Free State was 'a co-equal member of the... British Commonwealth of Nations',¹⁷⁵ Hailsham felt that Britain could not accept such terms.¹⁷⁶ With the consent of the other Dominions, however, the Free State did not leave the Commonwealth, but it seems that de Valera accepted a token link only in the interests of his ultimate goal of Irish unity.¹⁷⁷

Hailsham was incapacitated by a stroke in the summer of 1936. When he returned to his duties in January 1937, the Irish situation had moved on and developments were not to his liking. The abdication crisis provided de Valera with another opportunity to weaken the bonds of association. Although George VI was proclaimed in the Free State, de Valera passed two bills through the Dáil removing his powers from Irish internal affairs. This meant that the King could only confirm diplomatic appointments and international treaties on the Free State's behalf. De Valera's forthcoming constitution planned to rename the Free State 'Eire' and only recognise the Monarch as the Commonwealth's titular head. Typically defiant, Hailsham held that it was 'of very great importance that the language of his legislation should be altered'. MacDonald, however, rejected this approach, insisting that Hailsham's solution would not facilitate agreement.¹⁷⁸ Before the end of 1937 the Free State was abolished and Eire was established, in effect, as an independent republic.¹⁷⁹ More importantly, the re-opening of conversations led to more serious negotiations and the eventual signing of the Anglo-Irish Treaty in April 1938. The terms of these agreements were unacceptable to

¹⁷⁴ CAB 27/523, 17 June 1936.

¹⁷⁵ Harkness, 'England's Irish Question', pp.47-8.

¹⁷⁶ CAB 27/523, 17 June 1936.

¹⁷⁷ D. Harkness, 'Mr De Valera's Dominion: Irish Relations with Britain and the Commonwealth, 1932-1938', *Commonwealth and Comparative Politics*, vol.8, no.3 (1970), p.208.

¹⁷⁸ CAB 23/87, 25 Jan. 1937.

¹⁷⁹ Mansergh, *Commonwealth Affairs*, p.293.

Hailsham. Dissatisfied with the proposed financial and trade agreements and the treatment of the Six Counties, Hailsham saw Britain's unqualified withdrawal from the Treaty Ports of Berehaven, Lough Swilly and Queenstown as another sticking point. The growing threat of a European war added a new dimension to his opposition. He now feared that an agreement with the Free State could undermine Britain's potential to defend itself.

Unlike Anglo-Irish developments earlier in the 1930s, the 1938 agreements were not a unilateral venture. The National Government, now led by Neville Chamberlain, voluntarily removed trade barriers which ended the 'economic war'; the land annuities dispute was settled with a final payment to Britain of £10 million, notwithstanding previous demands for a sum ten times that figure; and Britain relinquished the Treaty Ports. The agreement, according to one backbench Conservative, was 'an indefensible bargain',¹⁸⁰ while Churchill felt that 'a more feckless act can hardly be imagined'.¹⁸¹ Britain got little, if anything, tangible in return.

When the draft agreements were presented to the cabinet sub-committee in early 1938, Hailsham, mounting a strong-willed opposition, rehearsed his usual concerns. De Valera, he pointed out, 'had been quite frank and definite in warning us that there could be no permanent improvement in the relations... so long as partition remained'. W.S. Morrison, the Minister for Agriculture, echoed this concern. He did not believe that better relations could be secured unless Britain accepted Eire's point of view on every issue.¹⁸² Granted that the long-term aims of Britain and Eire conflicted, Hailsham could not understand the rationale behind making concessions. Downcast by the financial sacrifice, he had 'understood that we were going to get a favourable trade agreement as consideration for the abandonment of the land annuities'. Yet, Eire wanted 'Ottawa treatment but was not giving us a proper Ottawa clause

¹⁸⁰ H of C Debs, vol.335, col.1116.

¹⁸¹ Churchill, *Gathering Storm*, pp.248-9.

¹⁸² CAB 27/524, 17 Feb. 1938.

in return'.¹⁸³ The only promise from Eire was that a price commission, without British representation, would review tariffs placed upon British goods.

Struck by the lack of Irish compromise, Hailsham concluded that Britain was 'getting next to nothing' and that the 'benefits of the agreement were all one way'.¹⁸⁴ When it was apparent that Eire intended to maintain its tariff against Northern Ireland because its government 'had shown no inclination to treat the minority justly',¹⁸⁵ Hailsham expressed his concern. He was worried that 'Ulster manufacturers might get into such desperate straits they would either vote for inclusion in Eire or move their factories into Eire'. De Valera, therefore, would obtain 'a lever to use against Northern Ireland in order to force the termination of Partition'.¹⁸⁶ With this in mind John Andrews, Northern Ireland's Finance Minister and representative during discussions in London, had already suggested that he would prefer to resign rather than defend the proposed agreements.¹⁸⁷ While a compromise formula was not ruled out, the cabinet hoped that the draft trade agreement would include 'useful concessions to Northern Ireland which would inure to their benefit'.¹⁸⁸ On 8 March even Chamberlain suggested that unless Ulster received some trade concessions, the whole agreement would 'go overboard'.¹⁸⁹ It seemed that Hailsham and those who shared his views about the Six Counties, such as Samuel Hoare, had prevailed.

Perhaps most importantly, the defence aspects of the agreement alarmed Hailsham. MacDonald originally insisted that Britain 'must have the use of the ports in time of war'.¹⁹⁰ His hope was that the Free State would modernise the Treaty Ports and make them available to Britain in the event of a European war. By early 1938, however, the Dominions Secretary

¹⁸³ Ibid.

¹⁸⁴ Ibid., 8 April 1938.

¹⁸⁵ Longford and O'Neill, *De Valera*, p.320.

¹⁸⁶ CAB 27/524, 17 Feb. 1938.

¹⁸⁷ PREM 1/274, Craigavon to Chamberlain, 11 March 1938. For more opposition, see Ibid., 19 Feb. 1938.

¹⁸⁸ CAB 23/93, 2 March, 1938.

¹⁸⁹ CAB 27/524, 8 March 1938.

¹⁹⁰ Ibid., 20 Jan. 1937.

conceded that ‘it was difficult... for [de Valera] to give that assurance’. It seemed that the Taoiseach would only accept a defence agreement if partition ended.¹⁹¹ Without a united Ireland, he promised only that the ports would not be used against Britain. In response, MacDonald constructed a persuasive rationale for abandoning the ports and relinquishing Britain’s treaty rights. Britain would, he argued, ‘obtain more by this method’. Admitting that there was an ‘element of gamble’ in his policy, he hoped the Taoiseach would ‘make a speech in which he would announce his policy which... would be very similar to that incorporated in the original draft agreement on defence’. The Dominions Secretary thus implied that de Valera would probably grant British access to the ports in a future war.¹⁹² But, legally speaking, Britain would have ‘no grounds other than wishful thinking’ to claim the ports in the future.¹⁹³ At the heart of this decision was MacDonald’s belief ‘that if there was a war and if – or because – we had given up the ports, Eire could come in on our side’.¹⁹⁴ Years later he recalled that in

most of Chamberlain’s Cabinet’s judgment – supported by the unanimous opinion of the Chiefs of Staff – the very importance of those ports in the event of war threw the balance of argument, [to]... voluntarily resigning our Treaty right to occupy them.¹⁹⁵

He also noted that ‘nationalist susceptibilities were grossly offended’ by the British occupation of the ports and he feared a nationalist rising if Britain used them during wartime.¹⁹⁶

Notwithstanding the lack of a written understanding, Thomas Inskip, the Minister for the Co-ordination of Defence, agreed with MacDonald and claimed that a ‘gentlemen’s

¹⁹¹ CAB 23/92, 26 Jan. 1938.

¹⁹² Ibid., 2 March 1938.

¹⁹³ P. Canning, ‘Yet another failure of appeasement? The Case of the Irish Ports’, *International History Review*, vol.4, no.3 (1982), p.392.

¹⁹⁴ Fisk, *Time of War*, p.41.

¹⁹⁵ MacDonald, *Titans*, p.82.

¹⁹⁶ Ibid., p.56.

agreement' had been crafted with de Valera.¹⁹⁷ With a hostile Eire, Inskip anticipated that it might take a division of troops to hold each port. With considerable expenditure required to bring the bases up to operational standard, they were presented as an economic burden. Inskip, therefore, concluded that Britain was 'not giving up anything worth having' because the bases were 'obsolete'.¹⁹⁸ He also pointed out that Eire, dependent on imports and overseas supplies, was almost bound to be on Britain's side in a future war.¹⁹⁹ Chamberlain similarly judged that despite 'abandoning... a paper right we had secured a reasonable prospect of obtaining the advantages of the co-operation of the Government and people of Eire in defence of the ports'.²⁰⁰ Such an agreement would represent a real coup for de Valera. Several members of his cabinet had even warned him that 'he would lose on the question of the ports'.²⁰¹

In reality, Britain's capacity to resist attacks upon its food supply was compromised in a gamble to buy Irish goodwill. In June 1936 de Valera had asserted that in a future war 'We want to be neutral'.²⁰² After six years of wrangling with de Valera, and defending what he regarded as Britain's vital interests, Hailsham was confident that the Taoiseach would make further demands the very moment that Britain's emergency arrived. These demands would involve ending partition and establishing an all-Ireland republic. He also questioned the strategic rationale behind the withdrawal.

Here Hailsham was in agreement with the defence chiefs. MacDonald's claim that they concurred with the defence proposals is open to debate as political pressure impinged upon defence strategy. One Chiefs' report from 1936 was 'contradictory' and 'owed as much

¹⁹⁷ CAB 27/524, 1 March 1938.

¹⁹⁸ Ibid.

¹⁹⁹ CAB 23/84, 2 March 1938.

²⁰⁰ CAB 27/524, 1 March 1938.

²⁰¹ R. Brennan, *Ireland Standing Firm* (Dublin, 2002), p.5.

²⁰² *Dáil Éireann Debates*, vol.62, col.2660.

to a desire to facilitate MacDonald's policies as it does to naval strategy'.²⁰³ It maintained that 'it is not suggested for a moment... that the free and unimpeded use of these ports is in any way less vital to our fleet than it has been in the past'.²⁰⁴ But no withdrawal could be presented to parliament without the concurrence of the defence chiefs. Hankey deemed it unfair to put the responsibility for a political decision on the Chiefs, telling Inskip that 'The decision ought to be taken by Ministers' because there were 'no new military factors: only new political factors'.²⁰⁵ The 1938 defence report, which MacDonald claimed was 'unanimous', actually held that without access to the ports in wartime 'the life of the nation would be imperilled'. Yet it tellingly concluded that 'it would be preferable to waive insistence on a formal undertaking which might be *politically impracticable*'.²⁰⁶

Although Inskip claimed that the Treaty Ports were redundant he also – somewhat paradoxically – accepted that Britain must have access to them in wartime and he even contemplated re-taking them by force.²⁰⁷ His rationale for such a move was that Britain might have to take the same action if the ports remained under British control. McMahon has used Inskip's attitude to claim that Britain had no alternative.²⁰⁸ Hailsham, however, disagreed and found a fatal flaw in Inskip's reasoning. Having made great sacrifices in the other parts of the agreement geared to gain Eire's goodwill, Britain would only provoke Irish antagonism by illegally re-occupying the ports. Such a course made no sense to Hailsham. Always keen to uphold international law, he reminded his colleagues that

If we did not hand over the ports by agreement, we had preserved our Treaty right to put soldiers into them. If we handed them over to Eire, and then proceeded to put

²⁰³ Fisk, *Time of War*, p.30.

²⁰⁴ *Ibid.*, pp.31, 39.

²⁰⁵ Canning, 'Yet another failure of appeasement?', pp.390-1.

²⁰⁶ Fisk, *Time of War*, p.39. Emphasis added.

²⁰⁷ CAB 27/524, 1 March 1938.

²⁰⁸ McMahon, *Republicans and Imperialists*, p.293.

soldiers into them in war, we should have committed a clear breach of our undertaking.²⁰⁹

If the ports were illegally re-occupied, Britain could lose the sympathy of world opinion which might prove decisive in a future conflict. It is also questionable whether Britain would have had to use force to exercise its Treaty rights. John Maffey, Britain's representative in Dublin 1939-49, disputed Inskip's assessment of Irish antagonism. He recalled that 'the theory was advanced that we should have had to land forces to protect the ports. This is rubbish. The ports were British by treaty rights internationally recognised.'²¹⁰

Hailsham also questioned the dismissive assessments of the ports' strategic importance and the judgement that Eire would hand them back if Britain needed them. Although he admitted that Britain's limited financial resources did not make their refurbishment a peacetime priority, 'in time of war the ports would be very valuable'. If they were retained they could be re-equipped at a later date. Recognising that their value lay in their deep-water anchorages, and remembering that Britain was almost defeated in 1917 because of German submarine activity,²¹¹ Hailsham concluded that the ports would 'have an important role to play in guarding our trade routes and in the campaign against enemy submarines'.²¹²

In light of the financial sacrifice embodied in the draft agreements, Hailsham was unhappy with the trade and defence aspects of Britain's proposals. He warned the ISC against a 'policy of surrender' and refused to endorse the proposals which were to be offered to Eire.²¹³ His conviction that concessions to de Valera were futile again surfaced when the cabinet was asked to approve the draft proposals. Hailsham asked for his dissent to be

²⁰⁹ CAB 27/524, 1 March 1938.

²¹⁰ *Irish Times*, 4 July 1962.

²¹¹ Gibbs, *Grand Strategy* vol.1, pp.817-8.

²¹² CAB 27/524, 1 March 1938.

²¹³ *Ibid.*

recorded for the first time in an eleven-year cabinet career, becoming the only minister to protest against relinquishing the ports.²¹⁴ His isolated stand was so hopeless that he merely requested that the cabinet should note that he had already recorded dissent in the ISC and he ‘would not repeat his views’.²¹⁵

But before the final agreements were signed, Hailsham opposed further British climb-downs. On 10 March the Prime Minister put forward the so-called ‘final offer’ in relation to trade between Northern and Southern Ireland. With Eire achieving concessions in finance and defence, Britain’s proposals maintained that Northern Ireland should be granted trading preferences over a five-year period.²¹⁶ But when de Valera rejected what Hailsham described as ‘a very handsome offer’,²¹⁷ Chamberlain pressured Craigavon’s administration to accept an agreement that allowed Eire to maintain a tariff against the Six Counties. With the entire agreement hinging on this issue, Craigavon expressed his disapproval of the proposals, but stated that he was willing to accept the terms if Northern Ireland was compensated.²¹⁸ In response to Eire’s uncompromising line, Hailsham called for an adjournment of the negotiations to educate the Empire about the ‘true facts of the Ulster situation’. Countering MacDonald’s claim that the Dominions favoured the proposals, Hailsham stated that if they only ‘knew the sacrifices which Ulster had made in the cause of loyalty they might be less ready to see a “fiscal” screw applied to her’.²¹⁹ Nevertheless, on 22 March Hailsham’s fears were realised. MacDonald informed the cabinet that de Valera’s government had refused to make concessions to Northern Ireland.²²⁰

²¹⁴ Colville, *Downing Street Diaries* vol.1, p.489.

²¹⁵ CAB 23/84, 2 March 1938.

²¹⁶ *Ibid.*, 10 March.

²¹⁷ PREM 1/274/14, Hailsham to Chamberlain, 24 March 1938.

²¹⁸ Canning, *British Policy towards Ireland*, p.278.

²¹⁹ CAB 27/524, 10 March 1938.

²²⁰ CAB 23/93, 23 March 1938.

In this new situation, Hailsham was moved to write Chamberlain a long letter, pleading that 'Ulster loyalty is not for sale!' He complained that British policy was 'occupied in trying to bribe the Ulster Government'. Convinced that fundamental principles were at stake, he pulled no punches:

I realise that some of my colleagues regard Ulster as an obstinate and stubborn people who are wholly unreasonable in preferring their loyalty to the King and their inclusion in the Empire to adhesion to a disloyal Republic; but I understood that we are all agreed that... it would be made clear to Eire that we should not bring any form of pressure on Ulster on the Partition issue.

With Eire maintaining tariffs against the Six Counties, Hailsham believed that Chamberlain's administration was giving

Eire the power to bring economic pressure on Ulster in order to compel its people to secede from the United Kingdom and to become part of Eire. That was why I supported your ingenious suggestion [in the ISC] that if we gave free entry to Eire we should stipulate that Eire would give free entry to Ulster...

Hailsham did not doubt that de Valera's desire to end partition explained his rejection of the British terms. After the sub-committee had concluded that, if Eire rejected Britain's 'final offer', the negotiations should end, he could not understand why Britain was 'occupied in trying to bribe the Ulster government from the British Exchequer into accepting the Treaty without free entry to Ulster!' Hailsham accepted that 'the pill can be gilded so attractively from the resources of the United Kingdom Exchequer as to conceal the poison which lurks within it', but he did not believe that 'the Ulster Government would have anything to do with the Treaty... if they appreciated that its effect would be to enable Eire to compel Ulster to secede from her allegiance'. The arguments against the Treaty were 'overwhelming' and he

‘beg[ged] [Chamberlain] not to agree to using the British Taxpayers’ money to... coax a reluctant Ulster into the stranglehold of this Treaty’.²²¹

This was powerful stuff, but Chamberlain now suggested that tariffs against the North were an ‘inevitable result of... separation’. Denying Hailsham’s charge, he claimed that it was ‘libellous’ to suggest that he was trying to bribe Craigavon. The Prime Minister held that if Craigavon’s government accepted the agreement, ‘it will be entirely voluntary... and not owing to any pressure from us’. The impatient tone of his reply led the Prime Minister to add a handwritten note urging Hailsham to ‘take it as entirely friendly’.²²²

Typically defiant, Hailsham continued his attack in the ISC and the cabinet. He did not believe that ‘Eire would stand out... if we pressed them hard’, and it was unlikely that de Valera would risk the whole agreement to maintain a tariff against Northern Ireland.²²³ He still doubted whether the proposals were ‘sufficiently favourable... to justify us in proceeding... in view of the difficulty which it is causing Northern Ireland’.²²⁴ But these protests fell on deaf ears. MacDonald’s final proposals were accepted with Chamberlain’s full support. The Prime Minister appeared to be more concerned with a ‘successful conclusion... than the actual terms upon which this agreement was founded’.²²⁵ Endorsing Hailsham’s belief that the North had been ‘bribed’, Craigavon only accepted the trade agreement after expressing ‘a desire to receive as large a financial bribe as possible’.²²⁶ Britain subsequently granted the Six Counties agricultural subsidies and an increased share in arms manufacture to placate opinion in the province. Hailsham, anxious to protect the

²²¹ PREM 1/274/14, Hailsham to Chamberlain, 24 March 1938.

²²² Ibid., Chamberlain to Hailsham, 28 March 1938.

²²³ CAB 27/524, 8 April 1938.

²²⁴ Ibid., 13 April 1938.

²²⁵ D. Harkness, ‘Economic war ends’, *Irish Times*, 2 Jan. 1969.

²²⁶ Canning, *British Policy towards Ireland*, p.214.

majority in the Six Counties and British interests in the context of an ever-worsening international atmosphere, believed that the Anglo-Irish Treaty was an ‘egregious’ blunder.²²⁷

Almost immediately, Hailsham’s opposition to the Anglo-Irish Agreement was vindicated. It transpired that the agreements meant different things to each party. Chamberlain believed that the gains for Britain were ‘intangible, imponderable, but nevertheless invaluable’.²²⁸ For the Prime Minister, Britain had

only given up the small things... for the big things – the ending of a long quarrel, the beginning of better relations between North and South Ireland, and the co-operation of the South with us in trade and defence.²²⁹

Yet, as Hailsham had anticipated, de Valera was still not satisfied. Referring to the agreement in the Dáil, he insisted that ‘when there is not in this Agreement a reference to Partition, and the ending of it, this... is a bad and poor document’.²³⁰ In the summer, Sean Lemass, another high-profile republican, promised to end partition, while de Valera’s son publicly exclaimed: ‘we have got the Swilly, Derry is the next objective’.²³¹ The Taoiseach duly began his ‘anti-partition campaign’ in the autumn.²³² Britain’s concessions, as Hailsham had feared, had been in vain. This was not the desired outcome to a treaty designed to improve Anglo-Irish relations. De Valera and his supporters had not been bought off.

Londonderry assured Hailsham that ‘everything that you have said has been fully justified’.²³³ A key argument for the entire agreement was the atmosphere of goodwill that

²²⁷ HAIL 1/4/43, Hailsham to Londonderry, 25 April 1938.

²²⁸ H of C Debs, vol.335, col.1074.

²²⁹ NCDL vol.4, Chamberlain to Hilda, 13 March 1938.

²³⁰ *Dáil Éireann Debates*, vol.71, col.429.

²³¹ *Irish Times*, 6 June 1938.

²³² McMahan, *Republicans and Imperialists*, p.286.

²³³ HAIL 1/4/43, Londonderry to Hailsham, 7 June 1938.

the appeasement of de Valera would foster. Hailsham himself ‘wonder[ed] whether Neville ever sees cuttings from the Belfast Press!’ The veteran cabinet minister continued:

I am afraid [Chamberlain] is convinced by the universal chorus of approval in this country and the United States that his expectation of better relations with Southern Ireland is being successfully achieved... I wish I had proved wrong and he had proved right, but I think young de Valera’s speech about the enemy going out and Derry being the next objective, and about the necessity of being strong so as to rescue their unfortunate northern brothers... is proof to the contrary. I do not believe the British government know the actual situation, or anything about it.²³⁴

Hailsham’s warnings regarding abandoning the ports were far-sighted and hindsight suggests that the ports were ‘rashly surrendered’.²³⁵ When Britain and France declared war on Germany in September 1939, the Dáil passed the Emergency Powers Act which secured Irish neutrality and thwarted Britain’s access to the ports. This was despite the fact that Eire remained incapable of defending its own waterways and the same convoys that the Treaty Ports could protect carried goods destined for Eire as well as Britain.²³⁶ Although Britain’s scheme of maritime defence continued to be based around the ports,²³⁷ de Valera’s ‘uncompromising answer’ to Britain’s request to use them in October 1939 ‘was a categorical “*non possumus*”’. The 1938 Agreement, Britain’s representative in Dublin protested, was ‘an act of faith... in the belief that in the hour of need the hand of friendship would be extended’. But de Valera’s response was that Britain ‘had no right to expect... advantage from what was not ours’.²³⁸ The Taoiseach would only consider entering the Second World War if partition

²³⁴ Ibid., Hailsham to Londonderry, 9 June 1938.

²³⁵ D. Fitzpatrick, *The Two Irelands: 1912-1939* (Oxford, 1998), p.152.

²³⁶ Earl Avon, *The Reckoning* (London, 1965), p.70.

²³⁷ Fisk, *Time of War*, p.115.

²³⁸ CAB 66/2/48. Report by Maffey, 21 Oct. 1939.

ended. Maffey summed up the cost for Britain: ‘Had we retained and exercised our rights, hundreds of ships and thousands of lives would have been saved.’²³⁹

The verdict of Chamberlain and many of his colleagues that the ports would be of ‘little use’ was mistaken.²⁴⁰ He had underestimated their value in a European war and was deluded in his belief that he could secure the goodwill of de Valera’s government.²⁴¹ Before his death he confessed that ‘I did not get all that I hoped for from Mr. de Valera’.²⁴² MacDonald also accepted that he had ‘made mistakes... about the extent of the concessions [de Valera] would be prepared to make’ and that he ‘had been too optimistic in [his] advice to the cabinet’.²⁴³ After all, in 1936 he had told his colleagues that he expected that one day the King would ‘ride through Dublin to open sessions of the Dáil and read the speech from the throne’.²⁴⁴ While Hailsham’s approach lacked a constructive alternative, his recognition of de Valera’s objectives was, at least, realistic. His unsuccessful stand showed that he appreciated the important role that the ports could play in a future war and the unlikelihood of them being returned on acceptable terms once they were handed over.²⁴⁵

Churchill labelled the Anglo-Irish Agreement an ‘improvident example of appeasement’,²⁴⁶ and Hailsham understood the government’s Irish policy in similar terms. He saw a parallel between the stance taken towards de Valera and that adopted towards Nazi Germany. The Germans, he told Londonderry, were ‘impossible people’ to make an agreement with ‘short of surrender’. In fact, ‘an agreement between us and them would be

²³⁹ *Irish Times*, 4 July 1962. For similar assessments see: Maugham, *End of the Day*, pp.344-5. Avon, *Reckoning*, p.70; Roskill, *Naval Policy* vol.2, p.446.

²⁴⁰ *NCDL* vol.4, Chamberlain to Ida, 1 May 1938.

²⁴¹ Canning, *British Policy towards Ireland*, p.189.

²⁴² *Irish Times*, 4 July 1962.

²⁴³ MacDonald, *Titans*, pp.73-74.

²⁴⁴ CAB 27/ 523, 12 May 1936.

²⁴⁵ For Hailsham’s opposition and the strategic implications of Britain’s inability to access the ports, see C. Cooper, “‘A complete acceptance of their domination and demands’: Douglas Hailsham, Appeasement and the Anglo-Irish Agreement 1938”, *History Studies*, vol.11 (2011), pp.48-62.

²⁴⁶ Churchill, *Gathering Storm*, pp.216-7. For Churchill’s contemporary criticism see: H of C Debs, vol.335, cols 1098-99.

just like our proposed agreement with Southern Ireland – namely a complete acceptance of their domination and demands’.²⁴⁷ Chamberlain and MacDonald also placed the Anglo-Irish Agreement in the context of the government’s wider foreign policy. The Prime Minister hoped that the agreements would convince Hitler of Britain’s willingness to negotiate a broad European settlement. ‘I am very anxious to get the [Anglo-Irish] agreement’, he told his sister, ‘as I think it would produce an excellent effect in Berlin.’²⁴⁸ He even used the ‘anxieties over the international situation’ to convince Craigavon that it was ‘almost essential for me to show some evidence that the policy of peace by negotiation can be successful’. He had

good hopes that I shall be able to bring forward an Anglo-Italian Agreement... but if I can accompany that with an Anglo-Irish Agreement it would add greatly to the impression made upon the world. And it is very necessary that an impression of solidarity should be made here and not least in Berlin.²⁴⁹

MacDonald similarly noted that ‘We have got to try and break through the suspicions and distrust which at present exist [between Britain and Eire], just as we are trying to break through the suspicions and distrust which have existed between Italy and this country’.²⁵⁰ But, if the constraints on Britain’s freedom of manoeuvre in the international arena ultimately reconciled Hailsham to the appeasement of Germany and Italy,²⁵¹ he believed that no such factors existed in relation to Eire. Put simply, Britain’s relative strength meant that in this instance appeasement was unnecessary.

Hailsham’s opposition to the Anglo-Irish Agreement was not simply the knee-jerk reaction of a diehard imperialist. He understood that, rather than being ends in themselves, de

²⁴⁷ HAIL 1/4/43, Hailsham to Londonderry, 8 April 1938.

²⁴⁸ *NCDL* vol. 4, Chamberlain to Hilda, 9 April 1938.

²⁴⁹ PREM 1/274, Chamberlain to Craigavon, 8 April 1938.

²⁵⁰ *Ibid.*, MacDonald to Chamberlain, 16 March, 1938.

²⁵¹ See Part III, ‘Hailsham and Appeasement 1932-8’.

Valera's violations of past agreements were steps towards establishing an all-Ireland republic. After meeting de Valera, Hailsham did not doubt the Irishman when he claimed that 'no permanent settlement would ever be accepted on any other terms'.²⁵² Determined to uphold the wishes of the majority in Northern Ireland, Hailsham would never accept the end of partition. He believed that concessions short of de Valera's ultimate goal would only lead to greater demands. The Anglo-Irish Agreement underlined a difference in outlook between supporters and opponents of Chamberlain's overseas policy. Hailsham was not convinced that yielding to de Valera's demands would facilitate acceptable agreements with the fascist powers. His opposition represented the first of two significant stands against the government's appeasement policy in 1938.²⁵³

Indian Constitutional Reform 1930-35

The question of Indian constitutional reform has been described as Britain's 'signature political event between the advent of the National Government... and the abdication crisis'.²⁵⁴ Yet, one recent study points out that the Government of India Act 'has not received the sustained historical or scholarly attention one might expect'.²⁵⁵ This perhaps explains why Hailsham's role in India's constitutional development has been neglected. Though afforded only brief references in existing narratives of Britain's inter-war Indian question, his role went much further than 'agreement to keep quiet in public on the potential perils of Indian reform'.²⁵⁶ His prominence in the Conservative hierarchy and the National Government meant that he played a leading role in the formulation, presentation, and ultimately, the passage of the Government of India Act of 1935.

²⁵² HAIL 1/1/1, Hailsham to Granard, 2 July 1934.

²⁵³ See Part III, pp.341-51.

²⁵⁴ Bridge, *Holding India*, p.1.

²⁵⁵ Muldoon, *Creation of the 1935 India Act*, p.1.

²⁵⁶ Stewart, *Burying Caesar*, pp.148, 66; Charmley, *Lord Lloyd*, p.180. For passing reference to Hailsham see Muldoon, *Creation of the 1935 India Act*; Bridge, *Holding India*; Moore, *Indian Unity*.

Although Hailsham never held direct responsibility for Indian policy, after visiting Lord Irwin, the Viceroy of India, in late 1929, he became involved in what was a ‘monstrous load upon British domestic politics’.²⁵⁷ Through his public support for the National Government’s plans for reform, he became an invaluable asset in convincing hesitant Conservatives to support its proposals. This was no mean feat. When the extent of the reform contemplated became public, the party as a whole was at best ambivalent, or at worst openly hostile. As Baldwin’s biographers note, ‘Nothing quite like it had been seen since the... Repeal of the Corn Laws’.²⁵⁸ Considering that Hailsham is often dismissed as a reactionary diehard, his contribution to a progressive solution to Indian reform that Diehards opposed is striking.

The National Government came into office with the broad basis of its policy towards India already decided. During the First World War, the then India Secretary, Edwin Montagu, declared that Britain’s policy amounted to ‘the gradual development of self-governing institutions with... the progressive realisation of responsible government in India as an integral part of the British Empire’. The Montagu-Chelmsford Report, embodied in the Government of India Act of 1919, established a system of diarchy in the major provinces and transferred limited responsibilities to native Indians. The act laid down that within ten years a commission should investigate the workings of the new constitution and propose further reform. Such a body was established in 1927 under the chairmanship of the Liberal lawyer, John Simon. In October 1929, however, before Simon’s commission had completed its enquiries, Irwin declared that ‘the natural issue of India’s constitutional progress is the attainment of Dominion Status’. Although surpassing the anticipated conclusions of Simon’s report, this statement was accepted by the Labour Prime Minister, MacDonald, and by Baldwin, on behalf of the Conservatives, as the ultimate aim of British rule in India. Bringing

²⁵⁷ Gallagher, *Decline, Revival and Fall*, p.122.

²⁵⁸ Middlemas and Barnes, *Baldwin*, p.708.

this aspiration to fruition would, however, be no easy matter as the troubled path to the Government of India Act revealed. Although Irwin's declaration appeared to be a continuation of the Montagu-Chelmsford approach, the Statute of Westminster ensured that the substance of Dominion Status underwent a significant change during the intervening period. Irwin's announcement even led Gandhi to conclude 'We are now entering upon a new era.'²⁵⁹ The difficulties facing policy-makers were palpable. Nevertheless, after allusions to 'responsible government' and 'Dominion Status', legislation was imperative.

The whiggish view of the twilight of British imperialism holds that the Act of 1935 was a constructive achievement that helped facilitate India's later independence.²⁶⁰ Yet, while the legislation was used as a model for India's independent constitution after the Second World War, Hailsham, and those who crafted the reform bill, shared the view that the British Raj would 'last for generations into the indefinite future'.²⁶¹ One of the chief aims of his political career was imperial unity and he did not anticipate Britain's retreat from global pre-eminence. Although he held doubts about the extent of the constitutional advance envisaged, he supported reform because he accepted that it was consistent with Britain's past pledges, and because he believed that it was possible for the government to live up to existing promises and retain British authority on the Subcontinent.²⁶²

But satisfying the demands of Indian nationalists such as Gandhi, whilst maintaining Britain's interests and the support of Britain's allies on the sub-continent, was a difficult – perhaps impossible – task. With several religions and four main ethnic groups involved, any form of Indian self-government would be complicated. Progress required a constitution that

²⁵⁹ Grierson, *Imperial Dream*, p.201.

²⁶⁰ P. Spear, 'The 1935 Act and After', V.A. Smith (ed.), *The Oxford History of India* (Oxford, 1958), pp.809-819, particularly pp.813-814. The Act 'contained within itself the seeds of independence.'

²⁶¹ Bridge, *Holding India*, p.156.

²⁶² These views were widely held. See Bridge, *Holding India*, passim; Gallagher, *Decline, Revival and Fall*, pp.120-1. For an explanation of why these ultimately misplaced conclusions were reached see Muldoon, *Creation of the 1935 India Act*, passim, particularly, p.252.

could reconcile Indian autonomy with Britain's attempts to maintain its own and minority interests. If proposals were too cautious, British rule could be threatened by growing separatist tensions, while an excessively progressive concession to Indian nationalism could alienate the pro-British forces in India and opinion at home.

The prospect of Indian reform created significant tensions within the Tory party and it presented the Conservative leadership with a formidable challenge. Conservatives regarded India as the jewel of the Empire, a key symbol of British imperialism, power and prestige. Party opinions ranged from the liberal Conservatism espoused by Baldwin, Irwin and Samuel Hoare, to right-wing 'Diehards', led by Winston Churchill, who set their face against further Indian autonomy in the foreseeable future. When at a party meeting in 1929 Baldwin committed himself to reform without allowing a debate on the subject, 'There was a sort of gasp and... no one in the party approved what he had done'.²⁶³ His approach went too far for many patriotic Conservatives who regarded themselves as custodians of Britain's imperial heritage and believed that Britain's rule in India was a moral undertaking and the best – perhaps only – means of preventing civil war. Gandhi's civil disobedience campaigns in 1930 and 1932 merely confirmed their opinion. What's more, as the safeguards in the Anglo-Irish Treaty proved hollow, Tories readily drew upon the Irish precedent which had apparently proved that conciliating nationalists was counter-productive.

Conservative opposition was so deep-seated that the balance of opinion was unfavourable to the party leadership. In 1933 Samuel Hoare, who served as India Secretary from 1931-5, suggested that amongst his parliamentary colleagues, 'there are not thirty keen to go on with the India Bill... [T]he great mass is very lukewarm and a very strong minority is actively hostile.'²⁶⁴ Similarly, his under-secretary, R.A. Butler, compiled a 'black list' of

²⁶³ *NCDL*, vol.3, p.160, Chamberlain to Hilda, 26 Oct. 1929.

²⁶⁴ Hoare, India Office Papers, Eur.E.240/4/1043-6, Hoare to Willingdon, 20 April 1933.

backbenchers which was longer than his so-called 'white list'.²⁶⁵ Malcolm Hailey, the distinguished Indian administrator and one of Hoare's principal advisors, noted that 'a great number of people in London' were speculating 'on the possibility of a break-away by the more Tory section of the party'.²⁶⁶

The ultimate passage of the India Bill in 1935, therefore, represented a triumph for the Conservative leadership. The achievement has largely been credited to Baldwin and Hoare. The Conservative leader's willingness to turn debates on the proposed bill into a vote of confidence in the party leadership was important,²⁶⁷ whilst the India Secretary's contribution, as the architect of the Bill, was clearly significant.²⁶⁸ His bargain with influential independent Conservatives, such as Austen Chamberlain and Lord Derby, was noteworthy as it helped provide votes at party conferences and in parliament.²⁶⁹ The inclusion in the presentation of Indian policy of individuals who implemented sanctions against the Irish Free State in the early 1930s, also helped offset 'real Die Hard hostility'.²⁷⁰ Herein lay Hailsham's importance. Hoare recognised that the approval of the parliamentary Conservative party was required if reform was to reach the statute book. Although Hailsham privately opposed the degree of Indian autonomy that the bill would confer, publicly he emerged as a committed supporter of the government's policy. He would have preferred to play a passive role in the whole issue, but from 1930 he was implicated in Indian policy because the Conservative leadership recognised the significance of having him onside. They were determined to use Hailsham's established position on the Tory centre-right and his particular influence in the House of Lords to their advantage. From 1932 Hailsham's oratorical gifts and vigorous advocacy of the

²⁶⁵ Stewart, *Burying Caesar*, p.152.

²⁶⁶ Hailey to Willingdon, 2 June 1933, cited in Muldoon, *Creation of the 1935 India Act*, p.221.

²⁶⁷ Middlemas and Barnes, *Baldwin*, p.717.

²⁶⁸ Cowling, *Impact of Hitler*, p.45; C. Bridge, 'Conservatism and Indian Reform (1929-39): Towards a Prerequisite Model in Imperial Constitution-Making?', *Journal of Imperial and Commonwealth History*, vol.4, no.2 (1976), p.186; J.A. Cross, *Sir Samuel Hoare* (London, 1977), pp.125-179.

²⁶⁹ Bridge, *Holding India*, p.160; D. Dutton, *Austen Chamberlain* (Bolton, 1985), p.311.

²⁷⁰ Muldoon, *Creation of the 1935 India Act*, pp.219-220.

government's India policy at Conservative conferences, party meetings and in the Lords helped cajole reluctant Conservatives to back the India Bill.

Before the close of 1929, while the Conservatives remained out of office, Hailsham embarked on a Far-East tour, chairing Britain's delegation to the Institute of Pacific Relations at the Kyoto Conference in Japan, before visiting Lord Irwin in Delhi and spending two months in India.²⁷¹ His trip to India was important as, unlike many leading personalities in debates over Indian reform such as Churchill, he had witnessed conditions in India *after* the Montagu-Chelmsford reforms were initiated. This meant that his opinions on Indian constitutional reform were, at least in part, shaped by his perception of conditions on the ground. Hailsham discussed the issue of constitutional reform with Indian politicians representing various schools of thought, but he refused to hold discussions with the Indian nationalist Congress party 'because they had declared their goal was nothing else than separation from the British Empire'.²⁷²

Hailsham arrived in Delhi shortly after Irwin had made his famous declaration, and India's constitutional development was at the forefront of his considerations. Irwin was 'very glad to see' him and found Hailsham 'much more sympathetic to the atmosphere than I expected'.²⁷³ The Viceroy, in a long appraisal of Hailsham's thinking, informed his brother-in-law, George Lane-Fox, and Samuel Hoare, who led the Conservative delegation at the Round Table Conference [RTC] which began in late 1930, that

²⁷¹ *The Times*, 12 Dec. 1929. For details of the Kyoto Conference see: Viscount Hailsham, 'To Our Japanese Hosts', *Pacific Affairs*, vol.2, no.12 (1929), pp.753-4.

²⁷² *The Times*; *Manchester Guardian*, 15 May 1930.

²⁷³ Irwin, India Office Papers, Eur.C152/19, Irwin to Davidson, 25 Feb. 1930.

I have had a lot of talk with [Hailsham] who is very intelligent and from conversation with whom I have greatly benefitted. His broad view is that he would go pretty well the whole way in the Provinces... though he would of course give the Governor General personal powers.

Specifically, Hailsham favoured a central assembly, indirectly elected from the provinces, which would retain existing powers relating to legislation, voting, and budgets. Although Hailsham believed that the Viceroy and his government must continue to be appointed by the British government and must not be obliged to accept the Assembly's proposals, he hoped that, in matters where vital British interests were not concerned, the Viceroy's administration 'would normally accept the Assembly view'. Members of the Assembly might serve in the Viceroy's council although they would not be appointed or removed by the Assembly. On matters where British interests were most concerned, including defence, foreign policy and the treatment of minorities, Hailsham believed that power must stay firmly in British hands. The Assembly 'would be quite free to talk and say what they thought', but the Governor General could discard their advice. Hailsham, therefore, envisaged that the Assembly would be an advisory body. 'When you boil it down', Irwin surmised,

it seems to me not to amount to much more than saying that Ministers are irremovable, and... there is a great deal to be said for this. Hogg's point is something of this sort. You can look forward to the constitution developing much in the way in which power with the Crown at home has given place to responsible government as the popular advisory body gave advice more and more that was sensible.²⁷⁴

Hailsham, therefore, had accepted that a central legislative body and a federation were the best means of advance. But he judged that the devolution of *real* power lay way into the

²⁷⁴ Ibid., Irwin to Lane Fox and Hoare, 29 Jan 1930.

future. Transferring power too early, he concluded, would not serve India's interests, Britain's interests or the Empire's interests.

Lane-Fox, who was a member of Simon's Commission, 'was much interested by what you say of... Douglas Hogg', noting that his 'conclusions tally remarkably with ours, which rather reassures me.'²⁷⁵ Shortly before Simon's Commission reported, Lane-Fox informed Irwin:

You need not be afraid of finding any recommendations in our report that the [existing] power of the Assembly should be rudely curtailed... [W]here I meant that Douglas Hogg's view seemed to tally with mine, was his suggestion that an increase in responsibility should come to the provinces, but that central government should not be weakened at that moment by being made more responsible to the Assembly.²⁷⁶

Simon's view was identical. Ahead of his two volume report published in June 1930, he informed the Viceroy that 'We have gone a very long way in the provinces, further than some experienced advisors may think wise – but I must warn you that we do not find it at all easy to go anything like so far at the centre'.²⁷⁷ Hailsham's ideas on how to advance, as Lane-Fox recognised, had much in common with the Simon Report. He, like Simon's commission, judged that an all-India federation with *real* power at the centre was impracticable. During the years 1930-5 Hailsham's views remained remarkably consistent. He regarded the pace of change sought by the Indian Congress Party as visionary, informing his son that the 'expectations' created by Irwin's Declaration were 'bound to be disappointed'.²⁷⁸ He would not willingly accept a reduction of British influence or repudiate existing responsibilities.

