

MILESTONES:

**“LIKE THE ROMAN”:
ENOCH POWELL AND ENGLISH IMMIGRATION LAW**

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Introduction

On April 20th 1968, at a meeting of the British Conservative Party in a Birmingham Hotel, Member of Parliament and Shadow Defence Secretary Enoch Powell stood up to present an address. None of his colleagues within the party had been forewarned of its content. It was to be an historic and controversial address, which is remembered as the ‘Rivers of Blood’ speech.

Powell spoke out against excessive immigration and against the multiculturalism which was becoming palpable in Britain by the end of the 60s. It was Powell’s assertion that this issue was being swept under the carpet by the Labour government of the day and that uncontrolled immigration would irrevocably change and damage the Britain he knew. However, Powell’s controversial address was branded racist by the leaders of his own party. Powell was condemned to the political wilderness, never to return.

In 2008, the 40th anniversary of Powell’s oration, I feel it is germane to re-examine the ‘Rivers of Blood’ speech, as well as the reaction to it, with the benefit of hindsight. In this essay, I shall assess the impact, if any, of the speech, upon immigration law in Britain from 1968 onwards. I shall also demonstrate the gaping chasm between the declared line of both parties on the matter of discrimination against immigrants and the legal regime consecrated in this regard.

I. The ‘Rivers of Blood’ Speech

The words ‘Rivers of Blood’ still stir up images of Powell with many in Britain, but the phrase is itself a misquotation. Powell’s actual words were: “like the Roman, I seem to see ‘the River Tiber foaming with much blood.’” This was an allusion to Virgil’s *Aeneid* in which the Sibyl prophesies *Bella, horrida bella, Et Thybrim multo spumantem sanguine.*¹

In the speech, Powell recounted a number of discussions between himself and his local constituents. According to Powell, a recurrent theme in their conversations had been immigration. He painted a picture of an increasingly beleaguered indigenous British population who felt threatened by the influx

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¹ Virgil, *Aeneid*, 6:86 ‘Wars, terrible wars, and the Tiber foaming with much blood.’

of a heavy stream of migrants who did not seem to be making any effort to integrate. On the contrary, their actions were causing many locals to live in fear. Powell quoted one of his residents as saying, “[i]f I has the money to go, I wouldn’t stay in this country...in fifteen or twenty years’ time, the black man will have the whip hand over the white man.”

Powell discussed a letter, one of many which he had received, from a local resident, an elderly woman who lived alone and who was now the only white person living on her street. He described her fear and the abuse she suffered at the hands of her new neighbours:

“She is becoming afraid to go out. Windows are broken. She finds excreta pushed through her letterbox. When she goes to the shops, she is followed by children, charming, wide-grinning piccaninnies. They cannot speak English, but one word they know. ‘Racialist’, they chant. When the new Race Relations Bill is passed, this woman is convinced she will go to prison. And is she so wrong? I begin to wonder.”²

The Race Relations Bill (1968) to which Powell refers was one of the legislative measures being proposed to deal with migration in Britain at the time. It would have given a cause of action to anyone who had been the subject of discrimination based upon race. I shall further discuss its content anon.

Powell, a well-educated man (he was a Cambridge graduate and had been a professor at Sydney University) had deliberately chosen to use controversial terminology in order to bring this issue to the fore and to have it discussed. Words like ‘piccaninnies’ were, even in 1968, unacceptable language, but Powell felt that it was necessary to give an outlet to many of his constituents who felt that they would be pilloried for voicing their concerns in public. Powell knew what he did, but felt it needed to be done:

“I can already hear the chorus of execration. How dare I say such a horrible thing? How dare I stir up trouble and inflame feelings by repeating such a conversation? The answer is that I do not have the right not to do so”.

II. Powell’s Ideas

Powell saw himself as a man of principle, and took democracy and freedom of speech seriously. He saw it as his duty as a parliamentarian to express the view of his constituents, whatever those views might be. However, Powell had another, less obvious agenda.

Powell had spent much of the 1940s in India, and had seen the communal violence which had swept the country around the date of its independence. The deep divisions between individual groups within the country had led to social discord, and eventually violence. In the year before India’s

² The ‘Rivers of Blood speech’ is printed in its entirety in: S. Heffer, *Like the Roman: The Life of Enoch Powell*, Phoenix: Weidenfeld & Nicolson 1999.

independence on August 15th, 1947, over half a million people lost their lives as a result of civil strife. It was this fear of communalism that spurred Powell into action.

