

# Whose 100th Birthday?? Australian Democracy and 'Rerum Novarum' 1891-1991



Speech given by Senator The Hon  
Michael Tate, Federal Minister for Justice  
and Consumer Affairs, on the occasion of  
the National Forum Celebrating 100  
years of Catholic Social Teaching,  
Cabra College, Adelaide  
4 October 1991



No. 9

ACSJOC OCCASIONAL PAPER

The Australian Catholic Social Justice Council is pleased to present to you  
Whose 100th Birthday?? Australian Democracy and Rerum Novarum  
1891-1991, No. 9 in its series of Occasional Papers.

Senator Michael Tate, a prominent Catholic and Federal politician, draws an interesting parallel between the growth of social democracy in Australia and the development of papal social teaching. He also suggests a link between Rerum Novarum and a landmark industrial decision.

The decision to publish this paper is a means of marking the end of this year of celebration of the Church's Social teaching.

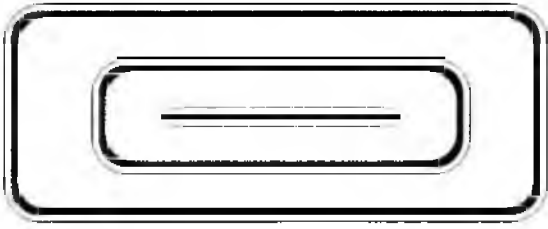
† William Brennan  
ACSJC Chairman

**The Author**

Michael Tate studied law at the University of Tasmania and theology at the University of Oxford. He was a member of the Australian Catholic Commission for Justice and Peace in its early years. He entered the Senate in 1978 and was elevated to the federal ministry in 1987, in which he is currently Minister for Justice and Consumer Affairs.



His Holiness Pope John Paul granted Senator Tate a private audience on the 28th September 1991. The photograph shows the Minister being presented with the Rerum Novarum Medallion.



In 1891, there was a constellation of events which justified in an extraordinary way the very genesis of the naming of this great Commonwealth which we are privileged to inhabit.

**"Austrialia del Espiritu Santo"** was the name given by the Portuguese Explorer De Quiros to the unknown land mass to the South. He never did discover this "Austrialia del Espiritu Santo", but the 'South Land of the Holy Spirit' in 1891 became a land in which workers and democrats would determine to achieve non-violent social change to better the "Condition of the Working Classes" — the formal title of the Encyclical — **"Rerum Novarum"** issued by Pope Leo XIII on the 15th of May 1891.

On the 1st of May, 1991, the Pope of our own era, Pope John Paul II, issued his encyclical celebrating 100 years of the social teaching of the Church since "Rerum Novarum". As the name **"Centessimus Annus"** signifies, it is a 100th birthday he is celebrating, and the Pope does so with a striking passage which allows us as Australians, as inhabitants of "Austrialia del Espiritu Santo", to simultaneously celebrate the 100th birthday of our dedication to the Parliamentary process to achieve social change, particularly the betterment of the conditions of the working men and women of this nation, but indeed for all those who would otherwise be on the margins of the distribution of sufficient wealth to sustain their dignity as human beings.

The passage in "Centessimus Annus" is as follows:—

**"The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate . . .**

**Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person."**<sup>1</sup>

This is a revolutionary statement, without peer or precedent at such a formal level of pronouncement by the Catholic Church. Even the Vatican Council in its pastoral constitution on the Church in the Modern World, **"Gaudium et Spes"** did not get beyond noting the possibility of different political systems according to the culture and historical moment of a particular community.

In conversation with the Pope last Saturday, His Holiness told me the key to his teaching on democracy lay in that latter emphasis on the centrality of the person. What he had indicated in **"Laborem Exercens"** on the dignity of the human person, particularly in relation to work and its conditions was, in his words, "elaborated and extolled" in "Centessimus Annus". This fascinated me because the connection between democracy and the necessary conditions of labour to secure the dignity of the people engaged in work had been precisely perceived and pursued in practice by the representatives of the working class of Australia in 1891.

What were the Australian events of 1891 which coincided in a remarkable way with the promulgation of "Rerum Novarum" on the 1st May 1891?

