Introduction: Bereft of Words

On 3 May 1963, Shirley Andrews strode to the podium of Canberra’s Rex Hotel to reveal a secret Australia’s government wanted kept hidden. Delegates from over twenty Asian nations were gathered in the hotel’s conference room to attend a United Nations seminar on “Human Rights and Policing”, fourth in a series of gatherings on the topic of human rights and the legal system held in the Philippines, Japan and New Zealand since 1956. The head of the UN’s Division on Human Rights, John Humphrey, praised Australia’s hosting. The nation had “done quite a thing in taking the initiative in the seminar”, which was to be “one of the most significant” human rights activities undertaken by the UN.¹ The gathering had set before it an agenda of global concerns – asking whether members of police forces should join political parties, as well as the veracity of compulsory fingerprinting and wiretapping. Australia’s Minister for External Affairs, Paul Hasluck, hoped the seminar would allow for “views [to be] exchanged on concrete problems, and participants [to] learn at first hand of the difficulties faced in other countries”.² The hosting doubled as a way for Australia, something of a pariah owing to support for South African apartheid alongside discriminatory immigration and indigenous policies, to present itself as a participant in global affairs.³

Andrews – communist, scientist, aboriginal rights campaigner and nationally renowned folk dancer – was an odd participant in the high-level goings-on. While open to the public, speakers at the meeting were to be “ministers and deputy ministers, attorneys general, solicitors-general, judges, lawyers, government officials, senior police officials and professors” – with members of the public relegated to

¹ The Canberra Times, 27 April 1963, 13.
³ On Australia’s pariah status, see Jennifer Clark, Aborigines & Activism: Race, Aborigines and the Coming of the 1960s to Australia (Crawley, WA: University of Western Australia Press, 2008), chapter 2.
2 Introduction: Bereft of Words

a spectator’s role. Andrews found herself amongst such luminaries due to her nomination as delegate, via expatriate Australian Jessie Street, for the London-based, UN-affiliated Anti-Slavery Society. Acknowledging her willingness to attend, Andrews wrote to Street that it was “not quite clear” if there was anywhere in the program, running from 29 April to 11 May, in which she could discuss Australia’s treatment of Indigenous peoples. Andrews’ initial scepticism was vindicated at the gathering, where attempts to speak were confronted with “quite a bit of pressure”, including a stern rebuke from Australia’s Solicitor General Sir Garfield Barwick. “It would not be tactful to raise an issue that concerned only Australia when so many of the participants were Asians”, Barwick suggested, as they “had so many much more serious problems … terrorists, secret societies, etc that the Aboriginal problem would seem very unimportant to them”. When Andrews was finally able to mount the podium, after effectively inserting herself into the program against the chair’s wishes, she opened by criticising the seminar’s overriding approach: noting the lack of “ordinary human beings” on the agenda, despite “the protection of their rights [being] the topic of this discussion”, Andrews also railed against the dictatorial powers of Australian police over Aborigines, including the use of neck chains, forced removals and searches without warrant. Despite receiving “quite a lecture” from the Victorian Commissioner of Police for having caused him “great personal mortification” by “mentioning these matters in front of Asian people”, Andrews noted her intervention had “received very good publicity”. A reporter for the Canberra Times remarked how the audience sat in “stunned silence” as Andrews explained how police were regarded as “instruments of tyranny” by Indigenous Australians. A Singaporean delegate remarked that Andrews’ testimony had left him “bereft of words”.

Andrews’ interruption of proceedings points towards several significant breaks in dominant understanding of human rights history, a field which has undergone a spectacular renaissance over the past twenty years.

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4 “United Nations Seminar”.
5 Shirley Andrews to Jessie Street, 3 March 1963, Council for Aboriginal Rights Papers (henceforth CAR), Box 8, Folder 4, State Library of Victoria (henceforth SLV).
6 Shirley Andrews to Thomas Fox-Pitt, 7 May 1963, CAR Records, Box 8, Folder 4, SLV.
8 The Canberra Times, 4 May 1953, 3.
Andrews’ intervention at once placed matters of Australian activist concern in the middle of a global UN gathering – something many scholars have noted as a rarity in an organisation resigned to proceduralism – and translated the Universal Declaration of Human Rights (UDHR), and particularly the prohibition on denial of liberties in Article 3, into an environment it was never intended to impact. The use of this international forum to raise a fundamentally national issue illustrates how a binary understanding of global and local events is unhelpful, particularly when understanding a truly global ideal. For while Samuel Moyn is correct to argue that historians of the local may become “jealous of the specificities of their geographical domain”, as such “losing the integrative view that the larger view tends to afford”, it is equally impossible to ignore the lessons of transnational history, which demonstrate the deep interconnectedness of these two levels. It is the task of historians, as Timothy S. Brown argues, to “situate[e] the local within the global while locating the global at work locally”. For it is sometimes at the most local of levels that historians can best come to understand the true meaning of global, abstract ideas. “The idea of the universal applicability of human rights norms needs to be distinguished clearly in our minds from how people actually apply the language of human rights”, as Lora Wildenthal puts it in her work on West Germany. Indeed, Mark Philip Bradley has recently argued that a focus on the local can in fact work to “provincialise” the nation, by “lifting up the critical role of processes initially set in motion well beyond U.S. shores.” Australia, too often viewed as isolated from global events, had its local political and cultural life shaped by events and ideas far beyond its borders.