²⁷⁵ Ibid., Lane Fox to Irwin, 19 Feb. 1930.

²⁷⁶ Ibid., Lane Fox to Irwin, 2 April 1930.

²⁷⁷ Ibid., Simon to Irwin 10 April. 1930.

²⁷⁸ HLSM 8/2/2/3, Hailsham to Quintin Hogg, 29 Jan. 1930.

Although there were clear limits to the extent of India's constitutional development in which Hailsham would acquiesce, he accepted the need for reform. After his return from the subcontinent, he had read a series of attacks on Irwin. In one speech he defended the Viceroy and revealed his own approach to Indian reform:

When Lord Irwin had assumed the Viceroyalty of India he was not assuming it with no commitments and with a free hand... For more than ten years now we have been committed to a particular objective, and whether it be right or wrong, when this country's word is pledged, I am satisfied that no party in the State would wish to go back on its word so pledged.

Concluding that 'an Englishman's word was his bond', he believed that past pledges, however problematic, must be acted upon.²⁷⁹ While the preservation of Britain's place in India was vital, Hailsham thought that this must be balanced with keeping promises given to Indians.

The important role that Hailsham could play in Indian reform became clear before his return to office. In an attempt to reconcile competing interests over India's constitutional development, Britain held three Round Table Conferences in London between 1930 and 1932. Delegations from the three main British political parties attended and all shades of opinion from India were invited. In June 1930, as the opening of the first conference approached, MacDonald proposed that the RTC should aim to draft a 'Dominion' constitution for India. Hailsham, however, along with his colleagues in the Conservative business committee, blocked this approach. The Liberals, under the guidance of Lord Reading, a former Viceroy, shared Conservative concerns.²⁸⁰ It was agreed that Britain's

²⁷⁹ *Manchester Guardian*, 15 May 1930

²⁸⁰ Muldoon, *Creation of the 1935 India Act*, pp.210-11; 75.

delegation should not accept a statement which implied that the RTC would devise a Dominion constitution.²⁸¹

Hailsham's views, therefore, had not moved forward beyond those of the Simon Report, despite the fact that many Indian leaders believed that Simon's scheme of careful progress to self-government was out of date.²⁸² Despite his broad measure of agreement with Hailsham earlier in 1930, these developments ensured that Lane-Fox now expressed his concerns to Irwin: 'Hailsham, in spite of his talks with you, is I am afraid, very much against concessions, and the difficulty of preventing a party snap over India is going to be serious'.²⁸³ Yet, despite Hailsham's cautious approach, Hoare was aware that the former Lord Chancellor had accepted the necessity for reform and he recognised the importance of involving Hailsham in Indian policy. During the years 1929-31, Hailsham's influence in the party had reached its zenith and Hoare attempted to include him amongst the Conservative representatives on the RTC, set to begin in November. 'Could you not still... get Hailsham to serve', Hoare asked Baldwin, 'he is just the kind of mind that we want in the team.' His presence

would help steady die-hard opinion in the party, and particularly in the House of Lords. Without him... you may have great trouble with some of the members of the extreme right of the party. I would therefore say "get him if you possibly can".²⁸⁴

Viscount Peel, the former India Secretary, was of the same mind. While noting his 'great legal skill', he also observed that Hailsham 'commands the confidence of the Party'. Peel was therefore, 'very sorry... that Hailsham will not be a member'.²⁸⁵ Like Hoare, he was aware that Hailsham's political influence could have a considerable effect on backbench

²⁸¹ Ibid., p.75.

²⁸² D. Dutton, *Simon: A Political Biography of Sir John Simon* (London, 1992), p.96.

²⁸³ Eur.C152/18, Lane Fox to Irwin, 21 Aug. 1930.

²⁸⁴ Baldwin Papers, vol.104, Hoare to Baldwin, 20 Aug. 1930.

²⁸⁵ Ibid., Peel to Baldwin, 22 Aug. 1930.

Conservatives. Although Salisbury advocated the participation of younger Conservatives at the RTC and criticised Baldwin for his ‘unduly restricted choice’ of ‘members of the late government’, he regarded Hailsham as an exception. The latter’s inclusion, Salisbury told Baldwin, was ‘most important’ because ‘You want for this supreme question the best brains and character you can find.’ Hailsham should be included because ‘he is very able and strong and very ready in argument and in resource’.²⁸⁶

Hailsham, however, preferred to remain aloof from the India question and it appeared that he would have his way. It was ‘very generous of you to let me off’, he told Baldwin:

Thank you so much! I don’t think I could have made a success of the job, with the feelings I have about it and... the ‘terms’ on which the Congress leaders would make peace have greatly added to my uneasiness. I certainly don’t regard the conference as called for the purpose of framing a constitution giving immediate Dominion Status to India, with or without temporary safeguards.²⁸⁷

The forces of opposition had also recognised Hailsham’s importance in the Conservative ranks and had sensed his reluctance to implement far-reaching reform. Churchill, who had resigned from the business committee in January because of Baldwin’s progressive approach to the India question, asked Rothermere, the press baron, for greater news coverage of his crusade against reform and for his newspaper to pressure Hailsham to oppose the party leaders’ plans. Otherwise, Churchill complained, Baldwin, with the support of *The Times*, would be ‘master of the fate of India’. He noted that

²⁸⁶ Ibid., Salisbury to Baldwin, 4 Aug. 1930.

²⁸⁷ Ibid., Hailsham to Baldwin, 1 Sept. 1930.

Hailsham is going to speak in the Free Trade Hall on Friday... and an article in the *Daily Mail* urging him to speak out like a man in the cause of India may be very desirable. (I am just going up to London to see him).²⁸⁸

Churchill, however, failed to persuade his former colleague to join him in outright opposition. Publicly attacking a policy which had been accepted by the party leadership was never Hailsham's style and he restricted his speech to a denunciation of the Labour government's forthcoming Trade Disputes Bill and its inability to solve unemployment.²⁸⁹

Although Hailsham seemed to have avoided involvement in the RTC, Hoare continued to call for his participation. Anticipating a serious breach in the Conservative party if Hailsham was not involved, he pressed Baldwin to induce the former Lord Chancellor to join the British delegation:

Willie Peel and I ought to be strengthened by the help of Hailsham. Not only is a Conservative constitutional lawyer indispensable, but without the backing of someone like Hailsham it will be most difficult to carry the right of the party with us in the event of constitutional changes appearing to be practical.²⁹⁰

Under pressure from his colleagues and Sankey, the Labour Lord Chancellor, Hailsham became a delegate to the RTC in July, joining the Federal Structure Committee. Although Baldwin informed the Prime Minister that Hailsham's 'knowledge and experience will make him... a valuable member of the conference',²⁹¹ in practice the latter was compelled to join to prevent the Conservative party from falling apart.

²⁸⁸ CHAR 1/180A, Churchill to Rothermere, 3 Feb. 1931.

²⁸⁹ *The Times*, 7 Feb. 1931.

²⁹⁰ Baldwin Papers, vol.105, Hoare to Baldwin, 30 May 1931.

²⁹¹ *Ibid.*, Baldwin to MacDonald, 9 July 1931.

Hailsham was unenthusiastic about this appointment and it was with some trepidation that he notified Beaverbrook about the changed situation:

You'll think that whom the Gods wish to destroy they first drive mad! I've agreed to join the India show. All the Business Committee said I ought to do it. Sam Hoare made it a personal matter, and Sankey had already begged me to help. Probably I shall destroy myself politically and perhaps physically! But if your friends say it's your duty, it is hardly possible to slink out for personal reluctance... India is worth a sacrifice.²⁹²

Hailsham knew the political risks he was running for a policy about which he felt, at best, lukewarm. 'It comes as a great shock', Beaverbrook lamented,

you cannot possibly be taking this decision with your eyes open. It is a wretched decision to take and it will involve you in every sort of difficulty. All the reasons which Hoare and others have given in favour of your joining... I could state much more strongly against your doing so... I beg you to re-consider your course.²⁹³

But Hailsham's desire to maintain the unity of the Empire eased his acceptance. A further letter to Beaverbrook made this clear:

I realise the trouble I am letting myself in for... and I begged the [Business] Committee to take my view... But they were unanimous that it was my plain duty... I think it is possible I may do some good, both in steadying Sankey, who would like to be pro-British if it didn't mean too much of a fight, and in keeping the British delegation together which to my mind is the one hope of saving India. If I could save India to the Empire... it would be worth any personal sacrifice or risk.

²⁹² BBK C/150, Hailsham to Beaverbrook, 11 July 1931.

²⁹³ Ibid., Beaverbrook to Hailsham, 12 July 1931.

Aware of the political importance of his own presence, Hailsham added: 'As to our own party, the right-wing had decided to ask S.B. to nominate someone from their ranks... they ought not to be disappointed at my acceptance'.²⁹⁴ Significantly, he had not abandoned his convictions and he remained 'singularly unenthusiastic about Irwin's actions in India',²⁹⁵ but he attached 'importance... to keeping public opinion at home united' and was willing to make some sacrifices to maintain a broad front.²⁹⁶ He braced himself for the criticism he would receive for apparently deserting his Conservative principles and his commitment to the Empire.

At the conference Hailsham hoped to help craft a British consensus for reform through reconciling Indian claims for sovereignty with safeguards. With the minority Labour government finding it impossible to deal with Britain's economic predicament, Hailsham soon found another motive to continue his association with the RTC. Concerned that the Conservatives might soon return to office without a cross-party plan for Indian reform, he feared

the possibility of maintaining orderly government in India if we were left in office and both [Labour and Liberal] parties were supporting the Indian extremists in refusing to obey our rule or to co-operate in the form of government which we ought to impose.²⁹⁷

The establishment of the National Government in August 1931 meant that this course of events never materialised.

After refusing office outside the cabinet in August, Hailsham attempted to leave the RTC in the autumn. It required 'unremitting attention and attendance' at a time when his

²⁹⁴ Ibid., Hailsham to Beaverbrook, 14 July 1931.

²⁹⁵ Eur.C152.19/120, Lane Fox to Irwin, 21 Aug. 1931.

²⁹⁶ S(4)140/58-61, Hailsham to Salisbury, 11 Aug. 1931.

²⁹⁷ Ibid.

immediate priorities were changing. With a general election looming, the conference ‘would preclude my participation in the campaign which... is *essential* if we are to save the country from complete socialist destruction’. Hoare, however, was determined to keep him involved. Once again, Hailsham gave way:

I hate being on a committee and not doing my share, but Sam Hoare shares your [Salisbury’s] anxiety that I should remain a member of the conference... and so I have arranged with him that I shall not resign membership at present [but] be free to resign hereafter if I see decisions being taken of which I disapprove.²⁹⁸

Following the National Government’s landslide election victory and his appointment as War Secretary and Leader of the Lords in November, Hailsham’s responsibilities in relation to India were extended. He became part of the cabinet’s ‘central core’ devising Indian policy. He served on its India sub-committee, whose membership included Hoare, Sankey and Simon. Sankey noted that Hailsham had ‘rather a lawyer’s mind, which is apt to say “wind, weather and circumstances permitting”’.²⁹⁹ But the War Secretary’s role would soon become more important than this comment suggests.

Significant progress at the RTC proved elusive. The third conference that began in late 1932, soon collapsed. The Congress party refused to negotiate except on terms of guaranteed equality, while Hindus and Muslims could not agree on minority safeguards.³⁰⁰ This left Hoare, now India Secretary, to introduce legislation of his own. The government’s eventual bill sought to create an all-India federation which would end diarchy and extend autonomy in the provinces. Safeguards would protect India’s credit, minorities, defence and law and order. Powers were reserved for the Viceroy who would hold ultimate authority over

²⁹⁸ S(4)145/97-8, Hailsham to Salisbury, 11 Oct. 1931. Emphasis in original.

²⁹⁹ Sankey memorandum, cited in *Ibid.*, pp.155-6.

³⁰⁰ Moore, *Indian Unity*, p.313.

the most important aspects of India's domestic and external affairs. The federation would only come into being once a majority of the 600 princely states had agreed to participate. The Princes' concurrence was crucial because their rule 'imparted an air of stability' and their presence in the federation would undermine the influence of the Congress party.³⁰¹ Such an arrangement would provide limited independence, but protect minority interests and British influence.

The extent of the proposed reforms may have fitted neatly with the sort of progressive Conservatism espoused by Baldwin and other leaders, but it went beyond what rank and file Tories were prepared to accept. Participation in what was, in practice, a coalition provided a convenient pretext for the policy which the government pursued and it is questionable whether a purely Tory administration could have pushed through such changes. Opposition led by Churchill and the India Defence League proved formidable. Notwithstanding Hailsham's private objections, his public loyalty could be relied upon. He was determined to hold the Conservative party and the National Government together as his celebrated 'Agreement to Differ' had shown in early 1932. His influence over the Tory centre-right was a powerful weapon in securing these objectives.

As Leader of the Lords, Hailsham faced challenges to the government's policy from Conservative and Labour peers alike. In December 1931 he spoke against Lord Lloyd's amendment that rejected the government's plan to introduce Indian constitutional reform. Lloyd alleged that the government could not yet 'pronounce a final judgment regarding the solution of the Indian problem'.³⁰² This was supported by a number of influential peers. Hoare informed Lord Willingdon, Irwin's successor as Viceroy, that Salisbury had 'made a great impression' when he backed Lloyd's amendment. 'If there had been a division that

³⁰¹ Mansergh, *Commonwealth Affairs*, p.341.

³⁰² H of L Debs, vol.83, col.437.

evening', Hoare concluded, it 'would undoubtedly have beaten the government.' There was then a very real danger that the government could be defeated before its plans had even got off the ground.³⁰³

Ahead of the final day of the Lords debate a group of leading Conservatives met to discuss the critical situation. The India Secretary outlined the group's anxiety and Hailsham's crucial role in the government's ultimate success:

So anxious... were some of our people that Irwin and several of them wished us to accept a motion for adjournment until February and not risk defeat. Hailsham and I were strongly against any such withdrawal. We took the view that if the House of Lords were against us, it would be better to have it out and a division at once.³⁰⁴

The following day Hailsham made an important speech on behalf of the government, shrewdly minimising the importance of the resolution. '[Y]ou are not committing yourselves to any scheme at all', he assured the Lords,

you are committing yourselves to this and to this only, that you endorse the action of the Government in going on with their inquiries and negotiations... and you reserve to yourselves full liberty... when the solution is brought before you... to reject it.³⁰⁵

Following the announcement that the Indian princes would participate in an all-India federation with sufficient safeguards, Hailsham disagreed with Lloyd and claimed that now was the time to act. He pointed out that the princes' involvement would mean 'a much more stable and much more safe, a much more conservative... form of government than you are

³⁰³ Eur.E.240/1, Hoare to Willingdon, 10 Dec. 1931

³⁰⁴ Ibid.

³⁰⁵ H of L Debs, vol.83, col.478.

likely to achieve by any other method of advance'. It would, he held, be 'a profound mistake if this golden opportunity should be thrown away'.³⁰⁶

The evidence suggests that the War Secretary convinced uncommitted peers and Lloyd's amendment was quashed. The *Daily Telegraph* noted that the 'remarkably forensic effort by Lord Hailsham... saved the Government from a defeat'.³⁰⁷ 'As it turned out', Hoare noted with some relief,

we were right. Hailsham's speech really turned the day, and Willie Peel gave us some very valuable help. The moral of all this is that we must go very carefully and constantly keep in mind not only the great strength but also the deep anxiety of Conservative opinion here.³⁰⁸

Acceptance of the government's resolution was more significant than Hailsham alleged. After it had passed through both chambers, critics could no longer claim that the government pursued Indian reform without parliament's approval. The debates in both chambers, Hoare concluded, had 'acted as safety valves... and I think our course will be easier as a result'.³⁰⁹ Salisbury recognised this and privately accused Hailsham of misleading the second chamber.³¹⁰

Notwithstanding Hailsham debating success, Hoare knew that although the War Secretary had 'put the government case with great force and courage', he was 'in his heart of hearts still doubtful about the practicability of All-India Federation'.³¹¹ The India Secretary, however, continued to use Hailsham's support to his advantage. In a BBC broadcast in late

³⁰⁶ Ibid., cols 472-4. This was a sincere appeal. Hailsham privately informed Salisbury that the princes' declaration 'radically altered the situation', S(4)202/3, Hailsham to Salisbury, 3 July 1933.

³⁰⁷ *Telegraph*, 11 Dec. 1931.

³⁰⁸ Eur.E.240/1, Hoare to Willingdon, 10 Dec. 1931.

³⁰⁹ Ibid.

³¹⁰ S(4)198/76, Hailsham to Salisbury, 16 Dec. 1931.

³¹¹ Hoare to Willingdon, 10 Dec. 1931.

1932, he reassured listeners that his approach to Indian constitutional change tallied with the views of distinguished politicians with particular knowledge of Indian affairs. In addition to Hailsham the names of the Liberals Lord Reading and Simon were provided.³¹² Nonetheless, Hailsham, the man who had convinced uncommitted peers to support the government's approach, remained unsure about the wisdom of such a course. The Churchillian wing of the Conservative party suspected that this was the case and its reaction to Hailsham's advocacy was predictable. Brendan Bracken assured Churchill that

All of your friends... turned up to vote, including Lord Carson. His comments on Hailsham would make a good page in an anthology of invective. All the Diehards... have finished with Hailsham. They agree with the graceful words of his stepson, Edward Marjoribanks, that Hailsham is not a Statesman, but one of the gentlemen of the long robe who can be hired to advocate almost any cause.³¹³

This assessment matched that of Lloyd's wife who wrote that Hailsham's speech was 'a clever lawyer's argument'.³¹⁴ Despite his debating success, the War Secretary had not convinced all spectators that he sincerely believed in reform.

For all that, the division lists suggest that mainstream Conservatives were happy to follow Hailsham's lead. He himself had not abandoned his concerns and critics did not witness his conduct in the cabinet or the cabinet's India sub-committee where Sankey claimed he was 'difficult and reactionary'.³¹⁵ The main difference between his approach and that of the government's critics was that he remained open-minded about the possibility of reform, believing that British interests and Indian nationalism could be reconciled. He revealed to Salisbury that

³¹² M. Coutts, 'The Political Career of Sir Samuel Hoare during the National Government 1931-40', PhD thesis, University of Leicester (2010), p.46.

³¹³ Churchill papers, CHAR 1/401A, Bracken to Churchill, 24 Dec. 1931.

³¹⁴ Lentin, *Lord Sumner*, p.226, fn 67.

³¹⁵ Sankey Diary, Eng.Hist e.286, 4 Oct. 1932.

Safeguards... are essential... no constitution which does not adequately provide for these can be accepted. Whether it is possible to frame efficient safeguards with a federal constitution remains to be ascertained – my difference with Winston’s view is that he assumes it to be impossible... *If* such a constitution can be framed, I should not refuse to enact it merely because it involves some degree of Indian responsibility at the centre; if it can’t be framed, then I should not accept a constitution which omitted the safeguards which I regard as essential.³¹⁶

The War Secretary hoped to plot a course between British imperialism and Indian nationalism. His willingness to engage with reform was motivated, as over Ireland, by a respect for existing agreements. Statements of policy embodied in the Montagu-Chelmsford Report and the Irwin Declaration may not have been to his liking, but they had created expectations among Indians that could not be ignored. Hailsham believed that Britain’s Indian policy had ‘been wrong for a great many years’. But unlike those opposed to the government’s line, he recognised that ‘the policy has been adopted and publicly proclaimed and we have to deal with the state of affairs as it exists and not... as it might have been if we had not made the mistakes of the past’.³¹⁷ Unlike his opponents, Hailsham would not violate previous commitments, however inconvenient he found them. The same approach he adopted in relation to Anglo-Irish affairs now worked in favour of altering the *status quo* rather than defending it. Past pledges meant that reform must be delivered. The best he could hope for was to prevent a permanent split in the Tory ranks whilst making the safeguards in the forthcoming bill as effective as possible.

As Leader of the Lords, Hailsham was naturally concerned about opposition to the India Bill in a chamber suspicious of the government’s India policy and renowned for its

³¹⁶ S(4)140/58-61, Hailsham to Salisbury, 11 Aug. 1931.

³¹⁷ CAB 27/520, ‘Cabinet Committee on India’, 4 Nov. 1932.

reactionary character.³¹⁸ Warning the cabinet that the Lords ‘would probably be much more critical of a progressive policy in India than the... Commons’, he anticipated ‘great difficulties... in regards to the sufficiency of the safeguards, and it was certain that the Irish precedent would be quoted against the government’. Keen to restrain the government’s radicalism, he hoped that political constraints would ensure that Hoare ‘would not go beyond his existing commitments’.³¹⁹

This strategy was apparent in the cabinet sub-committee during 1932 and early 1933 when Hoare’s plans for reform took shape. Hailsham and Simon were effective in limiting the scope for autonomy to the provinces and in deferring federation with sovereignty until an unspecified later date.³²⁰ This was the essence of the government’s final proposals which allowed for ‘a long *de facto* period between provincial autonomy and federation’.³²¹ When the sub-committee considered the substance of what eventually became Hoare’s white paper, *Proposals for Indian Constitutional Reform*, Hailsham frequently expressed concerns about India’s solvency, defence and legal system. He opposed the immediate transfer of financial control, ‘not only because we are such wonderful financiers and the Indians are stupid’, but because ‘there would be such a lowering of the credit... that India could not carry on’ and might fall into a ‘Bolshevik state of permanent insolvency’. Nonetheless, Hailsham accepted that past pledges meant that Britain should relinquish some financial control, otherwise ‘no Indian would play’ and the government could be accused of ‘a breach of faith’.³²² He was, however, unwilling to accept Irwin’s argument that defence estimates should be dependent on votes from the Indian legislature, because the money voted on would be provided by India. Hailsham insisted that

³¹⁸ R.A.B. Butler, *The Art of the Possible* (London, 1971), p.51.

³¹⁹ CAB 27/520, 4 Nov. 1932.

³²⁰ *Ibid.*, 12; 26 May 1932.

³²¹ Bridge, *Holding India*, p.83.

³²² CAB 27/520, 4 Nov. 1932.

defence was first and foremost among the reserved services and it must be for the Governor General to determine the amount to be spent. To give way in this matter would be to invite defeat in parliament... He was unwilling to contemplate urgent defence questions being held up pending the exercise of the Governor General's powers of certification.

On this occasion, his warnings were endorsed.³²³ His influence thus worked against the Diehards in public and his progressively-minded colleagues in private. But, despite limiting some aspects of the proposed scope of Indian reform, he remained uneasy. The Indian sub-committee, he concluded, 'had been working on the wrong lines'. He feared that provincial governments would be unable to administer law and order satisfactorily and that there was 'a distinct possibility... of miscarriages of justice'.³²⁴ When Hoare sought the cabinet's approval before his white paper was launched in March, Hailsham

violently rejected [the idea]... that this was the minimum... required to satisfy our pledges... From the first he had had misgivings as to our Indian policy and he felt it would not be right for him to allow his colleagues to assume that he was satisfied.

With the Irish parallel at the forefront of his mind, he questioned whether safeguards would be effective. Fearing that the Viceroy would be unable to use the powers he possessed, he doubted whether a 'superman' could be found to occupy that post. Although the bill would theoretically remain inoperative if the Indian Princes did not enter the federation, he warned that there would be 'tremendous pressure to go on' and form the central legislature without their presence. Under such circumstances, he concluded that safeguards were likely to break

³²³ Ibid., 7 March 1933.

³²⁴ Ibid., 23 Feb. 1933; 7 March 1933.

down as India would be run 'by Indians who were very clever, but not good administrators and often corrupt'.³²⁵

These concerns were received sympathetically. Hoare shared many of his doubts, while Baldwin felt that Hailsham's reservations 'had some echo in the hearts of all of the cabinet'. The Tory leader reflected that 'as a Conservative his fundamental creed was the preservation of the Empire... The present proposals might save India to the Empire, but if they were not introduced we should certainly lose it.' Hailsham, determined to facilitate imperial unity, admitted that he 'could not suggest a better scheme' and accepted his share of responsibility for the proposals.³²⁶ The draft was agreed by the cabinet and presented to parliament ahead of its examination by a parliamentary Joint Select Committee [JSC].

Yet, although the cabinet approved Hoare's scheme, the government's problems were only just beginning. The party rebels did not regard the white paper as a 'Conservative' policy at all. Led by Churchill, they 'fought tooth and nail' to block the bill and 'at times the struggle was a near run thing'.³²⁷ In February 1933 Henry Page Croft's hostile Commons motion claimed that 'the transference of responsibility at the centre [in India] is inexpedient at the present time'.³²⁸ While only 42 Conservatives voted against the government, 245 MPs abstained. The government was concerned that this 'group of uncommitted backbenchers [could] be converted to the Diehard cause'.³²⁹ A month later, at a meeting of the Conservative National Union, Churchill proposed a resolution declaring that Indian independence would harm both British and Indian interests. This was only defeated by 189 votes to 165. Hoare, understandably, feared the 'making of a first-class crisis' with 'a breakaway of three-quarters

³²⁵ Ibid., 7 March 1933; CAB 23/75, 10 March 1933.

³²⁶ CAB 23/75, 10 March 1933; 12 April 1933.

³²⁷ Bridge, 'Conservatism and Indian Reform', p.185. Also see: Toye, *Churchill's Empire*, p.181.

³²⁸ H of C Debs, vol.274, col.1743.

³²⁹ Peele, 'Revolt over India', p.134.

of the Conservative Party'.³³⁰ The mobilisation of pressure groups such as the India Defence League gave the India question extra-parliamentary exposure. Launched in June 1933, the League produced over 20 pamphlets and was supported by 85 parliamentarians, two of them former governors of Indian provinces.³³¹ With Conservative opposition to the India Bill threatening to rip the party apart, Hailsham, as Hoare had astutely anticipated, became an indispensable instrument to allay the fears of the Tory right and promote party unity.

While privately sympathising with many of the concerns of the opponents of reform, Hailsham attempted to gather as much Conservative support as possible. He looked beyond immediate issues, understanding that an enduring split in the Conservative ranks could lead to the collapse of the National Government and Labour's return to office – the ultimate disaster for Britain and her Empire as far as Hailsham was concerned. Speaking at a Conservative meeting in mid-1933, he 'appealed for greater loyalty to the National Government by Conservatives'. 'Nothing is more distressing or paralysing', he claimed,

than the consciousness that your own friends, to whom you look for support, are lukewarm or doubtful, and that at a moment when you might have expected a wave of enthusiasm to carry you on you should find yourself stabbed in the back by a treacherous friend.

Hailsham dismissed calls for a return to traditional party politics and the establishment of a purely Conservative government. Those Tories in the government, he claimed, were 'not less good Conservatives than the rank and file'. Concluding on a note of defiance, he asserted, 'I do not believe India is going to wreck the Conservative Party: I believe that the party is going

³³⁰ Eur.E.240(5)1247-50, Hoare to Willingdon, 1 March 1933.

³³¹ Stewart, *Burying Caesar*, p.164.

to hold together.³³² By publicly emphasising the limits of the government's India proposals, he undermined his opponents' arguments. In June 1933 he told one audience:

It is said we are risking the credit and finance of India by the proposals. It is remarkable that the credit has gone up since they were made public. It is said the princes do not want these proposals and will not come into federation... [U]nless the princes do come in ... the scheme never comes into operation... It is said that the position of Lancashire will be prejudiced. The critics forget to add that fiscal autonomy is not put forward in this scheme... They say it is socialism. It is odd that in both houses of Parliament the Socialists object to the proposals just as strongly as the Diehards. They cannot both be right.³³³

Later that month the War Secretary's powers of persuasion were employed to address the Conservative dissidents directly at a meeting of the National Union. Although Baldwin has been credited with defeating the dissenters on this occasion,³³⁴ Hailsham played the key role. Although the exact terms of the India Bill were unknown until the JSC reported, a vote was called by the leadership's opponents. This amounted to a vote of censure on the government's Indian policy and defeat might have triggered its fall.³³⁵ Hoare, as the principal member of the JSC, chose not to defend his own policy. Baldwin introduced the subject and Hailsham wound up on behalf of the party leadership.³³⁶ In what was 'by far the best' speech of the meeting, the War Minister insisted that 'we are not inviting a decision on the white paper... [W]hat we are asking you to approve is the action we have taken... in getting this problem properly handled, and... properly solved'. He accused Churchill and his supporters of making 'wild statements' to

³³² *The Times*, 27 May 1933.

³³³ *Ibid.*, 22 June 1933.

³³⁴ See: Bridge, *Holding India*, pp.103-4.

³³⁵ *Ibid.*, p.103.

³³⁶ For Hoare's decision see: HAIL 2/3/3, Hoare to Hailsham, 24 June 1933; Baldwin to Hailsham, 26 June 1933.

get a resolution passed by assuring those who vote for it that they are not committing themselves, and then... [they would] go up and down the country telling the people that the government's policy is discredited and has been disapproved by the Conservative party.³³⁷

Despite his own doubts, Hailsham emphasised that Conservative ministers were united behind the government's India policy:

The policy which the amendment asks you to approve is the policy to which the whole of the Conservative members of the cabinet are committed. Is it too much to ask you to believe that we are not the misguided, treacherous idiots that some people imagine?³³⁸

At the end of the debate the dissidents were defeated by 838 votes to 356. Amery noted that 'Hailsham had no difficulty in mopping [Churchill] up with a devastating reply which George [Lloyd]... referred to as a masterpiece of advocacy'.³³⁹ Baldwin was naturally grateful: 'You were quite excellent. No one could have done what was needed at that moment better.'³⁴⁰ Elibank concluded that Hailsham had 'carried the meeting absolutely'. He could not 'understand Winston... putting himself in the position he did this afternoon'. The latter's 'chances of recovery grow less and less all the time'.³⁴¹ Another observer agreed. Hailsham was 'the star turn and he trounced Churchill thoroughly'.³⁴² So effective was his speech that the *Manchester Guardian* was still applauding his 'remarkable polemical energy' three months after the event.³⁴³ Hailsham had secured the votes of many uncommitted Conservatives and helped deliver an important victory for the National Government's policy,

³³⁷ *Manchester Guardian; The Times*, 29 June 1933.

³³⁸ *Ibid.*

³³⁹ *Amery Diaries* vol.2, 28 June 1933, p.298.

³⁴⁰ HAIL 2/3/3, Baldwin to Hailsham, 28 June 1933.

³⁴¹ *Ibid.*, Elibank to Hailsham, 28 June 1933.

³⁴² Derby Papers, 920DER(17) 6/33, Sir T. White to Derby, 23 June 1933.

³⁴³ *Manchester Guardian*, 23 Sept. 1933.

despite his own lack of enthusiasm for it. He himself concluded that ‘Winston was disappointing’, but he was concerned that Edward Carson had spoken against the government.³⁴⁴ In October 1933 the Conservative leadership received another endorsement for their Indian policy at the annual conference by a comfortable, albeit reduced, majority. But, notwithstanding these setbacks, the Diehards ploughed on.³⁴⁵ As Hailsham noted, India was ‘being used as a stick to beat... the National Government with by a section of the Conservative Party’.³⁴⁶

The government awaited the report of the parliamentary JSC which began its sittings in April 1933. Hoare expected a conclusion in early 1934 but, after bolstering safeguards to carry the majority of the committee with him, it took longer than he anticipated. Then, in March, before the JSC’s findings were presented, the Diehards’ challenge took on a new form. Churchill accused Hoare and Derby of influencing evidence submitted to the JSC concerning the potential effects of the bill on Lancashire’s cotton exports to India. He alleged that both men had secured important alterations to the Manchester Chamber of Commerce’s statement to the JSC. Churchill claimed that Hoare and Derby had breached parliamentary privilege and the complaint was referred to the Committee of Privileges.³⁴⁷ This investigation, combined with the intervention of the summer recess, effectively delayed the JSC’s progress by six months.

Hailsham, with his involvement in Indian reform and status as a legal luminary, was drafted in to advise Hoare and Derby. It has been speculated that Hailsham and Hoare withheld incriminating letters sent from the India Office to Derby.³⁴⁸ But Hailsham’s involvement was largely advisory, telling Derby how he should state his case to the

³⁴⁴ HAIL 2/3/3, Hailsham to Elibank, 29 June 1933.

³⁴⁵ Bridge, *Holding India*, pp.104-6.

³⁴⁶ HAIL 1/3/1, Hailsham to Charles Allen, 15 April 1934.

³⁴⁷ See C. Bridge, ‘Churchill, Hoare, Derby, and the Committee of Privileges, April to June 1934’, *Historical Journal*, vol.22, no.1 (1979), pp.215-227.

³⁴⁸ *Ibid*, p.224.

committee. A note from Derby's lawyer exonerates the War Secretary who merely 'expressed some anxiety as to the production of one letter, and when I explained to him that this particular letter would not be included in the file of correspondence produced by you, he then dropped the point'.³⁴⁹ Hailsham recognised that Derby would 'be very anxious to claim the opportunity of being heard' and believed that the accused would be exonerated.³⁵⁰ His confidence was vindicated. In June the committee tabled a unanimous report which cleared Hoare and Derby. The Commons accepted this conclusion without a division.

Notwithstanding this positive result, Hailsham acknowledged that 'The Indian problem is a long way from being solved yet; and I imagine we are going to have a serious fight when the Joint Committee reports'.³⁵¹ This caution was justified. The India rebels were narrowly defeated by 543 votes to 520 during the party's annual conference in early October. After this development there was a real fear that a substantial number of Conservative peers would vote against the government when the JSC Report was debated in the Lords. So serious was the situation that Lord Zetland, who went on to succeed Hoare as India Secretary in June 1935, even asked a group of leading Conservative peers whether it would be desirable to issue an unofficial whip appealing to peers, who 'realise[d] how great the disaster would be if the government were beaten', to attend the debates in December and support the government.³⁵²

Hailsham did not take part in the debates during the Central Council meeting on 4 December 1934. This was the occasion for the party's debate on the JSC Report that had been published in mid-October. On the eve of the meeting, however, Hailsham, warning about the perils of disunity in the Conservative ranks, suggested that, if the Central Council accepted

³⁴⁹ 920 DER(17) 37/43, Lawrence to Derby, 27 April 1934.

³⁵⁰ *Ibid.*, Hailsham to Derby, 18 April 1934.

³⁵¹ HAIL 2/2/2, Hailsham to Sir Arthur Page, 12 July 1934.

³⁵² 920 DER(17) 37/5, Zetland to Derby, 25 Oct. 1934.

the JSC Report and the government's policy, 'there would be a heavy responsibility on those who, however sincere, continued to fight against that [policy] which the Conservative Party had accepted as the Conservative cause'.³⁵³ The following day the vote was presented as one of confidence in Baldwin and the government. The meeting voted three to one in favour of the report.³⁵⁴

While it has been argued that this approval of the government's policy averted serious parliamentary opposition,³⁵⁵ there was still concern about the effects of a large minority vote against the report in the Lords. Ahead of the Commons debate Derby doubted if Churchill would receive the support of as many as 60 MPs. He was, however, more concerned about the situation in the second chamber. As he informed the Viceroy:

In our house... there will be more who follow Salisbury. His amendment is cunningly worded, as people like myself will not support the Bill unless safeguards and recommendations are included, and what he apparently asks is that we should defer our judgement till we have seen whether they are so included.³⁵⁶

It was important to carry the report with a large majority as an indecisive one could be used as a pretext by certain groups in India, most notably the Princes, not to join the federation. For this reason, Austen Chamberlain recognised that the government 'must avoid a Pyrrhic victory'.³⁵⁷

When the Lords debated the JSC recommendations and Salisbury's amendment in mid-December, Hailsham assumed his accustomed role and wound up the debate for the government. He made another important contribution and now utilised the lack of a viable

³⁵³ *The Times*, 4 Dec. 1934.

³⁵⁴ *Ibid.*, 5 Dec. 1934.

³⁵⁵ Muldoon, *Creation of the 1935 India Act*, pp.230-1.

³⁵⁶ 920DER(17) 37/5, Derby to Willingdon, undated Dec 1934.

³⁵⁷ A. Chamberlain to M. Hailey, 27 Oct. 1933, cited in Bridge, *Holding India*, p.115.

alternative policy as a means to nullify residual resistance. Rejecting calls for delay, he asserted that India was a problem which had to be solved. Reassuring the Lords that the mistakes made in the 1921 Anglo-Irish Treaty had been avoided, he was 'sorry' that de Valera's government had 'not lived up to those promises', but insisted 'that is not what we are relying on in the case of India'. Applying the very argument that helped guarantee his own acceptance of the proposals, he suggested that no-one should 'vote against the Government unless... he has studied the problem for himself, and... has reached a solution which he is confident is a better one than the Joint Select Committee has been able to propose'.³⁵⁸

Contemporary assessments suggest that this speech was crucial in persuading wavering peers who might have supported Salisbury's amendment. As the Leader of the Lords spoke, 'the Chamber filled rapidly' until 'there was standing room only'. His 'rousing finish' was a 'formidable rejoinder' to Lloyd's support of the amendment.³⁵⁹ The government won the division decisively by 239 votes to 62. Those present credited Hailsham with helping to secure the government's sizable majority. Lord Wakefield judged Hailsham's contribution 'devastating – a great triumph for you and for the Government'.³⁶⁰ Lord Munster, the government's whip, offered 'very sincere congratulations on your brilliant speech'. He had 'seldom listened to a more clearly defined statement coupled with wonderful arguments which did so much to... bring about a great victory for the government'.³⁶¹ Both chambers approved the report by wide margins, allowing Hoare to introduce his legislation in early 1935.

³⁵⁸ H of L Debs, vol.95, cols 572-4.

³⁵⁹ *Manchester Guardian; The Times*, 19 Dec. 1934.

³⁶⁰ HAIL 2/3/3, Wakefield to Hailsham, 19 Dec. 1934.

³⁶¹ *Ibid.*, Lord Munster to Hailsham, 18 Dec. 1934.

Before the final bill was presented to parliament, the campaign against it strayed into the Wavertree by-election held in February 1935. Randolph Churchill, with the public support of his father, repeated his unsuccessful efforts at Altringham in 1933 and attempted to secure a Commons seat by opposing Indian reform.³⁶² After the split Conservative vote allowed the return of the Labour contender, Hailsham ‘found it difficult to understand... those so-called members of the Conservative Party who sought to use the differences upon India policy as an excuse for an attack upon the leadership of the party and the government they were elected to support’.³⁶³ His chief frustration with the Diehard challenge derived from its negative criticism of reform coupled with its failure to devise any workable substitute policy. He concluded that the ‘Churchill-Lloyd Section of our party are very full of criticisms’ but had ‘no practical alternative’.³⁶⁴

As the India Secretary finalised the bill, he decided against inserting a preamble stating that ‘Dominion Status’ was the ultimate aim of British policy. Hailsham agreed with this approach. Notwithstanding his public advocacy, he continued to oppose what he regarded as excessive reform. The War Minister informed his colleagues in early 1935 that ‘he could not contemplate that [Dominion Status] would be achieved in any measurable time.’ In tones, typical of the era, he argued that it was imperative to

make clear that when we spoke of Dominion status being achieved we did not quite mean the same thing as being operative in other Dominions... Dominion status involved the right of the white man to rule the country. This was essentially different from what opinion in India had in mind. Furthermore, we had responsibilities in India which could not be neglected. It was most unlikely, therefore, that we could hand over

³⁶² See: D. Dutton, “‘A mad hatter contest from beginning to end’”, Randolph Churchill and the Wavertree by-election, February 1935’, *Transactions of the Historic Society of Lancashire and Cheshire*, vol.142 (1993), p.193.

³⁶³ *The Times*, 8 Feb. 1935.

³⁶⁴ HAIL 2/2/2, Hailsham to Salisbury, 3 July 1935.

to India in the near future the same sort of self-government as had been given to other Dominions.³⁶⁵

When introducing the second reading of the bill in February 1935, Hoare restricted his commentary on India's future constitutional development to some 'brilliantly imprecise' remarks.³⁶⁶ India was not granted a timetable for its accession to Dominion status.

The India Bill, the longest piece of legislation in British history, comfortably passed its second reading in both the Commons and the Lords. A relieved Hailsham noted that the bill 'went through more easily than I had dared to hope'.³⁶⁷ After becoming Lord Chancellor in May, he helped carry it through its third reading in July when no division was required. Although the legislation went further than Hailsham deemed necessary, he hoped that Britain's interests would be adequately protected. He reassured one peer that 'whilst we maintain our Army in India and insist on retaining the safeguards which are in the present Bill there will be no such outbreak of violence as you fear'.³⁶⁸

Notwithstanding the efforts of Hoare and his colleagues to balance competing pressures and interests, the Act was largely still-born. The Princes decided, after all, that they could not join the federation. Whilst greater provincial autonomy was granted, the most important aspect of the Bill – federation at the centre – remained dormant. The target date of 1937 was never realised and the limited independence the bill provided proved insufficient in the post-war world.³⁶⁹ It now seems that those who shaped Indian policy had been relying on some out-dated understandings. Hoare had promised that it was 'almost impossible, short of a landslide, for the extremists to get control of the federal centre'.³⁷⁰ When provincial elections

³⁶⁵ CAB 27/520, 24 Jan. 1935.