On the 4th of April 1891, the first league (branch) of the Labor Party was formed by the Balmain Labourers Union. About 3 weeks earlier, on 10th March 1891, the New South Wales Trades and Labor Council proclaimed the aim (in its 3rd Objects of Association) **"To bring all electors who are in favour of democratic and progressive legislation under one common banner"**.

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## The union movement of the Australian colonies in 1891 renounced class warfare.

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Thus, violent class struggle was renounced in favour of arbitral tribunals and the parliamentary process. This opting by the union movement for participation in the parliamentary processes to improve the lot of the working class and to achieve a more just distribution of wealth and power in the colonies was our indigenous prophetic response to the very conditions of exploitation of workers described by Leo XIII in the same early months of 1891 and in the course of which he had warned:—

**"It is a capital evil with respect to the question we are discussing to take for granted that the one class of society is of itself hostile to the other, as if nature had set rich and poor against each other to fight fiercely in implacable war."**<sup>2</sup>

The union movement of the Australian colonies in 1891 renounced class warfare and thereby earned the unrelenting hostility of Lenin.

Before I come to that, I must mention the other great Australian event of 100 years ago. It was the holding of the first Australasian Federal Convention in Sydney in late April of 1891.

In fact, it was escape during the Easter break from the humidity and pestilence of Sydney to the cooler breezes of the Hawkesbury which enabled a small group under Sir Samuel Griffith to draft what became the foundational document of our nation when, to quote the preamble to the Constitution of 1901 **"Whereas the people . . . humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth, under the Crown . . . and under the Constitution."**

We were thereby constituted a nation where the ultimate political power and its bestowal and transfer was in the hands of electors voting in secret ballot — and the exercise of such power was constrained by the Rule of Law — "under the Constitution".

To quote John Paul II again from "Centesimus Annus":-

"The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate.

"Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person."



All these events of the early months of 1891 were, of course, anathema to the proponents of class warfare. I said I would mention the scathing criticism of the workers' leaders by the greatest proponent of class warfare, *V.I. Lenin*. Writing of the 1913 election to the Federal parliament he said, inter alia,

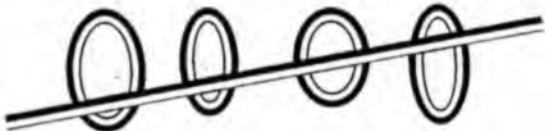
"Those liberals in Europe and in Russia who try to "teach" the people the needlessness of class war by the example of Australia only deceive themselves and others".<sup>3</sup>

And Lenin's statues have come tumbling down as we celebrate the three extraordinary events of early 1891:--

- first branch of the Labor Party 4/4/91;
- first Federal Australasian Convention 9/4-1/5/91;
- "Rerum Novarum" 15/5/91.

What a vindication of all those events of 1891, but especially of the indigenous Australian resolution of the conflict of labour and capital within and by means of, the arbitral and parliamentary system of a fledgling nation.

What an insurpassable 100th birthday that Lenin, in these last few weeks, should have been so comprehensively defeated by the nonviolent democratically expressed voice of the people of the Soviet Union who are desperately seeking to establish those structures which will improve "the condition of the working classes", and who must look with envy at our federal system which allows for the distribution of political power within a nation of former colonies.



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The Industrial Relations Commission, still has a very, real role to ensure that there is no undermining of the entitlement of workers to a fair share in the wealth of the society to which their work contributes.

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It was the son of a Wesleyan household who fulfilled the expectations of the Australian workers that the arbitral system, rather than class warfare, would improve their conditions.

Henry Bourne Higgins, as President of the Commonwealth Court of Conciliation and Arbitration in the famous Harvester case of 1907, set down a minimum wage of 7/- per day for an unskilled labourer.

He arrived at that sum by estimating "the normal needs of the average employee, regarded as a human being, living in a civilised community . . . (in) "a condition of frugal comfort estimated by current human standards" and by examining "the necessary average weekly expenditure for a labourer's home of about five persons . . ."<sup>4</sup>

Can we hear in this celebrated judgement, echoes of the following passages in "Rerum Novarum"?