The idea that Powell was inspired by racial hatred has been rendered highly doubtful by the findings of a recent BBC documentary project.³ Robert Shepherd, the documentary's chief researcher recalled one of Powell's finest cabinet speeches, when he accused the Conservative Government in 1959 of having failed African detainees who were beaten and murdered in British-ruled Kenya. Powell steadfastly proclaimed that there could be no African rules for Africa and British rules for Britain. Having savaged his fellow Tories, sat down in the House of Commons and wept. Speaking about this incident again⁴, 34 years, the tears began to flow once more. Shepherd noted in the course of his work that Powell was a firm believer in human equality and that his withering commons assault and emotional reaction could not easily be reconciled with a charge of racialism.

Further, the three policies which Powell proposed in his speech - namely limiting inflow of migrants, promoting maxim outflow, and the *genuine*⁵ like treatment of all residents of the UK before the law – were part of the official policy of the Conservative Party at the time.

However, Powell opposed the Race Relations Bill (later Act) of 1968. Despite the contention of Harold Wilson's Labour government that the Bill would counter discrimination, Powell felt it would instead accentuate it. Powell's view was that this legislation was in and of itself discriminatory as it would effectively give a cause of action to immigrants only, and not Britons. He felt that equality carried with it freedom of choice and that "the citizen should not be denied to discriminate in the management of his private affairs between one fellow-citizen and another or that he should be subjected to imposition as to his reasons and motive for behaving in one lawful manner rather than another." In Powell's opinion, a legal right to discriminate against those who refused to integrate adequately into British society was a defensible measure. This bill would only serve to protect the rights of immigrants who did not wish to integrate.

Powell admitted in his speech that integration was perhaps more difficult for those who were visibly physically different from native Britons, but contended that, in time, nothing was insurmountable. Simply, Powell affirmed, an impetus to integrate was especially important, in that it would ensure the future homogeneity of British society and protect the state against the violent spectre of communalism. For Powell, an integrationist approach had to take precedence over any multiculturalist agenda. If people wanted to come to Britain, they had to be willing to become as British as possible.

³ BBC Radio 4, *1968: Rivers of Blood – The Real Source* (8p.m. GMT Monday March 3rd, 2008).

⁴ Channel 4 Television, *What has become of us?* (Documentary, 1993).

⁵ The emphasis is Powell's.

III. Reaction to the Speech

The reaction to Powell's oration was noticeably divided between the people and the political powers-that-be. The popular support was with Powell, at least initially. He received 100,000 letters pertaining to the speech, only 800 of which were negative in nature.

However, the reaction at parliamentary level was quite different. Labour MP Edward Leadbitter referred the case to the Director of Public Prosecutions (who dismissed the case). The Liberal leader Jeremy Thorpe spoke of a *prima facie* case against Powell for incitement. Many leading Conservatives in the Shadow Cabinet were outraged by Powell's outburst. Iain McLeod, Quintin Hogg and Robert Carr all threatened their resignation unless Powell was sacked. Therefore, Conservative leader Edward Heath dismissed Powell from his post as Shadow Defence Secretary. Heath said of Powell's speech that it was "racialist in tone and likely to exacerbate racial tensions." Conservative MPs Duncan Sandys, Gerald Nabarro and Teddy Taylor spoke out against Powell's sacking. Heath responded, saying "I dismissed Mr. Powell, because I believed his speech was inflammatory and liable to damage race relations. I am determined to do everything I can to prevent racial problems developing into civil strife...I don't believe that the great majority of British people share Mr. Powell's way of putting his views in his speech."⁶

Yet, despite Heath's contention, support for Powell was readily apparent. On April 23rd, 1,000 dock workers went on strike in protest at Powell's sacking. April 24th, 600 workers at St. Katherine's docks also struck, and numerous factories across the country followed suit. 600 meat porters marched to the Palace of Westminster, and handed Powell a 92-page petition supporting him. Such activities on foot of the sacking of a man who was not even a member of government remain remarkable.