³⁶⁶ Muldoon, *Creation of the 1935 India Act*, p.228.

³⁶⁷ Sankey papers, C.513/34, Hailsham to Sankey, 11 Aug. 1935.

³⁶⁸ HAIL 2/2/3, Ailesbury to Hailsham, 19 June 1935; Hailsham to Ailesbury, 13 June 1935.

³⁶⁹ Stewart, *Burying Caesar*, p.141.

³⁷⁰ H of C Debs, vol.276, col.706.

were held in 1937 Congress emerged as the largest group in the Legislative Assemblies.³⁷¹ Notwithstanding the difficulties of dragging much of the Tory right into accepting the government's scheme, it did not satisfy enough *Indian* opinion.

For all that, granted the level of opposition facing the government during 1931-5, the passage of the bill was a noteworthy achievement and it probably represented the greatest measure of agreement possible between British and Indian opinion.³⁷² Hailsham's involvement was, at times, crucial. He had, of course, always believed that the government's proposals went further than was strictly necessary. Past promises, however, meant that legislation could not be avoided. Refusal to do anything would have prompted violence in India while endangering one of the chief objectives of Hailsham's political career: imperial unity. As he had noted in 1932, 'I am anxious about India; the situation is so much complicated by pledges of the past; we can only do our best... to reach a solution which will safeguard the interests both of India and the rest of the Empire.'³⁷³ Turning promises into reality was, he felt, the best means to 'save India to the Empire'. To this end he was ready to subordinate his personal beliefs to imperial, national and Conservative party interests – particularly because he could not devise a better plan. His son later recalled how his father had 'taught me a great deal about sinking my own personal prejudices and convictions in collective decisions and wisdom without... a genuine loss of integrity and honour'.³⁷⁴ This was never clearer than in Hailsham's consideration of Indian reform.

Hoare and Baldwin deserve credit for the passage of the Government of India Act and for their foresight in involving Hailsham in their chosen policy. A series of votes at Conservative meetings were won by narrow margins, and without the support of Hailsham,

³⁷¹ Muldoon, *Creation of the 1935 India Act*, p.224.

³⁷² Spear, 'The 1935 Act and After', p.809.

³⁷³ HAIL 4/2/4, Hailsham to Ian Colvin, 31 May 1932.

³⁷⁴ Hailsham, *Door Wherein*, p.109.

with his able advocacy and influence over the right of the party, the government's policy might have collapsed and with it the National Government itself. Out of loyalty to the party leadership and the government in which he served, Hailsham became an important supporter of a measure about which he was personally dubious. The Act may have failed to satisfy enough Indian opinion, but it reached the statute book without an enduring split in the Conservative ranks. Hailsham deserves credit for his part in preventing a lasting breach.

Conclusion

Hailsham's desire to foster imperial unity was clear in his response to economic, Indian and Irish questions facing Britain during 1930-8. His enthusiasm for the Ottawa Agreements, which carried few immediate economic benefits for Britain, demonstrates this point. Hailsham believed that the two empires within the British Commonwealth – the white Dominions and the predominantly non-white dependencies – could remain united. His approach was in no way jaundiced and it did not amount to a reactionary attempt to impose Britain's will. He recognised that the empire must change if it was to survive and he believed that imperial unity could be based around economic unity and consent. This was clear even in his consideration of Britain's Irish policy in the 1930s. It would be easy to dismiss Hailsham's stance as that of a non-negotiable reactionary but, as he told the Lords in mid-1934, 'Nobody suggests that a treaty – the Irish Treaty or any other international agreement – remains sacrosanct forever and is incapable of alteration'. But what he did believe was that in order to make an alteration to existing contracts 'there must be an agreement between the two parties to the treaty'.³⁷⁵

Although Hailsham's response to Indian and Irish questions appeared very different, there was nothing hypocritical in defending the 1921 Treaty while simultaneously supporting

³⁷⁵ H of L Debs, vol.93, cols 1077-8

Indian reform. When steering the Anglo-Irish Treaty through the Commons in late 1922, he revealed the rationale which he applied to Indian reform a decade later. The question, he claimed, was ‘not whether we think this is a good or a bad Constitution, but whether we... are going to carry out the pledge which has been given to the Irish people’.³⁷⁶

In both Indian and Irish instances, Hailsham was involved in ratifying constitutional reform about which he was never enthusiastic, but he supported it because he believed that ‘an Englishman’s word was his bond’ and it was a case of sustaining existing agreements and delivering promises that had already been given. He accepted the 1921 Treaty as a pragmatic expedient and he expected the Irish government – whoever held power – to do the same. Hailsham and de Valera differed to the extent that the former believed that agreements between past governments – however inconvenient – were binding on their successors. When the 1921 Treaty was dismantled, Hailsham strove to defend safeguards in which he passionately believed. He recognised that upholding past agreements was vital to maintain imperial and international stability.

After pledges were given to India in the inter-war years, Hailsham’s willingness to enact constitutional reform was another case of adhering to existing obligations. He accepted that reform was necessary and became an important – perhaps decisive – force in the Conservative hierarchy that successfully passed a bill which the majority of Conservatives would ordinarily have rejected. Behind each issue lay a determination to maintain the integrity and unity of the British Empire upon which Britain’s world-power status depended. Hailsham’s imperial views were of their age; but they merit careful consideration. To glibly dismiss him as a reactionary diehard does scant justice to his historical reputation.

³⁷⁶ H of C Debs, vol.159, col.557.

Part III: Hailsham and Appeasement 1932-8

During the 1930s Douglas Hailsham served successively as Secretary of State for War, Lord Chancellor and Lord President of the Council, but he had a wider input into the National Government's policy than these departmental labels suggest. As War Secretary, he was amongst those British ministers called upon to respond to the threat of Nazism after Hitler came to power and, once disarmament began to seem unrealistic, he was one of a group of key ministers, civil servants and servicemen who implemented the first stage of Britain's rearmament. Then, as a very political Lord Chancellor and as Lord President, Hailsham remained, until his retirement in October 1938, a prominent figure within the government's foreign policy-making process as the international situation deteriorated.

The historiographical neglect of Hailsham's role during the 1930s should not be taken to indicate his relative insignificance. Although he supervised the War Office from 1931-5, his complicity within the 'appeasing' National Government was reduced by his retirement shortly after the Munich Conference and the rapid eclipse of his public life. No place then for Hailsham in Cato's notorious 'cast list', of *Guilty Men* which did so much to determine the evolution of subsequent historiography. But, notwithstanding his consciousness of the emergent German danger, Hailsham is also missing from the recognised ranks of the 'anti-appeasers' and even from his son's response to Cato's diatribe.¹ Nonetheless, Hailsham was a major force in the National Government, well placed to influence British policy.

His significance was rooted in the interconnected relationship between foreign, defence, economic, imperial and political issues, together with his membership of a number of specialist cabinet sub-committees. This ensured that 'the making of British foreign policy

¹ Cato, *Guilty Men*, p.6. See, for example, Thompson, *Anti-Appeasers*; Q. Hogg, *Left was Never Right*.

became a more collegial activity than ever before'.² The ministerial heads of the service departments assumed an important role in the foreign policy-making process. '[E]ven the briefest glance at inter-war Cabinet papers and Foreign Office records shows how the War Office, the Admiralty and the Air Ministry took a sustained interest in diplomatic questions'.³ In the years 1932-35, the Ministerial Committee on Disarmament, of which Hailsham was a member, became 'a catchall for foreign policy and defence'.⁴ During 1931-5, he sat on the Committee of Imperial Defence [CID] and, with both political representatives of the Foreign Office in the Commons, he acted as foreign affairs spokesman in the upper chamber from 1931 until 1934. Hailsham's influence during 1931-5 was probably increased by the appointment of John Simon as Foreign Secretary. The latter's willingness to seek the guidance of his ministerial colleagues was exaggerated by his own political weakness and his inability to strike up an intimate working relationship with his cabinet colleagues.⁵ Then, as Lord Chancellor, Hailsham became a founding member of the Foreign Policy Committee in March 1936.

So prominent was Hailsham that in 1936 the American press speculated that, had he not sat in the Lords, he 'might have succeeded Baldwin as Prime Minister'.⁶ Contemporaries recognised that 'under each of the three National Prime Ministers he [was]... one of the inner cabinet that shapes policy'.⁷ It is, therefore, surprising that his role in the development of Britain's disarmament, rearmament and appeasement policies has been simplified or

² D. Dutton, 'Guilty Men? Three British Foreign Secretaries of the 1930s', F. McDonough (ed.), *Origins of the Second World War* (London, 2011), p.149.

³ Hughes, *British Foreign Secretaries*, pp.203-204.

⁴ Post Jr, *Dilemmas of Appeasement*, p.35.

⁵ See: Dutton, *Simon*, pp.120-1; 161; Hughes, *British Foreign Secretaries*, pp.121-2; 193-4. Commanding the support of just 35 Liberal Nationals, the Foreign Secretary was in no position to defy the wishes of the Tory majority in the cabinet or in parliament.

⁶ *New York Times*, 2 July 1936.

⁷ Cowling, *Impact of Hitler*, p.76; *Manchester Guardian*, 10 March 1938.

overlooked.⁸ This neglect is even more startling granted that he was the first cabinet minister to conclude that a future war with Germany was all but inevitable. His prescient awareness of a German resurgence is a surprising gap in the literature.

Hailsham's foresight was founded upon his conviction that Prussian militarism had caused the First World War and that the outlook of German leaders had not fundamentally changed. His younger brother, Malcolm, was killed on the Western Front in 1914 and Hailsham was certain where the blame for the outbreak of the conflict, and thus for his brother's death, lay. He was not tempted to jump on the revisionist bandwagon which made such progress during the decade after the armistice. In 1922, before his election to Parliament, he had informed the voters of Marylebone that 'German reparation had got to stand: it was for the German people to pay for the damage they had so wantonly done'.⁹ During the 1923 French occupation of the Ruhr, he declared that he 'had never been one of the people who wanted to let the Germans off'. He would not accept a scheme whereby the victors of the Great War should 'make good the damage which the wanton hands of Prussian domination had inflicted upon the World'.¹⁰

Throughout the 1930s he remained suspicious of Germany's long-term intentions and, early in the decade, showed that his gut instincts were both anti-German and 'anti-appeasement'. He believed that without a preventive war or a formidable deterrent, German expansionism was unavoidable. This underpinned his opposition to various disarmament schemes and his advocacy of accelerated rearmament to deter, or resist, German revisions of the peace settlement. But his failure to convince the cabinet that it should sanction the expenditure necessary to remove the most glaring deficiencies in Britain's defence services

⁸ This thesis does not engage with the various definitions of 'appeasement'. Here 'appeasement' describes the foreign policy pursued by the National Governments in an attempt to remove grievances and avert war.

⁹ *Marylebone Record*, 16 May 1922.

¹⁰ *Ibid.*, 3 Feb. 1923.

led to his ultimate acquiescence in appeasement. As the decade progressed he became an increasingly committed appeaser, converted by the compelling reality of Britain's inability to meet the growing list of potential enemies. But his natural instincts re-asserted themselves in the final weeks of his political career when he played an important role in a celebrated cabinet revolt.

Any assessment of Hailsham's contribution to the National Government's defence and foreign policy during the decade must acknowledge that Britain's Empire stood at its territorial height and that the challenges to the *status quo* from Germany, Italy and Japan meant that Britain could not muster the resources necessary to defend its global interests. It had assumed responsibility for new territories and extended its commitments through the Treaties of Versailles and Locarno. It was also wedded, at least in theory, to the League of Nations, collective security and disarmament. Britain, as Hailsham recognised in 1933, 'had responsibilities and obligations... greater than in its history'.¹¹ With a shortage of reliable allies it became increasingly difficult to see how Britain could live up to its commitments.¹²

Secretary of State for War

During the inter-war years the ministerial appointment to the War Office was often subject to political rather than military considerations, but Hailsham's supervision lasted from November 1931 until June 1935, making him the longest serving War Secretary of the decade. His decorated military service in the Boer War gave him combat experience which many War Ministers lacked and he proved to be a doughty representative of the department. Notwithstanding Hailsham's farsighted awareness of the German danger and support for intensive rearmament, some of the limited discussion of his tenure of the War Office has been

¹¹ *The Times*, 7 April 1933.

¹² See, for example, D. Dilks, 'Appeasement Revisited', *University of Leeds Review*, vol.15 (1972), pp.28-57; "'We Must Hope for the Best and Prepare for the Worst': The Prime Minister, the Cabinet and Hitler's Germany, 1937-1939', *Proceedings of the British Academy*, vol.73 (1987), pp.309-52; R. Overy, *The Road to War* (London, 1989).

unnecessarily critical. Basil Liddell Hart, the respected inter-war military strategist, claimed that Hailsham ‘had no idea’ of the state of the War Office.¹³ One advocate of disarmament even suggested that Hailsham was guilty of ‘strategic madness’.¹⁴ More informed contemporary commentary, however, was complimentary. Sir Henry Pownall, Military Assistant Secretary for the CID, believed that the Army was fortunate to have such an effective advocate.¹⁵ The Chief of the Imperial General Staff [CIGS] from 1933 to 1936, Sir Archibald Montgomery-Massingberd, concurred, stating that the Army was ‘extraordinarily lucky’ to have a representative ‘who had the eloquence to put forward its cause’.¹⁶ Military historians are also sympathetic to Hailsham’s performance. Bond concludes that he championed the Army with ‘ability and authority’,¹⁷ while French notes that he helped oversee ‘the most far reaching programme of modernisation, motorisation and reorganisation’ of the inter-war years.¹⁸

It must be remembered that Hailsham led a department in an unsatisfactory state amidst an economic and political atmosphere most unfavourable to its restoration. After the First World War the War Office’s budget fell each year until 1933. With economy the *raison d’être* of the National Government, the War Secretary’s role was dominated by the need to reduce military expenditure. Until 1934 the Army was theoretically prepared for war with Russia in defence of the Indian frontier. But post-war expenditure cuts and the ten-year rule meant that it could not even discharge this responsibility with confidence. Popular revulsion against the previous war ensured that the Army suffered from the ‘never again’ syndrome. The Chiefs of Staff [COS] review of 1932 highlighted ‘Complacent optimism in public opinion’ that ‘increase[d] the difficulty of taking the necessary steps to ameliorate the

¹³ Liddell Hart, *Liddell Hart Memoirs* vol.1, p.293.

¹⁴ Noel-Baker, *World Disarmament Conference*, p.105.

¹⁵ B. Bond (ed.), *Pownall Diaries* vol.1, 13 March 1934, p.38.

¹⁶ *The Times*, 22 Oct. 1934.

¹⁷ Bond, *British Military Policy*, p.40.

¹⁸ D. French, *Raising Churchill’s Armies* (Oxford, 2000), p.37.

situation.’¹⁹ Baldwin’s belief that the East Fulham by-election in late 1933 was lost ‘on no issue but the pacifist’ illustrates the point.²⁰ The National Government candidate’s loss led him to conclude that ‘it was politically inadvisable for Britain to start rearming’ – a perception shared by many of his colleagues.²¹

The Labour opposition, led by George Lansbury, had a radically different understanding of the means to secure peace. The pacifist policy he promoted combined with the seemingly pacific electorate did not bode well for re-equipping the Army. In March 1935 one informed diarist suggested that the country ‘was never more pacific’.²² When the former War Minister, Lord Midleton, considered organising a public campaign to draw attention to the backwardness of the Army, Lord Derby, another former War Secretary, advised against this approach. He agreed that the Army’s position was unsatisfactory, but with the British people ‘so strong in their anti-militarist policy... showing our army strength so weak would really be applauded than otherwise’.²³

With limited resources for re-equipping the services, the ‘public cry’ was ‘all for the Air Force, [with the] Navy a distinct second and the Army a very bad third’.²⁴ The development of air power also made a policy of ‘limited liability’ possible. Britain could, theoretically, intervene in a future European war, without risking a single Tommy. Claims popularised by Liddell Hart – that the First World War had departed from Britain’s traditional strategy in warfare – further hampered the Army’s claims for funding. In such a climate, Hailsham believed that the title ‘Minister for War’ was a ‘misnomer’. ‘The last thing that we

¹⁹ CAB 53/22, 23 Feb 1932, COS ‘Annul Review for 1932’.

²⁰ The defeat was more complicated than Baldwin realised. See: R. Heller, ‘East Fulham Revisited’, *Journal of Contemporary History*, vol.6, no.172 (1971), pp.172-196; M. Ceadel, ‘Interpreting East Fulham,’ in C. Cook and J. Ramsden, (eds), *By-elections in British Politics* (London, 1997), pp.97-111.

²¹ U. Bialer, *The Shadow of the Bomber* (London, 1980), p.17; Private Foreign Office Papers of Sir John Simon, FO 800/285, Simon to Inskip 2 Nov. 1933. After the autumn of 1933 the government lost four by-elections to pacifist opponents.

²² *Tom Jones Diary and Letters*, 30 March 1935, p.144.

²³ 920DER(17) 47/3, Derby to the Earl of Midleton, 28 March 1935.

²⁴ *Pownall Diaries*, 13 March 1934, p.38.

wish', he informed an American correspondent, was to see Britain's forces engaged in war.

His role was

to try and spread the limited funds available so as to make our citizen army as efficient as possible and to discourage attacks from those who covet our possessions... I don't think even the most bitter Anglophobe imagines that this country is ever likely to attack anyone else.²⁵

The restrictions placed upon the War Office were not matched by a reduction in its worldwide responsibilities. In early 1932, Hailsham pointed out that he could only keep within the reduced estimates 'by a searching overhaul... [and] the postponement of a number of absolutely necessary services'. Future increases were inevitable as expenditure for essential services was long overdue. Even if the Disarmament Conference was a success, the War Secretary could not 'accept our current expenditure... as a standard of limitation'.²⁶ The special effort of 1932, his annual memorandum stated,

cannot be maintained in future years. It has only been rendered possible either by... the loss of military efficiency or by the postponement of services which by the very fact of delay will ultimately become more expensive.²⁷

The Army, the War Secretary informed Neville Chamberlain, was 'not in a satisfactory position either on a peace footing or as an instrument of policy in an emergency'. The Treasury accepted that it could not contest this view.²⁸

During his supervision of the War Office, Hailsham became convinced that a rearmed Britain, capable of defending its interests and fulfilling its obligations, was more likely to

²⁵ HAIL 1/3/4, Hailsham to Frank Robinson, 22 June 1934.

²⁶ CAB 24/277, 'Army Council Memorandum', 9 Jan. 1932.

²⁷ *The Times*, 4 March 1932.

²⁸ Hailsham to Chamberlain, 13 Dec. 1932; Grieve to Strohmenger, 21 Dec 1932, cited in Peden, *British Rearmament*, p.168.

facilitate peace than a disarmed Britain and a disarmament convention. The transformation of Japan from loyal ally into potential threat and the on-going resurgence of Germany, underpinned his conclusion. The arguments offered by advocates of unilateral disarmament were persuasive but if, as Hailsham believed, Germany was stealthily revitalizing itself and Japan's ambitions were contrary to British interests, the National Government was right to prioritise its own security rather than accepting a flimsy arms limitation agreement.²⁹ If a convention left Britain unable to make war on recalcitrant powers, peace would depend upon the goodwill of foreign nations. This was a chance Hailsham was not prepared to take.

Disarmament

The defeated powers of the First World War were required to disarm in accordance with the military clauses of the peace settlement. These restrictions, designed to initiate a general limitation of armaments, also compelled the victorious signatory powers to disarm. Clemenceau, the French premier, declared in 1919 that German disarmament was the 'first step towards the reduction and limitation of armaments'.³⁰ With the prevailing maxim 'that great armaments lead inevitably to war',³¹ the Disarmament Conference of February 1932 aimed to secure peace through eliminating aggressive arms. Hailsham was amongst Britain's delegation which included John Simon, the Foreign Secretary, J.H. Thomas, the Dominions Secretary, and the other service ministers.³²

In recent years the National Government's contribution to the Disarmament Conference of 1932-4 has been heavily criticised. Writing in 2011, one historian suggested that 'While feigning commitment to the project' the British delegation 'prevaricated, back-

²⁹ See: B.J.C McKercher, 'Introduction: Restraints on War', in McKercher (ed.), *Arms Limitation and Disarmament 1899-1939* (London, 1992), pp.xiii-xiv.

³⁰ Middlemas and Barnes, *Baldwin*, p.723.

³¹ Viscount Grey of Fallodon, *Twenty Five Years* vol.2 (London, 1925), p.83.

³² *The Times*, 27 April 1932.

tracked and opposed the initiatives of others'.³³ The leading authorities on inter-war disarmament question Britain's sincerity and claim that the government attempted to use the conference 'to improve Britain's world-wide power positions'.³⁴ But, granted that Britain had *already* undertaken a large measure of unilateral disarmament, any satisfactory convention would inevitably improve its position *vis-a-vis* other powers. Although the motivation for this disarmament was economic, Britain's defence services had been reduced while expenditure on many continental forces had grown.

Ahead of the conference, Hailsham declared publicly that 'nobody could assert that this country was preaching what it had not practised'. The Royal Navy had been reduced to a one-power standard and 'the limit of safety'. The Air Force, now ranked only fifth in the world, was 'a mere fraction of its former self' and the Army had been reduced to 'an imperial police force'.³⁵ This was not just public rhetoric. The reductions were startling. This was most obvious in the Army. By the early 1930s its peacetime establishment was considerably below the 1914 level. Hailsham notified the cabinet that, after the First World War,

we were the first nation in Europe to revert immediately to our pre-war Army and voluntary service. Moreover, the Special Reserve, which had been an important factor in our pre-war mobilization arrangements, was abolished, including, in addition to other arms, 3 Special Reserve cavalry regiments and 101 Special Reserve infantry battalions.³⁶

In addition to these figures, he informed the Foreign Secretary of the loss of '9 cavalry regiments, the equivalent of 61 batteries and companies of artillery and 21 battalions in addition to technical units'. He might have added the loss of 21 companies of engineers and 6

³³ Rudman, *Lloyd George*, p.207.

³⁴ D. Richardson and C. Kitching, 'Britain and the World Disarmament Conference', in P. Catterall and C.J. Morris (eds), *Britain and the Threat to Stability in Europe 1918-1945* (Leicester, 1993), p.40.

³⁵ *The Times*, 13 Jan. 1932; See also: *Observer*, 3 July 1932.

³⁶ CAB 24/277, 'Army Council Memorandum', 9 Jan. 1932.

battalions of colonial and native troops. Consequently, Hailsham warned that the Army could not 'provide for the... protection of our overseas colonies and our essential lines of communication'. It was 'impossible', he concluded, to 'contemplate stabilisation at that level forever'.³⁷

Endemic shortages meant that Britain could not contemplate sweeping reductions at the Disarmament Conference or sincerely offer to defend foreign nations without endangering imperial security. The government's room for manoeuvre was severely – perhaps hopelessly – limited. But, although British policy lacked 'positive new proposals', Prime Minister MacDonald felt that his government 'had a magnificent case' because Britain had not waited for the conference to begin disarming.³⁸ In practice, however, British policy was inherently 'reactive'.³⁹ Simon's Private Secretary noted that Britain's delegation arrived at Geneva unable to make an 'effective contribution'.⁴⁰

Notwithstanding these difficulties, those responsible for Britain's disarmament policy have not escaped criticism. Kitching claims that the choice of personnel to lead the service departments was 'unfortunate'. Hailsham, Bolton Eyres-Monsell, the First Lord of the Admiralty, and Lord Londonderry, the Air Secretary, 'formed a massive hurdle to any constructive attempt to achieve success'.⁴¹ Older accounts suggest that Hailsham regarded the conference as a 'mistake', 'scarcely tried at all' and 'contributed little but anxiety'.⁴² Contemporary critics would have agreed with these assessments. Philip Noel-Baker, the

³⁷ FO 800/291, Hailsham to Simon, 26 June 1932. See also: CAB 24/277, 'Army Council Memorandum', 9 Jan. 1932.

³⁸ CAB 23/70, 14 Jan. 1932.

³⁹ Kitching, *Britain and the Problem*, p.171.

⁴⁰ FO 800/285, Walford Selby memorandum, 11 Dec. 1931.

⁴¹ Kitching, *Britain and the Problem*, p.32; Richardson and Kitching, 'World Disarmament Conference', p.40. Paradoxically, Kitching suggests in a footnote that Hailsham's contribution to the cabinet's disarmament sub-committee was 'arguably more considered and less hostile than other ministers'. See Kitching, *Britain and the Geneva Disarmament Conference*, p.208.

⁴² Cowling, *Impact of Hitler*, p.76; Middlemas and Barnes, *Baldwin*, p.747; N. Rostow, *Anglo-French Relations 1934-36* (London, 1984), p.24.

zealous advocate of disarmament who acted as Arthur Henderson's assistant during the latter's presidency of the Disarmament Conference, remembered that Hailsham, Eyres-Monsell and Londonderry were all 'dyed-in-the-wool hawks'. The War Secretary was 'obstinately in favour of keeping tanks and heavy mobile guns'.⁴³ Anticipating difficulties before the conference began, the idealistic Lord Cecil of Chelwood noted that Britain's delegation filled him 'with a certain amount of anxiety'. After all,

Hailsham has already intimated that he disagrees with me... What the views of Eyres-Monsell and Charlie Londonderry are, I do not know, but I should not expect them to be very advanced... the prospect alarms me a little.⁴⁴

By 1933 Cecil believed that Hailsham harboured a 'contempt and disapproval of disarmament',⁴⁵ while A.L. Kennedy of *The Times* noted that Hailsham was amongst those cabinet ministers who were 'not fighting at all costs to get a convention through, but [were] diplomatically calculating to put blame on Germany'.⁴⁶ A year later Kennedy observed that 'The cabinet has never really b[ee]n united on [disarmament], Hailsham & Londonderry being obstructionists, & Simon so timid'.⁴⁷

The existing coverage of Hailsham's contribution to Britain's policy has been dismissive and over-simplified. He was willing to agree to various, albeit limited, arms limitation proposals. He was not anti-disarmament *per se*, but would not accept a convention that left Britain's security dependent upon the goodwill of other powers. Opposing various arms limitation plans was not necessarily 'hawkish' and his approach was not that of a blind warmongering reactionary. For Hailsham, the various schemes on offer during 1932-4 would not guarantee peace. After Germany first left the Disarmament Conference in July 1932, his

⁴³ Noel-Baker, *World Disarmament Conference*, p.61.

⁴⁴ FO 800/285, Cecil to Simon, 30 Nov. 1931.

⁴⁵ Cecil to Noel-Baker, 4 May 1933, cited in Kitching, *Britain and the Problem*, p.27.

⁴⁶ Martel (ed.), *Journals of A.L. Kennedy*, 8 Oct. 1933, p.106.

⁴⁷ *Ibid.*, 28 Nov. 1934, p.153.

awareness of the emerging German danger meant that he opposed schemes that sanctioned German rearmament. Alongside the paradox of disarming while Japanese militarism was already underway, he concluded that Germany would probably not adhere to a disarmament convention. With Germany's political situation unstable and developments in the Far East causing much anxiety, Hailsham's prioritising of Britain's security is understandable. He occupied a responsible position where he could not accept a slapdash settlement.

As Hailsham had been drafted into the Conservative government's Disarmament Policy Committee in 1927, the Geneva Disarmament Conference was not his first consideration of international arms limitation. Just two months before the General Election in May 1929, the sub-committee considered its policy towards the sixth session of the projected conference's Preparatory Commission set to begin in mid-April.⁴⁸ In terms of the proposals relating to the limitation of the Army's land material, Hailsham, then Lord Chancellor, made 'the most important contribution to the debate'.⁴⁹

He steered the middle course in a dispute between Lord Cushendun, acting Foreign Secretary during Austen Chamberlain's illness, and Worthington-Evens, the War Secretary. Cushendun wanted Britain's representatives at Geneva to support budgetary limitation proposals, but the War Office calculated that this approach would undermine the Army's mechanisation programme which sought to substitute men with life-saving devices such as tanks. It was also questionable whether the budgetary limitation proposals, which had been approved by the Preparatory Commission, would provide effective supervision of military expenditure. Hailsham suggested that Britain's representatives at Geneva should not put forward specific proposals but declare that 'we felt confident that we could... accept any

⁴⁸ This body was created by the League of Nations to draft Treaty for the forthcoming disarmament conference.

⁴⁹ Richardson, *British Disarmament Policy*, pp.192.

proposals which met with unanimous agreement on the part of others'.⁵⁰ This compromise was accepted and settled the dispute.

Although Richardson alleged that 'Support for disarmament barely entered into the Lord Chancellor's calculations' and that Hailsham's main objective was to undermine criticism from political opponents ahead of the general election,⁵¹ his approach was not cynical. During late 1928 and the spring of 1929 Hailsham was naturally concerned about the electoral repercussions of the government being associated with a lack of progress in international disarmament. He also recognised that it was unlikely that the other major powers would be able to agree to a scheme relating to land forces.⁵² But, as a man of his word, he was fully aware that Britain would be obliged to endorse an agreement if it was accepted by the other powers. Moreover, after Cushendun, Worthington-Evans and the cabinet had accepted the expedient, Hailsham, as in early 1932, engineered an unlikely compromise formula.⁵³ It is an over-simplification to conclude that this episode demonstrated that he was an 'orthodox sceptic' as far as disarmament was concerned.⁵⁴ Hailsham, as he would during the lifetime of the Disarmament Conference, warned against making proposals that other powers could use to mask their own objections to arms limitation schemes.

During the years 1932-4 Hailsham demonstrated that he was neither an idealist who would disarm regardless of the consequences nor a determined obstructionist. His objective, shared with the campaigners for disarmament, was peace. Aware that Britain had much to lose if no workable convention was realised, he recognised that it was a British interest for

⁵⁰ CAB 27/361, 19 March 1929.

⁵¹ Richardson, *British Disarmament Policy*, p.200.

⁵² CAB 27/361, 2 Nov. 1929. Richardson, *British Disarmament Policy*, pp.186-7

⁵³ CAB 23/60, 26 March 1929. The sub-committee's agreed statement, that was read at Geneva the following month by Britain's representative, maintained that because Britain was 'not a military power in the continental sense of the term', the lead in limiting land armaments 'must be taken by the great military powers'. The British Government were 'confident that they will be able to accept any scheme which meets the approval of the rest of the Commission'. 'Outline of the declaration to be made by the British Representative', CAB 24/202, April 1929.

⁵⁴ Richardson, *British Disarmament Policy*, p.200.

powers to reduce their arms to a level compatible with their own security. After all, economic weakness and colossal strategic responsibilities guaranteed Britain's vulnerability in future conflicts. In May 1932, he stated that, if the conference failed, it would be 'a disaster to the cause of civilisation, and... a set-back to the cause of peace in the world'. But, in the same speech, he calculated that peace would be endangered if disgruntled nations sensed that they could develop their 'aggressive tendencies at our expense, free from any danger of retaliation on our part'.⁵⁵ Already converted to the line that 'unilateral disarmament is not a success in securing universal disarmament', he complained that Britain's disarmament, while the rest of the world remained armed, did not improve Britain's standing in the world. He calculated that military strength, combined with the will to use it, outweighed idealism. In November 1932 he outlined his views on disarmament to the Lords. It was 'vital... that the nations of the world should... agree on a practical form of disarmament *which will remove or lessen the threat of war*'. The government was

willing to go to the utmost limit consistent with the essential security of this people... but we cannot promise to surrender the security for which we are responsible in order to achieve a paper success which would infallibly result... in an actual disaster.⁵⁶

This neatly captured Hailsham's approach to disarmament proposals during the lifetime of the conference.

The prospects for reaching meaningful agreement at the conference should not be exaggerated. With land, naval and aerial weapons all under consideration by a large group of powers with very different strategic interests, the Geneva Disarmament Conference needed to overcome 'staggering problems' before workable agreements could be established.⁵⁷ With a

⁵⁵ H of L Debs, vol.84, cols 382-3.

⁵⁶ Ibid., vol.86, cols 381-3. Emphasis added.

⁵⁷ B.J.C McKercher, 'Of Horns and Teeth': The Preparatory Commission and the World Disarmament Conference, 1926-1934', in McKercher (ed), *Arms Limitation and Disarmament*, p.174.

host of governments struggling to deal with the international financial crisis, the political stability necessary to secure a disarmament convention was evaporating *before* the conference began. In Germany democracy was under threat. Heinrich Brüning, the Chancellor, regularly ruled by decree under Article 48 of the Weimar Constitution. Furthermore, the War Office was aware that the German government had already flouted various military clauses of the Versailles Treaty.⁵⁸ Since 1930 defence reports had warned that patriotic organisations within Germany were conducting military training, that the German army had been reorganised so that it could rapidly expand and that German industry was producing prohibited war material.⁵⁹ Even more disturbing was the progress of Hitler's Nazi Party, pledged to tear up the Peace Treaties. By September 1930 it was the second largest party in the Reichstag. Before the end of 1931 one report sent to John Simon anticipated a Nazi landslide at the next election.⁶⁰

Hopes for disarmament were dealt a further – and arguably more significant – blow when Japan attacked Manchuria in the summer of 1931, beginning its conquest of the region which was completed in early 1933. Granted Britain's interests in the Far East, Japanese aggression was disquieting. An even worse omen was the Japanese attack – which included aerial bombing – on Shanghai in January 1932, just weeks before the Geneva conference convened. While 'collective security' and the League of Nations were undermined, the attack 'dramatically brought home' Britain's vulnerability.⁶¹ Hailsham, alarmed by Japan's aggression, told the Lords that

Shanghai is a settlement which owes its inception to British enterprise and... has grown to its present position as one of the greatest ports in the world and the centre of

⁵⁸ WO 190/154, 'War Office Memorandum', 6 Sept. 1932.

⁵⁹ *Documents on British Foreign Policy 1919-1939* [Hereafter DBFP], 2nd Series, vol.2, no.1, Military Situation in Germany January 1930, (London, 1947).

⁶⁰ FO 800/285, Central Hanover Bank Report to John Simon, 5 Nov. 1931.

⁶¹ Shay, *British Rearmament*, pp.20-21.

commerce in the Far East... Anything which imperils the safety of British lives... is naturally a matter of grave concern.

Hailsham and his colleagues were concerned at the implications for Britain's foreign policy. As Britain looked to the League as a bulwark of international peace, he claimed that 'anything which tends to throw doubt on the sanctity of the Covenant and to bring the League of Nations into disrepute must necessarily be a matter of the gravest importance'.⁶²

Accordingly, the COS surveyed imperial defence in early 1932. They recommended the abolition of the 'ten-year rule' which they blamed for the widespread deficiencies in Britain's defences.⁶³ The rule, the Chiefs claimed, was 'contrary to the lessons of history'. With shortages rife throughout the services, they were not confident that Britain could resist a Japanese attack in the Far East or meet its imperial, Locarno or League obligations.⁶⁴ The rule held that 'for the purposes of framing the [defence] estimates... there will be no major war for ten years'.⁶⁵ While ten years was a long time in international relations, it proved to be a relatively 'short time for a largely disarmed and pacific democracy to rearm for a major war'.⁶⁶

Hailsham welcomed the Chiefs' analysis, telling the CID that it was impossible to carry on working on the ten-year assumption. Therefore, as the *Disarmament Conference* was beginning, Hailsham had already recognised the need for *rearmament*. Despite hopes for the success of the conference, the CID accepted the 'Writing on the Wall' and the COS analysis.⁶⁷ The cabinet immediately suspended the rule, but no plans existed to repair

⁶² H of L Debs, vol.84, cols 639-40.

⁶³ CAB 53/4, COS Sub-committee, 4 Feb. 1932; 28 Feb. 1932.

⁶⁴ CAB 53/22, 23 Feb. 1932, COS 'Annul review for 1932'.

⁶⁵ Gibbs, *Grand Strategy* vol.1, p.55.

⁶⁶ Bond, *British Military Policy*, p.97.

⁶⁷ CAB 24/230, CID, 22 March 1932.

Britain's military deficiencies.⁶⁸ The inability of Britain's defence services to meet potential aggressors was realised, but deliberations began at Geneva with no plans to remedy Britain's impotence.

The Japanese attack on Shanghai was considered by the League Council and, somewhat ironically, delayed the opening session of the Disarmament Conference.⁶⁹ The League's indecisive response failed to contain Japanese aggression and, with the League's ability to enforce its principles thrown into doubt, the chances of achieving a disarmament convention at the forthcoming conference were diminishing. Simon noted that 'Japan was pursuing an ambitious policy' that made the conference's objectives appear 'rather visionary'.⁷⁰ Even leading critics of the National Government's disarmament policy accepted that by 1932 'the prospects of a successful outcome at the Disarmament Conference itself were receding'.⁷¹ '[T]he prospects for its success could hardly have been less favourable.'⁷²

With the conference finally underway in February 1932, procedural difficulties and the participating nations' range of defence requirements presented a formidable barrier.⁷³ Geneva, according to Londonderry, was a 'terrible place' and he recommended that Hailsham should stay away.⁷⁴ With little progress apparent during the first 10 weeks of the conference, in April Brüning attempted to break the deadlock and bolster his administration's precarious domestic position after the Nazi party had made considerable gains at provincial elections. His moderate plan never got off the ground after André Tardieu, the French Prime Minister, failed to travel to Geneva to discuss the scheme and after his government was defeated in the

⁶⁸ CAB 23/70, 23 March 1932.

⁶⁹ Kitching, *Britain and the Problem*, p.140.

⁷⁰ PREM 1/523, Simon to MacDonald, 29 Jan. 1932.

⁷¹ Kitching, *Britain and the Problem*, p.135.

⁷² D. Richardson, 'The Geneva Disarmament Conference', in D. Richardson and G. Stone (eds), *Decisions and Diplomacy* (London, 1995), p.62.

⁷³ See A. Webster, "'The Disenchantment Conference': Frustration and Humour at the World Disarmament Conference 1932', *Diplomacy & Statecraft*, vol.11, no.3 (2000), pp.72-80.

⁷⁴ Baldwin Papers, vol.187, Londonderry to Baldwin, 10 Feb; 22 Feb. 1932.

first round of the general elections two days later.⁷⁵ With the German proposals buried, Earl Stanhope, Hailsham's Under-Secretary of State, who generally represented the War Office at Geneva, saw few signs of progress in the Land Commission:

I always thought I was rather a master of wasting time, but I have learned that I was a mere tyro. Our Committee on guns spent two hours... discussing whether we were justified in discussing a subject they had been talking about for two days, but even this was beaten by another committee who required a definition of the word definition.

The air committee was 'in the air and likely to remain there', whilst he anticipated that the naval representatives would produce only a 'wishy-washy document'.⁷⁶ In such an atmosphere it was unlikely that a workable solution could be devised.

In early June, Hailsham informed the cabinet's sub-committee that he was appalled by the risk of the conference's failure, but he 'did not think that anyone who had been to Geneva could have formed any other opinion than that the situation looked very bad'.⁷⁷ His analysis was correct. The problems in the Far East and Central Europe suggested that it would be very difficult to secure any meaningful agreements. He feared that if the conference failed the world's powers would attempt to rearm and 'Germany and France would renew their old competition'. Warning that 'the only thing that might stop the world rearming would be that it would go bankrupt first', he judged that 'it was of vital importance to find some means of achieving real disarmament'. He supported the proposal that air forces should be disarmed to remove the threat of a 'knock-out blow'. Although the Air Ministry claimed that this plan was unacceptable, Hailsham recommended that it should be pursued. This menace, he

⁷⁵ Kitching, *Britain and the Problem*, p.143, op. cit.

⁷⁶ Baldwin Papers, vol.118, Stanhope to Baldwin, 25 May 1932.

⁷⁷ CAB 24/230, CID, 6 June 1932.

understood, was frightening Europe and its removal would be ‘a big step in eliminating the risk of war altogether’. While Londonderry claimed that this proposal might leave Britain incapable of policing the Empire’s frontiers, Hailsham, whose department would assume further responsibilities in this sphere, did not consider this an insurmountable issue. Eyres-Monsell and Snowden, the Lord Privy Seal, agreed with his analysis.⁷⁸

This proposal was consistent with Hailsham’s subsequent thinking about aerial bombing. He recited these thoughts in public, stating that he wanted to ‘protect all nations from the horrors of [aerial] bombardment’. He believed this ‘threaten[ed] the very existence of civilisation’, telling the Lords in November 1932 that ‘I should myself like to see a limitation put upon the use of the air weapon’.⁷⁹ Even after the Disarmament Conference had collapsed, he advocated an international anti-bombing air pact, informing the CID in 1935 that the dangers to the civilian population ‘were perfectly frightful’. Noting London’s particularly vulnerable position, he claimed that ‘anything that would... reduce or get rid of this menace would be a tremendous relative gain for the British Commonwealth’.⁸⁰

The next ray of hope at the conference came in June 1932 through the ‘Hoover Plan’. The Americans proposed the reduction by a third in numbers and tonnage of naval battleships, and the abolition of all tanks, large mobile guns and chemical warfare. The strength of land armies would be reduced by one third, and bombing planes and aerial bombardment would be prohibited. The Americans, without a global empire to defend, could offer various reductions without endangering their vital interests, but the plan did not consider the concerns of Britain, France and other powers.⁸¹ Hoover’s motivations for presenting the plan are also questionable. It seems that his main objective was not

⁷⁸ CAB 27/505, Ministerial Committee for Disarmament, 6 June 1932.