"Let it be granted then that worker and employer may enter freely into agreements and, in particular, concerning the amount of wage; yet there is always underlying such agreements an element of natural justice, and one greater and more ancient than the free consent of contracting parties, namely, that the wage shall not be less than enough to support a worker who is thrifty and upright."<sup>5</sup>

Whilst "Rerum Novarum" did not expressly recognise the right in justice to a family wage (it almost does in N.65), Higgins, J. certainly did and thereby laid the foundation for the assessment of the basic wage in Australia which endured until 1974.

Higgins, J. had read and commented on "Rerum Novarum" in 1896 and one cannot doubt but that many of its passages created a lasting impression on him.<sup>6</sup> Thus, "Rerum Novarum", after stating the principle of the just wage, at N.63 goes on to state:—

"If, compelled by necessity or moved by fear of a worse evil, a worker accepts a harder condition, which although against his will he must accept because the employer or contractor imposes it, he certainly submits to force, against which justice cries out in protest."

Higgins, J. at page 4 of his judgement in the Harvester case, states,

"I cannot think that an employer and a workman contract on an equal footing, or make a "fair" agreement as to wages, when the workman submits to work for a low wage to avoid starvation or pauperism (or something like it) for himself and his family."

Thus, there is a real link between the practical improvement in "the conditions of the working class" in Australia and the papal encyclical of 100 years ago which bore that formal title.

I believe that in the 1990's, commitment to an arbitral system which sets national award standard conditions of employment (eg leave standards, standard hours and redundancy provisions) which cannot be bargained away is the only just foundation on which negotiations over wages linked to productivity can be allowed at the workplace level.

The successor to Henry Bourmes Higgins, the Industrial Relations Commission, still has a very real role to ensure that there is no undermining of the entitlement of workers to a fair share in the wealth of the society to which their work contributes. As "*Rerum Novarum*" recognised, natural justice and distributive justice require certain minimum wages which cannot be justly bargained away under unequal individual contracts of employment.

The ideology of freedom of the individual, in ignoring relational and solidarity aspects of human society, and in allowing the freedom of the strong to exploit the weak, is an ideology just as much to be condemned by the Catholic Church's social teaching as was the class warfare of Marxist-Leninism.



We must be on guard in Australia against its manifestation in the industrial relations field.

Over the Century the arbitral and parliamentary systems advanced the conditions of not only workers but indeed of all those classes who could be described as living in poverty or dependence in Australia.

The simplest measure of improvement is in the life expectancy and infant mortality figures. In outlining these I do not close my eyes to the dreadful scourge of abortion which denies any life expectancy to tens of thousands of new Australian human lives every year.

Life Expectancy		Male	Female
	1891	51 yrs	55 yrs
	1991	73 yrs	80 yrs
Infant Mortality	1891	1511000	
	1991	811000	

(N.T. Aboriginal Population 3511000 in 1985-87.)<sup>7</sup>

This cannot occur without a taxation, social security and health system which transfers huge amounts of money under the compulsion of law voted for by the elected representatives of the men and women of this society.

May it be that there is a strong link between the Aboriginal infant mortality figures and the fact that all Aborigines did not have a right to vote in federal elections until 1967, and, in fact, were not required to enrol and thereby be obliged to vote until 1983.

For those in this audience who wish to see society transformed in accordance with gospel values, contrast this condition of Australian society today with the Greco-Roman world into which the gospel erupted with revolutionary news for the poor in that empire.

Luke called them: *ptochoi* — "the beggars".<sup>8</sup>

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**"give us this day our daily bread" was a plea to fill their bellies with real food.**

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For Luke, these were real poor, not the "poor in spirit" in Matthew's spiritualised and degouted version but the *ptochoi* derived from the word "to cringe or crawl".

Basically, they were the day labourers and debt bondsmen of that society — the "humiliores" — those of lowly status for whom there was no organised support — no distribution of corn/wheat (except to limited classes in Rome) — certainly not in the Hellenistic cities of the 1st Century AD.

For the day labourer/debt bondsman "give us this day our daily bread" was a plea to fill their bellies with real food — hence the programmatic Luke 4:18. The good news is to the *ptochoi* — the beggars who have to cringe and crawl; the bad news is to those who, in Paul's words, "embarrass the poor" by gluttonous eating and drunken revelry in the face of those without "daily bread" and with whom they refuse to share.