Equally, arguments for the primacy of a particular decade in the emergence of human rights are left aside in this book. For while Dominique Clément talks of a “moment in history beginning in the 1970s when human rights replaced civil liberties as the primary language of rights”


11 Timothy S. Brown, “‘1968’ East and West: Divided Germany as a Case Study in Transnational History”, The American Historical Review 114, no. 1 (February 2009), 70.
in his Canadian case study, this was no mere transition for Australians but a decided, decades-long contest over the meaningfulness of an array of modes of political identification. The influence of human rights waxed and waned, while other possible utopias – communism, women’s liberation and demands for Indigenous sovereignty, to name but a few – engaged with, questioned and proposed alternative futures to human rights. New scholarship is today unearthing the tangled relationship between rights and these other forms of claim making throughout the twentieth century, for as Stefan-Ludwig Hoffmann writes, “liberal-democratic, socialist and postcolonial human rights norms competed in the international arena … each claiming for itself moral universalism”.

Andrews – whose Marxism had initially led her to the Indigenous cause – is one of those activists, like Greek communist women or anti-democratic British conservatives, who set their existing ideologies to new coordinates, if with only sparing success. This uptake of human rights rhetoric by different forces, from communist internationalists to Catholic puritans, conservative politicos and liberal humanitarians, was a remarkable process and one best observed locally and outside of decadal confines. A broader temporal reach is required, alongside a deeper archival analysis, to unearth the complexities of translation and reception. It is not sufficient to accept well-publicised utterances by presidents and prestigious NGOs in the late 1970s as a moment of rupture: instead one must consult the papers of groups who upheld the idea of rights well before this time frame, as well as those who questioned their validity. The year 1963, the fifteenth anniversary of the UDHR, was not marked by any great ceremony in Australia. Bureaucrats refused to issue more than a “routine press release” at least “while we have discriminatory racial laws in the states and a racial immigration policy”, and local organisations

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failed to engender any wide enthusiasm. Andrews’ adherence to these beliefs—and her ability to exercise them to public value—demonstrates the continued persuasive power and utility of the idea of human rights even during a low—seemingly terminal—point in its global influence.

This book understands the “long history” of human rights in Australia from the moment of its invention in the 1940s to a long-delayed official incorporation into the Australian government bureaucracy in the 1980s. To do so, a wide cast of individuals, institutions and publics are surveyed. Andrews is but one of many proponents of human rights from across the political spectrum who translated global ideas into local settings, making meaning of a foreign discourse and melding it to suit local concerns and predilections. These individuals both created new organisations to spread the message of human rights—Amnesty International, the Ex-Services Human Rights Association of Australia, Right to Life—or found older institutions amenable to their newfound concerns, adopting rights language with a mixture of enthusiasm and opportunism. Governments, on the other hand, engaged with or ignored human rights as its shifting meanings, international currency and domestic reception ebbed and flowed, revealed through the dialogue between human rights groups and different levels of the bureaucracy. Finally, individuals understood and (re)translated human rights ideas throughout this period: writing letters, books or poems and sympathising in new ways. Each of these levels was essential, intersecting and contributing to the uptake of human rights into Australian political life and everyday vocabulary.

More than a “Fair Go”? 5

“Human rights” is a term with a complicated and politicised history, and nowhere is this more the case than in Australia. Having given the world the eight-hour working day and earned a reputation as the “working-man’s paradise” in the late nineteenth century, Australia also birthed a harsh regime of domestic racism and immigration restriction that informed South African apartheid. Australia was amongst the first


