

Stephen Holt review of David Day, *Maurice Blackburn: Champion of the People*

(Brunswick, Vic.: Scribe Publications, 2019), 352 pp., HB \$49.99, ISBN 9781925713787

Senior Labor politicians and trade unions in Australia have long needed to draw on a reliable supply of good legal advice.

With only isolated exceptions, the Australian labour movement's early shapers never desired to operate in an alternative Marxist universe. They were immersed in an already existing, if evolving, set of public institutions and practices. They operated through a network of colonial and then state and federal parliaments, statutes, industrial tribunals, registered employee organisations and orderly political activity.

Labour men and women across Australia had to have the backing of sympathetic legal minds in prosecuting their case, given their neatly regulated environment. In Labor's formative days, its people who were trained in the law included, from New South Wales, William Holman and—let us not forget—Holman's fellow apostate Billy Hughes.

An ongoing line of Labor lawyers has continued to feature outstanding individuals whose accomplishments have attracted the attention of serious biographers. T. J. Ryan, Queensland's first majority Labor premier, is the subject of a biography by activist and academic Denis Murphy, while Victorians Alf Foster and J. V. Barry, both of whom became judges, have inspired biographies by Constance Larmour and Mark Finnane.

In 1940 Justice H. V. Evatt of the High Court published a biography of William Holman just before standing down to get back into politics. In time his stormy career inspired other biographers—including Kylie Tennant—who tracked his connection with the law and politics. Evatt's erstwhile acolyte John Kerr has likewise figured in an expanding body of personalised commentary. The coverage of Kerr in Justice (from 1980) Jim McClelland's memoir *Stirring the Possum* is particularly readable.

And then we have Gough Whitlam and Bob Hawke. The careers of both men have generated much biographical research conducted principally by Jenny Hocking and Blanche d'Alpuget respectively. Apart from Andrew Fisher, these two men are the only Labor leaders ever to win more than a single federal election. Both studied law in their formative years, albeit with a focus on arbitration law in Hawke's case. The connection between legal tomes and serious Labor praxis is once more evident. As it is yet again in the case of the early and mid-twentieth-century Melbourne

socialist Maurice Blackburn, whose name and renown are kept before a wider lay public to this day by dint of the prominent and socially progressive Melbourne law firm Maurice Blackburn Lawyers.

The relevant *Australian Dictionary of Biography* entry, by Susan Blackburn Abeyasekere, reminds us that Maurice Blackburn (her grandfather) was a 'lawyer and politician'.¹ An old boy of Melbourne Grammar, his studies were disrupted by his father's death but he went on to graduate in arts and law from the University of Melbourne. He served as a Labor member in the Victorian Legislative Assembly from 1914 until defeated in 1917 and again from 1925 to 1934 when he switched to the House of Representatives in Canberra where he served until he was again unseated in 1943.

Blackburn's years of legislative service encompassed two world wars and the Depression. All through this daunting period he was quick to stand up for equitable dealing, both within and between nations, and for individual liberty whenever the prevailing sense of anxiety worked to imperil fairness. Though never being bumped up to serve as a minister in a state or federal Labor Government, Blackburn was recognised as a figure of substance and note because of his firm and principled involvement in the great public controversies of his time.

Blackburn's enduring presence was evident in 2019 when not one but two impressive books covering his life and times were published by major Melbourne publishing houses.

First off the blocks was *The Blackburns: Private Lives, Public Ambition* (Melbourne University Press). Its author, Melbourne historian Carolyn Rasmussen, focused on the fruitful relationship between Blackburn and the woman, Doris Hordern, whom he married in 1914.

Doris, when she married Maurice, was independently drawing on the same progressive social and political principles that activated her husband. A person of 'great conscience and personal integrity', she was a fellow member of the Free Religious Fellowship and was Vida Goldstein's closest colleague in the Women's Political Association.² Doris's sense of commitment continued all through her marriage and well after Maurice's death in 1944. She represented Bourke (his old federal seat) as an independent Labor person from 1946 to 1949. In the two decades that followed her stint in Canberra she was associated with various organisations, notably the Women's International League for Peace and Freedom and the Federal Council for Aboriginal Advancement.

1 Susan Blackburn Abeyasekere, 'Blackburn, Maurice McCrae (1880–1944)', *Australian Dictionary of Biography*, vol. 7 (Carlton, Vic.: Melbourne University Press, 1979), 310.

2 Blackburn, 'Blackburn, Maurice McCrae', 312.

Hard on the heels of Rasmussen's book in 2019 came David Day's *Maurice Blackburn: Champion of the People* (Scribe Publications) in which Doris figures as his wife but does not share equal billing. Maurice Blackburn Lawyers, in a welcome initiative, commissioned the work and provided the support without which it would not have not been completed.

David Day, like Carolyn Rasmussen, is a highly productive biographer and historian. He has to date published over a score of books including biographies of four Australian Labor Party prime ministers (Andrew Fisher, John Curtin, Ben Chifley, and Paul Keating). He is now engaged in completing a life of a fifth one (Bob Hawke).

Blackburn, as a reading of Day indicates, foreshadowed Hawke in his determination to devote the skills and knowledge acquired through higher education to the service of organised Australian workers. Unlike Hawke though, he made no effort to come across as a man of the people. Both he and Doris sprang from solid late colonial stock. He dressed and spoke like a man from the professional classes. There was no attempt at blokeyness. During his time as a federal member his was one of the largest private houses in his pre-gentrified electorate. It housed a magnificent library.