⁷⁹ H of L Debs, vol.84, col.137.

⁸⁰ CAB 24/253, CID, 25 Feb 1935.

⁸¹ McKercher, ‘Horns and Teeth’, p.186.

disarmament but domestic popularity ahead of an election.⁸² At Geneva the plan met opposition because ‘it made no strategic sense’. In Britain’s case, it ‘undermine[d] the doctrine of absolute need’.⁸³ The suggested reductions were unacceptable to the Admiralty and the Air Ministry and Hailsham expressed concern about Hoover’s plans for land forces. He informed the cabinet that reductions could be found in the size of the Army’s heavy guns and tanks, but further restrictions presented formidable problems. The Army, he maintained, was already disarmed and was ‘little more than an armed police force’.⁸⁴

On 26 June, Hailsham provided Simon with his view of Hoover’s plan and a draft statement that formed the basis of Britain’s public response to Hoover’s military proposals. This welcomed the spirit of the American plan and supported the proposals for abolishing chemical and biological warfare. Sensibly, Hailsham would accept restrictions on land guns *if* the same limitations could be applied to naval guns. But he also highlighted practical difficulties which would not, in the long run, facilitate disarmament ‘which we all have at heart’. Britain’s Army had already been reduced ‘substantially below the number necessary for the maintenance of internal order without making allowance for the protection of lines of communication’.⁸⁵ He was also concerned about the precise meanings of ‘police component’ and ‘defence component’. In relation to the former he was worried about

the very different character of police forces in different countries, the variation in the proportion of police to population, and the fact that, in certain cases, the defence element could be fully justified by political considerations, whereas in others it could not...

⁸² Kitching, *Britain and the Geneva Disarmament Conference*, p.199.

⁸³ B.J.C. McKercher, “‘Our most Dangerous Enemy’: Great Britain Pre-eminent in the 1930s’, *International History Review*, vol.13, no.4 (1991), p.774.

⁸⁴ CAB 23/71, 24 June 1932.

⁸⁵ FO 800 /291, Hailsham to Simon, 26 June 1932.

Attempts to limit the 'defence component' in relation to each nation's population, he calculated, overlooked important factors such as political security and geographical position. The 'immense sea frontiers' of Britain's Empire, for instance, rendered further reductions impossible.⁸⁶

The major departure from the US proposals came over the abolition of tanks. Hailsham agreed with his departmental advisors that, because the Army possessed only a handful of light-weight post-war tanks, Britain could scrap only those tanks which weighed 20 tons or over.⁸⁷ The rationale behind the limitation by weight rather than numbers was that tanks below 20 tons were not deemed offensive weapons. Hailsham suggested that lightweight tanks were actually a means of disarmament because they replaced manpower and other arms. Their light armour meant that they could not effectively attack well-prepared fortifications or cross enemy trenches, but in terms of defence, they were 'of great value as a mobile reserve and in counter attack against troops which have pierced a defensive position'.⁸⁸ For these reasons the government's response held that the abolition of tanks would not contribute to international disarmament. Lightweight tanks, Britain's declaration claimed, were not offensive weapons. But

as a means of saving the life of the soldiers, as well as of economising man power, tanks are invaluable. In a small voluntarily enlisted army like our own they constitute an essential compensation for lack of numbers which it would be impossible to surrender.

In Britain's case the abolition of tanks would inevitably lead to an increase in manpower, and 'as a measure of disarmament [it] would tend to defeat its own ends'.⁸⁹ The statement

⁸⁶ Ibid.

⁸⁷ CAB 23/71, 27 June 1932.

⁸⁸ Hailsham to Simon, 26 June 1932.

⁸⁹ CAB 23/71, 27 June 1932.

acknowledged that the best way to reduce the risk of war was to weaken all powers' offensive capacity while strengthening the power of defence. This was entirely consistent with Simon's first speech to the Disarmament Conference in February.⁹⁰

While modifications to the Hoover scheme were debated, the cabinet considered budgetary restriction. Although Hailsham had indicated that the War Office 'had been prepared to accept a total budgetary limitation figure for ground forces',⁹¹ he reminded his colleagues of his earlier warnings about the inevitable increase in the Army's future estimates – whatever the result of the conference. Hailsham, therefore, resisted attempts to limit the War Office's future expenditure to its existing level. He could not entertain such a proposition. The estimates resulting from the emergency economies of 1931, had only been achieved

by the non-replacement of munitions, the postponement of essential building programmes, and the abandonment for this year of training of the Territorials... [I]t was quite impossible... to continue at the present level of expenditure. The economies contemplated... were inapplicable to the United Kingdom since we were not building large tanks or spending money on... chemical or bacteriological warfare, while the personnel of the Army had been reduced below even the 'police component basis'.⁹²

On 7 July Simon responded to Hoover's plan, informing the conference that disarmament must take into account various powers' strategic requirements. He presented Britain's amendments that effectively rejected the proposals. The reductions Hailsham proposed undoubtedly suited the War Office but this was realism, not obstructionism. The

⁹⁰ League of Nations, *Records of the Conference for the Reduction and Limitation of Armaments* (Geneva, 1936), pp.57-9.

⁹¹ CAB 27/505, 21 March 1932.

⁹² *Ibid*; Hailsham later rejected an Italian proposal that sought to restrict future expenditure to 'the present level of land and air expenditure'. The Army, he said, had 'disarmed to a degree that rendered our position most perilous if there were any risk of war within the next few years'. See: CAB, 23/77, 20 Sept. 1933.

other services found their own objections to the plan. Quite simply, it conflicted with Britain's minimum defence requirements as outlined by the country's defence experts. Notwithstanding the emphasis placed on it by Noel-Baker nearly 50 years after the event, the Hoover plan did not facilitate wider agreement.⁹³ It is also a matter of pure speculation to suggest that a convention in 1932 would have blocked Hitler's rise to power. Furthermore, only wishful thinking could lead to the assumption that the Japanese would have accepted the plan. Many leading powers, including Germany, had only accepted it as a basis for discussion. The plan also ignored the conference's other major conundrum: reconciling German claims for equality with French security.⁹⁴

With a lack of progress towards 'equality of rights', the German delegation withdrew from the Disarmament Conference for the first time in July 1932. Hailsham 'regarded this as a watershed' and it had major implications for his consideration of defence and foreign policy for the remainder of his ministerial career. It confirmed his lingering suspicions that the outlook of Germany's leaders remained, at heart, aggressive. His son, recalled that his father had warned him

of the danger from Germany ever since 1932, from which date he regarded war... as inevitable. He had told me of his opinion consistently since just before the Hitler regime came into power.⁹⁵

Quintin Hogg was, no doubt, motivated by filial loyalty, but official records confirm his recollections.

Concern over Germany's ultimate aims had clear implications for Hailsham's attitude to disarmament. He waged a long battle against the Foreign Office's efforts to, as he saw it,

⁹³ Noel-Baker, *Disarmament Conference*, p.105.

⁹⁴ Kitching, *Britain and the Problem*, p.150.

⁹⁵ Hailsham, *Door Wherein*, p.114.

undermine Britain's military position at a time of mounting danger. If, as he feared, Germany was bent on dominating Europe, it would be foolish for Britain to disarm and compel other powers to do the same while sanctioning German rearmament to facilitate 'equality'. This, he feared, would become a platform for accelerated rearmament which would make German hegemony possible.

In an attempt to secure Germany's return to Geneva, the cabinet agreed on 30 September that the principle of 'equality of rights' for Germany and other disarmed powers should be approved. Hailsham did not dissent from this decision, but he revealed his concerns about German *revanchism*. He

uttered a grave warning as to the consequences that might follow a few years hence when Germany, free from the military provisions of the Treaty of Versailles, was able to develop her armaments to the point where she could pursue, by force or threat of force, her undisguised intention of rectifying her eastern frontier.⁹⁶

From this moment, Hailsham became a 'consistent pessimist about Germany'.⁹⁷ Granted that his concerns existed before Hitler came to power, he has strong claims to being the first member of Britain's policy-making elite to warn about the dangers posed by Germany. Robert Vansittart, the Permanent Under-Secretary at the Foreign Office, is well-remembered for his foresight regarding the German threat. Although he had warned about the return of 'old Adam' as early as 1930,⁹⁸ it seems that he only fully appreciated the German menace after Hitler's Chancellorship had begun.⁹⁹ It is striking that Hailsham's issued his first warning to the cabinet in September 1932.¹⁰⁰

⁹⁶ CAB 23/72, 30 Sept.1932.

⁹⁷ G. Scott, *The Rise and Fall of the League of Nations* (London, 1973), pp.269-70.

⁹⁸ I.G. Colvin, *Vansittart in Office* (London, 1965), pp.18-19.

⁹⁹ Initially, Vansittart 'had not been too alarmed by the Nazi Regime, though he did regard the Nazi Government as an extreme radical, and potentially destabilising, element in international affairs'. M.L. Roi, *Alternative to*

The War Secretary's position quickly shifted from being willing to implement a measure of disarmament which did not conflict with Britain's security interests, into making less constructive – but ultimately prophetic – warnings about German aims. Other leading members of the National Government were slower to appreciate the potential menace. In 1934 Simon noted that 'Hitler's outlook was not aggressive or threatening to us', while Samuel Hoare, his successor as Foreign Secretary, admitted being complacent about the international situation until late 1935.¹⁰¹ In March 1935 the German Ambassador reported that almost all of the cabinet supported Simon's efforts 'to bring Germany into a system safeguarding peace'. The only sceptics were Hailsham and, somewhat surprisingly granted later developments, Neville Chamberlain.¹⁰² The lack of awareness of Germany's ultimate ambitions was widespread. Hailsham's consciousness was certainly in advance of many of the so-called 'anti-appeasers' including Churchill, Anthony Eden and Duff Cooper. Lloyd George, the man who 'won' the First World War, was amongst those who completely underestimated the German threat.¹⁰³

As Britain's policy changed in the summer of 1932 from advocating universal disarmament to accepting the principle of 'equality of rights' for Germany, Hailsham attempted to block plans that would sanction immediate German rearmament. When Simon presented the cabinet's sub-committee with a proposal geared to secure Germany's return to the Disarmament Conference, whereby Britain and other powers would abandon weapons prohibited to Germany under the Treaty of Versailles, Hailsham, using 'forensic eloquence...

Appeasement: Sir Robert Vansittart and Alliance Diplomacy (London, 1997), pp.25-6. By May 1933, however, he noted that 'The present regime in Germany will... loose off another European war just so soon as it feels strong enough'. CAC, Vansittart Papers, VNST 2/3, 'Minutes 6 May 1933'.

¹⁰⁰ This realisation was also in advance of Horace Rumbold, Britain's ambassador in Berlin from 1928-33. For his foresight, see M. Gilbert, *Sir Horace Rumbold* (London, 1973), particularly pp.377-9.

¹⁰¹ CAB 23/78, 19 March 1934; Templewood, *Troubled Years*, p.196.

¹⁰² *Documents of German Foreign Policy [DGFP]*, Series D, vol.3, 23 March 1935, no.552.

¹⁰³ See: S. Rudman, *Lloyd George*, p.264.

absolutely smashed' this plan. Hankey, who approved of Hailsham's line, felt that the scheme was 'a policy of disarmament but not peace'.¹⁰⁴

When similar proposals came before the full cabinet, Hailsham repeated that the government's technical advisers had concluded that it was 'impossible' for Britain to abandon the weapons that were prohibited to Germany. This point applied to all three services but he reminded his colleagues that without tanks Britain's Army would have to be increase in size.¹⁰⁵ He presented a memorandum by Field Marshal George Milne, the CIGS, which claimed there was no reason why Britain 'should accept the punitive measures applied to Germany in 1919'. In terms consistent with the War Office's rejection of the Hoover proposals, Milne held that Britain's tanks were essential weapons and 'of the greatest value in maintaining order and in the policing of colonial territories and frontiers'.¹⁰⁶ Instead of abolishing tanks, restricting their weight would 'weaken the power of aggression and give real assistance to the defence'. As Hailsham told the Lords, lightweight tanks could only be regarded as offensive weapons if 'helmets or cuirasses or suits of armour in the old days might have been regarded as offensive'.¹⁰⁷ They were an 'infinitely more humane answer' to the machine gun.¹⁰⁸

After this put-down, disarmament down to the German level was deemed contrary to Britain's security interests. Eden, Simon's Under-Secretary of State, claimed that his chief 'will not say "boo" to Hailsham' and 'has no real courage of his own'.¹⁰⁹ Already dejected at the course of events, Eden doubted if any progress was likely:

¹⁰⁴ Hankey Diary, 23 Oct. 1932, in Roskill, *Hankey* vol.3, p.61.

¹⁰⁵ CAB 23/72, 11 Oct. 1932.

¹⁰⁶ CAB 24/234, Cabinet Memorandum, 28 Oct. 1932.

¹⁰⁷ H of L Debs, vol.86, col.113.

¹⁰⁸ *Ibid.*, vol.87, cols 899-90.

¹⁰⁹ UBL, Avon Papers, Eden Diary, AP 20/1/14, 7 Nov. 1932.

Simon is very depressed about the whole thing... He has never fought for his own hand. I believe that the greater part of the cabinet is with [us] though Hailsham is adamant against and the PM in a state of woolly reaction.¹¹⁰

The only other means to achieve equality would involve Germany acquiring restricted weapons. In October the cabinet agreed that German equality would be acceptable if ‘the tranquillity of Europe’ was not disturbed.¹¹¹ But Hailsham delivered another stern warning. He doubted if France could accept this approach and suspected that Germany had not ‘the least intention of keeping her assurances’. Britain’s policy must be one that fostered peace, but he doubted if Simon’s policy would secure that objective. Feeling ‘bound to present a different point of view’, Hailsham continued:

Germany’s avowed intention was to get rid of the Treaty of Versailles... She was aiming at this by a very plausible case that she had presented as equality of status. Her real aim, however, was to rectify what she believed to be the injustices of her Eastern Frontier, and, perhaps, later on, in the West.¹¹²

Hailsham, challenging the Foreign Secretary’s reassurances, questioned whether Germany cared at all about world opinion. The key to the situation was that

Germany alone desired her armaments not for defence, but for aggression... If Germany was given the opportunity completely to re-arm after an interval of five years, it would make war certain a few years later on... Germany would not be able to

¹¹⁰ Ibid., AP 20/1/12, 28 Oct. 1932.

¹¹¹ CAB 23/72, 19; 31 Oct. 1932.

¹¹² Ibid., 31 Oct. 1932. This reflected the thinking of Edouard Herriot, the French Premier, who was ‘convinced that the Germans mean war as soon as they are strong enough to make it’. FO 800/291, Lord Tyrell to Simon, 7 Sept. 1932.

resort to force for another five years; but if, at the end of that time, she could re-arm, she would soon do so and use her armaments to alter the Treaty of Versailles.¹¹³

Granted later events, it is striking that such warnings were issued to the cabinet in the autumn of 1932.

For the War Secretary, granting Germany equality in armaments was a great blunder, tantamount to acquiescing in German expansionism. While he 'would do anything in the direction of disarmament as a means of securing peace', he concluded that it would be 'a mistake to adopt measures which would send Europe up in flames ten or fifteen years hence'. To meet Germany's grievances he would re-examine Hoover's proposals. He felt French amendments to the American plan, offered a real advance in multilateral disarmament, although he again reserved his position in relation to tanks and heavy guns. When Simon asked what Hailsham would regard as an assurance of Germany's good intentions, the War Secretary replied that he wanted to detect a clear change in the German leaders' outlook. Pointing to disquieting speeches by General Kurt von Schleicher and other German leaders,¹¹⁴ he suggested that

he would remind the Germans that 1914 was not yet forgotten; he would make clear that he was not satisfied that the armaments Germany desired were for purely defensive purposes. He would make clear that, once satisfied on that point, there would be no reason for Part V of the Treaty of Versailles, which had only been introduced as a safeguard against aggression.¹¹⁵

¹¹³ CAB 23/72, 31 Oct. 1932.

¹¹⁴ Von Schleicher, the German Defence Minister who became Chancellor in December, had made a speech that included the 'whole-hearted praise of military virtues'. He stated that without equality, Germany 'would look after her own security'.¹¹⁴ In another speech outlining Germany's intention to take whatever defensive preparations were necessary, he had made 'implicit references' to Poland as an enemy. *The Times*, 27 July 1932; 7 Sept. 1932

¹¹⁵ *Ibid.*

In response to another question from the Foreign Secretary: 'Does the British Government admit the German claim?', Hailsham bluntly responded that his answer would be 'Not at present'. He would

tell Germany that we would come down to her level when we were satisfied that she had no aggressive intentions. In the meantime he would take steps to advance towards the German level and to approach it by successive stages, which could be speeded up if and when Germany showed a change of heart.¹¹⁶

Hailsham's perception of German ambitions suggests that, as regards disarmament policy, he was far from a hawk guilty of strategic madness. He was willing to sanction disarmament which did not conflict with Britain's essential military requirements and which other powers could realistically implement. But he was convinced that Germany hid expansionist aims under the cloak of 'equality of rights' and he was not prepared to agree to any scheme that could destroy the peace settlement. Warning against accepting the principle of equality simply to get Germany back to Geneva, he realised that once the claim had been admitted it would be impossible to control German rearmament if the conference failed. Neville Chamberlain supported an approach along these lines because 'Everyone was afraid of reducing their armaments without some security that Germany was not re-arming while they disarmed'. Like Hailsham, he believed that a policy of 'one step at a time' was the only practical way forward.¹¹⁷

Although Hailsham was not without supporters,¹¹⁸ the majority of the British cabinet backed Simon's proposal to accept 'equality of status' if Germany returned to the conference. The Prime Minister was unsure whether Hailsham was satisfied; the War Secretary was not.

¹¹⁶ CAB 23/72, 31 Oct. 1932.

¹¹⁷ Ibid.

¹¹⁸ Kitching, *Britain and the Geneva Disarmament Conference*, p.95.

He admitted that Germany had a grievance as other powers had not disarmed more, but he warned that ‘recent events in Germany had not given us much confidence in the future’.¹¹⁹ These events justified his caution. In addition to worrying pronouncements from leading Germans, in July the Nazis had become the largest party in the Reichstag. Yet, despite these developments, Simon informed the Commons in November that Britain would acknowledge Germany’s claim to equality providing Germany and other European powers pledged to settle differences peacefully. This principle was accepted by France and Italy in December and, before the close of 1932, Germany agreed to re-join the conference.

By the time the conference reconvened in early 1933, Hitler had assumed power as German Chancellor. The Japanese had also begun their latest military operation against China which ended in their conquest of Jehol and, after refusing to accept the Lytton Report in February, Japan resigned from the League of Nations in March and would not be bound by any disarmament convention. These developments were accompanied by no tangible progress at the conference itself. It was now highly unlikely that any future progress would be made. There is little doubt that Hitler intended to take Germany out of the conference at a convenient moment and rearm on a vast scale. From the outset Germany had used the conference as a cover for the pursuit of rearmament.¹²⁰ Hitler paid lip-service to a conference that he wanted to fail.¹²¹

In early March Eden informed the sub-committee that the conference was ‘tottering to failure’ and that an adjournment seemed likely. He feared that a recess would be equal to the conference’s collapse and proposed that Britain should produce a plan – which became known as the ‘MacDonald Plan’ – to prevent the conference’s disintegration.¹²² Hailsham,

¹¹⁹ Ibid.

¹²⁰ Richardson, ‘Geneva Disarmament Conference’, p.66.

¹²¹ McKercher, ‘Horns and Teeth’, pp.188-190.

¹²² CAB 27/505, 2 March 1933. For the plan’s details see: Kitching, *Britain and the Problem*, pp.154-159.

despite his fears of the consequences of failure at Geneva, felt that it was probably already too late. Germany, he concluded, was determined to rearm.¹²³ Although he felt that the Prime Minister was probably the only man who had *any* hope of saving the conference, he concluded that 'Britain could not make a bigger blunder than by producing a plan'. After Eden had admitted that France and Germany were at 'loggerheads' and that the Germans might walk out at any moment, Hailsham suggested that Germany was

looking for a suitable excuse to effect her breakaway... [I]f we were to produce this plan he thought it would give Germany the very opportunity of leaving the conference which she had been seeking.

He realised that the construction of a plan which Germany might accept would involve Britain in difficulties with France and the Little Entente. He feared that, if the plan failed and Germany left the conference, 'everyone would turn round and blame us for having forced her to leave, and... we might be saddled with the whole responsibility for failure'. Britain would put herself wrong in the eyes of the world.¹²⁴

On behalf of his department, the War Secretary expressed further misgivings. Despite his repeated efforts to demonstrate the necessity of retaining tanks, Eden proposed their abolition. Hailsham claimed that on strategic grounds, 'no Secretary of State for War could possibly accept' the draft plan. Although Simon was 'extremely disturbed' by Hailsham's attitude, the War Secretary maintained that Britain's position would be impossible if tanks were outlawed.¹²⁵ His resistance was partially successful. The sub-committee agreed that the

¹²³ Ibid., 2 March 1933.

¹²⁴ Ibid., 3; 5 March 1933.

¹²⁵ Ibid., 7 March 1933.

plan, should not be produced before the Prime Minister and the Foreign Secretary had visited the conference.¹²⁶

The following week, Hailsham once again expressed his doubts about presenting any plan granted the prevailing mood in Germany. He reminded his colleagues that it was 'quite plain that Germany intended to rearm'. That morning he had read a statement made in Berlin by Baron Von Neurath which substantiated his claim. The German Foreign Minister expected that the conference would fail and Germany 'would be compelled to rearm'. Hailsham again warned that proposing a plan 'would give Germany an opportunity to break away... and put the blame on us'. It was important not to give Germany an excuse for doing this.¹²⁷

At the cabinet on 13 March, the Foreign Secretary and the Prime Minister again asked Hailsham whether 'nothing more is proposed than that tanks of unlimited number shall not exceed sixteen tons'.¹²⁸ Hailsham delivered a statement 'of so secret a character' that it had not been fully recorded in the sub-committee's minutes. It repeated earlier arguments that the substitution of tanks for men in the Army 'was a policy which [Britain] had initiated, partly as a result of the enormous reductions in personnel which had been effected after the war'. This meant that tanks had become absolutely essential in Britain's scheme of defence.¹²⁹ Although Simon and MacDonald suggested that, if Britain could hold unlimited lightweight tanks, Germany must also enjoy such a freedom, Hailsham held firm.¹³⁰ Restricting the number of tanks at the Army's disposal was, he repeated, a policy for which no War Secretary could be responsible.¹³¹ Two weeks later, he reminded the Lords:

¹²⁶ Ibid., 5 March 1933.

¹²⁷ Ibid., 12 March; 13 March 1933.

¹²⁸ Ibid., 13 March 1933.

¹²⁹ Ibid. See also 8 March 1933.

¹³⁰ Simon [from Geneva] to Baldwin, 12 March 1933, CAB 23/75, 13 March 1933.

¹³¹ CAB 23/75, 13 March 1933.

[I]f you have, as the British have, an Army reduced to the very limit of safety regarding numbers... then it is impossible for any responsible Government to adventure that Army into any form of modern warfare unless you... provide them with that measure of protection which the modern tank affords... [I]t is an essential interest of this country that tanks shall be maintained as one of our arms.¹³²

The plan also envisaged a 'holiday' in tank construction, but Hailsham pointed out that such a proposal was unacceptable because the Army's mechanisation programme was so far behind what was needed that it would have to be pursued, irrespective of the tank construction of other powers, specifically Germany. He doubted whether the Germans could quickly build a large number of tanks because of their cost and Germany's more immediate requirements, such as developing an air force. In light of Britain's existing shortage of up-to-date tanks, Hailsham warned that any 'holiday' would leave the Army unable to conduct warfare successfully for many years to come.¹³³

When Sankey, the Lord Chancellor, who felt that the War Minister was unnecessarily thwarting progress, suggested that Hailsham should go to Geneva and sample the atmosphere, Hailsham replied that 'he was willing to go anywhere', but that his department's decision regarding tanks was final. He refused to replace tanks with an expanded army with alternative weapons.¹³⁴ He also rejected proposals which would have allowed a disarmament commission to allocate powers the minimum number of tanks consistent with their national safety, fearing that the Russian representative would know how many tanks Britain used for the defence of the Indian Frontier.¹³⁵ While Hailsham overlooked the fact that Britain might learn similar details about Soviet arms, his lack of faith in what he regarded as a potential

¹³² H of L Debs, vol.87, cols 233-4.

¹³³ CAB 23/75, 13 March 1933. See also CAB 27/505, 8 March 1933.

¹³⁴ Ibid.

¹³⁵ Ibid., 15 March 1933.

enemy and his prioritising of British security interests were clear. He had outlined a number of reasons why the plan should not be presented and he had blocked the proposals relating to tanks. He was backed by Chamberlain who stressed that it would be premature to ‘give up our whole scheme [of defence] on the chance of some success at Geneva’.¹³⁶

For all that, the plan was not shelved. After personally gauging the atmosphere at Geneva, the Prime Minister presented it at the end of March. As Hailsham had suggested, no figures were offered for Britain’s arms or effectives and the proposals only suggested that tanks should be restricted by their weight. Notwithstanding initial enthusiasm, the plan did not facilitate wider agreement. Eden returned to London in early May without news of progress. He informed the cabinet that the British delegation, as Hailsham had anticipated, were now asked to provide some definite figures for effectives. The War Office’s proposed increase of 50,000 left him in a difficult position when the effectives of other powers were being limited to existing numbers or even reduced.¹³⁷ Britain’s position on tanks also presented Eden problems, as it would be difficult to deny Germany a token supply. While Hailsham’s attitude at this juncture has been described as one of ‘I told you so’,¹³⁸ his earlier warnings about the complications involved in presenting the convention were justified.

The War Secretary accepted that the near collapse of the conference had necessitated the production of the convention, but he reiterated that it was impossible for the War Office’s figures to be reduced. He assured the cabinet that the increase in Britain’s effectives was not as great as it might appear. They were substantially lower than those proposed in the Hoover Plan and, when compared with previous estimates sent to Geneva for actual strengths, there was only a difference of 20,000. MacDonald and the cabinet quickly accepted Eden’s suggestion that the 20,000 effectives should be offered as part of an international police

¹³⁶ Ibid., 13 March 1933.

¹³⁷ CAB 23/75, 5 May 1933.

¹³⁸ Kitching, *Britain and the Geneva Disarmament Conference*, p.144.

force.¹³⁹ In terms of tank construction, Hailsham's position was identical to that of March. After he had presented his usual arguments to a smaller group of ministers who assembled after the cabinet meeting, they agreed that it was impossible for Britain to agree to a truce in tank construction. Germany, therefore, would have to be permitted a token number of tanks.¹⁴⁰

Although Britain's inflexibility regarding effectives, tanks, aerial bombing and verification did little to foster wider agreement,¹⁴¹ the major stumbling block with the MacDonald Plan was that French amendments, like Hailsham's earlier suggestions, were designed to put Germany on probation. The French wanted to spread Britain's five-year convention over eight years. The first four would be a trial period to test verification procedures *before* France would disarm. After the Germans dismissed the amendments, Hailsham concluded that this revealed their true intentions. 'Germany was', he claimed, 'doing her best to fix on us the responsibility for the failure to reach agreement in order that she might then go ahead with her re-armament plan'. He warned that 'we must be extremely careful what we were doing'. Deflecting German claims that Britain's retention of tanks obstructed progress, he suggested that Britain should insist on discussing more important points where Germany stood out – such as the standardisation of effectives. 'It would', he said, 'be far better for the conference to break down on that point, than that we should be manoeuvred into a position of difficulty in regard to tanks.'¹⁴² Fearing that Germany would leave the conference blaming Britain on points of detail, he 'was entirely opposed to the policy of granting concessions in the hope that... some other country might agree to do

¹³⁹ CAB 23/75, 5 May 1933.

¹⁴⁰ CAB 24/241, Meeting of Ministers, 5 May, 1933. Thomas, Simon, Cunliffe-Lister, Londonderry and Betterton, the Minister of Labour, were also present.

¹⁴¹ Kitching, *Britain and the Problem*, p.160.

¹⁴² CAB 27/505, 12 May 1933.

something towards an agreement'. The other powers should come to Britain with concrete proposals after they had settled their own differences.¹⁴³

Meanwhile, German inflexibility had become clear away from the Conference. Konstantin von Neurath, the German Foreign Minister, had announced in the *Leipziger Illustrierte Zeitung* that Germany would rearm whatever the results of the conference.¹⁴⁴ Following a question from Cecil in the House of Lords on 11 May, Hailsham, on behalf of the government, made an unprepared speech concerning von Neurath's statement. He claimed that the MacDonal Plan would give Germany equality and he hoped that the German government would adopt a more reasonable approach. If the plan was rejected, however, Germany 'would incur the responsibility for any failure which might ensue'. It would be impossible, he said, for other powers to sign a convention when Germany 'was breaking loose from the Disarmament Conference'.¹⁴⁵

In 'grave tones', he then outlined his interpretation of the legal position should Germany rearm.¹⁴⁶ Mirroring his response to Southern Ireland's violation of the 1921 Treaty without a new agreement, he was keen to defend the *status quo*. Germany, he claimed, would remain bound by the provisions of the Versailles Treaty and 'any attempt on her part to rearm... would bring into operation the sanctions which that Treaty provides'.¹⁴⁷ Hailsham's lack of preparation was apparent as his usually astute legal opinion was actually unsound. Versailles did not provide sanctions in the event of German rearmament.¹⁴⁸ This error, according to Leopold von Hoesch, the German ambassador, 'characterise[d] Hailsham's speech as an improvisation which had not received detailed consideration'. His remarks,

¹⁴³ Ibid., 19 June 1933.

¹⁴⁴ J. Wheeler-Bennett, *The Pipe Dream of Peace* (New York, 1935), p.115; F.S. Northedge, *The Troubled Giant* (London, 1966), p.378.

¹⁴⁵ H of L Debs, vol.87, cols 888-9.

¹⁴⁶ *Manchester Guardian*, 12 May 1933.

¹⁴⁷ H of L Debs, vol.87, cols 883; 888-9.

¹⁴⁸ The only provision for sanctions was the occupation of the Rhineland to recoup reparation payments. E.W. Bennett, *German Rearmament and the West 1932-1933* (Princeton, 1979), p.396.

therefore, 'need not be regarded as a deliberate political statement'. Von Hoesch was correct. Although these words reflected Hailsham's own fears of the realities of German rearmament, the Foreign Office had envisaged 'a less far-reaching statement' and Hailsham's line commanded little support amongst his colleagues. Simon was 'evasive' when asked whether the speech reflected the government's opinion. The ambassador claimed that

Where taking a stand against Germany leads to the emergence of a serious danger of war, which is precisely the case in pronouncements of the kind indulged in by Lord Hailsham, serious opposition arises here and alarm is felt at the thought that France might possibly draw encouragement for rash actions from England's anti-German attitude.¹⁴⁹

Predictably, Paul-Boncour, the French Foreign Minister, approved of Hailsham's analysis.¹⁵⁰ The German response came on 13 May and did not dispel Hailsham's misgivings. Von Papen, Hitler's supposedly moderate Vice Chancellor, asserted that Germany had 'struck the word pacifism from its vocabulary'. He highlighted 'the ancient German aversion to death on a mattress', claiming that 'the battlefield was for man what motherhood was for woman'.¹⁵¹ Nevertheless, Hailsham's stern words appeared to affect Hitler who made a conciliatory speech on 17 May.¹⁵²

The domestic reception of Hailsham's statement was mixed. Lloyd George, whose Francophobia and pro-German instincts facilitated his development into an 'arch-appeaser',¹⁵³ claimed it was 'foolish' and 'a monstrous thing to have done'.¹⁵⁴ In response Hailsham suggested that the Welshman's criticisms 'only show that his opinion and mine as

¹⁴⁹ *DGFP*, Series C, vol.1, Leopold von Hoesch to Foreign Ministry. 16 May 1933, pp.445-6.

¹⁵⁰ *Irish Times*, 13 May 1933.

¹⁵¹ *The Times*, 15 May 1933.

¹⁵² Northedge, *Troubled Giant*, p.379.

¹⁵³ See: Rudman, *Lloyd George*, pp.261; 264; K.O. Morgan, 'Lloyd George and Germany', *Historical Journal*, vol.39, no.3 (1996), pp.755-766.

¹⁵⁴ *The Times*, 17 May 1933.

to what makes a foolish speech differ profoundly'.¹⁵⁵ *The Times* noted that, although some of Hailsham's words 'were ill-chosen', his statement was more helpful than Lloyd George's.¹⁵⁶ Brigadier Temperley, Britain's chief military adviser at Geneva, felt that Hailsham's 'words were welcomed by all shades of informed opinion, which was fully aware of their implications'.¹⁵⁷

Granted Japanese expansionism and German intransigence, it was unlikely that the conference would produce a convention. The following month Eden informed the cabinet that the French attached much importance to supervision because they believed that Germany was already rapidly rearming. They were so sure of their evidence that, when it came to light, 'no one would ask France to do very much in the way of disarmament'.¹⁵⁸ France would contemplate disarmament only once the effectiveness of the supervision of German arms was guaranteed. But even if Germany had agreed to strict verification procedures, Britain's unilateral disarmament again presented massive problems. Hailsham warned that effective verification would expose Britain's 'grave shortage of war supplies' to the world.¹⁵⁹ The vigorous supervision that France demanded would 'only tend to show France that our obligations under Locarno were, in fact, of no use at all'. Disclosing the 'nakedness' of Britain's land forces would undermine any value that the Treaty could have.¹⁶⁰ Somewhat illogically, Kitching claims that Hailsham's frank observation was disingenuous.¹⁶¹ Rather than these realistic remarks lacking sincerity, the War Secretary recognised that inspections of Britain's inadequate land forces would make French disarmament less likely. Britain was in no position to live up to its existing obligations and its own military weakness again constrained disarmament policy.

¹⁵⁵ *Manchester Guardian*, 17 May 1933.

¹⁵⁶ *The Times*, 17 May 1933.

¹⁵⁷ WO 32/4098, 'The Consequences of a Breakdown of the Disarmament Conference', 15 March 1934.

¹⁵⁸ CAB 23/76, 9 June 1933.

¹⁵⁹ CAB 23/77, 20 Sept. 1933.

¹⁶⁰ CAB 27/505, 19 June 1933.

¹⁶¹ Kitching, *Britain and the Geneva Disarmament Conference*, p.154.

Notwithstanding Hailsham's warnings regarding verification, Britain eventually joined America and Italy in accepting the French plans to stiffen the MacDonald Plan. When Simon moved a compromise scheme at Geneva in October 1933, the German delegation withdrew from the conference for the final time and issued notice to leave the League. Although it has been alleged that Hitler 'had good reason' for withdrawal after his conservative predecessors had left the conference for similar reasons in 1932,¹⁶² he had, in fact, found the pretext to withdraw for which he had been looking. Although the Germans blamed the French amendments, they had refused to accept other aspects of the MacDonald Plan. While demanding equality, they opposed the standardisation of continental armies, demanded the maintenance of a long-service professional army and refused to include paramilitary organisations in assessments of Germany's armed strength.¹⁶³

The German attitude was clearly unfavourable to a convention and Hailsham's fear of German aims again surfaced when the cabinet considered the implications of an Austro-German customs union in September 1933. Facing a possible Austrian Nazi coup and an immediate threat to Austria's sovereignty, Hailsham stressed that it was in Britain's interests to maintain Austria's independence because Germany was already 'too strong'. German assurances that their ambitions were limited cut no ice with the War Secretary. He believed that a customs union would lead to *Anschluss* and mark the beginning of a wider expansionist plan. He warned his colleagues that, if Austrian independence vanished, Germany would

take the next step in tearing up the Treaty of Versailles, dealing first with the [Polish] Corridor as a prelude to other parts of the Eastern Frontier and then Alsace Lorraine and the Colonies.¹⁶⁴

¹⁶² Kitching, *Britain and the Problem*, p.164; *Britain and the Geneva Disarmament Conference*, p.201.

¹⁶³ Wheeler-Bennett, *Pipe Dream*, p.113.

¹⁶⁴ CAB 23/77, 5 Sept. 1933.

Resistance was the War Secretary's instinctive reaction to German revisionism. This episode also revealed another typical – but ultimately fruitless – response: Hailsham's faith in Mussolini's Italy as a counter-balance against Germany. He was confident that the Duce would not acquiesce in German expansionism. The 'stabilising factor' which Hailsham desired was '*rapprochement* between Italy and France'.¹⁶⁵

Hailsham calculated that Anglo-French-Italian collaboration would prevent *Anschluss* and, after the League's impotent response to events in the Far East, he preferred to resort to the Four Power Pact.¹⁶⁶ 'The Pact', he claimed, was 'Mussolini's creation and he would be flattered by the use of this instrument in preference to the League... [It] would be difficult for Germany if Italian co-operation with France and Great Britain was secured.'¹⁶⁷ This marked the beginning of Hailsham's support for the courtship of Italy which lasted until his retirement. His son recalled that throughout the 1930s his father had 'regarded Germany as the main enemy and Italy as a potential ally against her'.¹⁶⁸

Although this anticipation was ultimately unsuccessful, it was no forlorn hope. Hailsham, like Vansittart, was aware that Italy and Germany had competing aims in Central Europe. Notwithstanding the ideological similarities between the fascist powers, the Duce had welcomed Hailsham's anti-German statement in May 1933 and the War Secretary had some reason to believe that competing interests over Austria presented an insuperable barrier to an Italian-German understanding.¹⁶⁹ Before Hitler came to power, Mussolini had concluded that an Austro-German *Anschluss* could not be sanctioned. He had even invited Prince Starhemberg, the Austrian conservative, to 'Come to me if you need help'. The Duce

¹⁶⁵ HAIL 1/3/3, Hailsham to Simon, 27 Feb. 1934.

¹⁶⁶ Signed in the summer of 1933 by Britain, France, Germany and Italy, the pact was intended to avoid the difficulties created by the pursuit of agreement through League channels. See K.H. Jarausch, *The Four Power Pact, 1933* (Madison, 1965).

¹⁶⁷ CAB 23/77, 5 Sept. 1933.

¹⁶⁸ Hailsham, *Door Wherein*, pp.114-5.

¹⁶⁹ R. Lamb, *Drift to War 1922-1939* (London, 1989), pp.95-6.

believed that if Germany controlled Austria, Italy would 'cease to be one of the great powers of Europe'.¹⁷⁰ The hopes of Hailsham, Vansittart and others seemed to be vindicated in 1934 when Mussolini rushed Italian troops to the Brenner Pass to prevent *Anschluss*.

The Disarmament Conference limped on into 1934 but it existed in 'name only'.¹⁷¹ Hailsham understood that, without German participation, it was 'dead but not buried'.¹⁷² The German withdrawal did not, however, prevent Hitler's administration from making alternative proposals designed to legalise its own rearmament. Such proposals attempted to legitimate a process which was already underway and which Hailsham suspected would not stop at the agreed limits. When, before the end of 1933, the ministerial committee learnt that German rearmament had progressed further than had been presumed, Hailsham, once again, anticipated that Germany would seek territorial adjustments in the east, and he recommended a 'heart to heart talk with France' to form 'a clear plan before we made any move'.¹⁷³ He also favoured communicating with the Italians.¹⁷⁴

In October, Hitler sent proposals to Britain, France and Italy regarding German rearmament to facilitate 'equality of status'. The Germans claimed that Britain had caused their withdrawal from the conference after they had allowed other powers to substitute a second draft convention for their initial draft which Germany had accepted.¹⁷⁵ This was exactly the sort of allegation that Hailsham had hoped to avoid. After the German communication, he consistently denied that Britain could have done more to make the conference a success.¹⁷⁶ He publicly claimed that it was Britain which had 'found a way out' of every crisis. He was 'not in the least ashamed of the part which the Government...

¹⁷⁰ A.L. Goldman, 'Sir Robert Vansittart's Search for Italian Cooperation against Hitler, 1933-36', *Journal of Contemporary History*, vol.9, no.3 (1974), op. cit. pp.96-7.

¹⁷¹ McKercher, 'Horns and Teeth', p.191.

¹⁷² *Pownall Diaries*, 4 June 1934, p.44 .

¹⁷³ *Ibid.*, 30 Nov. 1933.

¹⁷⁴ CAB 27/505, 15 Dec. 1933.

¹⁷⁵ Kitching, *Britain and the Problem*, p.164.

¹⁷⁶ H of L Debs, vol.89, col.118.

play[ed]'.¹⁷⁷ Britain had gone to the limit in its proposals and was guilty only of acting 'with a courage almost amounting to foolhardiness in the way in which it has disarmed itself in the hope of persuading other people to do the same'.¹⁷⁸ With its arms reduced to the 'edge of risk', no power in the world could reasonably regard Britain as a source of aggression.¹⁷⁹

The War Secretary's defence of the government was accompanied by counterattacks on pacifist propaganda. He concluded that pacifism, unilateral disarmament or a disarmament convention with insufficient safeguards, were all likely to lead to war. Referring to the Oxford Union resolution 'That this House will in no circumstances fight for its King and Country',¹⁸⁰ he felt that

the only method by which he could see... war breaking out would be if any foreign nation believed that the silly chattering of some of our boys at the universities, with the mischievous utterances of some politicians, really meant that this country was down and out and no longer had the manhood or the courage to defend itself.¹⁸¹

To Lansbury's declaration that he 'would close every recruiting station, disband the Army and disarm the Air Force... and say to the world: "Do your worst"', Hailsham responded that those who advocated this course were 'desirous of claiming the privileges of citizenship while divesting themselves of any responsibility for it'.¹⁸² He continued,

If any one leader appealed to his friends not to join [Britain's forces]... the party to which he belonged desired to shirk their duty while claiming their full share and benefit [of citizenship]... [T]he duty which they were too cowardly or too selfish to

¹⁷⁷ *The Times*, 16 June 1934; *Manchester Guardian*, 4 Oct. 1934.