The challenge of Paul and Luke to the alliance of political power and wealth which deformed the society into which the gospel burst is a challenge to which Australian society in the last 100 years has responded magnificently.

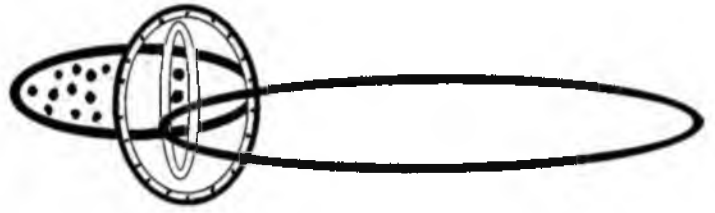
I do not claim the Kingdom has arrived in the western suburbs of Sydney. I do not deny the dreadful state of many of our aboriginal communities, nor the degrading and perilous conditions in which many of our homeless youth find themselves in many cities.

But we should, as Australian Christians, celebrate the utter contrast between our society's rules for the distribution of wealth to our low income households and the total lack of rules to enforce the distribution of necessities of life to the "*sordes urbis et faex*",<sup>9</sup> the "*ptochoi*" in the world where the Kingdom was first proclaimed.

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I believe the total suppression of the Communist Party in the USSR would be fundamentally at odds with the establishment of democracy in those republics where political power is now constituted by the will of the people. Of course, their eruption into democracy is very recent and traumatic, if almost totally and miraculously nonviolent, and without the historical preparation of our colonial experience.

But there is no gainsaying the present Pope is absolutely correct to note that "Authentic democracy is possible only in a State ruled by law, . . ."

That has been the Australian democratic experience of the last 100 years as our society has attempted to improve "the condition of the working classes".

Let me return to "Centesimus Annus" and John Paul II  
**"Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person."**

I concur absolutely with these remarks and wish, once again, to demonstrate how our Australian federal Constitution embodied practical provision to enable this authentic democracy to be established and sustained.

To first take the necessity for the Rule of Law.

Of course, in itself, the Constitution is an expression of the Rule of Law preventing the exercise of despotic and arbitrary power. With the separation of power, principally the holding and exercising of judicial power, and the preeminent role of the High Court as interpreter of the provisions which confer legislative and executive power on the Federal Parliament and government, this federating peoples has been spared the suppression of minority political movements, even when they seemed threatening to the nation.

Thus, the High Court in 1951,<sup>10</sup> decided that, in peace time certainly, even the defence power was not plenary enough to allow for the suppression and dissolution of the Communist Party of Australia, and the Constitution did not permit the simple nominating by the Government of adherents of that political belief in a way which barred them from office, especially in the trades unions.

This decision by the High Court was vindicated by the people voting in referendum in 1951 to reject a Constitutional amendment to dissolve the Communist Party. The democratic sense of the Australian people then reached its highest point and is a model for the present leadership in the Soviet Union.

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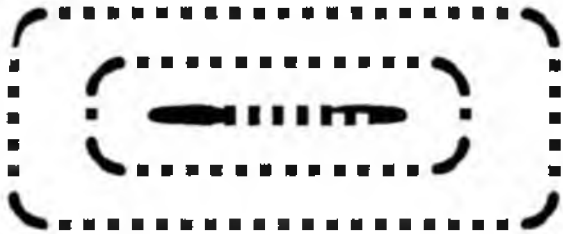
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It is fascinating to note that in the Soviet society established on the non-democratic ideology of class-warfare, the prelude to the emergence of democratic pluralism was the recognition in resolutions of the 19th Communist Party Congress in early July 1988, of the concept of 'pravovoe gosudarstvo' "**a system in which all institutions and individuals are subordinate to the law as administered by impartial and independent courts**",<sup>11</sup> in short, where the Rule of Law is erected as the ultimate bulwark against despotic and arbitrary rule.

Let us, in these centenary celebrations, recall another point in our early democratic experience, with pride. I refer to the fact that Australasia is the birth place of nations according the vote to women — thus, in John Paul II's words ensuring "the participation of (all) citizens in making political choices."