On being admitted to the Bar in 1910, Blackburn quickly evolved into Melbourne's premier labour lawyer. He worked on numerous fronts. He took pains, for example, to boil down the complexities of industrial law into lucid lectures and pamphlets. When he got to Spring Street, he could be counted on to fully brief his Australian Labor Party (ALP) colleagues on the legal implications of proposals coming before the Victorian lower house.

Blackburn, Day notes, remained a late nineteenth-century idealist whose first political home was the Victorian Socialist Party (VSP). He maintained a link with left-wing intellectuality after the VSP faded away by supporting the Victorian Labor College.

Joining the ALP, in contrast, was a more mundane step. Day's account, as with other writers who have dealt with Blackburn, does not indicate precisely when he signed up, so low key an event was it. Joining the party though, and subjecting his honed conscience to factional and caucus control, was a necessary step on his way to winning his first parliamentary seat (Essendon) in 1914. The supreme challenge was now upon him. Blackburn played a leading role in inspiring and organising the mass campaign to defeat conscription for overseas military service in 1916–17. He became a Labor hero. After the war he consolidated his efforts by founding his eponymous labour law firm.

His resolve did not weaken with the passage of time. As a federal politician after 1934, Blackburn's zeal and determination was as pronounced as ever. He advised and represented the Council for Civil Liberties after it was established in 1935

and also became president of the Victorian branch of the Movement against War and Fascism. He did not shy away from united front activities once the Spanish Civil War era kicked in. Such involvement fuelled the established misperception that held him to be, in the words of my dear Brunswick grandmother (one of his constituents), a ‘red ragger’.

Amid the obloquy there were private consolations. Mighty spirits have to unbend and such moments are picked up by good biographers. The personal data that is marshalled by Day—and by Rasmussen as well—is shot through with the lovely juxtaposition between the portentous (the Russian Revolution, Catholic Action, federal Labor’s socialisation objective of 1921) and the homely, as represented by Maurice allegedly having a soft spot for popular Hollywood movies and Doris’s joy in getting a hefty American automobile after a friend gave her driving lessons.

The big picture was never forgotten though. In the late 1930s, and with another world war looming, Blackburn yearned for a return to something similar to the glory days of 1916–17 when several incongruous elements—ranging from Archbishop Daniel Mannix to the Industrial Workers of the World—had banded together to defeat conscription.

Fascinating anti-war archival material in the James Normington Rawling Collection at The Australian National University indicates what happened next.

At the end of 1936 we see Blackburn reminding a Melbourne audience that the Catholic Church had supported justice in Parnell’s Ireland and, pertinently, there was no reason also why it should not follow the same course again during the civil war in Spain. But Blackburn had to say such things because he knew that the ground under his feet was shifting and not in a good way.

For crucial reasons whose detailed exposition lies outside the remit of a good discriminating biographer—but which is of interest to any deep historian of the period—the coalition of 1916–17 was fated not to get back together again.

By the 1930s, anti-conscription sentiment in the Victorian branch of the ALP had, in the wake of the godless 1917 Bolshevik Revolution and with the blessing of Archbishop Mannix, morphed effortlessly into pervasive anti-communism. The state executive, now controlled by right-wing elements, felt free to move against Blackburn because of his united front activities. They branded him as a Communist stooge. Starry-eyed disciples of the young Bob Santamaria were called on to roll back the red menace in Blackburn’s inner Melbourne electorate.

The timing of Blackburn’s final ostracism in the spring of 1941 was exquisite. The Victorian state executive expelled him because he supported the Australia–Soviet Friendship League even though Australia and the Union of Soviet Socialist

Republics had just become wartime allies. His expulsion meant that he was excluded from federal caucus just days before it met to choose the personnel of the first federal Labor Government in almost a decade.

Maurice—and Doris as well—was now out on a limb. There was no collective ideological community on which they could rely. Far from being a dopey fellow traveller, Maurice's opposition to conscription in 1942–43 made him *persona non grata* to the now ultra-patriotic Communist Party.

From the odd surviving fragment it is possible to gain an insight into the emotional side of what was going on. At Labor's state Easter Conference in 1943, Blackburn's fellow lawyer J. V. Barry experienced the two hostile camps firsthand. He felt, he says in a letter quoted by Mark Finnane, 'silent, lonely and unappreciated' by Labor's number crunchers.³

The marginalisation of the Blackburns in the 1940s was part of a bigger process. The couple's serial removal from federal parliament was the first great project of Bob Santamaria's secretive Movement. Its success on this front emboldened his disciples. The resulting heightened atmosphere meant that the dispute that broke out when Evatt denounced Santamaria in 1954 was bound to be all the more destructive.

The bitterness following on from the split in 1954 was hard to exorcise. It was a factor at the time of the Dismissal in 1975 and was not finally healed until the Hawke era got going in the 1980s. The animosity that arose in the united front era years took a long time to die. Maurice Blackburn was being truly prophetic in 1936 when he began to sense that his appeal to old binding loyalties was gaining only limited traction.

Blackburn's readiness to engage with the deep forces shaping surface events makes him a highly suitable subject for any serious biographer. Clearly thought out and well written and reflecting patient research, David Day's biography represents an impressive addition to the existing body of literature concerned with Maurice Blackburn's life, milieu and durable legacy.

3 Mark Finnane, *JV Barry: A Life* (Sydney: UNSW Press, 2007), 93.

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