¹⁷⁸ H of L Debs, vol.87, cols 897-8.

¹⁷⁹ *The Times*, 2 Dec. 1933.

¹⁸⁰ *Ibid.*, 7 April 1933. Hailsham's son, Quintin, spoke at the debate against this 'irresponsible' resolution. See: *Daily Express*, 14 Feb. 1933 and M. Ceadel, 'The "King and Country" Debate, 1933: Student Politics, Pacifism and the Dictators', *Historical Journal*, vol.22, no.2 (1979), pp.397-422.

¹⁸¹ *The Times*, 18 Nov. 1933.

¹⁸² *Ibid.*, 23 Oct. 1933.

take up must fall on the shoulders of more patriotic and more unselfish fellow citizens.¹⁸³

His consistent theme was that disarmament which depended upon the goodwill of dissatisfied, militaristic powers was not the surest way of maintaining peace. For Hailsham, disarmament was not necessarily synonymous with peace. As he later told the cabinet sub-committee, 'weakness in arms did not avoid war'.¹⁸⁴

In early 1934, the British government suggested a new arms limitation scheme based on a combination of French disarmament and German rearmament. Unsurprisingly, France refused to disarm while Germany rearmed to a comparable level without a British guarantee. The War Secretary was frustrated that the French 'would not face realities',¹⁸⁵ but rather than accepting the German proposals or producing yet another compromise scheme, he warned against advocating proposals that would isolate France. Aware that the conference was on the verge of collapse and that 'everyone would look for a scapegoat', he suggested that Britain should hold fast to the amended MacDonald Plan and explain that 'we had done our best to get agreement but so far with no success'. The Prime Minister agreed. Such an approach 'would certainly take the final responsibility away from us'.¹⁸⁶

In April the French finally declared that they could not accept any proposals which legalised German rearmament.¹⁸⁷ This communication, Hailsham concluded, 'could only mean that the Disarmament Conference had failed'. He felt that meetings at Geneva should cease and 'the sooner the better'.¹⁸⁸ In this new situation, he ominously anticipated that the only way of stopping German rearmament was 'by force, that is to say, a preventive war

¹⁸³ Ibid., 27 Oct. 1933.

¹⁸⁴ CAB 27/506, 1 May 1934.

¹⁸⁵ Ibid., 6 March 1934.

¹⁸⁶ Ibid., 28 March 1934.

¹⁸⁷ See: Kitching, *Britain and the Problem*, pp.167-70.

¹⁸⁸ CAB 27/506, 19 April 1934.

which France was not prepared to undertake'. After analysing the German proposals, apparently designed to facilitate 'equality', he concluded that 'We had got a blunt statement by Germany that she was rearming and that she would not accept any agreement which did not authorise such rearmament'. With France against *any* German rearmament, he judged that 'It would obviously be impossible to negotiate any agreement'.¹⁸⁹ The following month even Eden concluded that the conference was finished and, with no progress apparent, it adjourned in July.¹⁹⁰ It never reconvened.

Hailsham later voiced his scepticism about the conference's ability to reach a settlement: 'I have often heard', he told the Lords, 'that at Geneva there is a blessed means of solving all difficulties.' He found that agreement was reached only when 'you find a "formula" about which everybody agrees although everyone interprets it in a different sense'.¹⁹¹ For all his efforts during 1932-4, Eden recalled that his attempts to get the MacDonald Plan accepted were 'like trying to force a bill through an international House of Commons with no whips and no government majority'.¹⁹² A convention could 'only be... the outcome of persuading the French to make such an offer as can be reasonably forced down the German throat with an Italian spoon'.¹⁹³ Hankey summarised the British experience: 'an outrageous proposal is put forward, everyone accepts it with their tongue in their cheek, until we, with our natural sense of realities, turn it down. Then everybody starts to blame us as obstructing progress.'¹⁹⁴ This sense of reality was clear in Hailsham's consideration of various proposals. He could have followed the dishonest path of accepting plans while hoping, as others did, that the conference would break down on other points. But, for the conference to be successful, Britain had to be capable of implementing the agreements.

¹⁸⁹ *Ibid.*, 9 April 1934.

¹⁹⁰ FO 800/289, Eden to Simon, 17 May 1934. For Simon's similar view see CAB 23/79, 6 June 1934.

¹⁹¹ H of L Debs, vol.96, col.894.

¹⁹² Eden, *Facing the Dictators*, p.37.

¹⁹³ WO 32/4106, 'Disarmament Conference', Sept. 1933.

¹⁹⁴ FO 800/291, Hankey to Simon, 16 Nov. 1932.

Proposals that demanded a military commitment which Britain could not confidently provide, or schemes which restricted Britain's necessary arms, could not honestly be accepted.

Notwithstanding Britain's relative disarmament and requests to make further reductions, it has been alleged that the refusal to grant France a security guarantee means that Britain should 'bear a much larger responsibility for the failure of the conference than has hitherto been assumed'.¹⁹⁵ Yet the British were not blind to the consequences of such a course. Hailsham was aware that 'Disarmament... had broken down owing to lack of security'.¹⁹⁶ After Germany had finally withdrawn from the conference, he observed that security was 'the crux of the problem' as was 'obvious from the first'. He understood that

Unless you can find some way in which Germany's sense of resentment at being placed in a position of inferiority is overcome, and at the same time France is given a feeling of reasonable security... it is hopeless to expect... any real progress.¹⁹⁷

Hailsham was not just wise after the event. As early as March 1932, he had warned the ministerial committee that

sooner or later we might have definitely to express an opinion regarding the theses of France and Germany... [H]e was still not at all certain as to what our attitude was to be when this debate broke out and if, as was highly likely, we were forced to intervene.¹⁹⁸

With Britain militarily incapable of defending its own interests or anyone else's, this dilemma paralysed British policy. This understanding was held in informed circles across the political

¹⁹⁵ C. Kitching, 'The Search for Disarmament: Anglo-French Relations 1929-1934', A. Sharpe and G. Stone (eds), *Anglo-French Relations in the Twentieth Century* (London, 2000), p.159; Kitching, *Britain and the Problem*, particularly, p.180.

¹⁹⁶ CAB 27/506, 1 May 1934.

¹⁹⁷ H of L Debs, vol.89, col.129.

¹⁹⁸ CAB 27/505, 1 March 1932.

spectrum. In 1930, Arthur Henderson had accepted that Britain had already ‘gone as far as it is possible to go in the way of meeting France in the matter of security’.¹⁹⁹ What’s more, this predicament was not the only barrier to a convention. Japan would not sign one and the various powers had repeatedly failed to assess the strengths of different types and numbers of weapons.²⁰⁰

Hailsham had frequently informed his colleagues that Britain was incapable of fulfilling existing obligations because its defences could not meet minimum requirements.²⁰¹ Even critics of Britain’s disarmament policy acknowledge that Britain was ‘vastly overcommitted’.²⁰² Quite rationally, Hailsham concluded that strategic weakness was inconsistent with obligation. In March 1933 he and Cunliffe-Lister, the Colonial Secretary, warned against ‘deluding France into the belief that we were giving her security which... we had no intention of providing’.²⁰³ It was, therefore, militarily impracticable, illogical and immoral to guarantee French security when Britain could not live up to the commitment. This policy had been effectively torpedoed in 1919 when Lloyd George made such a commitment dependent upon American participation which was not forthcoming. In the early 1930s it was a pledge which neither the British public nor the Dominions would accept.²⁰⁴ Critics also overlook the effect this would have had on Germany. That power would have been presented with another pretext to withdraw from the conference.

By 1934, when a successful disarmament convention seemed far-fetched, Hailsham’s public remarks increasingly drew attention to the unpreparedness of Britain’s armed forces to meet a future attack. He told one audience

¹⁹⁹ B.J.C. McKercher, ‘From Disarmament to Rearmament: British Civil-Military Relations and Policy-Making, 1933-1934’, *Defence Studies*, vol.1, no.1 (2001), p.26.

²⁰⁰ McKercher ‘Horns and Teeth’, p.192.

²⁰¹ FO 800/285, ‘Summary of Discussion on Disarmament Policy’, 8 Dec. 1931.

²⁰² Kitching, *Britain and the Problem*, p.18.

²⁰³ CAB 27/505, 5 March 1933. Hailsham had similar thoughts regarding a ‘continental pact’. See: CAB 27/505, 20 Jan. 1933.

²⁰⁴ CAB 23/78, 22 March 1934.

Some persons attacked us because they said that the one way of ensuring peace was to get rid of armaments altogether. There could be no more profound mistake. In a boys' school the one thing that produced a bully was the existence of a type of boy who would never resist being bullied... We were never going to succeed if we said to the rest of the world: "Attack us, if you please, take away our possessions, and destroy our trade, we won't resist."²⁰⁵

In November Hailsham explained to the Lords that the 'cardinal feature' which had underpinned the government's disarmament policy was that 'the best defence is to diminish the possibility of attack'. This however, did not mean that the

reduction in the forces of this country alone [and] increasing our vulnerability diminish the risk of our being attacked. We have tried unilateral action, but I am afraid that an example which no one follows may... produce the very worst results.²⁰⁶

With militant nationalism destabilising the international order, Hailsham concluded that, without adequate defences, Britain invited an attack on its coveted interests. Remedial action was necessary.

Rearmament

In November 1933, by which time the signing of a disarmament convention seemed highly unlikely after Hitler's delegation had withdrawn from the conference, Hailsham suggested to the CID that each service should 'prepare a statement of their requirements... and that some committee would then examine and co-ordinate these returns and see how they

²⁰⁵ *The Times*, 23 Feb. 1934.

²⁰⁶ H of L Debs, vol.94, col.458.

could be reduced to practical proportions'.²⁰⁷ He had decided that German intransigence made British rearmament essential. Hailsham pointed out that 'We were already below our margin of safety as a consequence of the ten-year rule and it was now necessary for us to begin to make some preparations to restore the balance.' It was the government's duty 'to see that our defence arrangements were in a reasonable state of efficiency', and consequently, an increase in certain weapons was unavoidable.²⁰⁸

Later that month the formation of the Defence Requirements Committee [DRC], charged with producing proposals to remove the 'worst deficiencies' of Britain's defences, met Hailsham's request. Meeting until February 1934, its membership included the service chiefs, Chatfield (Admiralty), Montgomery-Massingberd (Army) and Ellington (R.A.F), Robert Vansittart and Warren Fisher, the Permanent Under-Secretary at the Treasury, with Maurice Hankey, the influential cabinet secretary, filling his accustomed role. Somewhat ironically, its recommendations were considered by the cabinet's unreconstructed disarmament sub-committee during the first half of 1934. The DRC's amended proposals shaped Britain's rearmament and influenced British foreign policy in the later 1930s.²⁰⁹

While such an approach was a logical response to a threatening international climate, a major problem was that any rearmament programme would be expensive – perhaps prohibitively so. Britain's services, most particularly the Army, had widespread deficiencies. Baldwin confessed that the Army had suffered more than any other Service from cuts and Hailsham had consistently warned about the state of his service.²¹⁰ In early 1932, he accepted that the extraordinary economic situation postponed immediate re-equipment, but he was

²⁰⁷ CAB 24/244, CID 9 Nov. 1933. This runs contrary to the interpretation that the DRC was formed 'against the objections of the Service ministers.' D.J. Wrench, 'The Influence of Neville Chamberlain on Foreign and Defence Policy 1932-35', *Royal United Services Institute*, vol.125, no.1 (1980), p.50.

²⁰⁸ CAB 27/505, 23 Nov. 1933.

²⁰⁹ For a discussion of the DRC and its impact on British foreign policy in the later 1930s, see: K. Neilson, 'The Defence Requirements Sub-Committee: British Strategic Foreign Policy, Neville Chamberlain and the Path to Appeasement', *English Historical Review*, vol.118, no.477 (2003), pp.651-684.

²¹⁰ H of C Debs, vol.299, col.56.

‘shocked’ at the Army’s unpreparedness to meet its responsibilities.²¹¹ In June 1932, he presented the cabinet with a memorandum, calling for significant expenditure on the Army.²¹² A year later, Montgomery-Massingberd, Milne’s successor as CIGS, warned that Britain was in no position to implement its responsibilities.²¹³ Early calls to repair Britain’s deficiencies were, however, blocked by the Chancellor, Neville Chamberlain, who maintained that ‘the financial risk was greater than the war risk’.²¹⁴

By the autumn of 1933 there were signs that this situation would change. In October the COS rated Germany the biggest threat to Britain’s security within three to five years. Their review also noted the Army’s inability to engage in a continental war despite existing treaty commitments. This unpreparedness could not be quickly mended. The Army lacked weapons, ammunition and the industrial facilities to replenish these shortages. The Chiefs therefore recommended that deficiencies should be dealt with immediately if Britain was to be capable of meeting the latent German danger.²¹⁵ The DRC Report echoed these conclusions, famously nominating Germany as ‘the ultimate potential enemy’. As Britain lacked the military capability to meet two first-class powers simultaneously, the committee recommended that the forces should be prepared to face a German attack in Europe, while Britain should come to terms with Japan, after ‘showing a tooth’ in the Far East by completing the defences at Singapore. After Russo-Japanese relations had deteriorated and Japan had become bogged-down in Manchuria, Germany was Britain’s major problem.²¹⁶

The DRC did not recommend a colossal rearmament programme. It suggested that the R.A.F. should be brought up to the 1923 standard of 52 squadrons and, with no decision

²¹¹ CAB 24/277, ‘Army Council Memorandum’, 9 Jan. 1932.

²¹² CAB 24/321, ‘War Office Memoranda’, 9 June 1932.

²¹³ CAB 53/4, 20 June 1933.

²¹⁴ CAB 23/70, 10 Feb. 1932; CAB 23/75, 15 Feb. 1933.

²¹⁵ CAB 24/244, ‘Review of Imperial Defence Policy’, 11 Oct. 1933.

²¹⁶ CAB 16/109, Defence Requirements Committee Report, 28 Feb. 1934. See also: Neilson, ‘Defence Requirements Sub-Committee’, p.477; McKercher, ‘Disarmament to Rearmament’, p.35.

made on naval construction, that the existing fleet should be modernised. The Army's requirements, however, were less certain. With fresh memories of trench warfare, political calculations were significant, especially amidst claims that aerial bombing made the use of ground troops redundant. Financial concerns were also important, as significant expenditure would be required to equip the Army for continental service. During the DRC's deliberations, however, Vansittart and the CIGS effectively demonstrated the necessity of preparing an Army capable of continental intervention. This conclusion was embodied in the report.²¹⁷ This force was to be prepared within five years and would be composed of four infantry divisions, a cavalry division, a tank brigade, two air defence brigades and an R.A.F. contingent of 19 Squadrons.²¹⁸ Rather than the advent of air power making the use of ground troops to hold the Low Countries unnecessary, the report found that the security of the Low Countries, 'a cardinal point in our policy for hundreds of years', was now of 'even greater importance'.²¹⁹ In addition to stopping a hostile power accessing the Channel Ports, Britain's land forces could help prevent an enemy air force from operating from the Low Countries. This would give Britain

that depth in our defence of London which is so badly needed... If the Low Countries were in the hands of a hostile power, not only would the frequency and the intensity of air attack... be increased, but the whole of the industrial areas of the midlands and the North of England would be brought within the area of penetration.

To hold the Low Countries and to fulfil Britain's existing continental responsibilities, the 'Field Force' – so named to avoid association with the 'Expeditionary Force' of the previous

²¹⁷ By mid-1933 Montgomery-Massingberd had also concluded that Hitler's rise to power meant that German rearmament 'would be extremely probable if not already commenced'. CAB 53/4, 20 June 1933.

²¹⁸ DRC Report, 28 Feb. 1934.

²¹⁹ WO 32/4098, Montgomery-Massingberd to Hailsham, 23 March 1934.

war – was regarded as ‘an essential first step’ and ‘the absolute minimum’.²²⁰ This was the Army’s main deficiency.²²¹ Although smaller than its 1914 counterpart, the committee felt that the Field Force’s deterrent effect would ‘exercise an influence for peace out of all proportion to its size’. A total of £40 million was required to prepare the force within 5 years and remove the Army’s other shortages. The estimated cost of removing the ‘worst deficiencies’ across Britain’s services was £71 million.²²²

In light of Britain’s intention to create, and if necessary, deploy an expeditionary force, the conventional view regarding Britain’s isolationism from the continent during the 1930s has been challenged.²²³ ‘While separation from the continent and self-absorption might have been hallmarks of the late 1930s’, McKercher concludes that, ‘this was not the case in the dozen years after 1925.’ An integral part of the Foreign Office’s grand strategy during the 1930s was a military commitment to the continent.²²⁴ In the DRC, the civilians, Vansittart and Fisher, seized the initiative and set out the priorities of Britain’s long-term defence policy and the former was the driving force behind the continental commitment.²²⁵

The latest historiographical developments suggest that when Chamberlain challenged the DRC’s conclusion relating to the Field Force in the ministerial committee, he ‘encountered stiff opposition orchestrated by Vansittart’. Through memoranda and lobbying, the Chancellor’s efforts to block the Field Force’s creation were ‘stymied by Vansittart’.²²⁶ Simon, accepting Vansittart’s analysis, ‘pressed the [ministerial] committee about the

²²⁰ DRC Report, 28 Feb. 1934.

²²¹ Montgomery-Massingberd to Hailsham, 23 March 1934.

²²² DRC Report, 28 Feb. 1934.

²²³ Gibbs, *Grand Strategy*, p.xx.

²²⁴ McKercher, ‘From Disarmament to Rearmament’, p.21. See also: McKercher, ‘Deterrence and the European Balance of Power: The Field Force and British Grand Strategy, 1934-8’, *English Historical Review*, vol.123, no.500 (2006), pp.98-131.

²²⁵ B.J.C. McKercher, ‘National Security and Imperial Defence: British Grand Strategy and Appeasement, 1930-1939’, *Diplomacy & Statecraft*, vol.19, no.3 (2008), p.414. See also McKercher, ‘Deterrence and the European Balance’, pp.115-6.

²²⁶ McKercher, ‘Disarmament to Rearmament’, pp.38; 40.

wisdom of a continental commitment'.²²⁷ But the understanding that MacDonald and Baldwin 'dominated' the ministerial committee and that Hailsham was amongst those who 'bowed' to the Foreign Office and 'sided' with that department's strategic views requires modification.²²⁸ The War Secretary was a leading critic of Chamberlain's 'limited liability' approach and he also helped maintain the Army's continental commitment in order to deter, or in the last resort resist, a German attack on the Low Countries. A closer look at Hailsham's contribution does not undermine Vansittart's role in establishing Britain's defence priorities, but the War Minister's experience shows that the existing historiography only tells part of the story.

The ministerial committee discussed the report over thirteen meetings in mid-1934 and made the ultimate decisions on Britain's rearmament. It 'provided an early test case of the Government's willingness to... prepare for the worst' and to inform the electorate of what was necessary.²²⁹ It is clear from the committee's minutes that Hailsham was prominent in the discussions. He vigorously advocated the adoption of the DRC's recommendations and, like Vansittart, his determination to implement the proposals was based upon his perception of the 'German problem'. This potential threat was in his mind throughout the ministerial committee's meetings. In mid-1934, he noted privately that:

no one knows what the Germans are really up to except that it is pretty plainly mischief. The French are scared stiff and when you remember what they have had to put up with in the past, one can hardly blame them.²³⁰

Consistent with his earlier warnings, Hailsham told the cabinet that the DRC Report 'disclosed an alarming situation'. The recommendations were 'an absolute minimum

²²⁷ McKercher, 'National Security and Imperial Defence', pp.415-6.

²²⁸ McKercher, 'Disarmament to Rearmament', pp.39; 41.

²²⁹ Gibbs, *Grand Strategy*, p.111.

²³⁰ HAIL 1/3/8a, Hailsham to Arthur Page, 12 July 1934.

requirement' and the shortages in the services could not be allowed to continue indefinitely. He had previously 'accepted the position... because he had had to weigh the dangers of unpreparedness against the risks of financial catastrophe', but he now believed that threats to Britain's security superseded the financial danger.²³¹ So serious were these shortages that the service ministers enquired 'whether the leaders of the Opposition Parties should be called into our counsels'.²³²

Hopes of a swift decision were soon dashed and the cabinet's response proved 'slow and inadequate'.²³³ In April, after almost a month's procrastination on the part of their colleagues, the service ministers urged the cabinet to adopt the report and 'enable their respective departments to make progress forthwith'.²³⁴ Hailsham, the most eloquent of the defence ministers, spoke on behalf of the services. He claimed that the Forces 'were not efficient for the purposes for which they existed' and he demanded a final decision on the Field Force to allow it to 'take and keep the field'. He again suggested taking the opposition parties into the government's confidence 'as part of a process of educating the public'. Aware of the political risks attached to initiating the DRC programme, because there was little knowledge outside the cabinet of how serious Britain's deficiencies were,²³⁵ he believed that the cabinet should still take a responsible step forward as national safety was at stake.²³⁶ His calls, however, had little effect on his colleagues. In June he complained that 'the investigation of the cabinet had taken so long'.²³⁷ In all, the government took nine months in its deliberations with no improvement of Britain's services during the intervening period.

²³¹ CAB 23/78, 19 March 1934.

²³² CAB 24/289, CID, 20 April 1934.

²³³ Roskill, *Naval Policy* vol.2, p.171.

²³⁴ CAB 23/79, 25 April 1934.

²³⁵ CAB 27/507, 3 May 1934.

²³⁶ CAB 23/79, 30 April 1934.

²³⁷ CAB 27/507, 25 June 1934.

While Hailsham's advocacy could be dismissed as that of a typical minister attempting to squeeze funding from the Treasury in the narrow interests of his department, he was in fact determined to secure all-round rearmament to prepare Britain's services for the worst. He called for an expansion in naval building to defend Britain's far-flung empire and, as regards equipping the Air Force, Londonderry recalled that 'I knew that if I was pressed [Hailsham] would invariably come to my assistance'.²³⁸ The War Secretary's conduct undermines claims that the service departments competed 'for the Chancellor's favour, preventing the formation of a united front to counterbalance Chamberlain's dominance'.²³⁹ Regarding Germany as Britain's likely adversary, Hailsham sought a proper balance between the services. His resistance to modifications of the DRC Report was underpinned by his conviction that Britain's services would, sooner or later, be engaged in war. On this point an important difference emerged between the War Secretary and the Chancellor. Chamberlain believed that if Britain established an adequate deterrent, Germany would seek peaceful revisions to the Versailles settlement without resorting to force.

In the summer of 1934 the Chancellor attacked the proposals relating to the Army. With the economic situation the rationale for the National Government's existence, the Treasury had assumed an increased role in policy-making and the Chancellor proved that he could override the demands of the three service ministers combined.²⁴⁰ Although Fisher had approved the DRC's expenditure and strategic rationale, Chamberlain was bent on reducing the spending contemplated. The Army was bound to suffer at the hands of a man who loathed the heavy casualties of the First World War and was 'implacably hostile' to continental

²³⁸ Ibid; Londonderry, *Wings of Destiny*, p.99.

²³⁹ Bell, *Chamberlain, Germany and Japan*, p.22.

²⁴⁰ Shay, *British Rearmament*, p.21; Wrench, 'Influence of Neville Chamberlain', p.49.

intervention.²⁴¹ Although strategically untrained, Chamberlain's authority allowed him to modify the proposals.

The Chancellor challenged the DRC Report 'in the light of politics and finance',²⁴² concluding that, if Britain had a strong Air Force, Germany would be deterred from occupying the Low Countries and attacking Britain. This 'limited liability' policy would rely on other powers tackling the Germans on the ground, whilst expanding the R.A.F. and using the Royal Navy to prevent a cross-Channel invasion. He found it 'startling' to prepare the Army for continental war and doubted whether such preparations were necessary.²⁴³ Pownall found Chamberlain 'obstinate and strategically undereducated'. He complained that:

Chamberlain is under the impression that one can go to war with limited liability, i.e. air and navy cut out all land contribution. Deadly dangerous. His ideas on strategy would disgrace a board school.²⁴⁴

The Chancellor was challenging the views of defence experts but, most dangerously, he had the political clout to impose his will. He found support from Cunliffe-Lister, Halifax, Simon and Thomas.²⁴⁵

The War Secretary's approach to disarmament policy had already demonstrated his intellectual independence and the fact that he did not necessarily follow Foreign Office views. Having uttered his first warning regarding the German danger almost two years earlier, he calculated that the best way to prevent German hegemony was British rearmament and a clear indication that Britain was willing, in association with other powers, to resist German expansion. Hailsham relied primarily upon the War Office for guidance and Pownall

²⁴¹ Howard, *Continental Commitment*, p.114.

²⁴² Chamberlain Diary, NC 2/23, 9 June 1934.

²⁴³ CAB 27/506, 5 March 1934; CAB 27/507, 3 May 1934.

²⁴⁴ *Pownall Diary*, 18 June 1934; 3 May 1934, pp.45-46, 42.

²⁴⁵ Wrench, 'Influence of Neville Chamberlain', p.56; Roi, *Alternative to Appeasement*, pp.36-38.

noted a wider circle of advisors: ‘Great lobbying is going on over the D.R.C. report.’ General John Dill, assisted by Hankey and Vansittart, also briefed Hailsham.²⁴⁶ The War Secretary, however, was not merely his advisors’ mouthpiece. He was himself a distinguished soldier and he was capable of forming his own opinions. Chamberlain had tried similar ‘lobbying’ tactics the previous month to enlist Hailsham’s support for his ‘International Air Force’ scheme, but failed miserably.²⁴⁷ In the ministerial committee the War Minister bluntly stated that ‘unless the committee felt themselves better experts than their own military advisors... the scheme was impracticable’.²⁴⁸

In a series of ministerial committee meetings, Hailsham employed historical and strategic arguments to dispel the Chancellor’s delusions and ‘put up an impressive, though largely unavailing resistance’.²⁴⁹ Noting Britain’s existing requirements, he stated that the services ‘were only trying to make effective a strength which had already received the government’s approval’.²⁵⁰ To Chamberlain’s claim that the expeditionary force was Lord Haldane’s novel invention before the First World War, Hailsham responded that ‘there had always been an expeditionary force’.²⁵¹ He pointed out that Britain’s traditional strategy was to maintain the European balance of power and prevent a hostile nation from dominating the Low Countries.

Fully briefed by the War Office, he argued that Britain required an army that could support allies to prevent Germany establishing submarine and air bases in the Low Countries. If Germany overran this territory, it could

²⁴⁶ *Pownall Diaries*, 13 March, p.38. General John Dill (1881-1944), was a commander in both World Wars and CIGS during 1940-1.

²⁴⁷ For Chamberlain’s scheme and lobbying see *NCDL* vol.4, Chamberlain’s letters to Hilda, 24 March and 21 April 1934; Chamberlain Diary, NC 2/23, April 1934.

²⁴⁸ CAB 27/507, 4 May 1934.

²⁴⁹ Bond, *British Military Policy*, p.205.

²⁵⁰ CAB 27/507, 3 May 1934.

²⁵¹ *Ibid.* Chamberlain conceded that ‘My cross examination [from Hailsham] reveals that the so-called Expeditionary Force... is not a new force’. Chamberlain Diary NC 2/23, 9 May 1934.

bomb our cities and attack our trade... [W]e should be in a comparatively short range of air attack, which could be made very intensive... The only means to prevent Germany from doing this was to have an expeditionary force to keep her back.

The Chiefs estimated that a German attack launched from the Low Countries would be 80 per cent stronger than one from Germany. The War Secretary also showed that his advisors were not alone in valuing land forces despite the advent of air power. After all

it was clear that the Germans were preparing not only a strong efficient and up-to-date air force, but large quantities of troops to operate with that force. They did not contemplate the use of air forces unsupported on land.²⁵²

To Chamberlain's question about whether British troops could reach the Low Countries in time to meet an attack, Hailsham repeated the CIGS's argument that the moral effect of Britain's commitment to send troops to help the French and Belgian resistance would be 'enormous... [I]t might turn the scale.'²⁵³ Without such an assurance 'the French fortifications might crumple up'.²⁵⁴ Rather than debating the need for an expeditionary force, Hailsham believed that the real issue was whether a force of four divisions was an adequate size. He did, however, accept that constraints limited the expansion of the Army and stated that the DRC programme 'was all that could be reasonably asked for at the present, though... it would be very desirable if a larger force could be formed'.²⁵⁵

The Army had a strong case for additional funding and Hailsham again drew attention to its widespread deficiencies. It was equipped with the same machine gun as in 1914 and possessed only three post-war prototype tanks. Significant expenditure was required now that the 'ultimate potential enemy' had been identified as a first-class European power. The

²⁵² CAB 27/507, 3 May 1934.

²⁵³ CAB 53/4, 24 July 1934; CAB 24/250, COS Report, 'The Position of the Low Countries'.

²⁵⁴ CAB 53/4, 4 May 1934.

²⁵⁵ CAB 27/507, 3 May 1934.

expenditure anticipated, Hailsham calculated, would merely give British troops ‘reasonable protection against a modern foe’ and enable the Army to mobilise quickly, which was essential if it was to be effective.²⁵⁶ As things stood, an Army of five divisions could only be mobilised over a period of six months. It was also a moot point whether the R.A.F. could halt a German land offensive in Western Europe. Londonderry admitted that circumstances could arise when the Air Force would be incapable of even attempting to guard the Low Countries.²⁵⁷ Hailsham’s logic, therefore, was strategically irrefutable²⁵⁸ and his powerful advocacy helped ensure that the ministerial committee accepted that the ‘Field Force’ was necessary and should be ‘effective if sent’.²⁵⁹ A relieved Pownall concluded that ministers had ‘got it into their heads at last’.²⁶⁰

Despite Chamberlain’s opposition, Britain maintained its continental commitment. But this quickly became a pyrrhic victory as Chamberlain blocked the necessary expenditure to equip the Field Force. He noted at the end of July that ‘I succeeded in getting my defence programmes carried in the main’.²⁶¹ The Chancellor relied upon the prevailing economic and political situations. Although agreeing that Germany was the major threat to Britain’s security, he believed that a strong economy ‘was a prerequisite to strong defence’.²⁶² He judged that the DRC proposals would not command popular support and that the Army’s expenditure ‘bulks so largely in the total as to give rise to the most alarmist ideas of future intentions’.²⁶³ He suggested that, instead of providing an additional £40 million for the Army, the sum should be limited to £19.1 million.

²⁵⁶ Ibid.

²⁵⁷ Ibid., 10 May 1934.

²⁵⁸ Gibbs, *Grand Strategy*, p.115; Bell, *Chamberlain, Germany and Japan*, p.129.

²⁵⁹ CAB 27/507, 15 May 1934.

²⁶⁰ *Pownall Diary*, 15 May 1934, p.42.

²⁶¹ Chamberlain Diary, NC 2/23, 31 July 1934.

²⁶² Post, Jr., ‘Mad Dogs and Englishmen: British Rearmament, Deterrence, and Appeasement, 1934-5’, *Armed Forces and Society*, vol.14, No.3 (1988), p.334.

²⁶³ CAB 27/507, Chamberlain note, 20 June 1934.

Hailsham was not blind to financial or political difficulties, but he felt that these factors did not validate Chamberlain's parsimony. The War Secretary believed that the small force proposed by the DRC was affordable and he recognised that it would be premature to make any declaration committing British troops to the continent without a 'good deal of education'. But for Hailsham essential rearmament and national security should not depend upon the whims of public opinion. The proposals should be presented as necessary 'to put right deficiencies which had accumulated... owing to the ten-year rule'.²⁶⁴

In May, the War Secretary had been the only minister to oppose Chamberlain's suggestion that, in order to 'inaugurate a more intensive air programme', there should be a 'less intensive programme as regards the land forces'.²⁶⁵ The Chancellor sought to harness public enthusiasm for the R.A.F. to create a 'deterrent force so powerful as to render success in attack too difficult to be worthwhile'.²⁶⁶ This approach was more tolerable for the Treasury as it would be cheaper, politically convenient and – so Chamberlain considered – provide a greater deterrent for the funds available.²⁶⁷ But the deterrent effect was debatable. The Chancellor skewed priorities in favour of home defence and omitted sufficient reserves. This ensured that the deterrent was a 'shop window' force, likely to survive combat conditions for only two weeks. This 'add[ed] a dangerous twist to the deterrent principle; as the new squadrons were intended to prevent a fight, and... would not have to be capable of fighting'.²⁶⁸ These proposals highlighted a fundamental difference between Chamberlain and Hailsham. The War Secretary felt that the best deterrent was to prepare forces that could actually engage in war. The Chancellor, by contrast, hoped that an impressive paper force would intimidate possible enemies.

²⁶⁴ Ibid., 25 June 1934; 2 July 1934.

²⁶⁵ Ibid., 15 May 1934.

²⁶⁶ Ibid., Chamberlain note, 20 June 1934.

²⁶⁷ Shay, *British Rearmament*, p.91.

²⁶⁸ Wrench, 'Influence of Neville Chamberlain', p.53.

Hailsham attacked the Chancellor's modifications and stated that he was not convinced that the proposed air force would deter Germany. Without adequate reserves, Londonderry felt the scheme was 'better designed for public consumption than for real utility'.²⁶⁹ While Hailsham 'fully appreciated the need for economy',²⁷⁰ he claimed that his service was being treated as a 'Cinderella of the forces'. Its funding was set not 'according to requirements but to the other services' expenditure'. This was, he protested, 'no way to treat the Army'. The Chancellor's figures were unjustified and 'it was impossible to make the Army into the semblance of an efficient machine with anything like the sum suggested'. He was convinced that the arguments in favour of a continental commitment were sound, but even if the Army was not prepared for this role, Hailsham explained that much of the money was still required. The preparation of the Field Force was only part of the sum requested. In early 1933 the CIGS had asked for an additional £30 million to enable the Army to carry out the Defence of India Plan.²⁷¹

On 26 June Hailsham reminded the committee that the Army, having accepted the limits of the ten-year rule, 'was not a fighting machine'. The sum of £40 million represented the lowest possible figure to remove the worst shortages. Other nations had modernised their forces, but Britain's Army had outdated weapons and lacked ammunition reserves, while its ports at home and abroad required reinforcement. These were 'minimum requirements' and, if the Army was sent into the field without the rectification of these deficiencies, 'it would be a massacre'. Countering the Treasury's claim – which historians have repeated – that Britain's limited industrial capacity meant that the War Office could not spend its money

²⁶⁹ CAB 27/507, 25 June; 12 July 1934.

²⁷⁰ *Ibid.*, 25; 26 June 1934.

²⁷¹ *Ibid.*, 21; 26 June 1934. Only £12 million of the £40 million total was allocated to the Field Force.

effectively,²⁷² Hailsham's advisors did not doubt that it could be done and he offered to satisfy the Treasury that the money could be properly spent.²⁷³

Hailsham's next point exemplified his clear thinking. He questioned the rationale behind preparing the R.A.F. within five years while postponing the Army's preparations. It was 'illogical', he pointed out, 'to spend more on the Air Force and simultaneously not spend the money necessary to prevent Germany from launching an air attack from Belgium'. This, the DRC concluded, 'constituted the greatest danger.' He calculated that the most formidable deterrent that Britain could offer Germany was the prospect of a strong Air Force launched from the Low Countries. The Chancellor's plan undermined 'a unanimous report on the part of the three services, the Treasury and the Foreign Office' and rejected 'a carefully planned scheme for the simultaneous use of all three services in the kind of war which the Government's professional advisors thought most likely'.²⁷⁴ Viscount Trenchard, the Air Ministry's DRC representative, had accepted that a 'spearhead' expeditionary force capable of securing continental air bases should be amongst the first deficiencies to be repaired.²⁷⁵ Hailsham protested that the ministerial committee was inclined to accept the view that

since the public demanded a large Air Force... the expenditure necessary for its provision must be made. There were also similar views in regard to the one power standard and that, as a result, if there was anything left the Army might have it.²⁷⁶

The War Minister's opposition fell on deaf ears. He managed only to squeeze an extra £900,000 out of the Treasury, leaving the Army with an extra £20 million over the next five years. This minor increase was inadequate and Hailsham warned that a future leap in

²⁷² See: Wrench, 'Influence of Neville Chamberlain', p.56.

²⁷³ CAB 27/507, 26 June 1934.

²⁷⁴ *Ibid.*, 25-26 June 1934; Gibbs, *Grand Strategy*, p.116. In referring to the Treasury, Hailsham differentiated between Fisher, the Treasury's DRC representative, and Chamberlain, his political chief.

²⁷⁵ Peden, *British Rearmament and the Treasury*, p.121.

²⁷⁶ CAB 27/507, 2 July 1934.

expenditure was inevitable.²⁷⁷ While only half of the money needed to remove the Army's 'worst deficiencies' was provided, the Chancellor, amongst other subsidies, found £24 million for a new Cunard liner.²⁷⁸

The Army's readiness for continental war was thus delayed beyond 1939 into an extended period, which Hailsham estimated at nine years.²⁷⁹ There might have been 'every reason to suppose that the size of the army would be improved and expanded to ensure that... "Europe could not be kept guessing"',²⁸⁰ but parsimony in 1934 made it easier to abandon the Field Force later in the decade.²⁸¹ Although the Third DRC report maintained Britain's commitment to send an expeditionary force to Europe and the cabinet sanctioned expenditure of £77.2 million on the Army in February 1936,²⁸² the 'Field Force' was abandoned two years later when the cabinet accepted Thomas Inskip's second report.²⁸³ While the continental commitment theoretically remained at the heart of Britain's defence policy until early 1938, Chamberlain had 'defeated the War Office in 1934 with the power of the purse, and it had never recovered'.²⁸⁴

Only in March 1939, after the Prague Coup, did the cabinet sanction a full-scale continental army. But this hardly facilitated the Army's preparations for war.²⁸⁵ Montgomery-Massingberd had warned in 1934 that it was impossible to 'neglect the Army in times of peace and yet turn out a thoroughly efficient and effective Force in times of war'.²⁸⁶

²⁷⁷ Ibid., 17 July 1934.

²⁷⁸ B. Bond and W. Murray, 'The British Armed Forces 1918-39', in A. Millet and W. Murray (eds), *Military Effectiveness*, vol.2 (Boston, 1988), p.102.

²⁷⁹ CAB 27/508, 27 May 1935.

²⁸⁰ McKercher, 'Disarmament to Rearmament', pp.39-40.

²⁸¹ See: CAB 24/273, 15 Dec. 1937, Inskip's Interim Report on defence expenditure.

²⁸² McKercher, 'Deterrence and the European Balance', p.125.

²⁸³ S. Greenwood, "'Caligula's Horse' Revisited: Sir Thomas Inskip as Minister for the Co-ordination of Defence, 1936-1939', *Journal of Strategic Studies*, vol.17, no.2 (1994), particularly, p.34-5.

²⁸⁴ Wrench, 'Influence of Neville Chamberlain', p.56.

²⁸⁵ J.P.D. Dunbabin, 'British Rearmament in the 1930s', *Historical Journal*, vol.18, no.3 (1975), p.605; M. Howard, 'British Military Preparations for the Second World War', D. Dilks (ed.), *Retreat from Power* (London, 1981), p.115.

²⁸⁶ *The Times*, 22 Oct. 1934.

Field Marshal Montgomery judged that in September 1939 the British Army was totally unready to fight a first-class continental war.²⁸⁷ With this in mind, advocates of the continental commitment such as Hailsham and Montgomery-Massingberd have been praised by military historians.²⁸⁸ It has been speculated that better preparations might have sustained France against the 1940 German advance, which ‘would have greatly eased Britain’s air and trade defence problems’ during the Second World War.²⁸⁹

Hailsham’s criticisms of the Chancellor’s amendments were not limited to the Army’s interests. Under the modified scheme, home defence prevailed and expenditure on the Singapore Naval Base was postponed. Therefore, Britain’s ability to contain the Japanese fleet was suspended.²⁹⁰ Although Hailsham agreed with Chamberlain that an Anglo-Japanese *rapprochement* was desirable, he doubted whether this could be achieved from a position of weakness. The Japanese, he concluded, wanted ‘to increase their exclusive orbit in China’, which would ‘inevitably lead to competition with us’.²⁹¹ He was ‘entirely in favour of doing what we could to make friends with Japan’, but was concerned that the Japanese ‘might want us to acknowledge Manchukuo’ and were trying to capture Britain’s China trade.²⁹²

Not surprisingly, Hailsham opposed Chamberlain’s plans to suspend expenditure on the Singapore Naval Base. He ‘did not see how the government could reconcile themselves to the idea of abandoning our Empire in the East... and leaving it to the mercy of Japan, on the chance of Japan not attacking it’. Granted Japan’s recent violation of a number of past agreements, he was amongst those cabinet ministers who saw little value in Japanese

²⁸⁷ C. D’este, ‘The Army and the Challenge of War 1939-1945’, in D.G. Chandler (ed), *The Oxford History of the British Army* (Oxford, 2003), p.272.