The Gallup Organisation took an opinion poll at the end of April and found that 74% of the British electorate agreed with Powell's sentiments as expressed in the speech. The poll also found he was the favoured candidate to become the next Conservative leader. It was clear, then, that democracy would best have been served by promoting Powell's programme, rather than ostracising him. However, Heath considered Powell a serious political threat and so, despite his popularity and that of his ideas, there was to be no return from the wilderness for Powell. Instead an 'alternative' approach to immigration was to be instigated, beginning with the Race Relations Act and the Commonwealth Immigrants Act (1968).⁷

IV. British Immigration Policy in the 1960s and 1970s

⁶ BBC Television, *Panorama* (with Sir Robin Day, April 22nd 1968)

⁷ Heffer, pp. 199-316.

Two key events of this period were the independence of first Kenya and then Tanzania and Uganda. Each of these states had, at independence, an established minority population emanating from the Indian sub-continent, most of whom had been introduced to Africa by Britain as a colonial power to work on construction projects. On independence, the East African states pursued a policy of 'Africanisation' that required residents to demonstrate allegiance to the fledgling states. Many Asians were not wont to acquiesce. Some were reluctant to lose their British connection.⁸ Serious consequences ensued. Many were denied employment and sought to use what protection the UK and Colonies might proffer. Their passports were issued by the British High Authority, and therefore under the Commonwealth Immigrants Act (1962), they were not subject to immigration controls. However, the 1968 Act, on foot of mass migration of this Asian minority to the UK, provided that British subjects would be free from immigration control only if they, or at least one of their parents or grandparents, had been born, registered, adopted, or naturalised in the UK. For those subject to controls, tight quotas were introduced.

The story of East African Asians illustrates how the British government was prepared to mix together issues of nationality and immigration. While these people retained their CUKC (Citizen of the UK and the Colonies) status, it was in effect worthless as it no longer conferred a right of entry to their country of nationality. However, it was clear that any restrictions would be applied much less stringently to citizens of the "Old Commonwealth" – that is, to white immigrants from Australia, New Zealand and Canada.⁹

The issue of colour continued to dominate public debate regarding immigration within the UK. When the Immigration Act (1971) was passed, the racial definition of those with rights of entry and those without was complete. While subsequent Acts¹⁰ have made substantial changes to the immigration process and rights of immigrants, the 1971 Act remains to this day the source of Home Office powers to make decisions on entry, stay, and deportation. Previously, UK law had divided the world into British subjects and aliens. This was the fundamental category which decided whether individuals enjoyed a right of entry into the UK. Legislation then, as we have seen, restricted the rights of some British subjects to the extent that these rights became effectively worthless. The Immigration Act gave the right of abode in the UK to those defined as 'patrials', which essentially required a close blood or marital link with a Commonwealth citizen born in the UK or a minimum of five years' previous naturalisation. The net effect of this Act was to exclude Afro-Caribbeans and Asians from enjoying a right of entry.

⁸ P. Shah, *Refugees, Race and the Legal Concept of Asylum in Britain*, London: Cavendish 2000.

⁹ V. Bevan, *The Development of British Immigration Law*, Beckenham: Croom Helm 1986.

¹⁰ The Immigration and Asylum Act (1999) and the Nationality and Immigration Act (2002)

Spencer notes the heavy reliance from the 1962 Act to the 1971 Act upon unpublished guidelines, concessions and instructions. These less formal guidelines would, in effect, determine the outcome of applications for immigration. Already in the course of the implementation of the Commonwealth Immigrants Act (1962), it was made clear by internal guidance that any discretion afforded to immigration officers to refuse entry on the basis that requirements were not met would not be applied to immigrants from the “New Commonwealth”.¹¹

From the above, we may conclude that despite the bluff and bluster from both parties condemning Powell’s racialism, there was, in fact, a regime in place which to all intents and purposes discriminated between different classes of British citizens largely on the basis of race. The regime was never branded as such, but this was clearly its net effect. The Race Relations Act (1968) was a trinket, aimed at lessening tensions around the relatively few immigrants who had managed to pass the tests that the 1962 Act had set them. It set a multicultural tone and was not intended to integrate immigrants, conferring, as it did, a right upon them to object to any fetters on their freedom to live precisely as they pleased. The idea was that in living separately from one another, less strife would ensue between natives and immigrant

This Act may well have been aimed at easing racial tensions in the short term, as Heath purported, but it found itself out of kilter with the immigration legislation of the day. Commonwealth citizens, aware that the door to the UK was slowly shutting, were motivated to apply in greater numbers. In addition, many immigrants (notably Indians working in the medical sector) who previously intended to leave the UK after a number of years, and who had thus never made a significant effort to integrate, made the decision to stay in Britain, and due to having naturalised over a period longer than five years, were entitled to invite their families to come to live with them. The result was that despite the 1971 Act, immigration continued apace, and whole communities of immigrants who were reluctant to integrate, and who had a legal instrument to protect them from any negative effects emanating from non-integration, emerged.