nations to grant white women full suffrage in 1902, a feat not to be
achieved by Indigenous women for a further sixty years.\(^\text{20}\) The notion of
the “fair go” – a colloquial expression of Australia’s supposedly egalitarian
sentiment – was claimed by Australian Attorney General and 1940s
human rights apostle Herbert Vere Evatt to “express the real spirit
behind” the UDHR. Yet, this common sense cultural understanding
has never been extended to include any constitutional or legislative
guarantee of the rights of its peoples.\(^\text{21}\) Untangling these and many
other contradictions which plague Australia’s long engagement with
the idea of human rights is the object of the present study. Australia
provides a particularly contradictory exemplar of human rights’
disputed history. Unlike Canada, a nation born of a similar process of
procedural, often begrudging decolonisation from Britain, Australia
has never constitutionally embraced the idea of human rights, relying
instead on common law principles. Despite Evatt’s larger-than-life-presence
at the United Nations founding conference in 1945 and Australia’s position as one of only eight nations to draft the UDHR in
1947–8, Australia did not become a signatory to the “twin covenants”
that made its pronouncements enforceable until 1972, nor did it seek to
ratify the documents until later in that decade. From 1981, Australia has
had a Commonwealth Human Rights body, which, along with a series of
state-based anti-discrimination bureaucracies, has provided provisional, ad
hoc protections while coming under near-constant attack and criticism.
Proposals for a Commonwealth Bill of Rights, now a common feature of
nearly all Western liberal democracies, have never moved beyond the level
of vocal public debate.

Yet, despite the term’s lack of domestic traction, Australians from all
walks of life have sought to make meaning of the idea of human rights in
diverse contexts since the 1940s, finding a place for this global language in
existing, politically divergent social movements, political parties and
cultural contexts that already possessed their own specific vernaculars.
Australia’s religious community – and particularly Catholics – were
amongst the first appropriators of the term, hoping it might protect
such sacred notions as the family and private property from the
\(^{20}\) On the global significance of Australia’s extended franchise, see Clare Wright, “‘A
Splendid Object Lesson’: A Transnational Perspective on the Birth of the Australian
Nation”, *Journal of Women’s History* 26, no. 4 (Winter 2014), 12–36.

\(^{21}\) On the history of Australian vernacular egalitarianism, see Nick Dyrenfurth, *Mateship: A
Very Australian History* (Melbourne: Scribe, 2015). For Evatt’s remark, see Herbert
V. Evatt, “Untitled draft of a speech concerning the outcomes of the Third General
load/media/pressrel/EFMA6/upload_binary/efma61.pdf?fileType=application%2Fpdf#
search=%22human%20rights%201940s%20media%22.
totalitarian impulse of the social-democratic state. This began a long tradition of religious rights claiming in Australia, from Social Justice statements in the 1940s to the wave of “conscientious objection” during the 1960s and their judicious employment by the anti-abortion activists from the 1970s onward. On the progressive side of politics, human rights also served as a tool to shine light on darkened corners of the national imagination – treatment of Indigenous Australians, conscription of young men for overseas service and discrimination against LGBTQ persons, to name but a few. As Wildenthal puts it, to call something a human rights violation is “to intervene in politics as usual in order to place that example of violence or inequality in a new context.” Deportation controversies in the 1940s, the struggles for Indigenous rights – political and civil in the 1950s and economic and cultural in the 1970s – and women’s and queer rights in later decades have seen the definition of the “human” extended to encapsulate more persons on the Australian continent than ever before. Yet, the ability of human rights language to provoke publicity and redraw lines of political debate has been jeopardised by the unenforceability of its universal pretensions at either local or global levels. What Roland Burke calls the “human rights proceduralism” of the UN and like bodies and the relative ineffectiveness of rights bodies locally has meant that little account was given to individual violations during the period surveyed.

This book is divided into five chapters – each broadly covering a decade in Australian history. The first chapter explores the invention of human rights in the 1940s, paying close attention to how forces with widely divergent political goals articulated their ambitions in this new language. Catholics, the Labour Movement and Chinese seamen threatened with deportation all sought to capture the wartime rights zeitgeist, proposing human rights as central to their imaginings of Australia’s postwar future. The Cold War occupies Chapter 2, particularly focusing on how this superpower conflict dramatically limited the usability of human rights


and how it impacted the slow transition from a vocabulary of British rights and civil liberties to more universal equivalents amongst campaigners. Communists who fell foul of sedition laws became human rights champions, while the narrow defeat of a 1951 referendum on the banning of the Communist Party saw frequent recourse by both opponents and supporters to infringements of the UDHR. Conflicts over rights are also found to have been central to the Labor Party’s “great schism” of 1955, as many of the organisation’s Catholic constituents sought a more independent, anti-communist body. Andrews’ organisation – the Council for Aboriginal Rights – is explored as a case study of human rights activism in the 1950s. The group’s early alignment with the principles enumerated in the UDHR encountered the difficult reality of translation and frustration at the limitations of their enforceability.