²⁸⁸ Bond, *British Military Policy*, p.8.

²⁸⁹ G.C. Peden, ‘The Burden of Imperial Defence and the Continental Commitment Reconsidered’, *Historical Journal*, vol.27, no.2 (1984), p.423.

²⁹⁰ CAB 27/507, 25 June 1934.

²⁹¹ *Ibid.*, 1 May 1934.

²⁹² *Ibid.*

pledges.²⁹³ He agreed with Eyres-Monsell's warning that Chamberlain's policy meant that 'New Zealand and Australia would be left to their fate and India would be abandoned'. This, the War Secretary judged, represented a fundamental change in policy. The strength of his conviction was apparent when he informed his colleagues that he would not 'be party to any announcement which indicated so drastic an alteration'. He asked the ministerial committee whether it felt 'justified on financial and political grounds in saying that we would not attempt to defend our Empire'. Such a suggestion was, he judged, 'entirely unjustified'.²⁹⁴ He regarded the failure to reinforce Singapore as a policy of 'despair and defeatism' and questioned whether Britain was in 'so rotten a condition' that it could not face up to realities.²⁹⁵

Reflecting his wider thoughts on deterrence, he believed that the defenceless state of Singapore represented 'not only a temptation but perhaps a definite incentive to Japan'.²⁹⁶ He read out an extract from a paper by Vansittart which claimed that Britain's moral stature was declining because of its military weakness. He then drew attention to a passage of the DRC Report which stated that the completion of its recommendations would 'barely bring our defence forces to the lowest point consistent with national safety and... international obligations'.²⁹⁷ Significantly, this spirited, if unsuccessful, protest was in the interests of the Navy, not the Army.

The deteriorating international scene, Britain's unpreparedness to meet a combination of threats and the skewed nature of the revised proposals ensured that Hailsham supported a novel suggestion to 'find the money to make good all the deficiencies'. Baldwin floated the possibility of a defence loan after a campaign to educate public opinion. Hailsham, Eyres-

²⁹³ S.L. Endicott, *Diplomacy and Enterprise* (Manchester, 1975), p.65.

²⁹⁴ CAB 27/507, 25 June 1934.

²⁹⁵ *Ibid.*

²⁹⁶ *Ibid.*, 3 May 1934.

²⁹⁷ *Ibid.*, 25 June 1934.

Monsell and Cunliffe-Lister immediately welcomed the idea.²⁹⁸ Although these ministers shared Chamberlain's fiscal conservatism, they could not accept 'a British retreat from world power'.²⁹⁹ Hailsham had concluded that the risk of financial collapse had been overtaken by the threat to Britain's global interests. But Chamberlain regarded a defence loan as the 'broad road which leads to destruction'. The adoption of unorthodox measures was ruled out by his conviction that rearmament should first be underpinned by economic recovery.³⁰⁰ Almost three years would pass before such a step was accepted.³⁰¹

When the revised DRC Report came before the cabinet in July 1934, Hailsham expressed his dissatisfaction and accepted the position only because the Chancellor 'could not provide the money'. Avoiding misapprehensions, he warned his colleagues that the Army was in no condition to fight.³⁰² Although only two-thirds of the expenditure in the original recommendations was sanctioned, the cabinet accepted the modified report. This setback left Hailsham rather 'sulky'. The Army, Pownall noted, was 'undoubtedly the Cinderella of the services, and he doesn't like it.'³⁰³ The War Secretary admitted to the Lords that 'We have to cut our coat according to our cloth... the result under present conditions is that the coat is not nearly big enough properly to fit the body which it is designed to cover'.³⁰⁴

With the government's rearmament programme falling short of Britain's minimum requirements, Hailsham quickly exhibited a newfound defeatism in relation to the German menace. In late 1934, he joined another cabinet committee that considered British policy

²⁹⁸ Ibid.

²⁹⁹ H.H. Hall, 'The Foreign Policy-Making Process in Britain, 1934-1935 and the Origins of the Anglo-German Naval Agreement', *Historical Journal*, vol.19, no.2 (1976), p.485; fn, p.488.

³⁰⁰ G. Post Jr, *Dilemmas of Appeasement*, p.66.

³⁰¹ CAB 23/87, 10 Feb. 1937. The Treasury was converted to borrowing and introduced the Defence Loans Bill in early 1937. Peden, *British Rearmament*, p.73. Conservative criticism of the previous Labour Government's financial policy also made it difficult to justify a defence loan. See: R. Toye, 'The Labour Party and the Economics of Rearmament, 1935-39', *Twentieth Century British History*, vol.12, no.3 (2001), pp.303-26.

³⁰² CAB 23/79, 31 July 1934.

³⁰³ *Pownall Diaries*, 24 July 1934, p.48.

³⁰⁴ H of L Debs, vol.95, cols 607-8.

towards German rearmament. It recommended that Britain and France should recognise the existing German arms, but restrict future rearmament through a multilateral agreement that would see Germany return to the League of Nations and be included in an 'Eastern Locarno'.³⁰⁵ Yet there was nothing in the committee's proposals that would compel the German government to accept this course. Hailsham did not play a constructive role in the proceedings and went along with the proposal only because he found 'no alternatives'. Convinced of the dangerous ambitions of the Nazi regime, he remained sceptical about the value of negotiation with Germany and regarded the suggested policy as submission to 'blackmail'.³⁰⁶ Even if the German government assented to an agreement, he expected that it would 'go straight ahead' and continue to rearm regardless.³⁰⁷ He accepted that existing German rearmament had been of a defensive character, but predicted that Germany would soon 'devote her energies to making her offensive arrangements behind a secure defensive screen'.³⁰⁸ He reluctantly accepted that appeasement was unavoidable, even if it was a gamble which would enable Germany to prepare for future conquest under the guise of equality.

Although the War Secretary wanted the French to recognise existing German rearmament, he conceded that if he were in their place, he would follow the same course. He reiterated his belief that 'it was worth a great deal to get Italy solid on our side'.³⁰⁹ Although this shows that Hailsham did not have all the answers, his attitude was at least realistic. The final recommendations, approved by the cabinet, accepted that the main object of British policy was to get Germany back to Geneva.³¹⁰ There was, however, little confidence in the committee's recommendations and this episode underlined the National Government's

³⁰⁵ CAB 27/572, 'German Rearmament Committee', 11 Dec; 13 Dec. 1934.

³⁰⁶ Ibid., 13 Dec. 1934.

³⁰⁷ Ibid., 11 Dec. 1934.

³⁰⁸ Ibid., 22 Nov. 1934.

³⁰⁹ Ibid., 13 Dec. 1934.

³¹⁰ CAB 23/80, 19 Dec. 1934.

inability to deal effectively with the emergent German threat.³¹¹ Britain's proposals were not taken up in Berlin.

Hailsham's newfound pessimism was again clear when the cabinet considered British policy to the Saar Plebiscite. Following the First World War the League had been given sovereignty over the former German territory for 15 years and France was given control of its coalfields. A plebiscite, under the supervision of an international commission, was scheduled for early 1935 to enable the inhabitants to choose their destiny within France or Germany. Following threats and propaganda from Nazi supporters, there were fears of a pro-German coup.³¹² Yet, notwithstanding Hailsham's anti-German instincts, he opposed the suggestion that Britain should send 1,000 troops as part of an international peace-keeping force for the duration of the plebiscite.

Hailsham attended a meeting at the Foreign Office in early December to consider this issue along with Simon, Eden and Stanhope on behalf of the Foreign Office.³¹³ Eden stressed the importance of using British troops as part of an international police force to prevent potential skirmishes from escalating, but Hailsham thought that the risks of sending British troops to the Saar were 'incalculable'. Despite having been a champion of the continental commitment six months earlier, he 'disliked very much the idea of being mixed-up in the trouble... he was so very much afraid of the results if difficulties arose'.³¹⁴ Two days later he told the cabinet that 'the country would not want to see British troops on the continent again'. But once Simon and Eden had enlisted the support of Baldwin and Chamberlain, the War Secretary found himself overruled.³¹⁵ British soldiers were despatched in January 1935 to

³¹¹ Hall, 'Foreign Policy-Making Process', p.488.

³¹² FO 800/289, Simon to MacDonald, 3 Oct. 1934; Avon, *Facing the Dictators*, p.102.

³¹³ Earl Stanhope became Simon's Under-Secretary of State in 1934.

³¹⁴ CAB 27/573, 3 Dec. 1934.

³¹⁵ C.J. Hill, 'Great Britain and the Saar Plebiscite of 13 January 1935', *Journal of Contemporary History*, vol.9, no.2 (1974), pp.138.

police the plebiscite alongside French, Italian, Swiss and Dutch troops.³¹⁶ The poll passed peacefully with a huge majority in favour of returning to Germany.

Before Hailsham left the War Office, the government sought parliamentary approval of their defence preparations through a new white paper in March 1935. Hailsham defended the modest increase in the Army estimates. His annual memorandum insisted that ‘much work and considerable expenditure’ was necessary to bring the Army up to efficiency. The annual estimate of £43 million was only £4 million higher than the previous year and still below the Army’s expenditure before the introduction of the ten-year rule. Although the informed press supported steps to remove ‘serious and widespread deficiencies’,³¹⁷ the Labour party claimed that the government’s programme was excessive and contrary to collective security. In response, Hailsham and other government spokesmen stressed that rearmament was necessary if Britain was to fulfil its League responsibilities.³¹⁸ His message had been consistent throughout his supervision of the War Office: peace would not be preserved, by ‘rendering ourselves incapable of defending ourselves or protecting other peoples’.³¹⁹

The government had hoped that the revised rearmament plan would enable the R.A.F. to maintain numerical parity with the *Luftwaffe* to act as a deterrent to Germany. After Baldwin had informed the Commons in March 1934 that the government would ensure, that in terms of air strength, Britain would ‘no longer be in a position inferior to any country within striking distance of our shores’, parity was a political necessity. During the second half of 1934 and early 1935, however, modifications were required to meet updated estimates of German air strength. In late March 1935, Hitler told Simon and Eden, now Minister for

³¹⁶ CAB 23/80, 5 Dec. 1934; Avon, *Facing the Dictators*, pp. 99-100. Despite Eden’s recollections, Simon had suggested this course in November. FO 800/289, Simon to Eden, 20 Nov. 1934; Dutton, *Simon*, p.190.

³¹⁷ *The Times*, 5 March 1935.

³¹⁸ H of L Debs, vol.96, cols 112-7.

³¹⁹ *The Times*, 4 May 1935.

League of Nations Affairs, that the *Luftwaffe* had already reached parity with the R.A.F. and would soon reach parity with France. In May the ministerial committee considered their response and Hailsham had another opportunity to criticise the government's rearmament programme. While the 39 new squadrons to maintain numerical parity with Germany in 'Scheme C' were accepted, Hailsham expressed his dissatisfaction with the government's policy. He admitted that the expenditure was probably the most that could be afforded, but he felt that the claim of parity with Germany was 'entirely fallacious' as Britain could 'not get true parity by this programme'.³²⁰ Parity, he pointed out, was not merely a matter of comparing numbers:

Geographical factors were largely in favour of Germany and there were other forces of defence such as anti-aircraft defences, all of which could properly be taken into consideration... Comparison of numbers was only one element in assessing true parity.³²¹

Linking his opposition to Britain's inability in the foreseeable future to send a land force to help secure the Low Countries, he stated that if the *Luftwaffe* operated from Belgium,

our aircraft had to fly 300 miles to reach an objective similar to that within 100 miles of German aircraft... Consequently, they could do three times as much damage as we could in a specified time. If we were to get true parity... we ought to have three times the number of German bombers...

The War Secretary noted that even if Britain had equal numbers of aircraft, the fact that they carried a smaller bomb load rendered them inferior. He then implied that the pursuit of parity was undermining Britain's overall preparations for war. The 39 new squadrons would include bombers which were either obsolete or untested. Past experience suggested

³²⁰ CAB 27/508, 20 May 1935.

³²¹ *Ibid.*, 10 May 1935.

that there was a good chance that the untried aircraft would prove ‘inferior to corresponding German aircraft’.³²² Refusing to mince his words, he stated: ‘If this programme were to be approved merely as eyewash – well and good’, but as ‘a serious contribution to the problem of defence... it went no further than that’. Although the House of Commons might be fooled, the proposed policy was ‘a snare and a delusion... entirely on the wrong lines’.³²³

The War Secretary accepted that Britain needed an expanded air programme, but deplored panic-stricken attempts to maintain parity. He felt that the government’s policy gambled on the deterrent value of a force which included obsolete and untested aircraft. He pointed out that large orders for outdated aircraft with existing manufacturers would not improve Britain’s rearmament capacity. He suggested that an alternative plan should be devised, spread over five or six years, the first step of which would be government intervention to manage industrial organisation. Such a step would involve the government shifting Britain’s peacetime economy into something analogous to war measures.³²⁴

With the R.A.F. set to gain another 3,800 aircraft by April 1937, he told his colleagues that the government seemed to be preparing Britain for a war which might begin in two years. With this in mind he again questioned whether equipping the Field Force on a nine-year basis was still safe. If this was a genuine attempt to prepare for war in 1937, ‘the immediate organisation of industry was required, and we must make such alliances with other countries that would give us a chance of survival’. Granted the unfolding events, these were insightful proposals. Such policies, however, lay in the future. Although MacDonald regarded Hailsham’s comments as ‘an effective study of the absolute’, his warnings had little effect on his colleagues. The Prime Minister observed, that ‘in political matters it was not possible to

³²² Ibid., 20 May 1935.

³²³ Ibid.

³²⁴ Ibid

deal with absolutes'.³²⁵ Increased government intervention in industry was rejected in the Inskip Defence Reviews of 1937-8 and firm alliances were not pursued until 1939. What's more, parity with Germany proved to be 'a chimera'.³²⁶

The fear of a German resurgence had clear implications for Hailsham's consideration of both disarmament and rearmament policy. He was the first cabinet minister to express disquiet about German intentions and he resisted disarmament schemes that he calculated would undermine the effectiveness of Britain's services without controlling German rearmament. Perhaps most significantly, when disarmament became unfeasible, economic and political considerations secured priority over defence policy. Hailsham and the other service ministers failed to extract sufficient funding for the first stage of rearmament. While Chamberlain's conduct during these years has been described as unavoidable granted Britain's 'declining power' status,³²⁷ Hailsham's experience shows that the Chancellor's meddling in defence strategy was unwelcome. With rearmament based upon what Hailsham regarded as 'eyewash', Chamberlain was responsible for establishing policies which made appeasement 'seem the only logical line'.³²⁸ This helps explain why Hailsham, a minister convinced of the expansionist aims of German leaders, was driven to support appeasement during 1935-8.

Granted the difference in opinion between the Chancellor and the War Secretary, the reminiscences of Hailsham's son are misleading. He claimed that during 1931-5 Chamberlain and his father were the chief sponsors of rearmament. The Chancellor was his father's 'most

³²⁵ Ibid. See also M. Smith, 'The Royal Air Force, Air Power and British Foreign Policy', 1932-37', *Journal of Contemporary History*, vol.12, no.1 (1977), pp.153-174.

³²⁶ Greenwood, 'Caligula's Horse Revisited', p.31.

³²⁷ Bell, *Chamberlain, Germany and Japan*, pp.159; 177-178.

³²⁸ F. Coghlan, 'Armaments, Economic Policy and Appeasement: Background to British Foreign Policy 1931-7', *History*, vol.57, no.190 (1972), p.215. See: Neilson, 'Defence Requirements Sub-Committee', pp.651-684.

reliable ally' in advocating 'massive scaled' rearmament.³²⁹ But these are mistaken recollections. Chamberlain, the man who restricted military and naval preparations and skewed the R.A.F.'s preparations to inflate frontline strength, was not a genuine protagonist of rearmament. Heuston's conclusion that, 'Whatever was done to maintain our defences between 1931 and 1935 was due to the joint efforts of Chamberlain and Hailsham', is equally illusory.³³⁰ Granted Hailsham's protests at delay and attacks on revised defence programmes, it is also impossible to sustain the conclusion that 'Chamberlain's critics showed no sense of urgency'.³³¹ Hailsham's strategic arguments won out and there was little more that he could have done to hasten rearmament. He eloquently presented logical arguments but lacked the political influence to impose his will. Notwithstanding the recognition that Germany was Britain's 'ultimate potential enemy',³³² there were few points of agreement between Chamberlain and Hailsham on defence matters and rearmament. Hailsham anticipated a future war with Germany and wanted to prepare the services accordingly. Chamberlain believed that war could be averted through creating a formidable deterrent.

A clear distinction should be drawn between Chamberlain's financing of rearmament in the closing years of his Chancellorship and his earlier involvement in defence planning. He did not abandon his preference for a balanced budget until early 1937.³³³ While it has been contended that the implementation of the DRC Report would have enabled Britain to 'face the dictators from a position of some strength',³³⁴ the unfolding strategic nightmare that became apparent during the second half of the decade meant that the DRC's proposals would still have been inadequate. Nevertheless, the implementation of the original DRC Report

³²⁹ Hailsham, *Door Wherein*, p.115.

³³⁰ Heuston, *Lord Chancellors*, p.474.

³³¹ Wrench, 'Influence of Neville Chamberlain', p.56.

³³² For Chamberlain's appreciation see: Chamberlain Diary, NC 2/23, 6 June 1934.

³³³ See: Coghlan, 'Armaments, Economic Policy and Appeasement', pp.205-216. Rearmament began in earnest during 1937. For the decision to accept a £400 million loan to be spent over five years see: Peden, *British Rearmament*, pp.71-79.

³³⁴ Roskill, *Naval Policy* vol. II, p.256.

would have been a good start and the failure to remove the most glaring deficiencies had a significant psychological impact on Hailsham. He was convinced that, sooner or later, Britain would be confronted by German expansionism that it could not accept. But, once the government failed to implement the DRC Report, he exhibited an increasingly sceptical outlook concerning Britain's ability to face challenges to the international *status quo*. This underpinned his acquiescence in appeasement for the remainder of the decade.

Appeasement

Although Neville Chamberlain suggested making Hailsham one of two new ministers in a re-structured Foreign Office,³³⁵ the latter returned to the Lord Chancellorship as a 'matter of course' following the cabinet reshuffle in June 1935.³³⁶ He replaced a bitter Sankey who retired after Ramsay MacDonald preferred his National Labour contingent to be represented in the cabinet by his own son. Although this was theoretically a promotion for Hailsham, he had, despite a number of setbacks, been 'very happy at the WO... [and] liked the leadership of the House of Lords'.³³⁷ He left with regret and his wife was 'miserable at the change'. He could not, however, refuse the Woolsack – 'a very great office'.³³⁸

Hailsham's narrow departmental concerns shifted to the domestic arena. He presided over a number of appeal cases in the House of Lords and the last trial of a peer by his fellow peers when Lord de Clifford was acquitted of manslaughter.³³⁹ He was amongst the chosen handful of Privy Councillors on 20 January 1936 who, with the King's consent, formed a Council of State to undertake necessary duties during what proved to be the last days of

³³⁵ NC 2/23, Chamberlain Diary, 13 Dec. 1934.

³³⁶ *The Times*, 7 June 1935.

³³⁷ HAIL 1/3/8a, Hailsham to Rev. Phillip Kynaston, 19 Aug. 1935.

³³⁸ Reading Papers, Eur.F118/28/5, Hailsham to Reading, 12 June 1935.

³³⁹ He supported the Bill which abolished this procedure. Londonderry Papers, D3099/2/17/76b, Hailsham to Londonderry, 11 Sept. 1936; H of L Debs, vol.100, col.623.

George V's life.³⁴⁰ More generally, Hailsham demonstrated 'perfect competence' during his final occupation of the Woolsack, but his eagerness to maintain an active political role probably ensured that his legal judgements were 'unexciting'.³⁴¹ Had serious illness not intervened, Hailsham would have been central to the government's response to the Abdication Crisis in late 1936. The legal challenges this presented would have afforded a fitting climax to his career in the law.

In the wider re-shuffle, Baldwin became Prime Minister after swapping portfolios with the exhausted MacDonald and Simon became Home Secretary after an undistinguished term at the Foreign Office. He was replaced by Samuel Hoare. Chamberlain continued at the Exchequer, while Cunliffe-Lister replaced Londonderry as Air Secretary. It was only after Hailsham's intervention that Londonderry was not dropped completely.³⁴² The former Air Minister became Lord Privy Seal and Leader of the Lords. Londonderry, however, soon realised that he was a passenger and Hailsham found himself advising his colleague against resignation, fearing that it might be interpreted as a protest against the government's handling of the ensuing Abyssinian Crisis.³⁴³ When Londonderry was finally dropped after the general election in November, the return of the National Government with a large, albeit reduced, majority was a consolation for Hailsham. Yet, the burden of consistent service took its toll. The government, Hailsham complained, had been 'condemned... to four years hard labour'.³⁴⁴ The Lord Chancellor did not envy Baldwin's task, noting that 'the one need is for clear and definitive leadership... Thank God it isn't for me to give it.'³⁴⁵

³⁴⁰ Nicolson, *King George V* p.530; Simon, *Retrospect*, pp.217-8.

³⁴¹ For Hailsham's role as Lord Chancellor during this period see: Heuston, *Lord Chancellors*, pp.480-487, quotation at 482.

³⁴² Fleming, *Marquis of Londonderry*, p.168.

³⁴³ Londonderry Papers, D/3099/2/17/7b, Hailsham to Londonderry, 17 Sept. 1935.

³⁴⁴ HAIL 1/3/8a, Hailsham to Stella Gwynne, 10 Dec. 1935.

³⁴⁵ Londonderry Papers, D3099/2/17/75a, Hailsham to Londonderry, 8 June 1936.

With an Italian attack on Abyssinia imminent, the government's preoccupations were ever more concerned with foreign affairs. As Hailsham confided to a relative:

Italy and Abyssinia are being very difficult; Japan's gradual assimilation of China is most disquieting: I see no hope in the Naval Conference; and there is always the menace of German rearmament to make one think.³⁴⁶

During the last three and a half years of his political career, Hailsham's strong interest in foreign policy continued and he remained at the heart of Britain's foreign policy-making process until October 1938. It was to be a testing finale to his cabinet career.

The historiography of British foreign policy in the 1930s is a vast and still growing industry, offering ever more nuanced interpretations of the policies of the 'appeasers' and their opponents.³⁴⁷ The opening of the British archives in the late 1960s led to a period of revisionist writing in which the restrictive parameters within which policy-makers operated were emphasised. At least in academic circles, this led increasingly to the perception that appeasement was the only viable option for Britain in the later 1930s. For some, appeasement emerged as a wise and noble policy and its leading proponent, Neville Chamberlain, a far-sighted and wrongly maligned statesman.³⁴⁸ More recently, the post-revisionist school, while rejecting the 'posthumous libels' of *Guilty Men*, argued that the government did have viable alternative policies and that these were mistakenly rejected.³⁴⁹ Yet a recent in-depth analysis has concluded that no alternative offered a realistic prospect of success.³⁵⁰

³⁴⁶ Hailsham to Stella Gwynne, 10 Dec. 1935.

³⁴⁷ For a recent survey of the literature, S. Aster, 'Appeasement: Before and After Revisionism', *Diplomacy & Statecraft*, vol.19, no.3 (2008), pp.443-8.

³⁴⁸ Charmley, *Chamberlain and the Lost Peace*; Self, *Neville Chamberlain*, offers a more balanced assessment.

³⁴⁹ See, in particular, Parker, *Chamberlain and Appeasement*, quotation at p.10.

³⁵⁰ Stedman, *Alternatives to Appeasement*.

But if the historiographical debate over the efficacy and the morality of the appeasement of Nazi Germany still rages, historians have at least reached a consensus that attempts to draw a clear line of distinction between the unprincipled ‘appeasers’ and their courageous opponents are no longer tenable. ‘Appeasement’ covered a range of approaches to the German problem and there were few, if any, leading British politicians who did not have a limit of concession beyond which they were not prepared to go. Likewise, the so-called ‘anti-appeasers’ recognised the value of acquiescing in certain acts of aggression, be they perpetrated by Germany or by other countries challenging Britain’s worldwide position in the 1930s.³⁵¹

The reputation of none of the prominent government critics has survived unscathed. Churchill showed no inclination to resist aggression over Manchuria, Abyssinia or Spain.³⁵² Vansittart was at the forefront of efforts to buy off Mussolini’s ambitions in East Africa,³⁵³ and Eden, as late as 1938, was hopeful of productive talks with Nazi Germany.³⁵⁴ As one diplomat, regularly positioned in the ‘anti-appeasing’ camp, noted: ‘The truth is everybody was an “appeaser” of Germany at one time or another – “appeasement” began at Locarno under Austen... but it was carried on too long’.³⁵⁵ Hailsham’s experience during the closing years of his ministerial career clearly illustrates these complexities and offers a significant addition to the historiography.

³⁵¹ Thompson, *Anti-Appeasers*, was an early attempt to identify the government’s critics. L. Olson, *Troublesome Young Men* (New York, 2007) shows that the uncritical canonisation of the ‘anti-appeasers’ continues in the popular mind.

³⁵² R. Powers, ‘Winston Churchill’s Parliamentary Commentary on British Foreign Policy, 1935-8’, *Journal of Modern History*, vol.26, no.2 (1954), pp.179-82, offered the first challenge. See also R.R. James, *Churchill: A Study in Failure* (London, 1970); J. Charmley, *Churchill, End of Glory* (London, 1993); and R.A.C. Parker, *Churchill and Appeasement* (London, 2000).

³⁵³ Roi, *Alternative to Appeasement*; N. Rose, *Vansittart: Study of a Diplomat* (London, 1978).

³⁵⁴ D. Dutton, *Anthony Eden: A Life and Reputation* (London, 1997).

³⁵⁵ J. Harvey (ed.), *The War Diaries of Oliver Harvey* (New York, 1978), 8 Nov. 1941, p.61.

During 1935-8, Hailsham's underlying perception of Britain's major problem had not changed. 'The international situation', he complained in mid-1935, 'does not seem to get any better':

It really looks as if Germany were still pining for that world domination which brought about the last war, and that she is gambling on the unwillingness of the western powers to face another conflict to enable her to arm so strongly as to be in a position of definite superiority over the rest of the world. I wish I could see more clearly the right policy.

The one alternative that Hailsham concluded was unacceptable at this stage was armed intervention: 'The lesson which we have learnt from the Great War is a profound conviction of the senselessness and cruelty of warfare as a means of settling international differences'.³⁵⁶ His suspicion of German intentions persisted. 'It is difficult to make a Treaty with a nation', he wrote in March 1936, that 'never keeps its word unless it pays to do so.'³⁵⁷ Yet, despite his awareness of the German threat and his gut instinct to resist, his inability to find a solution short of war combined with Britain's military weakness in the face of an unfolding strategic nightmare, compelled him to acquiescence in a policy he found humiliating. He had no optimism about Britain's ability to resist an increasingly likely three-pronged attack on its coveted global interests.

Although the threats from Germany and Japan were apparent during Hailsham's supervision of the War Office, after his transfer to the Woolsack the international atmosphere quickly deteriorated. In October 1935, Italy's attack on Abyssinia disrupted the Anglo-Franco-Italian front which Hailsham had eagerly supported since early 1934. With Italy a potential enemy, Britain, with insufficient allies, was threatened by a deadly combination of

³⁵⁶ HAIL 1/3/7, Hailsham to General Lytle Brown, 7 May 1935.

³⁵⁷ HAIL 1/3/9a, Hailsham to Miss Cheatham, 10 March 1936.

powers which operated in three different theatres. From 1936 Britain's defence experts repeatedly warned that, even with French support, Britain could not win a war against Germany, Italy and Japan combined.³⁵⁸

In addition to the Italian attack, Hitler ordered the remilitarisation of the Rhineland in March 1936 and July saw the outbreak of the Spanish Civil War, carrying with it the danger of a Europe-wide conflagration. Confronted by this predicament, Hailsham was compelled to swallow numerous violations of the international order and drifted into the mainstream of the government's appeasement policy. At nearly all the key junctures during 1935-8, he supported the government's foreign policy, and ultimately, Chamberlain's brand of appeasement. His motivation was a mounting realisation that there was little else that Britain could do.

Before Mussolini ordered the Italian attack on Abyssinia, Hailsham was most concerned about the consequences of Italian aggression. After all, British policy was still theoretically based on collective security through the League of Nations' and Abyssinia, a League member, had appealed to that body before the Italian attack. In September the Lord Chancellor told Londonderry:

The Abyssinian trouble looks as bad as it could be... [T]o be involved in war with Italy would be a tragic blunder and how to save the prestige of the League and yet avoid that disaster is not very obvious.³⁵⁹

He was, at this stage, 'a very great admirer of Mussolini', understanding that 'the co-operation of the three western powers was an essential feature for stabilising peace in Europe'. Although Hailsham was worried about the consequences for the League if Italy embarked on any military adventure in Africa, he calculated that the Italians' capacity to

³⁵⁸ CAB 16/112, DRC Third Report, 21 Nov 1935; CAB 24/263, 8 June 1936.

³⁵⁹ Londonderry Papers, D3099/2/17/76b, Hailsham to Londonderry, 11 Sept. 1935.

maintain a favourable balance against Nazi Germany made it imperative that they remained on-side.³⁶⁰ His view coincided entirely with Vansittart's: Anglo-French-Italian cooperation, not the League, was 'the only real bulwark for peace'.³⁶¹

Italian bellicosity presented the National Government with a real dilemma. As Hoare, the Foreign Secretary, reflected, 'Italy was part of the western front, and the Covenant of the League [was] the basis of our foreign policy. We could not sacrifice either without grave danger.'³⁶² When Britain, France and Italy had established the 'Stresa Front' in April 1935, the powers agreed to uphold the Locarno Agreements, the demilitarised status of the Rhineland and the independence of Austria. But the Italo-Abyssinian War that began in October undermined this prospect. With Britain pledged to support the League, Italy suddenly became 'the wrong adversary at the wrong time in the wrong place'.³⁶³ A hostile Italy could endanger Britain's communications with the Empire, threaten possessions in the Mediterranean and North Africa, and facilitate an Italo-German *rapprochement* which could end Austrian independence. Once Britain imposed League-sponsored economic sanctions, its policy stood between 'provoking and avoiding war'.³⁶⁴

Hoare had the unenviable task of pursuing a double policy of using the League machinery to secure a peaceful compromise while satisfying Italian appetites. Following his speech at Geneva in September, which reaffirmed that the British would be 'second to none to fulfil... the obligations which the Covenant lays upon them',³⁶⁵ Hailsham, worried over Britain's responsibilities under collective security, noted

³⁶⁰ HAIL 1/3/9b, Hailsham to Mrs Edward Sullivan, 4 June 1935.

³⁶¹ Vansittart memorandum, August 1933, Vansittart, *Mist Procession*, p.482.

³⁶² Templewood, *Troubled Years*, p.157-8.

³⁶³ Post, Jr., 'Mad Dogs and Englishmen', p.334.

³⁶⁴ Post Jr, *Dilemmas of Appeasement*, p.89.

³⁶⁵ Templewood, *Troubled Years*, pp.177; 170.

I am very uneasy lest a major difference may arise over Italy; we are not in a position to fight, and yet we seem to be running some risk of finding ourselves at war. Sam's speech was admirable but... a bluff because we have no force to back it. I think he... had to take that risk, but I don't like it. Italy could probably beat us today if we fought single-handed and I think she knows it.³⁶⁶

Hailsham's estimation of the military position was perhaps overly gloomy, but, even if the Italians were quickly defeated, damage to Britain's Mediterranean Fleet was inevitable in any conflict and Britain's already overstretched naval arm would have been materially weakened.³⁶⁷

The conflicting aims of British policy were neatly captured in Hailsham's public remarks during October. While acknowledging that Britain was bound to carry out the League's behests, he also claimed that this did 'not necessarily mean that we have any individual quarrel with Italy'.³⁶⁸ For Hailsham, the future of Abyssinia was not a fundamental concern: 'We have not troubled about the war because of Abyssinia but because the war is an attack upon the whole system of the Covenant of the League of Nations, upon which we rely'.³⁶⁹ He emphasised that Britain would only act in support of the Covenant which the major powers (Italy included) had signed in 1919. But following the Japanese and German withdrawals and America's non-participation, the Lord Chancellor was aware that the 'deterrent effect of the Covenant was much less than it was intended to be, and... the security... was now much less than it was hoped'. He judged that the Italian invasion had

challenged the whole basis of the League. If she is successful she is destroying the whole groundwork upon which confidence in the post-war system has been built up,

³⁶⁶ Londonderry Papers, D 3099/2/17/75b, Hailsham to Londonderry, 17 Sept. 1935.

³⁶⁷ See A. Marder, 'The Royal Navy and the Ethiopian Crisis of 1935-36', *American Historical Review*, vol.75, no.5 (1970), pp.1327-1356.

³⁶⁸ *The Times*, 10 Oct. 1935.

³⁶⁹ *Manchester Guardian*, 26 Oct. 1935.

and unless we can find some new plan we are back again in the bad welter of the old days of alliance, of the balance of power and ultimately of a trial of military strength.³⁷⁰

Hailsham's public statements during the election campaign again reflected the paradoxes behind British policy. As the League had only voted for limited sanctions, he claimed that British policy was restricted. 'To instruct our fleet to blockade Italy', he pointed out, 'would have produced war... and I will never be a member of a government which under the pretence of collective peace is going to bring about war between England and another country.'³⁷¹ When asked if Britain should close the Suez Canal to Italian ships, he claimed that such unilateral action conflicted with the League's principles. 'You cannot', he said,

stop an Italian ship going through the canal unless you send your own warship to prevent it by force. If you do that, you are departing from the whole conception of collective security... we were not going to commit an act of war and commit ourselves... to a war with Italy single-handed and in breach of the Covenant.³⁷²

Without French support, Hailsham agreed with his colleagues that Britain's own unpreparedness and vulnerability ruled out military sanctions.³⁷³ Effective Anglo-French co-operation was not helped by mistrust emanating from the Anglo-German Naval Agreement, negotiated in the first half of 1935. Moreover, the French perceived the Abyssinian conflict as 'an old-fashioned imperial dispute' and were only willing to agree to ineffective economic sanctions.³⁷⁴ The National Government, fearful of provoking Mussolini into a 'mad dog' attack on British interests or driving him irrevocably into Hitler's arms, acquiesced in this

³⁷⁰ *The Times*, 10 Oct. 1935.

³⁷¹ *Manchester Guardian*, 9 Nov. 1935.

³⁷² *The Times*, 26 Oct. 1935.

³⁷³ Hailsham, *Door Wherein*, pp.114-5.

³⁷⁴ Rostow, *Anglo-French Relations*, pp.170-71; S.A. Schuker, 'France and the Remilitarization of the Rhineland, 1936', *French Historical Studies*, vol.14, no.3 (1986), p.325.

approach.³⁷⁵ Rumours amongst informed pressmen suggested that even this approach went too far for Hailsham.³⁷⁶

In an attempt to square the circle a botched Anglo-French compromise was concocted. The plan was Vansittart's inspiration and was negotiated by Hoare and Laval, the French Foreign Minister, in December. It sought to produce an Italian victory but maintain an independent Abyssinia. Italy would gain significant territory, while the rump of landlocked Abyssinia would be compensated by British territorial concessions allowing access to the Red Sea. But, after the plan was leaked to the press, it met with a howl of protest and Hoare and Laval resigned.³⁷⁷ Aware of the complex problem which confronted Hoare, Hailsham, unable to offer a better policy, regarded the resignations as 'a misfortune and not a fault'.³⁷⁸

The cabinet's response failed on three fronts. The limited sanctions did not prevent the fall of Abyssinia in May 1936, 'collective security' and the League had, once again, failed, and the limited sanctions against Italy meant that hopes of establishing an Anglo-Franco-Italian front were dealt a serious blow. Unsurprisingly, Hailsham, in an attempt to get back on good terms with Italy, was amongst the first inside the government to call for the removal of sanctions. Ever mindful of the German menace, he felt that the loss of Abyssinia was a small price to pay if the 'western front' could be restored. On 8 May, after 'thinking a good deal', he informed Eden, Hoare's successor as Foreign Secretary, that he did not think that the maintenance of sanctions would serve any useful purpose. With almost callous realism he calculated that sanctions

³⁷⁵ R.A.C. Parker, 'The First Capitulation: France and the Rhineland Crisis of 1936', *World Politics*, vol.8, no.3 (1956), p.315.

³⁷⁶ Beaverbrook informed Rothermere and Collin Brooks that Hailsham, Simon and Runciman all opposed implementing sanctions. See Crowson (ed.), *Brooks Journals*, 4 Oct. 1935, pp.128-9.

³⁷⁷ D. Waley, *British Public Opinion and the Abyssinian War, 1935-6* (London, 1975). Although Baldwin suggested that public opinion forced Hoare's resignation, backbench pressure was a significant, perhaps decisive, factor. See Crowson, *Facing Fascism*, pp.59-60.

³⁷⁸ HAIL 1/3/9a, Hailsham to Miss Cheatham, 20 Dec. 1935.

were imposed not to punish Italy, but to help Abyssinia in her fight; today that fight is over and there is no Abyssinia to help... There will be no negotiations for terms of peace; I do not even know with whom they could be negotiated. Mussolini has... declared that Abyssinia is Italian.³⁷⁹

Hopes that Britain could restore cordial relations with Italy were not the result of blind optimism. Four days earlier, Grandi, the Italian ambassador in London, had informed Eden that Mussolini wanted to re-affirm the 'Stresa Front'. In the weeks following Abyssinia's capitulation, the Duce made a number of conciliatory statements towards Britain suggesting, as Vansittart noted, that he was not keen to take 'the high road to Berlin'.³⁸⁰

But getting back on terms with Mussolini would not be straightforward. Hailsham was aware of this. He anticipated that 'sanctions would become an absurdity... [and] damage our trade with Italy'. He wanted to avoid making Italian 'hostility a much more bitter and permanent thing'.³⁸¹ But, fearing that if the National Government unilaterally called for the removal of sanctions, Britain would 'be accused of having destroyed collective security', he wanted to spread the responsibility for dropping them across the international community. He suggested that Eden, who was due to chair the Council of the League of Nations the following week, should state that the Italian conquest meant that 'an entirely new situation' had arisen, before inviting representatives 'to express their own views'. The Lord Chancellor hoped that sufficient members would want to drop sanctions, but he accepted that, if this was not the case, Britain would have to maintain them.³⁸² Significantly, he had accepted the futility of maintaining sanctions before Chamberlain, who is generally credited with leading

³⁷⁹ HAIL 1/3/9a, Hailsham to Eden, 8 May 1936.

³⁸⁰ Goldman, 'Vansittart's Search for Italian Co-operation', op cit. p.125.

³⁸¹ HAIL 1/3/9a, Hailsham to Eden, 8 May 1936.

³⁸² Ibid.

the cabinet's reversal.³⁸³ The Chancellor adopted this line at the end of May,³⁸⁴ and his 'blazing indiscretion' on 10 June, in which he labelled the continuation of sanctions 'the very midsummer of madness',³⁸⁵ came a month after Hailsham had informed Eden of his views.

The Lord Chancellor's thoughts again mirrored those of Vansittart. To prevent Mussolini falling into the opposing camp, both men believed that Britain should quickly come to terms with Italy. Hailsham sought to appease Mussolini not out of sympathy with Italian objectives, but in a pragmatic attempt to avoid lengthening Britain's list of potential enemies. The following month he told the cabinet that he wanted sanctions removed as soon as possible, warning of 'the grave danger of a Hitler-Mussolini *rapprochement*'.³⁸⁶ In June the cabinet decided to take the initiative at Geneva and propose abandoning sanctions.³⁸⁷ With French concurrence, they were dropped in July.

Hindsight, however, suggests this was too little too late. Britain's adhesion to sanctions went on too long to bring Mussolini back into the 'western front'. The result was the Italo-German *rapprochement* that Hailsham had feared. With the two fascist powers assisting Franco's nationalist forces during the Spanish Civil War which began in July, Italo-German relations improved.³⁸⁸ Therefore, the very course of events that Hailsham had hoped to avoid was unfolding in front of him. Although he believed that Britain's response to the Abyssinian Crisis was 'discreditable',³⁸⁹ he was aware that Hitler might exploit the situation, and he unequivocally backed attempts to avoid alienating Mussolini.

While the National Government observed the Italian absorption of Abyssinia, the German army reoccupied the Rhineland in March 1936. Although Lord Lothian famously

³⁸³ Marder, 'Royal Navy and the Ethiopian Crisis', p.1354.

³⁸⁴ CAB 23/84, 27; 29 May 1936.

³⁸⁵ Self, *Neville Chamberlain*, p.250; *The Times*, 11 June 1936.

³⁸⁶ CAB 23/84, 29 May 1936.

³⁸⁷ *Ibid.*, 17 June 1936.

³⁸⁸ Goldman, 'Vansittart's Search for Italian Co-operation', pp.128-9.