V. Communalism in Action

Powell’s contention, based upon his experience in India, was that a failure to integrate foreign communities into the social fabric of a nation would lead to them forming their own separate social groups, and that this being the case, in times particularly of economic strife, violence would emerge as the cleavages between the interests of the local community and that of the newcomers became increasingly apparent and caused inter-ethnic friction. Powell had previously cited an example of this in 1967 in Birmingham.

¹¹ I. Spencer, *British Immigration Policy since 1945: The Making of Multi-Racial Britain*, London: Routledge 1997.

There, Sikh bus conductors objected to being constrained to wear the bus company's uniform, and threatened violence if their demands for an exception to the rule on the basis of religion were not met. Despite initially refusing, after the threat of violence emerged, the local authority eventually acquiesced and changed the rules. Powell saw in this a dangerous precedent and predicted that this could be the beginning of a wave of communal violence.¹²

Of course, debate may be had as to whether Powell's prediction of "Rivers of Blood" was accurate. The Brixton, Bristol, St. Paul's Toxteth and Handsworth race riots of the early 1980s and the activities of the National Front have been cited by some as evidence of its veracity¹³, as have the so-called 7/7 terrorist attacks, carried out, as they were, by British subjects who had never integrated into British society. However, defence of Powell's rhetoric is still highly controversial, as Nigel Hastilow found out to his cost. Hastilow, the prospective Conservative candidate for Halesowen and Rowley Regis was forced to resign after he wrote an article defending Powell's predictions.¹⁴

Conclusion: A lesson ignored?

Evidently, the integration versus multiculturalism debate is a matter of public policy, but the legislation must reflect a coherent pattern. Furthermore, in a democratic state, it should clearly and openly reflect the views of the electorate. The fact is that in Britain in the 1960s and 1970s, this was not the case. In public, both Labour and the Conservatives condemned Powell for racial intolerance. Yet, both parties saw fit to aid to establish a legal regime which, clandestinely and quietly, by means of new classifications and discretionary guidelines, consecrated a racial classification system.

Powell did not wish for discrimination against immigrants, simply for a lower intake in terms of numbers, and a legislative impetus for immigrants to integrate into British society. The government of the day actively pursued discriminatory policies in private, while standing up against 'discrimination' (and suppressing free speech and freedom of expression) in public.

Edward Heath justified Powell's dismissal by affirming that he would do all in his power to lessen the chances that civil strife might emerge on foot of racial tensions. This was also the position of Prime Minister Harold Wilson. However, both parties continued and continue to this day to support a multiculturalist agenda. It is only post 9/11 that the idea of acquiring a sense of 'Britishness' as a requirement for immigrants has come to the fore once again.

¹² E. Powell, *Freedom and Reality*, New York: Arlington House 1969.

¹³ By Powell himself, amongst others.

¹⁴ N. Hastilow, 'Britain 'seen as a soft touch'', *Wolverhampton Express and Star*, November 2007.

In 1997, Conservative front-bench MP Norman Tebbit warned of the dangers of multiculturalism, saying children born in Britain “should be taught that British history is their history, or they will forever be foreigners holding British passports and this kingdom will become a Yugoslavia”. Tebbit was chastised by the office of Conservative leader William Hague, saying that he gave an “impression of intolerance”. Yet moving forward one decade to the present day, we see cross-party support from both the Conservatives and Labour for stricter immigration controls, a test for all new migrants on how to integrate into British society and stringent new terror laws which plainly target minority groups.

British citizens are now plainly scared enough, post 7/7, of the alienated migrants and their descendants who live amongst them, to begin to push toward an ‘integrationist’ standpoint. They have been taught a lesson by race riots, terrorism and fear. The question remains, however, whether this same lesson could have been learned 40 years earlier.