Chapter 3 engages with the decade of the 1960s – popularly remembered as years of revolt and revolution, but which were relatively quiet ones for rights advocates, who set about experimenting with their usability in diverse contexts. Three groups occupy the chapter’s focus – the Communist Party of Australia, the Ex-Services Human Rights Association of Australia and Amnesty International. Each group adopted a different frame for its human rights activism: reform-minded communists saw it as a way of breaking the party’s Stalinist stranglehold, war veterans used it to cast as outmoded the ideas of the conservative Returned Servicemen’s League, and a new crop of humanitarian-moralists set about bringing to light the rights of forgotten prisoners at home and abroad. Revolution and backlash defined the 1970s in Australia, and Chapter 4 is concerned with how (re)emerging political forces – women’s liberationists, Indigenous nationalists and anti-abortion evangelicals – engaged with a swiftly changing domestic context and international rights landscape. Indigenous Australians found that calls for economic restitution, cultural recognition and land rights chimed well with international advocates of third-world uplift and a New International Economic Order to redress the wrongs of colonialism, while those feminists who managed Australia’s intervention into the UN’s International Women’s Year (1975) saw such a focus on the centrality of economic and cultural rights as conveniently ignoring the nature of women’s oppression. All the while, conservatives sought to have human rights extended to the supposed victims of the decade’s “permissive society”: unborn children. The 1980s marked the period of human rights’ final absorption within governmental bureaucracies. Chapter 5 focuses on how government and social movements responded to the human rights “breakthrough”, seeking to turn it to their various agendas. Calls for a Bill of Rights to enshrine protections in Australia’s minimalist
The rancorous debates that rights engendered demonstrate not their ascendency but continued contestation. An epilogue brings the book into the twenty-first century, looking at moments of possibility in the 1990s—particularly around queer rights and settler–Indigenous relations—and the end of such dreams in a twenty-first century marked by closing borders and minds. Was Australia’s rights revolution less of a cascade than a trickle?

Literature on post-war Australia pays little attention to human rights, whether because of the term’s ahistorical pretences or lack of easily discernible domestic impact. Biographies of political leaders and public figures, even those with records of human rights advocacy like Evatt and Dame Roma Mitchell, shy away from close analysis of the ideas they upheld or how they came to hold them.25 Studies of political parties abound, largely written by their respective devotees or detractors, while Mark McKenna and Judith Brett’s work on republicanism and the idea of the middle class, respectively, offer analyses of the confluence of political ideas and pragmatic realities.26 Yet, work specifically on political ideas in Australia is slim. The most recent contribution by James Walter makes no space for human rights or the United Nations in general.27 Taken broadly, the various struggles Australians have waged for various causes—in particular those for just treatment of Indigenous peoples, equality of women and acceptance of homosexuality—have been given ample attention by historians in both liberal and more radical variants. In these studies, however, human rights appear as one amongst many demands articulated by protest movements seeking citizenship, liberation, or civil or land rights and is presented as just another way of articulating the same thing. John Chesterman frames the Indigenous struggle for dignity in the nineteenth and twentieth centuries as one “civil rights,” while Bain Attwood speaks simply of “rights”.28

Australian feminism and Robert Reynolds on gay politics each pay careful attention to the ways language and demands have changed over time, but neither pays significant attention to the idea of human rights as distinct from other forms of claim making, instead focusing on “citizenship” and “liberation”.  

Annemarie Devereux, a human rights lawyer by training, has taken up the challenge of Australia’s human rights history in an international context, from Evatt’s 1940s enthusiasm for international law to attempts by his conservative successors at stalling and undermining progress towards the 1966 “twin covenants”. Deep concerns around international perception of statutory discrimination against women, migrants and Indigenous people saw Australia abstain or vote against core principles like minority rights and equal opportunity in a policy that was “hypocritical and mean-spirited”. While Devereux’s work covers well the way domestic politics influenced Australia’s international presence, little is offered by way of the inverse: how these international conventions and norms were interpreted and utilised domestically. Ravi de Costa’s work on indigenous transnationalism, entitled A Higher Authority, provides a valuable contribution towards this understanding of how the international was domesticated. De Costa’s third chapter, “Human Rights for Indigenous Australians”, points to how groups campaigning for Indigenous rights, and Indigenous Australians themselves, could blend their existing ideas “into the new conceptualisation of universal human rights”: incorporating rights talk into various organisational constitutions and declarations, protest poetry and appeals for international aid. De Costa presents human rights as a vehicle for local concerns, arguing that it “had not implanted the liberal ideology of rights, but helped local activists to frame their use of that ideology.”

The present study expands on De Costa’s framework, tracking not just how human rights was one amongst many pieces of political clothing worn by various parties, groups and individuals to advance their causes but also how the shifting meanings of rights – from civil and political to economic and cultural – reflected and complemented that of local movements.

29 Marilyn Lake, Getting Equal: The History of Australian Feminism (St Leonards, NSW: Allen & Unwin, 1999); Robert Reynolds, From Camp to Queer: Remaking the Australian Homosexual (Melbourne: Melbourne University Press, 2002).