³⁸⁹ Hailsham to Hankey, Christmas 1935, cited S. Roskill, *Hankey* vol.3, p.190.

claimed that ‘the Germans are only going into their back garden’, the action violated the Versailles Treaty and the Locarno Treaty which Germany had freely accepted. German troops moved westwards by around one hundred miles and it became difficult to envisage how France could fulfil obligations to Central and Eastern Europe. What’s more, a German attack on France and the Low Countries was now feasible.³⁹⁰

Although Hailsham had wanted to maintain the demilitarised zone, he knew that Britain was in no position to resist what Hitler had done. He joined a sub-committee of leading ministers who monitored the Rhineland situation. In what was the forerunner to the cabinet’s Foreign Policy Committee, he told his colleagues that he ‘wanted the French to be informed that Britain would only mobilize the Royal Navy and send to France what aircraft it could spare in the event of a German attack on France’.³⁹¹ This reaction appears timid, but he had not changed his mind about the nature of the problem, seeing Hitler’s coup as ‘a typical instance of German mentality’. He ‘wonder[ed] what is the point negotiating a treaty with a nation which... will tear it up when it is inconvenient; the 1914 “scrap of paper” attitude seems singularly apposite today’.³⁹² His mistrust of the German government remained clear:

Hitler’s actions... only show once more that Germany regards a treaty as a scrap of paper to be torn up when it ceases to suit her purpose; and the arguments by which she justifies her action seem actually to proclaim that the sovereign right of every nation to disregard its promises when it finds them inconvenient is an essential element of international relations. No wonder the French are frightened.³⁹³

³⁹⁰ Parker, ‘First Capitulation’, p.314.

³⁹¹ *DBFP*, 2nd Series, vol.16, no.102, ministerial meeting, 30 March 1936.

³⁹² HAIL 1/3/9b, Hailsham to Neil Hogg, 10 March 1936. The belief that France could easily have defeated Germany and facilitated Hitler’s demise is debatable. One historian claims that by 1936, the ‘chance to “stop” Hitler was already lost’. Schuker, ‘France and the Remilitarization’, p.338.

³⁹³ HAIL 1/3/9b, Hailsham to Mrs John Hall, 14 April 1936.

Hailsham was unimpressed when Londonderry, naively thinking he could improve Anglo-German relations, entertained von Ribbentrop at Mount Stewart in May 1936, three months before the latter became Germany's Ambassador in London. Hailsham had regarded Londonderry's earlier support for Germany's equality in arms as 'a complete surrender to German policy' and he remained convinced that Britain could not come to terms with Germany.³⁹⁴ He informed his former colleague that he was

quite sure that the Germans won't be satisfied till they have hegemony in the old world... I dislike them because I honestly believe that peace is the predominant interest of this country and the Germans are the main... obstacles to its achievement.³⁹⁵

In response to the ever-threatening international situation, the National Government produced a fresh Defence white paper in March 1936. Hailsham's earlier advocacy of accelerated rearmament had now been justified by events. He wound up the debate on the government's plans in the Lords. These foresaw the creation of a Ministry for the Co-ordination of Defence and an expansion in the service budgets. He described the Opposition's hostility as 'a policy of utter despair'. Their approach, Hailsham claimed, was

to say that this country declares that it is unwilling to take any steps to defend itself, and that it refuses to make any attempt to create a combination of nations strong enough to support peace and to deter the aggressor.³⁹⁶

With the League's credibility undermined after Italy's conquest of Abyssinia, his message was subtly different from six months earlier. While Hailsham continued to believe that the Covenant was an 'ideal at which we must continue to aim', he now felt that the best way to

³⁹⁴ Londonderry Papers, D3099/2/14/1, Hailsham to Londonderry, 22 Nov. 1934; Baldwin Papers, vol.234, Hailsham to Baldwin, 22 Nov. 1934.

³⁹⁵ D3099/2/17/75a, Hailsham to Londonderry, 8 June 1936.

³⁹⁶ H of L Debs, vol.100, col.220.

maintain peace was through the co-operation of ‘this great League of Nations, which we know as the British Empire’.³⁹⁷ As he told a Chinese correspondent, ‘a strong England is... the strongest guarantee of peace in the world’.³⁹⁸

The outbreak of the Spanish Civil War reinforced Hailsham’s conviction that Britain must not be dragged into a wider conflict for which she was still unprepared. He supported the government’s policy of non-intervention and was desperate not to offend Italy, hoping that power could still become a useful ally – despite the decreasing chances of such a development. The government’s ‘main preoccupation’, he understood, was preventing the conflict ‘from spreading into a general European war, which certainly seemed not unlikely when Russian and French communists were joining on one side and when the Italians and Germans were joining on the other’.³⁹⁹ Like many Conservatives, he had little sympathy for the Spanish ‘popular front’ government, concluding that ‘Spain ought to have a government neither Fascist nor Communist’ but, as things stood, he doubted whether that power would ‘get any government at all’.⁴⁰⁰

Although he followed the government’s line of strict neutrality in public, his long-standing revulsion towards communism meant that he saw a Franco-led nationalist government as the lesser of two evils. His ‘own sympathies’, he noted, were ‘very strongly against the communist gangsters’.⁴⁰¹ Hailsham did not regard the conflict as a fight between the elected Spanish government and fascism, but as part of a wider struggle against Bolshevism. This widely-held perception was understandable. The Spanish Ambassador had warned Eden that ‘if the government wins in Spain, they will be superseded by the

³⁹⁷ Ibid., cols 224-25.

³⁹⁸ HAIL 1/3/11a, Hailsham to Marshall Chang Shiao Liang, 9 Dec. 1936.

³⁹⁹ HAIL 1/4/51, Hailsham to Marques Del Moral, 21 Jan. 1937.

⁴⁰⁰ HAIL 1/3/11b, Hailsham to Frank Robinson, 26 Jan. 1937. For the response of the Conservative Party see Crowson, *Facing Fascism*, pp.77-80.

⁴⁰¹ Hailsham to Del Moral, 21 Jan. 1937.

communists to whom they have issued arms'.⁴⁰² Recognising that a Bolshevik world revolution required the destruction of the British Empire, Hailsham concluded that it was 'tragic' that 'our left wingers are clamouring for the removal of non-intervention and attacking the Italians for supplying war material, while the French and Russians are both sinning infinitely more than Franco's supporters'.⁴⁰³

For all that, Hailsham was no fascist sympathiser. He deplored the polarised political situation on the continent:

Unhappily... the nations seem to be largely grouped into opposing camps of Bolsheviks and Fascists, each of which seems based on autocratic Government and deny what we regard as essential liberties to their citizens.⁴⁰⁴

He hoped that 'our people will never turn from our free institutions to adopt the blind tyranny or the crass materialism of any Marxist philosophy... or turn to the intolerance and suppression of Nazism'.⁴⁰⁵ The Lord Chancellor had also identified differentiations between Franco and the fascist powers that supported his case. With Franco's forces nearing triumph, Hailsham deplored

the folly of the Foreign Office in refusing to recognise Franco and in indentifying him with the dictator powers... If they hadn't taken up the attitude they did, the victory of Franco over the Reds would not have been identified with a victory of the dictator states over the democracies as I am afraid it must be now.⁴⁰⁶

⁴⁰² D. Little, 'Red Scare, 1936: Anti-Bolshevism and the Origins of British Non-Intervention in the Spanish Civil War', *Journal of Contemporary History*, vol.23, no.2 (1988), p.299.

⁴⁰³ HAIL 1/4/51, Hailsham to Del Moral, 17 May 1938.

⁴⁰⁴ Hailsham to Chang Shiao Liang, 9 Dec. 1936.

⁴⁰⁵ *The Times*, 27 Feb. 1934.

⁴⁰⁶ HAIL 1/4/27, Hailsham to Neil Hogg, 24 March 1938.

To a certain extent the distinction that Hailsham drew between Nationalist Spain and the fascist powers was reasonable. After Franco consolidated power, he never fully aligned himself with Hitler and Mussolini and Spain remained neutral in the Second World War.

While the Spanish conflict progressed, Hailsham suffered a serious stroke and was absent from government during the second half of 1936. The seriousness of his condition was not revealed publicly and *The Times* reported that he was suffering from a chill.⁴⁰⁷ His son recalled the true extent of Hailsham's illness. The latter's mind remained 'as clear as a bell' but he was 'paralysed all the way down his right hand side [and]... appallingly handicapped'.⁴⁰⁸ The Lord Chancellor had probably over-burdened himself. The sixty-four year-old had combined all the duties of a senior cabinet minister with the workload that accompanied the Woolsack.⁴⁰⁹ On the eve of his collapse, Hailsham outlined his weekly routine:

I sit judicially from 10.30-4.00; I preside on the Woolsack from 4.15 until the House rises; I have on average I suppose a dozen cabinet committees as well as the cabinet itself to attend, and I have all the administrative work of a big office.⁴¹⁰

He acknowledged that 'Life in office is not easy just now' and had even considered stepping down. 'I am tempted sometimes to... join you in retirement', he confessed to Londonderry, 'only I don't like to go as long as... [the cabinet] think I'm any use.'⁴¹¹ After his stroke, Hailsham offered Baldwin his resignation but this was turned down. He remained in office

⁴⁰⁷ *The Times*, 23 July; 13 Oct. 1936.

⁴⁰⁸ Hailsham, *Sparrow's Flight*, p.111. Viscount Maugham also recalled that Hailsham's 'mental powers remained unimpaired'. *Sunday Times*, 20 Aug.1950.

⁴⁰⁹ For his predecessor's complaints about the role see: MSS Eng.Hist e.286, Sankey Diary, 19 Oct. 1932; 8 Jan. 1933.

⁴¹⁰ HAIL 1/3/10, Hailsham to Willoughby, 1 July 1936.

⁴¹¹ Londonderry Papers, D3099/2/17/75a, Hailsham to Londonderry, 8 June 1936.

only ‘on the condition that I got the leave of the House of Lords to absent myself until the next session’.⁴¹²

During his absence, Hailsham informed the Prime Minister that he was ‘ashamed’ to leave his colleagues to carry the burden of so many difficult problems.⁴¹³ He was particularly disappointed that he could not return to deal with the Abdication Crisis. Although Hailsham felt that King George VI and Queen Elizabeth were ‘very worthy successors of King George and Queen Mary’, he could not hide his ‘very great disappointment [at]... sitting idly by when my cabinet colleagues were facing the recent crisis’.⁴¹⁴ Nonetheless, Hailsham remained in touch with his colleagues. He saw Chamberlain and Claude Schuster, the Lord Chancellor’s Permanent Secretary, and his foresight had not left his colleagues entirely unprepared.⁴¹⁵ Eighteen months earlier he had anticipated that ‘some such difficulty might arise and... had worked out for the Prime Minister the constitutional position in such an event’.⁴¹⁶ Baldwin’s statement in the Commons on the 10 December ‘tallied exactly’ with the course of action Hailsham had suggested.⁴¹⁷

The Lord Chancellor was touched by the consideration he received from his colleagues and he particularly appreciated the support of Neville Chamberlain. His wife wrote to the latter:

Douglas is so touched by your letter and I am so grateful to you for helping to reassure his mind by your understanding sympathy. It is a burning grief to him that he

⁴¹² HAIL 1/4/21, Hailsham to Halifax, 9 Dec. 1936.

⁴¹³ Baldwin Papers, vol.171, Hailsham to Baldwin, 2 Nov. 1936.

⁴¹⁴ HAIL 1/3/11b, Hailsham to His Highness Maharaj Kumar of Vizianagram, undated Dec. 1936.

⁴¹⁵ HAIL 1/4/27, Hailsham to Neil Hogg, 16 Dec. 1936.

⁴¹⁶ HAIL 1/3/11a, Hailsham to John Bishop, 17 Dec. 1936.

⁴¹⁷ *Ibid.*, Hailsham to Viscount Galway, 11 Dec. 1936.

is failing you all in these difficult times and your letter has helped so much. Neville, he is so fond of you.⁴¹⁸

This was not Chamberlain's only gesture. Hailsham was buoyed by the Chancellor's visit in October and thanked his colleague 'with all my heart for all you have done, and are doing for me'.⁴¹⁹

Hailsham returned to his duties in January 1937 and received a 'cordial welcome' from the cabinet.⁴²⁰ Before his return to the Lords, Lord Denman, former Governor General of Australia, informed him that 'I for one will be very glad to see you back in your rightful place in the House, and I've not met anyone who was not of the same opinion'.⁴²¹ It was typical of Hailsham's performance as Lord Chancellor that when he returned he prioritised his political commitments over judicial duties. He told Bennett, the former Canadian Premier, that although he had attended his first cabinet, he would not 'tackle any judicial work for some weeks to come'.⁴²²

Although Hailsham resumed his political responsibilities, it seemed probable that he would quickly retire. Oliver Harvey, Eden's Private Secretary, later suggested that he 'should have been dropped'.⁴²³ Halifax, the Leader of the Lords, also expressed concerns about the Lord Chancellor's fitness for office, but was relieved after Hailsham 'made an admirable speech' in the upper chamber 'with more of his old self in it than I had hitherto seen'.⁴²⁴ If Hailsham had desired retirement, the ideal opportunity presented itself when Neville

⁴¹⁸ Chamberlain Papers, NC 7/11/27/15, Mildred Hailsham to Chamberlain, [undated] July 1936.

⁴¹⁹ NC 7/11/29/22, Hailsham to Chamberlain, 15 Oct. 1936. See NC 7/11/29/23, Mildred to Chamberlain, 27 Aug. 1936 and NC 7/11/27/131, Mildred to Chamberlain, 28 Nov. 1936.

⁴²⁰ CAB 23/87, 13 Jan. 1937.

⁴²¹ HAIL 1/1/1, Lord Denman to Hailsham, 15 Dec. 1936.

⁴²² HAIL 1/3/11a, Hailsham to R.B. Bennett, 13 Jan. 1937.

⁴²³ J. Harvey (ed), *Harvey Dairies*, 15 Oct. 1938, pp.50-1.

⁴²⁴ Chamberlain Papers, NC 7/11/30/62, Halifax to Chamberlain, 29 April 1937.

Chamberlain succeeded Baldwin after the latter stepped down in May 1937, but the Lord Chancellor was eager to serve until the end of the parliament.

While Hailsham's recovery was never complete, he was not yet finished as a political force. He retained the Lord Chancellorship in Chamberlain's administration, participated in key cabinet committees and helped guide legislation through the Lords.⁴²⁵ But as far as the government's foreign policy was concerned, he now appeared to be an unreconstructed Chamberlainite. Despite deploring Japanese aggression in the Far East, and hoping that the Anti-Comintern Pact signed between Germany and Japan in November 1936 would not threaten Chinese independence,⁴²⁶ he acquiesced in Chamberlain's policy of resisting the imposition of sanctions against the Japanese after their latest intrusion into China precipitated the outbreak of the Sino-Japanese War in mid-1937. Hailsham agreed with the Prime Minister's assessment that sanctions would not be effective and might cause a retaliatory attack on British possessions in the Pacific. With trouble in Europe a distinct possibility, Chamberlain had told the cabinet that it was 'not safe to send the fleet to the Far East'.⁴²⁷ Hailsham continued to accept the policy of appeasement because Britain's military capacity meant that the country could not contemplate fighting simultaneous wars in two or more theatres. He became a reluctant appeaser simply because he could see no viable alternative.

At the time of Anthony Eden's resignation in February 1938, Hailsham was amongst the Prime Minister's supporters after the cabinet overrode the Foreign Secretary's wishes in its response to Roosevelt's 'Peace Initiative' and then supported Chamberlain's courtship of Italy.⁴²⁸ These two episodes demonstrated that the Foreign Secretary carried little weight

⁴²⁵ See H of L Debs, vol.105, col.471; vol.105, cols 614-27. In February 1938 he lent his support to the Evidence Bill, introduced by Maugham. Ibid, vol.107, col.801; CAB 24/274, 'Memorandum by the Lord Chancellor', 22 Oct. 1937.

⁴²⁶ HAIL 1/3/11a, Hailsham to Chang Shiao Liang, 9 Dec. 1936.

⁴²⁷ CAB 23/89, 13 Oct 1937.

⁴²⁸ Eden's resignation, an event vital to his later career, has attracted extensive attention. See *inter alia*, N. Rose, 'The Resignation of Anthony Eden', *Historical Journal*, vol.25, no.4 (1982), pp.911-931; A.R. Peters, *Anthony*

amongst his colleagues. Eden's authorised biographer describes the Lord Chancellor as one of the Foreign Secretary's 'principal opponents'.⁴²⁹ Harvey noted that Eden's cabinet supporters were 'flabby and unassertive', whilst 'his opponents', including Hailsham, were 'important and effective'.⁴³⁰

The Foreign Policy Committee considered Roosevelt's four-point plan designed to relax world tension in early 1938 while the Foreign Secretary holidayed on the French Riviera. Hailsham was intimately involved in Britain's response to the American President. He suggested that the government should endorse Roosevelt's 'aims and initiative', but point out the proposal's drawbacks and explain Britain's own plans in relation to European policy.⁴³¹ This was the basis of the telegram sent to Washington which caused Eden such concern. The committee's belief that the initiative was something of an empty gesture was probably correct. 'Cloudy formulae were no substitute for concerted action'. Even Roosevelt had made it clear that the plan would still give the United States 'the traditional policy of freedom from political involvement'.⁴³² Therefore, the significance applied to this episode by Churchill and Eden in their memoirs appears exaggerated.⁴³³ Although Chamberlain expected nothing from the Americans but 'words' and his anti-American impulses might explain his rejection of the plan,⁴³⁴ Hailsham was openly pro-American and keen to involve the United States in international security.⁴³⁵ Quite simply, he suggested turning down the plan because he believed it had no prospects for success.

Eden at the Foreign Office, 1931-1938 (Aldershot, 1986), 321-57; Dutton, *Eden*, pp.82-111. The majority opinion suggests that Eden, offended by his treatment over Roosevelt's 'Peace Initiative', seized upon minor differences over Italy to justify his resignation. There is little evidence that he opposed the appeasement of Germany before February 1938.

⁴²⁹ D.R. Thorpe, *Eden: The Life and Times of Anthony Eden First Earl of Avon* (London, 2003), p.206.

⁴³⁰ *Harvey Diaries*, 3 Nov. 1938, p.56.

⁴³¹ CAB 27/623, 'Foreign Policy Committee', 21 Jan. 1938.

⁴³² Rose, 'Resignation of Anthony Eden', pp.918-9. For the probable ineffectiveness of the initiative see Roskill, *Hankey* vol.3, pp.301-4.

⁴³³ Churchill, *Gathering Storm*, pp.196-9; Avon, *Facing the Dictators*, pp.548-64.

⁴³⁴ *NCDL* vol.4, Chamberlain to Hilda Chamberlain, 17 Dec. 1937.

⁴³⁵ CAB 27/623, 18 March 1938.

Like Churchill, whose mother was American, Hailsham shared an American connection. His first wife was from Nashville, Tennessee, and he was ‘heartily in favour of the closest collaboration between the two nations’.⁴³⁶ In 1935 he had publicly asserted that Anglo-American co-operation was a ‘solution of the problem of peace and war’. If Anglo-American solidarity could be secured, ‘no other country... would attempt to disturb the peace of the world.’⁴³⁷ In 1936 he outlined his views to an American correspondent:

[I]f only the British Empire and the United States were to collaborate it would render each of them invulnerable to the rest of the world. But I don’t think it is possible for Britain to make such a proposal since we are naturally in a position of greater liability... and it would seem as if we were asking America to... give us her protection.⁴³⁸

Hailsham had drawn a reasonable conclusion. In 1935, the first of a series of neutrality acts was forced on Roosevelt by the US Congress and American diplomacy became inherently constrained. It became ‘pointless to count on the United States involvement in any European security system, tied to the League or any other body’.⁴³⁹

Eighteen months before Roosevelt’s plan arrived, Hailsham had informed a friend: ‘If only the United States and the British Empire could have agreed that there shall be no more war, the world would be at peace, but unhappily that is an unattainable dream’.⁴⁴⁰ In September 1937 Hailsham told his younger son, Britain’s Third Secretary in the Washington Embassy, that he hoped that the outbreak of the Sino-Japanese War would ‘stir the Americans up about the Japs’.⁴⁴¹ This suggests that if Hailsham had believed that there was a

⁴³⁶ HAIL 1/3/12b, Hailsham to Mr. M. William, 20 May 1936.

⁴³⁷ *Manchester Guardian*, 2 May 1935.

⁴³⁸ Hailsham to Mr. M. William, 20 May 1936.

⁴³⁹ McKercher, ‘Our most Dangerous Enemy’, p.764.

⁴⁴⁰ HAIL 1/3/10a, Hailsham to Miss Cheatham, 20 May 1936.

⁴⁴¹ HAIL 1/3/13a, Hailsham to Neil Hogg, 28 Sept. 1937.

chance of Roosevelt's plan leading to concrete results, he would have supported it. But he calculated that it was less likely to reach a satisfactory conclusion than Britain's own negotiations. Only a month before Roosevelt's plan arrived, the Lord Chancellor wished that his son

could have persuaded the US to come in with us; that is the only thing which would bring the Japanese to their senses, but alas your American continent seems to have become even more sentimental and pacifist than these benighted islands.⁴⁴²

With Roosevelt's scheme buried, in February Eden and Chamberlain discussed the question of negotiations with the Italian government. The Foreign Secretary believed that the government should aim to improve Anglo-American relations and continue discussions with Germany, but not approach Italy for 'every instinct was against recognition of conquest of Abyssinia at this time'.⁴⁴³ Hailsham, by contrast, shared Chamberlain's conviction and adopted a line consistent with his conclusions dating back to early 1934. Convinced that Germany was the main enemy and that Britain should attempt to get Italy back on side, he believed that 'this was an opportunity that might never occur again, and not to embrace it would not only be unwise but criminal'.⁴⁴⁴ Britain's continuing military weakness and the need to secure allies dominated his thinking.

The crisis cabinet meetings of 19 and 20 February revealed the gap between the Foreign Secretary and the majority of Chamberlain's government, Hailsham included. The Lord Chancellor could not accept Eden's calls for delay before negotiations began. He felt the issue

⁴⁴² HAIL 1/4/27, Hailsham to Neil Hogg, 16 Dec. 1937.

⁴⁴³ Avon Papers, Eden Diary, AP 20/1/18, 16 Jan. 1938.

⁴⁴⁴ CAB 23/92, 19 Feb. 1938.

was solely one of time. If we rejected conversations now, negotiations might not be easier thereafter. If we were to turn [Mussolini's] proposals down now, it would be an inducement to Italy to launch into some undertaking, whatever it might be... He could not see what we had to lose by going forward... Whether [conversations] took place tomorrow or a month hence, we were equally exposed to the risk of bad faith.⁴⁴⁵

Hailsham did not want to impose pre-conditions on any Anglo-Italian talks. His belief that a meaningful long-term agreement with Germany was impossible made Anglo-Italian *rapprochement* essential. Italo-German talks were scheduled for May and Hailsham, and the majority of the cabinet, judged that the time was now ripe for conversations.

In this situation Eden moved inexorably towards resignation. Harvey recorded that 'nearly all [of Eden's colleagues] were against him, especially... the older ones, P.M., Simon, Sam Hoare, Hailsham, Swinton'.⁴⁴⁶ At the emergency cabinet meeting the following day, the Foreign Secretary refused to 'recommend to Parliament a policy with which he was not in agreement'. Eden felt that there was 'a difference of outlook on foreign affairs generally between himself and some of his colleagues'. This Hailsham questioned. He wanted to record that 'he had not been aware of any difference on the Foreign Policy Committee of a fundamental character' and appealed to Eden not to resign. The Lord Chancellor recalled an episode from the 1920s when the then Foreign Secretary, Austen Chamberlain, had opposed sending British troops to Shanghai. Ultimately, those troops were sent out, but Chamberlain had not resigned.⁴⁴⁷ In the knowledge that Austen Chamberlain had been Eden's first mentor in foreign affairs, but also aware that Eden's resignation could seriously, some thought fatally, damage the government, Hailsham concluded:

⁴⁴⁵ Ibid.

⁴⁴⁶ *Harvey Diaries*, 19 Feb. 1938, pp.94-95.

⁴⁴⁷ In mid-1927, Baldwin's second government sent 10,000 marines into China to protect British concessions from attacks by Chinese nationalists.

Austen Chamberlain was a man of scrupulous honour and fine judgement... [A] resignation might jeopardise the Italian conversations and lead to a grave weakening of the National Government, who might lose much support from people who thought that the Government had dropped the principles of the Foreign Secretary – support for the League of Nations, and so forth. It would be in the nature of a major disaster.⁴⁴⁸

Eden, however, was unmoved and tendered his resignation. Hailsham was perplexed as to why Eden had taken his objections to this extreme. ‘I can’t tell you why Anthony resigned’, he wrote to his son, ‘because I couldn’t make it out myself.’ He appeared irritated that a narrow point of disagreement had produced this outcome:

The actual difference between him and the P.M. and the bulk of the cabinet was that the P.M. wanted conversations to start with Italy immediately and that Anthony wanted to postpone them. [Eden] definitely had agreed to the conversations to start at some time as long ago as last July.⁴⁴⁹

While Eden later claimed that he had been ‘right’ not to trust Mussolini, Hailsham’s response was conditioned by his hopes that Italy would not become allied to Hitler’s Germany. He recognised that ‘recent events... made it much more difficult for us to conclude agreements with Dictators’, but for Hailsham this meant that it was ‘much more necessary for us to have an agreement with Italy and so prevent Italy from throwing herself finally and irretrievably into the hands of Germany’. While appeasing Italy was not attractive, Hailsham concluded that it was ‘necessary’ to attempt to prevent the formation of such a formidable

⁴⁴⁸ CAB 23/92, 19 Feb. 1938.

⁴⁴⁹ HAIL 1/4/27, Hailsham to Neil Hogg, 21 Feb. 1938.

combination.⁴⁵⁰ After Eden's departure he noted that 'we are busily preparing for the Anglo-Italian conversations, which I hope will be successful'.⁴⁵¹

When Halifax succeeded Eden as Foreign Secretary in February 1938, Hailsham willingly stepped into the former's non-departmental post of Lord President of the Council. He was 'installed in Whitehall with a very nice room', hoping 'the job will prove quite interesting'.⁴⁵² The press were unsurprised by his decision. The *Manchester Guardian* explained the transfer as 'the price of continual high office since 1931'.⁴⁵³ Hailsham's younger son, now Britain's Second Secretary at Lisbon, was pleased with his father's move into this less demanding post. He instructed Hailsham to 'relax', hoping that he would no longer be 'so intimately involved, and... compelled to labour at the thankless and vain task of straightening the inherently crooked'. Alluding to his father's complaints about defence preparations earlier in the decade, he noted: 'No one can devise a correct policy – there just isn't any such thing, the mischief having been done long ago in spite of your vigorous and longsighted efforts'.⁴⁵⁴ But, although Hailsham retired six months later, he did not gracefully fade away. He remained at the centre of Britain's foreign policy-making process and soon complained that 'in these strenuous days' he had 'practically no time for my private affairs'.⁴⁵⁵

Notwithstanding his catalogue of earlier warnings about German intentions, by early 1938 Hailsham gave every impression of being a fully-fledged 'appeaser'. He could find no suitable alternative to appeasement. This, however, was not because he failed to consider alternatives. As regards an alliance with Soviet Russia, a policy that Chamberlain's detractors

⁴⁵⁰ CAB 27/623, 15 March 1938.

⁴⁵¹ HAIL 1/4/27, Hailsham to Neil Hogg, 7 March 1938.

⁴⁵² *Ibid.*, 16 March 1938.

⁴⁵³ *Manchester Guardian; The Times; Telegraph*, 10 March 1938.

⁴⁵⁴ HAIL 1/4/27, Neil Hogg to Hailsham, 15 March 1938.

⁴⁵⁵ HAIL 1/4/43, Hailsham to Londonderry, 27 Sept. 1938.

suggest should have been more vigorously pursued,⁴⁵⁶ Hailsham calculated that such an arrangement would be a ‘mistake’. After his retirement, when it seemed that an Anglo-Soviet alliance might be concluded, he informed his son that ‘if there is one thing that I hate more than a Nazi Hun it is a Bolshevist Communist, so that I am well out of the government’.⁴⁵⁷ His long-standing anti-communist impulses were undoubtedly a factor in his dismissal of such an approach, but Hailsham was also convinced that the value of an alliance with Russia was uncertain. He was irritated by ‘all these left-wing people, aided by Winston, clamouring for a grand alliance against the fascist powers’.⁴⁵⁸ In 1938 he complained:

The Opposition parties are making great play with foreign policy... and I am afraid are making a lot of ground over their defiance of dictators and reliance on the League of Nations. The country doesn’t realise that it would have been plunged in to war in a week if they had had their own way.⁴⁵⁹

The Lord President ‘hate[d] being associated in any way with Bolshevik Russia’,⁴⁶⁰ and feared that, rather than acting as a deterrent, such an alliance would ‘hasten an attack’.⁴⁶¹ Although in the future, Britain and Russia would share a common foe, Hailsham, fearful of Moscow’s long-term ambition to destroy the British Empire, regarded Russia as ‘a potential menace’.⁴⁶² He even expressed doubts over a non-aggression pact as that ‘depend[ed] on Russia’s good faith’.⁴⁶³ This assessment matched that of the vast majority of Conservatives,

⁴⁵⁶ Parker, *Chamberlain and Appeasement*, pp.344-7; M.J. Carley, *1939: The Alliance that never was and the coming of World War II* (Chicago, 1999) and, more recently, L.G. Shaw, *The British Political Elite and the Soviet Union, 1937-1939* (London, 2003).

⁴⁵⁷ HAIL 1/4/27, Hailsham to Neil Hogg, 3 May 1939.

⁴⁵⁸ *Ibid.*, 10 May 1939.

⁴⁵⁹ *Ibid.*, 28 March 1938.

⁴⁶⁰ *Ibid.*, 19 April 1938.

⁴⁶¹ CAB 27/623, 18 March 1938.

⁴⁶² HAIL 1/3/11, Hailsham to R.C. Harkin, 5 July 1934.

⁴⁶³ *Ibid.*

who agreed ‘that many of the world’s troubles could be attributed to communism, and they argued that Hitler and Mussolini had come to power because of it’.⁴⁶⁴

Churchill’s readiness to use the Soviet Union to restrict the Nazi threat has been applauded, but Hailsham recognised the enormous gamble that this involved. The Nazi-Soviet Pact and the Soviet attack on Finland in 1939-40 revealed the inherent dangers and the military drawbacks of such a course. It was with this in mind that Hailsham’s elder son felt that the judgement of Chamberlain and his father was justified. In 1975, he noted that

Those who put their faith in Russia were, as subsequent events showed, completely deluded. Russia was suffering from the astonishing purges of 1937 which could be seen... to render reliance on her completely futile.⁴⁶⁵

Hailsham preferred to take his chances with Mussolini. Here subsequent events show that he misjudged the Duce’s objectives. Hailsham might have discarded the faith he had in Italy following the Italo-Abyssinian War or after Austrian *Anschluss* seemingly removed the barrier to Italo-German *rapprochement*. But, his failure to appreciate Italian duplicity, his understanding that it was impossible to come to terms with Germany and his determination to reduce the list of Britain’s potential enemies, meant that he supported the appeasement of Italy to the last. When ratification of the Anglo-Italian Agreement of April 1938 was brought forward to reward Mussolini for his apparently constructive role in the Munich Agreement, the Lord President even asked Chamberlain ‘to hold back my resignation until I had the pleasure of sharing responsibility for that decision’.⁴⁶⁶ Hailsham, like many Conservatives,

⁴⁶⁴ Crowson, *Facing Fascism*, p.116.

⁴⁶⁵ The 2nd Viscount pointed to another flaw in the ‘Grand Alliance’: ‘Churchill, unlike my father and Chamberlain, wholly miscalculated the military power of France under the Third Republic’. Hailsham, *Door Wherein*, p.116. For the drawbacks of the ‘Grand Alliance’ see Charmley, *Chamberlain and the Lost Peace*, pp.64-9, and, more recently, Stedman, *Alternatives to Appeasement*, pp.119-160 and J. Charmley, ‘Neville Chamberlain and the Consequences of the Churchillian Hegemony’, in F. McDonough (ed.), *Origins of the Second World War* (London, 2011), pp.176-7.

⁴⁶⁶ HAIL 1/4/1, Hailsham to the Duke of Alba, 31 Oct. 1938.

drew a clear distinction between appeasing Italy and Germany.⁴⁶⁷ Although Italy eventually entered the Second World War against Britain, Hailsham's desire to pacify the apparently more rational and reasonable European dictator is understandable and was his imperfect solution to a perhaps intractable problem.

The lack of feasible policy options was readily apparent in Hailsham's attitude towards the *Anschluss* in March 1938. He was, of course, previously hostile to Austro-German union, maintaining that the relative 'destruction of Austria was one of the big mistakes of the peace treaty'. In early 1934 he feared that 'if we don't do something it looks very much as if Austria will be swallowed by one or both of her big neighbours, and that would be the worst thing of all'.⁴⁶⁸ But, although *Anschluss* was prohibited under the Treaty of Versailles, and although Germany had pledged not to use war to solve international disputes under the Kellogg Pact, less than a week before Austria was absorbed into Hitler's Reich, Hailsham was 'impressed by Herr Hitler's threats to use force to vindicate the rights of Germans in Austria and Czecho-Slovakia'. In the cabinet he readily supported Halifax's line that existing difficulties should be settled 'by peaceful agreements [and] by peaceful means'.⁴⁶⁹ While this was less than heroic, appeasing a potential enemy without threatening Britain's interests was in line with traditional policy and Hailsham was not alone in his conversion to appeasement.⁴⁷⁰ Even Vansittart accepted that the *Anschluss* was not a reason to declare war on Germany.⁴⁷¹ But Hailsham was never a natural appeaser. He was not convinced that appeasement would remove tensions as his sustained, but ultimately unsuccessful, opposition to concessions to Southern Ireland had already revealed.⁴⁷²

⁴⁶⁷ Crowson, *Facing Fascism*, p.112.

⁴⁶⁸ HAIL 1/3/2, Hailsham to the Marchioness of Londonderry, 26 Feb. 1934.

⁴⁶⁹ CAB 23/92, 9 March 1938.

⁴⁷⁰ McKercher, 'Our most Dangerous Enemy', p.753 and P.M. Kennedy, 'The Tradition of Appeasement in British Foreign Policy, 1885-1939', *British Journal of International Studies*, vol.2 (1976), pp.195-215.

⁴⁷¹ See: Dilks (ed.), *Cadogan Diaries*, 11 March 1938, p.60.

⁴⁷² For more details, see Part II, 'Hailsham's Irish Question 1932-38'.

That Hailsham was ready to make a stand on the Irish issue, yet acquiesce in other acts of appeasement is readily explained. The threats posed by Nazi Germany and Eire were not comparable and Britain could safely stand up to the latter. While Hailsham judged it inopportune to precipitate a European war against Germany, his approach to the idea of returning Germany's former colonies again advertised his 'anti-appeaser' credentials. He 'did not think that Germany had any intention of making a settlement... which we could contemplate'.⁴⁷³ He hinted that he would resign if such an agreement was crafted for he 'would never be a party to any agreement to this end'.⁴⁷⁴ Showing awareness of Nazi methods, he concluded that 'any such policy would make war all the more certain as Germany would take these territories and then proceed to make more and more extensive demands'.⁴⁷⁵ His stubbornness on the colonial issue revealed that, when circumstances permitted, Hailsham would resist what he believed was futile surrender. He acquiesced in appeasement only when he felt that it was necessary. Britain had to accept much at the hands of Hitler which Hailsham found distasteful, but his gut instinct to resist meant that there was a point beyond which he could not go.

Hailsham's Last Hurrah

The German-Austrian *Anschluss* obliged the government to consider the future of the German-speaking population of Czechoslovakia in March 1938. With Austria now in German hands, an undefended frontier opened up along the south-west border of Czechoslovakia. As Austen Chamberlain had warned in 1936, 'if Austria goes, Czecho-Slovakia is indefensible'.⁴⁷⁶ Halifax recommended that Britain should 'induce the government of Czechoslovakia [to produce] a direct settlement with the Sudeten-Deutsch... [and] persuade

⁴⁷³ CAB 27/622, 10 May 1937.

⁴⁷⁴ HAIL 1/3/11, Hailsham to R.C. Harkin, 5 July 1938.

⁴⁷⁵ CAB 27/622, 18 March 1937.

⁴⁷⁶ H. Montgomery Hyde, *Neville Chamberlain* (London, 1976), p.112.

the French to use their influence to obtain such a settlement'. The COS concluded that Britain and its possible allies could not prevent the defeat of Czechoslovakia,⁴⁷⁷ and with Hungarians, Rumanians and Poles also voicing claims to self-determination, Czechoslovakia was regarded as an artificial state whose frontiers required amendment.

During the early stages of the Czech Crisis there were few signs that Hailsham would dissent from Halifax's line. He argued that 'we could not... afford to see France over-run', but with an eye to Britain's – arguably disastrous – policy of 1914, he timorously suggested that Britain should refuse to offer France a firm commitment to 'keep France and Germany guessing'. This, he hoped, would restrain both powers.⁴⁷⁸ Hailsham raised no objections when Chamberlain sent the former cabinet minister, Lord Runciman, to act as a mediator between the Sudeten Germans and the Czech government in the hope of resolving Czech-German tensions peacefully.⁴⁷⁹ But, with negotiations deadlocked, the Prime Minister recalled his colleagues from their summer vacations. When the cabinet gathered on 30 August, Hailsham was on a Mediterranean cruise and was among three absentees. It was, thought Inskip, the Minister for the Co-ordination of Defence, no great loss as Hailsham was now 'no more than a passenger'.⁴⁸⁰ Events would prove otherwise.

On his return on 13 September, Hailsham met Chamberlain at Downing Street, presumably to be up-dated on developments in Central Europe and to learn of the Prime Minister's ideas for a personal solution to the Czech crisis.⁴⁸¹ The following day, Chamberlain told the cabinet that he had invited himself to Germany to meet the Führer to thrash out a workable solution. This initiative was enthusiastically welcomed. Hailsham endorsed the Prime Minister's policy 'wholeheartedly'. His only reservations related to

⁴⁷⁷ CAB 23/93, 22 March 1938.

⁴⁷⁸ CAB 27/623, 18 March 1938.

⁴⁷⁹ CAB 23/94, 2 Aug. 1938.

⁴⁸⁰ Inskip Diary, 26 Aug. 1938, cited in Heuston, *Lord Chancellors*, p.590.

⁴⁸¹ *The Times*, 14 Sept. 1938.

Chamberlain's willingness to accept a plebiscite to resolve the minorities question and to offer the reconstituted Czechoslovakia a British guarantee. His caution derived from recognition that Britain could not fulfil this obligation and that plebiscites might initiate Czechoslovakia's disintegration.⁴⁸²

With Chamberlain's proposal accepted by Hitler, Hailsham joined fellow members of the cabinet in seeing the Prime Minister off from Heston Airport on the morning of 15 September. Two days later, in the cabinet after Chamberlain's return from Berchtesgaden, Hailsham accepted the terms that the Prime Minister and Hitler had agreed. These amounted to conceding the Sudeten Germans' transfer to the Reich. Although, as Cadogan later noted, 'we moved (or were pushed) from "autonomy" to cession',⁴⁸³ Hailsham's attitude was indistinguishable from Chamberlain's. He urged the cabinet to 'endorse the attitude which the Prime Minister has taken in his negotiations with Herr Hitler'.⁴⁸⁴ When the cabinet reconvened after lunch, Hailsham was amongst those who defended the Prime Minister. To the claim of Duff Cooper, the First Lord of the Admiralty, that it was in Britain's interest to prevent one power dominating Europe, Hailsham, with chilling realism, insisted that this 'had come to pass' as Germany already dominated the continent. The government, he claimed, 'had no alternative but to submit to... humiliation'. Hailsham felt this surrender was debasing, but he fell back on Britain's inability to meet a multitude of global challenges. 'The position of the Empire', he argued, 'had to be considered. The Congress Party in India might take advantage of the position; there might be an Arab revolt in Asia and armed neutrality, if not war, on the part of Japan.'⁴⁸⁵

⁴⁸² CAB 23/95, 14 Sept. 1938.

⁴⁸³ *Cadogan Diaries*, 24 Sept. 1938, p.103.

⁴⁸⁴ CAB 23/95, 17 Sept. 1938 (morning).

⁴⁸⁵ *Ibid.*, 17 Sept.1938 (afternoon).

The Lord President's attitude at this stage, judged Cooper, was that of a 'coward'.⁴⁸⁶ Nevertheless, Chamberlain's proposals were accepted by the cabinet and by the French and Czechoslovak governments.⁴⁸⁷ It appeared that a peaceful solution to the Sudeten problem had been forged and that Hailsham was prepared to cajole the Czechs into making major concessions to avoid war with Germany. He even put aside his reservations about a British guarantee of the rump of Czechoslovakia. He 'regretted that this step had been forced on us' as it 'would be impossible to carry out, and might make a wedge between us and the Dominions'. But he accepted that a guarantee was an essential part of the agreement.⁴⁸⁸

Chamberlain flew back to Germany on 22 September to meet Hitler at Godesberg, with the authorisation of the British, French and Czechoslovak governments to relinquish the Sudetenland to the Reich. He expected to finalise the details of a peaceful transfer of territory. Up to this point, Hailsham had actively supported Chamberlain's appeasement policy, even though their motivations were subtly different. But, at Godesberg, Hitler upped his demands, insisting that German forces should occupy the German districts of the Sudetenland immediately. '[N]o delay was possible [and] a settlement must be reached within a few days either by agreement or force.'⁴⁸⁹ This was not the orderly transfer for which Chamberlain or his colleagues had hoped. Nevertheless, he recommended to the cabinet on 24 September that Britain should accept Hitler's new terms and compel the French and Czechs to do the same. The principle of cession had already been agreed and the remaining issue, however painful, was presented as one of timing. The discussion was adjourned until the following day.

⁴⁸⁶ Norwich (ed.), *Duff Cooper Diaries*, 19 Sept. 1938, p.261.

⁴⁸⁷ CAB 23/95, 21 Sept. 1938.

⁴⁸⁸ *Ibid.*, 19 Sept. 1938.

⁴⁸⁹ *DBFP*, 3rd Series, vol.2, no.1003 (London, 1949).

This episode shows that Hailsham was not always the ‘loyal supporter of Chamberlain’ that Heuston claimed.⁴⁹⁰ The Berchtesgaden terms bordered on the limit of surrender in which Hailsham could acquiesce. While Chamberlain was still at Godesberg, the Lord President attended a meeting of ministers who were concerned about the direction that the negotiations with Hitler might take.⁴⁹¹ The feelings of the group were conveyed by telephone to the Prime Minister by Lord Halifax:

the great mass of public opinion seems to be hardening in sense of feeling that we have gone to limit of concession and that it is up to the Chancellor to make some contribution... [Y]ou should not leave without making it plain... [that] for him to reject opportunity of peaceful solution in favour of one that must involve war would be an unpardonable crime against humanity.⁴⁹²

Hitler’s new demands had transformed Hailsham’s position. After Chamberlain had presented the new Godesberg terms, Hailsham knew that he would have to break ranks. As Duff Cooper recorded:

It was pouring with rain when we came out from the cabinet and Hailsham gave me a lift as far as the Admiralty. I said that I didn’t think we could ever get the Prime Minister’s policy through the House of Commons. To my surprise he said at once, “Of course you can’t”, and went on to tell me of the strength of feeling at Oxford, where his son was standing as a parliamentary candidate.⁴⁹³

For Hailsham, Hitler’s demands had crossed the line. The Germans, Hailsham informed Londonderry, ‘could have got everything they legitimately wanted from

⁴⁹⁰ Heuston, *Lord Chancellors*, p.490.

⁴⁹¹ Gilbert and Gott, *Appeasers*, p.158. The ministers included Halifax, Simon, Cooper, Walter Elliot, Kingsly Wood, Oliver Stanley and Hailsham.

⁴⁹² *DBFP*, 3rd Series, vol.2, no.1058, Halifax to Chamberlain, 23 Sept. 1938.

⁴⁹³ Cooper, *Old Men Forget*, p.226.

Berchtesgaden'. The 'method of force instead of reason' embodied in the Godesberg terms, however, was 'absolutely inadmissible for the future of democracy and civilisation'.⁴⁹⁴ With the Lord President opposed to further surrender to Nazi demands, the stage was set for the crucial cabinet meeting on 25 September. 'Pray God there will be a revolt', penned Sir Alexander Cadogan, Vansittart's successor at the Foreign Office.⁴⁹⁵ The Permanent Under-Secretary's appeal was answered. Chamberlain pressed for the acceptance of the new terms, but suffered a rare reversal.

Credit for the cabinet's readiness to stand up to Chamberlain on 25 September has usually been accorded to the Foreign Secretary.⁴⁹⁶ Halifax, 'by opposing Chamberlain in cabinet over the Godesberg terms, took Europe to the brink of war'.⁴⁹⁷ When the cabinet first discussed Hitler's terms on 24 September, however, he had been ready to accept them, 'quite happily *défaitiste-pacifist*'.⁴⁹⁸ The background to his conversion to a line of resistance has been untangled by Peter Neville – though this was revealed with publication of the diaries of Alexander Cadogan, almost 30 years earlier.⁴⁹⁹ On the evening of 24 September, Cadogan drove Halifax home, 'gave him a bit of my mind' and at the following morning's cabinet, the Foreign Secretary 'plumped for refusal of Hitler's terms'. As Halifax explained to his somewhat bemused official, 'Alec, I'm very angry with you. You gave me a sleepless night. I woke at 1 and never got to sleep again. But I came to the conclusion that you were right.'⁵⁰⁰

Notwithstanding the prompting received from Cadogan, Halifax's position was not entirely clear on 25 September. He told the cabinet that he 'had found his opinion changing

⁴⁹⁴ HAIL 1/4/43, Hailsham to Londonderry, 27 Sept. 1938.

⁴⁹⁵ *Cadogan Diaries*, 24 Sept. 1938, p.103.

⁴⁹⁶ Roberts, *Holy Fox*, pp.115-116.

⁴⁹⁷ P. Williamson, 'Christian Conservatives and the Totalitarian Challenge, 1933-40', *English Historical Review*, vol.115, no.462 (2000), p.635.

⁴⁹⁸ *Cadogan Diaries*, 24 Sept. 1938, p.103.

⁴⁹⁹ P. Neville, 'Alexander Cadogan and Lord Halifax's "Damascus Road" Conversion over the Godesberg Terms 1938', *Diplomacy & Statecraft*, vol.11, no.3 (2000), pp.81-90.

⁵⁰⁰ *Cadogan Diaries*, 25 Sept. 1938, p.105.

somewhat in the last day or so, and even now he was *not too certain* of his view'. The previous evening he had judged that Hitler's new scheme 'did not involve a new acceptance of principle'. He was '*not quite sure*, however, that he still held that view'. Halifax 'did *not* put this forward as a final conclusion, but his reflections through the night had *provisionally* led him to the conclusion that the present proposals involved a difference in principle'. The Foreign Secretary pointed '*tentatively* to the conclusion that it would be very difficult to put any pressure on Czechoslovakia'.⁵⁰¹ This intervention fell some way short of the act of 'political bravery and self-confidence' portrayed by Halifax's biographer.⁵⁰² While Chamberlain described Halifax's uncertainty as 'a horrible blow', it is unlikely that his words alone shifted the balance of the cabinet.⁵⁰³ Cadogan also noted a wider circle beyond the Foreign Secretary: 'Seems [the] cabinet anyhow wouldn't allow P.M. to make any further concessions'.⁵⁰⁴

The forces of opposition had secured a second 'unexpected ally'.⁵⁰⁵ Chamberlain's policy was suddenly questioned by Hailsham, his longest-serving cabinet colleague and, until this moment, steadfast supporter of the government's appeasement policy. Yet 'little attention has been paid to Hailsham's criticism of appeasement at the fateful cabinet meeting'.⁵⁰⁶ Unlike Halifax's contribution, Hailsham challenged Chamberlain's policy in no uncertain terms and buttressed his arguments with evidence calculated to undermine the Prime Minister's judgement. Without what has been described as his 'devastating indictment',⁵⁰⁷ it is open to question whether those in favour of rejecting Hitler's terms would have deflected Chamberlain from his course. Granted the 'provisional' and 'tentative' character of Halifax's remarks, he might have swallowed his misgivings if opinion inside the cabinet had been

⁵⁰¹ CAB 23/95, 25 Sept. 1938. Emphasis added.

⁵⁰² Roberts, *Holy Fox*, p.116.

⁵⁰³ Charmley, 'Chamberlain and the Consequences', p.181.

⁵⁰⁴ *Cadogan Diaries*, p.105.

⁵⁰⁵ *Cooper Diaries*, p.265.

⁵⁰⁶ Neville, 'Halifax's "Damascus Road" Conversion', p.87.

⁵⁰⁷ Lamb, *Drift to War*, p.253.

unfavourable to resisting Hitler's demands. Unlike the Foreign Secretary, Hailsham's mind was made up and he arrived fully prepared to state his case, having brought a newspaper article to remind him of the key points of his intervention.⁵⁰⁸

Immediately after Halifax's statement, Hailsham began his attack, making almost his last cabinet intervention. Consistent with his warnings earlier in the decade, his case was based upon the bad faith of German leaders and their insatiable militaristic appetite. While Chamberlain believed that Hitler was speaking the truth when he said that his ambitions were limited to 'racial unity and not the domination of Europe', Hailsham stated bluntly that 'he could not trust Herr Hitler'. He then listed successive statements by Nazi leaders that denied 'territorial claims in Europe'. In May 1935, Hitler had claimed that his government would 'respect unconditionally... the territorial provisions' of Europe, and that revisions would only occur through 'peaceful understandings'. The Lord President then turned to Hitler's announcement during the reoccupation of the Rhineland: 'We have no territorial demands to make in Europe... [W]e hope that human wisdom will... remove causes of tension by way of gradual evolutionary development in peaceful collaboration.' As Hitler threatened the use of force following the mobilisation of the German army, Hailsham had exposed Hitler as a liar. He pointed to two statements made after the *Anschluss*. Göring had told the Czech ambassador in Berlin that Germany had no hostile intentions towards Czechoslovakia. 'I give you my word of honour... and I can add that we wish only for better relations.' Baron von Neurath, whose belligerent remarks Hailsham had highlighted in 1933, gave the ambassador the same story: 'Germany had no hostile intentions towards Czechoslovakia'. After this catalogue of broken promises, Hailsham concluded his denunciation of Chamberlain's policy:

These undertakings had not been adhered to. He did not feel that we could trust Herr Hitler's declarations in future. The Germans differed from us in that to us a promise

⁵⁰⁸ *Cooper Diaries*, 25 Sept. 1938, p.265.

was a binding obligation, whereas to them it was a statement of intention. He thought the right thing to do was to put the facts to the Czechoslovak Government, and if that Government rejected the German demands and France came to Czechoslovakia's assistance, we should come to the help of France. No pressure... should be put upon Czechoslovakia to accept.⁵⁰⁹

Through contradicting Chamberlain's assessment of Hitler's intentions, he undermined the case for surrendering to his demands. This was a compelling argument, delivered by an able advocate in a decisive tone. Despite Hailsham's previous support for Chamberlain's policy, his anti-German and 'anti-appeasement' tendencies suggested that such a stand was always possible. Once Hailsham had challenged the Prime Minister, a succession of younger ministers voiced their misgivings. If Chamberlain had insisted upon accepting the Godesberg terms, it seemed that up to six members of the government would have resigned.⁵¹⁰ With this level of opposition, the Prime Minister could not force through his policy. Hailsham was amongst the group of dissidents who tipped the balance against Chamberlain. Even if Halifax's intervention had been decisive, Hailsham's contribution is worthy of note.

The revolt had important implications. On the morning of 27 September, Horace Wilson, Chamberlain's personal envoy, told Hitler that if the French became engaged in hostilities against Germany after fulfilling obligations to Czechoslovakia, 'Britain would feel obliged to support them'. The next day the cabinet agreed that Chamberlain should deliver the same message to the Commons.⁵¹¹ The revolt also revealed important truths about Chamberlain's administration. The Prime Minister was no dictator. He could not force through his own will against his colleagues' wishes.⁵¹² Chamberlain's setback marked a

⁵⁰⁹ CAB 23/95, 25 Sept. 1938.

⁵¹⁰ W.R. Rock, *British Appeasement in the 1930s* (London, 1977), p.81.

⁵¹¹ CAB 23/95, 28 Sept.1938.

⁵¹² Templewood, *Troubled Years*, p.375.

decisive shift in the balance of power within his government. The Foreign Office soon achieved an ascendancy it had not enjoyed since the formation of the National Government, with the accompanying supremacy of the Exchequer. This did lead to a significant change in policy direction as Halifax could now confidently challenge Chamberlain's line.⁵¹³ The Foreign Secretary soon 'succeeded in building a new consensus for resistance'.⁵¹⁴ Consequently, by March 1939, one prominent critic of Chamberlain's foreign policy who had resigned office with Eden, conceded that the government was 'now doing what we would wish'.⁵¹⁵

Following the rejection of the Godesberg terms it seemed, albeit briefly, that Britain would go to war because of 'a quarrel in a far-away country between people of whom we know nothing'. In the event, Hitler, prompted by Mussolini, agreed to meet Chamberlain for a third time and Hailsham hoped that 'Neville will bring back peace from Munich and I hope it will be peace with honour'.⁵¹⁶ The Munich Settlement was signed and postponed war for eleven months. The new terms negotiated on 29 September, in which Hailsham acquiesced, were not greatly different from the Godesberg proposals which he had vehemently opposed. Yet the agreement did maintain a limited measure of British credit. The German occupation of the Sudetenland was delayed by ten days and the German-controlled plebiscite of disputed areas was replaced by an international commission. Hailsham, in very different terms from those voiced by Chamberlain, reverted to justifying appeasement because of Britain's inability to resist German aggression:

I am still sceptical about Hitler's good intentions. My defence of the government policy would be not faith in Hitler so much as distrust in our allies and of our

⁵¹³ Cowling, *Impact of Hitler*, pp.278-80.

⁵¹⁴ Roberts, *Holy Fox*, p.301.

⁵¹⁵ Avon Papers, AP 14/2/22D, Viscount Cranborne to Eden, 22 March 1939.

⁵¹⁶ HAIL 1/4/27, Hailsham to Neil Hogg, 29 Sept. 1938.

preparedness to meet his attack, coupled with the consciousness that nothing we could have done would have availed Czechoslovakia. It would have brought more disaster upon that unfortunate country.⁵¹⁷

There was no triumphalism. The rapid change in British public opinion about the ‘achievement’ of Munich did not surprise Hailsham. As he wrote in early December:

I always told my colleagues after Munich that the country would be profoundly grateful for peace but very anxious to find a scapegoat for what they would regard as humiliating terms; and unfortunately it seems that I am right.⁵¹⁸

By the time of the Munich Settlement Hailsham had only a month left as a member of Chamberlain’s administration and his retirement coincided with his elder son’s entry into politics. Although Hailsham had been ‘rather anxious to keep Quintin back from the H of C until he had established himself at the Bar’, after suffering a stroke he was not optimistic about his own longevity and concluded that ‘it was time now that [Quintin] started in the Commons... before the inevitable happened’.⁵¹⁹ Hailsham wanted his son to gain some political experience granted that his acceptance of a peerage in 1928 had doomed his son to the House of Lords. The death of the Conservative MP for Oxford City in August 1938 presented Quintin with the opportunity to secure a Commons seat. Hailsham felt that his son had ‘an excellent chance of being adopted, and... a fine chance of becoming an M.P.’ But this was, of course, ‘all dependent on the incalculable whims of Herr Hitler and his Sudeten Germans’.⁵²⁰

The by-election held on 27 October was dominated by the Munich Agreement and amounted to a referendum on Chamberlain’s foreign policy. Although Oxford was normally a

⁵¹⁷ Ibid., 6 Oct. 1938.

⁵¹⁸ Ibid., 8 Dec. 1938.

⁵¹⁹ HAIL 1/4/20, Hailsham to R.L. Hunter, 17 Nov. 1938.

⁵²⁰ HAIL 1/4/27, Hailsham to Neil Hogg, 14 Sept. 1938.

safe Conservative seat, once the Liberal and Labour candidates withdrew in favour of a single Independent Progressive, A.D. Lindsay, the Master of Balliol, Hogg's return was far from inevitable. Lindsay stood explicitly against the Munich terms, claiming that 'A vote for Hogg is a vote for Hitler'.⁵²¹ The straight contest, Hailsham told his son, meant 'a much stiffer fight for you, because Lindsay is a very formidable opponent, and naturally would rally some dissident Conservative opinion'.⁵²²

In the event, Hogg was returned with a reduced majority of nearly 3,500. The Prime Minister 'look[ed] forward with special pleasure to your entry into the House of Commons, as the son of my old friend and present colleague who has rendered such long and valuable service to his country'.⁵²³ During the campaign, Hailsham spoke in support of his son but it was striking that he made no real attempt to defend the Munich Agreement. He acknowledged that the electors of Oxford 'were the first to have the chance to express their view on ... Mr. Chamberlain's conduct of our policy in the crisis', but limited his remarks to an endorsement of his son's readiness to become an MP.⁵²⁴

Once the by-election was over, it was revealed that Hailsham had already offered Chamberlain his resignation. This had been accepted a week earlier, but an announcement was delayed at Quintin's request pending the result of the Oxford contest. His resignation letter stressed that he stepped down, not because of 'any difference of opinion', but to enable the Prime Minister to reinforce his cabinet.⁵²⁵ While this was true, Hailsham's departure was not voluntary. Chamberlain had requested his resignation. As he wrote to his oldest colleague:

⁵²¹ *The Times*, 25 Oct. 1938.

⁵²² HAIL 1/4/26, Hailsham to Quintin Hogg, 17 Oct. 1938.

⁵²³ *The Times*, 18 Oct. 1938.

⁵²⁴ *Ibid.*, 14 Oct. 1938.

⁵²⁵ HAIL 1/4/13, Hailsham to Chamberlain, 23 Oct. 1938.

I have been wrestling during the last few days with the problems arising out of the necessity for making various changes in the cabinet. There are only two places vacant but I have been very conscious... that some additional strength is required... I turned to Walter Runciman whose personal reputation has been greatly enhanced by his work at Prague and whose assistance in the cabinet would undoubtedly be of the greatest value... but he tells me that he does not feel equal to the strain of departmental administration.

The Prime Minister suggested that Hailsham should vacate his sinecure office to allow Runciman to re-join the cabinet. Although 'the idea of parting is hateful', Chamberlain requested 'a last service to an old friend by making way for Walter'.⁵²⁶ Hailsham duly tendered his resignation, but was keen to stress that it was not for reasons of failing health.⁵²⁷ The Prime Minister's attempt to create a broader base of support for his administration resulted in an insignificant reshuffle. With Hailsham becoming an increasingly difficult colleague after his determined opposition to the Anglo-Irish Agreement, it is possible that Chamberlain was keen to dispense with his services following his criticism of the Prime Minister's foreign policy in September.

Hailsham's retirement from politics was almost total. But his disapproval of unnecessary acts of appeasement led him to contemplate fronting a national campaign to stop Britain handing Tanganyika, the former German East-African colony, back to Germany in late 1938. While the government still seemed willing to discuss areas of dispute with Hitler, Hailsham, convinced of Germany's bad faith, thought that negotiations could only lead to futile surrender. 'I could not', he told Londonderry, 'contemplate surrendering any non-

⁵²⁶ Chamberlain Papers, NC 7/11/31/119, Chamberlain to Hailsham, 21 Oct. 1938.

⁵²⁷ HAIL 1/4/26, Hailsham to Herbert Creedy, 26 Oct. 1938.

Germanic peoples to Nazi rule.’⁵²⁸ He concluded that appeasing Hitler was useless as the Führer’s incessant appetite could not be satisfied. So determined was Hailsham that he planned to travel to Tanganyika and ‘spend five days there flying around the territory and meeting prominent people’, before returning to ‘stump the country here against any surrender of Tanganyika to Germany’. He had been ‘agitating my Conservative friends in the House of Commons to declare publicly that they would not support any cession’. The news of *Kristallnacht*, however, was enough to stiffen the government’s resolve – ‘one good thing that those unfortunate Jews have done for us’ – and Hailsham dropped his plans.⁵²⁹

Nevertheless, this episode highlighted the gap between Hailsham and some of his former colleagues.⁵³⁰ After the government’s declaration ruled out any cession, he ‘warmly congratulated’ Malcolm MacDonald, the Dominions Secretary, but Hailsham noted that ‘I don’t think he was particularly pleased’.⁵³¹ With immediate acts of surrender seemingly ruled out, Hailsham continued to support the government. Even though he expected that ‘the policy of appeasement’ would eventually ‘be dished by the Nazis’, he hoped that ‘it won’t bring down Neville with it’. At least while Britain was at peace, he believed that any alternative government would be ‘infinitely worse’.⁵³²

In the years following his resignation, Hailsham, as a means of protecting his former colleagues, refused to comment on political matters.⁵³³ He ‘knew the dreadful responsibilities of office and would not add to the burden’.⁵³⁴ But, after the outbreak of the Second World War, he became a founding member of Lord Salisbury’s Watching Committee in April

⁵²⁸ HAIL 1/4/43, Hailsham to Londonderry, 24 Nov. 1938.

⁵²⁹ HAIL 1/4/46, Hailsham to Neil Hogg, 24 Nov. 1938.

⁵³⁰ Colonial appeasement had met much opposition in the Conservative ranks earlier in the decade and the party was disgusted with the Nazi Pogrom. See Crowson, *Facing Fascism*, pp.74-77; 108-11.

⁵³¹ HAIL 1/4/27, Hailsham to Neil Hogg, 24 Nov. 1938.

⁵³² HAIL 1/4/43, Hailsham to Londonderry, 24 Nov. 1938.

⁵³³ As he told one friend, ‘When I resigned from the cabinet I made a resolution not to accept any invitation involving a public speech for at least a year... I have refused innumerable invitations, political, philanthropic, educational, religious and social – on that ground.’ HAIL 1/4/2, Hailsham to R.A. Bateman 15 Feb. 1939.

⁵³⁴ *Observer*, 26 March 1939.

1940.⁵³⁵ This body monitored the government's wartime performance and has been regarded as a key factor in the destruction of Chamberlain's premiership, not least because he could not head the sort of all-party administration for which the committee campaigned.⁵³⁶ Hailsham joined those committee members who were received by Halifax at the Foreign Office towards the end of April 1940. The views of the group were conveyed by Salisbury who, after hearing the Foreign Secretary's explanation of the government's war strategy, replied 'we are not satisfied'.⁵³⁷

Yet, while it is tempting to speculate that Hailsham's membership owed something to the line he had taken in September 1938, Salisbury was careful to include a number of Chamberlain loyalists to emphasise the group's impartiality. The Watching Committee embraced a broad range of opinion. This was clear when the 'War Effort Sub-Committee' discussed Lord Trenchard's memorandum on air policy. Amery, who was keen to unseat Chamberlain, penned in his diary:

We were all in agreement... to the necessity of putting an end to this discreditable air truce, except Hailsham, who urged that we should be blamed by the whole world and that the United States would stop selling us munitions. I was not surprised for I had long ago summed Douglas up as an arrant coward.⁵³⁸

Despite Amery's vicious assessment, Hailsham had a point. Following President Roosevelt's appeal for belligerents to refrain from bombing civilian areas, Hailsham, with a view to future supplies and allies, concluded that the most prudent course was to retaliate against a breach of the truce rather than shoulder the responsibility for unleashing

⁵³⁵ For more details and a list of its members see: Crowson, *Facing Fascism*, pp.173-4.

⁵³⁶ L. Witherall, 'Lord Salisbury's "Watching Committee" and the fall of Neville Chamberlain, May 1940', *English Historical Review*, vol.116, no.469 (2001), pp.1134-66. For an alternative view see: D. Dutton, 'Power Brokers or just 'Glamour boys'? The Eden Group, September 1939-May 1940', *English Historical Review*, vol.118, no.476 (2003), pp.412-424.

⁵³⁷ British Library, Emrys Evans Papers, ADD 58246, Diary 29 April 1940.

⁵³⁸ *Amery Diaries* vol.2, 17 April 1940, p.587.

unrestricted bombing. The truce soon ended when the *Luftwaffe* unintentionally bombed London in August 1940. When retaliatory attacks followed, Britain's hands were clean.

Hailsham's membership of the committee indicates that he was reconciled to the necessity of a reconstructed government. But, although he regularly attended its meetings, he was not amongst those keen to oust Chamberlain during the celebrated parliamentary debate which led to the all-party coalition. Following Chamberlain's resignation in May 1940 and his decision to serve in Churchill's war cabinet as Lord President, Hailsham informed his former colleague with 'unswerving loyalty and affection' that

I am proud to be your friend and to have worked with you. You have deserved well of your country... and given unstinted service to your fellow citizens and the Empire; but I think that your willingness to serve still in the cabinet is the greatest service that you have ever rendered. Nobody but a big man and a great patriot could or would have set such an example.

He was 'sad' that Quintin had voted against the government in the Norway Debate but Hailsham assured Chamberlain that this was not a vote of 'no' confidence. Quintin had 'register[ed] his protest on the eve of embarkation with his battalion at the total failure of the War Office to provide for their equipment or training'.⁵³⁹ Hailsham remained on good terms with Chamberlain and he paid the former Prime Minister a warm tribute in the Lords after his death in November 1940.⁵⁴⁰

Conclusion

Hailsham has strong claims to have been the first member of the National Government cabinet to recognise the grave threat posed by Germany and to attempt to

⁵³⁹ Chamberlain Papers, NC 7/11/33/73, Hailsham to Chamberlain, 10 May 1940.

⁵⁴⁰ *NCDL* vol. 4, Chamberlain to Hilda, 6 April 1940; H of L Debs, vol.117, col.662.

formulate British defence policy on the basis of this recognition. Having failed, however, to convert the government to his point of view about the remedial action that had to be taken, he found himself reconciled to the policy of appeasement as the only way of coping with the combination of Britain's inherent weakness and the country's over-extended responsibilities. But while considerations of *Realpolitik* regularly overcame Hailsham's gut instinct to resist, he doubted whether meaningful discussions were possible with the German government. In 1936, he complained that it was 'very difficult to find that one is dealing with a people whose mentality and outlook are not on the same plane as ours.'⁵⁴¹ Unlike Chamberlain, he regarded British and German interests as irreconcilable. For this reason, Hailsham's acquiescence in the appeasement of Nazi Germany was always conditional. This was clear with the *Diktat*-style Godesberg terms. Londonderry, whose personal record in regard to Germany was hardly unsoiled, told Hailsham that he was 'quite right in your opinions in regard to the Germans'. After Hailsham's retirement, the former Air Secretary recognised that 'your record stands forever and I doubt... that you could have remained with any feelings of self respect'⁵⁴².

In the second half of the 1930s, the National Government may not have been mere puppets 'of circumstantial constraints',⁵⁴³ but Hailsham and his colleagues were severely restricted by Britain's international predicament. Hailsham's experience illustrates the impossibility of dividing 'appeasers' and 'anti-appeasers' into two neatly separate categories. He foresaw the near inevitability of the Second World War, but he could not devise a viable alternative to Chamberlain's policy of appeasement. At only one critical moment did Hailsham demur from Chamberlain's foreign policy, but he quickly fell back into line. Perhaps no practical alternative existed.

⁵⁴¹ HAIL 1/3/96, Hailsham to Londonderry, 13 Feb. 1936.

⁵⁴² Londonderry Papers, D3099 2/17/31, Londonderry to Hailsham, 22 Nov. 1938.

⁵⁴³ Parker, *Chamberlain and Appeasement*, p.364.

Conclusion

Retirement

Hailsham's retirement was another example of meeting the request of his party leader regardless of his own wishes. The retiring minister was 'very sorry to give up my job, which I thought I could have carried on certainly throughout this parliament'.¹ This willingness to subordinate his own interests had been clear with his acceptance of the Lord Chancellorship in 1928, his intimate involvement in Indian constitutional reform and his appointment as Conservative Leader in the Lords in 1931. This final gesture was not lost on his cabinet colleagues. Samuel Hoare commended Hailsham's 'patriotic sacrifice', while Lord Halifax felt that Hailsham had provided another 'very good example to follow of public spirit'.² Hailsham lived on for a further twelve years but his retirement was unremarkable. Plagued by ill-health, he played little part in public life.

Although Hailsham had for so long predicted the near inevitability of war with Germany and the likelihood of Japan seizing the opportunity to expand its own territory and influence while Britain was pre-occupied in Europe, Italy's eventual involvement in the Second World War *against* Britain would have bitterly disappointed him. Like other figures in Britain's policy-making elite, he had sought to prevent the country facing the nightmare scenario of three powerful enemies in three different theatres of war. By contrast, he would have welcomed America's active involvement from 1941. But, apart from his limited interventions in the Watching Committee, Hailsham could do no more than watch the unfolding of the worldwide conflict, which on one occasion came uncomfortably close. In October 1940 a German bomb struck the Carlton Club where he was dining. As Harold Nicolson recorded:

¹ HAIL 1/4/21, Hailsham to Hankey, 7 Nov. 1938.

² HAIL 1/4/20, Hoare to Hailsham, 3 Nov. 1938; HAIL 1/4/21, Halifax to Hailsham, 31 Oct. 1938.

There was a loud crash, the main lights went out and the whole place was filled with the smell of cordite and the dust of rubble ... [T]hrough the fog [came] the figure of Quintin Hogg escorting old Hailsham from the ruins, like Aeneas and Anchises.³

It seems that the former Lord Chancellor was determined to recover a new suitcase that he had left in the club's basement.⁴

After the conclusion of the Second World War, Hailsham served as an Honorary Colonel in the Inns of Court Regiment until 1948 and, after assuming the chairmanship of the British Empire Cancer Campaign in 1936, he held that responsibility until his death. He attended sittings of the House of Lords and was Chairman of the Personal Bills Committee until 1950. In January 1944, after the death of Sir Kenneth Studd, the Chairman and President of the Polytechnic, Hailsham assumed these responsibilities. But a second stroke left him 'a very sick and a very tired man'. He refused to be formally elected President of the Polytechnic because his physical condition debarred him from attending many of its evening functions.⁵ Hailsham's deteriorating health also prevented him from making political interventions in the post-war era, although the Conservatives' loss of the 1945 General Election and the beginnings of decolonisation were obvious points of distress. As he told his son in 1948:

I see you have been active in the House but unfortunately there is no prospect of convincing the majority... these days, and I am afraid they will go on dissipating the Empire and destroying our standard of living here regardless of argument.⁶

Hailsham died at his home, Carter's Corner Place in Sussex, on 10 August 1950 in his 79th year. His deteriorating health led his son Neil to write that it was 'only the parting that is

³ N. Nicolson (ed.), *Harold Nicolson: Diaries* vol. 2 (London, 1967), 15 Oct. 1940, p.121.

⁴ *Amery Diaries* vol.2, 19 Oct. 1940, p.647.

⁵ Wood, *History of the Polytechnic*, p.135.

⁶ HLSM 8/2/2/4, Hailsham to Quintin Hogg, 6 Dec. 1948.

bitter. There is no doubt he was ready to go.’⁷ Hailsham lies buried near his home, in the churchyard of All Saints, Herstmonceux, next to Edward Majoribanks, his stepson who committed suicide in 1932. Quintin Hogg was inundated with letters of sympathy and regret after Hailsham’s passing and many survive in his archival collection in Cambridge. One letter from William Speers, a Conservative backbencher and KC, typified their tone: ‘In my early days at the Bar’, Spens recalled, ‘I always rejoiced to be led by him... and later when I ventured into politics, he was immensely kind to me. A great and kindly man and a loss to us all’.⁸ For another correspondent Hailsham was ‘an example to his generation’.⁹ Such was his contribution that he inspired respect from political opponents. Clement Attlee, Leader of the Labour party from 1935-55 and Prime Minister at the time of writing, noted: ‘I was in the House with Lord Hailsham for many years and always appreciated the keenness of his intellect and his straightforward way of putting his case.’ Attlee would miss ‘friendly conversation with him on measures with which we were largely in agreement’.¹⁰ One friend, whose association with Hailsham dated back to their days at Cheam School during the 1870s, noted that the deceased had ‘had a long and useful life, having done well in everything he took up, and he has left promising sons to succeed him’.¹¹

While Neil Hogg continued his career in the diplomatic service, Douglas Hailsham’s hereditary peerage meant that his death removed Quintin Hogg from the House of Commons and transferred him to the upper chamber. By 1950 the latter was already recognised as ‘one of the most able and liveliest of Conservative backbenchers’.¹² The name of Hailsham thus lived on in the person of his flamboyant elder son, who enjoyed a cabinet career even longer than his father’s, and who, like his father, served twice as Lord Chancellor. He only stepped

⁷ HSLM B32B/4, Neil Hogg to Quintin Hogg, 25 Aug. 1950.

⁸ HSLM 8/2/3/1, William Spens to 2nd Viscount Hailsham, 19 Aug. 1950.

⁹ *Ibid.*, Howard Simmons to 2nd Viscount Hailsham, 18 Aug. 1950.

¹⁰ HSLM 8/2/3/3, Attlee to 2nd Viscount Hailsham, 17 Aug. 1950.

¹¹ V. Mersey, *Journal and Memories* (London, 1952), 12 Sept. 1950, p.110.

¹² *Telegraph*, 16 Aug. 1950.

down from the cabinet in 1987 at the age of almost 80. The second Viscount emulated his father in coming close to the premiership in 1963, by which time a reluctant peer had the right, which he exercised, of renouncing his title. Douglas Hailsham has been eclipsed in the narrative of twentieth-century British history by the record and personality of his elder son. Yet the first holder of the title was almost certainly the more significant figure.

Assessment

The proper province of the historian is what actually happened rather than what might have happened. But, in this instance, a word of counter-factual speculation is surely in order. This thesis has shown that Hailsham was an important figure in British political history during the inter-war years. But it has also suggested that he came tantalisingly close to emerging as a pre-eminent figure. If Lord Cave's health had held out for a further year, it seems unlikely that Hailsham (or Hogg, as he would have remained) would have been induced to accept a peerage during the lifetime of the second Labour government. His future claims to the Tory leadership would have been consequently enhanced. If Baldwin had succumbed, as he very nearly did, to the pressures which confronted him in 1930-31, Hailsham would most probably have emerged as Conservative leader. In this situation it is possible that he would have resisted calls for an all-party National Government. More probably, like those actually charged with the responsibility for the negotiations of 1931, he would have been persuaded by the entreaties of the monarch and put aside his anti-coalition instincts in the broader national interest. But as Tory leader, at the head of the huge majority accorded by the electorate in the 1931 General Election, he would probably have claimed the premiership from the failing Ramsay MacDonald somewhat sooner than did the more self-effacing Baldwin. A Hailsham-led government in the early 1930s would have had obvious implications for British policy, most notably in defence preparations and in the foreign arena.

Almost certainly, rearmament would have been given a higher priority in these years, notwithstanding the country's dire economic situation.

But Hailsham's importance does not rest upon such historical reconfigurations. This thesis has shown that an investigation into Hailsham's career is justified and valuable. He made significant contributions to British political history in three key areas, all largely overlooked or even completely ignored by earlier writers. Despite a relatively late start, he made a remarkably rapid ascent up the greasy pole of political advancement, aided by the unique circumstances surrounding the fall of the Lloyd George coalition in October 1922. Within five or six years he was being seriously considered as a future Conservative leader. In the same period he was an active participant in that re-shaping of Conservatism that enabled it to become the dominant force in British politics until the electoral debacle of 1945. Hailsham identified the potential dangers posed by an avowedly socialist party. His strident anti-socialism and unswerving defence of the constitution and traditional British institutions made a clear appeal not only to his own party but to sections of the wider electorate. He may have been 'one of the leaders of the more conservative part of the Conservative Party', but his vision was broader than that of a 'thinking Diehard'.¹³ There was a liberal streak in Hailsham's political creed, seen most clearly in his work on the Trades Disputes Act, but also more generally in his readiness to use the power of the state to the benefit of the country at large, which helped extend the Tory appeal way beyond its core vote.

In the field of Imperialism, Hailsham was a key player in the development of the Empire and Commonwealth during a period when Britain's imperial legacy was under considerable challenge. His contribution was clearly far more than that of a right-wing reactionary. He believed that Britain, the white Dominions and the predominantly non-white dependencies that formed the British Empire could remain united. This approach was not an

¹³ Cowling, *Impact of Hitler*, pp.407; 315.

out-dated attempt to impose Britain's will. Imperial unity was to be based primarily upon consent and economic inter-dependence achieved through voluntary agreements. With his influence over government policy and a well thought-through vision of how the British Empire could be consolidated in an era of rapid transition, he deserves to be recognised as a major figure in inter-war Imperial history. His contribution explains why, in 1932, Mackenzie King, the leading Canadian politician, described Hailsham as one of 'the world's great men of today'.¹⁴ Hailsham's part in securing the longstanding Conservative goal of Imperial Preference was as important as that of Neville Chamberlain, to whom credit has usually been accorded. Despite personal misgivings over the extent of the National Government's plans for Indian self-government, he played a vital role, virtually unnoticed in earlier historiography, in selling its schemes to the right wing of the Tory party – a task which perhaps only he could have fulfilled. And he led a resolute, if ultimately unsuccessful, campaign to resist concessions to Irish republicanism, a campaign whose wisdom was vividly illustrated during the course of the Second World War.

Perhaps most importantly, Hailsham has claims to have been one of the most perceptive of British politicians in his attitude towards Nazi Germany. Unlike many of his colleagues, he never shared the illusion that meaningful and lasting agreements with Nazi Germany were possible. He became one of the first cabinet ministers, if not *the* first, to recognise the futility of pursuing a conciliatory policy towards an increasingly *revanchist* Germany. Widely condemned for an obstructive line on international *disarmament*, he was in fact already aware that Britain needed to embark upon a wide-ranging programme of *rearmament*. Although the Army suffered during the early 1930s, without Hailsham's heavyweight influence and able advocacy as War Secretary, it is likely that the 'Cinderella Service' would have been even less fortunate.

¹⁴ Library and Archives Canada, Diaries of William Lyon Mackenzie King, MG26-J13, 4 April 1932. Accessed online at <http://www.collectionscanada.gc.ca/databases/king>.

Rather than losing his case in an internecine struggle between the three armed services, Hailsham looked for a balanced plan to benefit the Royal Navy and the Air Force as well as the Army. His willingness to implement state-imposed industrial re-organisation in 1935 well illustrates the depth of his convictions. But, having lost this battle to the bigger battalions of the Chancellor, Neville Chamberlain, Hailsham found himself acquiescing in the policy of appeasement as the decade drew on, because of the absence of a viable alternative. He did so out of necessity, but without enthusiasm. The implementation of what he and the government's defence experts believed was an inadequate rearmament programme in 1934, meant that the country was less ready to resist the German menace. Hailsham's perception of Hitler's Germany did not change and that power remained, in his view, a threat to the peace of the world and one that would eventually have to be faced. For this reason he was, at heart, an innate anti-appeaser, as his conduct during the Czechoslovakian crisis of September 1938 revealed.

Although this thesis demonstrates that politics, rather than the law, was Hailsham's priority during 1922-38, his legal training had clear implications for his consideration of political matters. He had an innate respect for the primacy of existing legislation, agreements, obligations and the pledges made by governments and their representatives. He believed that these undertakings were binding on those governments and on their successors. Hailsham was no hypocrite and his own actions were entirely consistent with what he expected from the leaders of other countries. He accepted that Britain must fulfil its commitments even if he personally bore no responsibility for entering into them and even when he disagreed with them. In instances where he approved of these pledges, such as the Equalisation of the Franchise in 1928, delivering them posed no difficulty. But, in cases where assurances conflicted with his own opinions, Hailsham submerged his prejudices and held fast to Britain's undertakings. While this belief led to him advocating courses he might have

ordinarily opposed, he was not an unprincipled lawyer arguing to any brief as some critics suggested.

Quite simply, Hailsham calculated that the delivery of one's own side of a bargain was the best means to secure domestic, imperial and international stability and to maintain Britain's pre-eminent position in the world. His belief that an Englishman's word was his bond was at the heart of his determination to act on past agreements. This was most clear in his involvement in the Irish Free State Bill in late 1922 and in the process that led to the passage of the Government of India Act of 1935. Significantly, this principle could act in a progressive manner, as with the creation of the Irish Free State and the implementation of Indian reform, but it could also serve to defend the *status quo*. This explains Hailsham's uncompromising stance towards what he perceived as threats to Britain's constitution during the 1920s and 1930s, despite his sympathy with the working classes. His belief that socialism would end in disaster and worsen the condition of the very people it was supposed to help was combined with a sincere fear of political extremism and Bolshevik communism in particular. He was anxious that if a majority Labour government were elected, it might undermine Britain's constitution and implement a revolutionary policy that the nation did not want. It should also be remembered that Hailsham's constitutionalism went further than attacks upon the political left. His conduct during 1930-1 showed that he was frustrated with, and willing to oppose, what he regarded as the unconstitutional power of the press.

The primacy of the law was also at the forefront of Hailsham's consideration of the violations of the 1921 Anglo-Irish Treaty during the years 1932-8. He sincerely believed that there was no legal or moral basis for de Valera's flouting of past agreements – agreements that his predecessors had accepted. The same attitude influenced Hailsham's response to the German menace during the 1930s. He became one of the first ministers to publicly condemn the actions of German leaders. He was frustrated by their attitude, which amounted to

regarding international treaties as ‘scraps of paper’. This realisation helped Hailsham reach the conclusion that Germany’s pledges could not be trusted and that its challenges to the *status quo* were geared not towards a peaceful revision of the restrictive aspects of the Treaty of Versailles, but towards hegemony in Europe.

Without Hailsham’s contribution to British politics, the inter-war scene might have been markedly different. He was an important unifying force in the Conservative ranks from 1929-35 and he helped hold the National Government together in the difficult days after the 1931 General Election. Throughout his political career Hailsham was aware of political realities and conscious that politics is the ‘art of the possible’. He showed an ability to adapt pragmatically to changing circumstances. He was also a tremendously loyal colleague who put wider interests ahead of his own. In the interest of the Conservative party, he undertook a number of responsibilities that he did not desire. Even in retirement his self-imposed silence and refusal to write memoirs demonstrated his instinctive sense of loyalty to his colleagues and the governments in which he had served. Ultimately, while Hailsham’s understanding of the challenges Britain faced during the inter-war years was usually most perceptive, he proved powerless to prevent what was perhaps inevitable: the descent into the Second World War and the resulting decline of Britain and its empire.

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DO, Dominions Office Papers

FO, Foreign Office Papers

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Churchill Papers, CHAR

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