You will well know that, in South Australia in 1894, the franchise was extended to include women and in 1902 this was provided in elections to the Federal Parliament. Thus the Australasian nations (Australia and New Zealand) share the distinction of being the oldest enduring democracies based on male and female adult suffrage in the world, preceding the UK and US by decades.

We have to confess to the blot of racism on our early democracy. The framers of our Constitution, gathering in Sydney in April of 1891, were elected on rolls which excluded Aboriginals, Chinese, Indians and South Sea Islanders. Not till 1967, again by referendum, was constitutional discrimination against Aboriginals eliminated.



To return to "Centesimus Annus"-

"Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person."

To emphasise the second inseparable foundation for authentic democracy, as indeed the Pope personally emphasised to me, "the correct conception of the human person" requires, inter alia, that recognition which the framers of our Constitution accorded to the conscience, especially in matters of religion.

To refresh your memory, s.116 of the Constitution reads "The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office of public trust under the Commonwealth."

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A different symbol of the relationship of Church and State brooded over early colonial settlements in this land. If you visit the old penal settlement at Port Arthur in my home State of Tasmania, the first building you see at the entrance is the crumbling ruins of a church — it speaks eloquently of the close relationship between the Church and the coercive power of the political authorities, expressed in the most violent way by the flogging of Catholic prisoners who refused to go along to the services, until their constant refusal weakened the resolve of the authorities and provision was made for their independent religious services.

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Once again, the framers of our Constitution in the last decade of a century ago made the fundamental decision that in our democratic Commonwealth of Australia its inhabitants should be free of official recognition of any one denomination of the Christian religion (as it would have been), and free of that official retribution or withholding of employment or other office which could have been the fate of the adherents of those religions not sharing in the spoils of dominant political power. Nor, of course, can the coercive power of the State be called into aid to advance a religious cause.



You may recall the Scientology Case which went before the High Court in the early 1980's.<sup>12</sup> It contains some passages of particular interest in the joint judgement of Acting Chief Justice Mason and Mr Justice Brennan. For example they said:

"Freedom of religion, the paradigm freedom of conscience is of the essence of a free society."

Again. and I think it is a marvellous exposition:

'Though religious freedom and religious equality are beneficial to all true religions, minority religions — not well established and accepted — stand in need of special protection.'

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Australia has proved remarkably hospitable to some 12,500 political refugees per year fleeing well founded fear of political persecution.

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There is a special admonition there for those of us belonging to the dominant Christian religion. The presence of a small number of adherents of the Islamic religion in this country (approximately 150,000) has already led to outbreaks of intolerance.

There is the prospect of their number increasing in the next century, perhaps dramatically if the low lying coastland of Indonesia is inundated by rising sea levels if the Greenhouse effect turns out as predicted. According to the Parliamentary Library, Indonesia has an extraordinary 14 per cent of the world's coastline. about the most dense coastal population anywhere, and a surprising proportion of its land surface subject to tidal influence.

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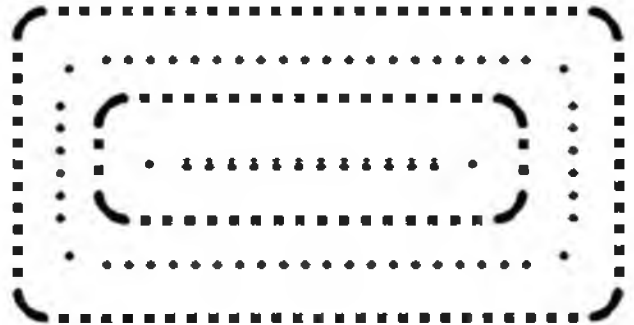
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Ecological refugees on an enormous scale will be the new call on the compassion of the followers of the religion whose founder was a refugee baby in Egypt.

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Australia has proved remarkably hospitable to some 12,500 political refugees per year fleeing well founded fear of political persecution. How will we react to hundreds of thousands for whom immigration will be a matter of ecological life or death? Ecological refugees on an enormous scale will be the new call on the compassion of the followers of the religion whose founder was a refugee baby in Egypt.

Any such occurrence will also require a tolerance easy to extend to our neighbours from low-lying Pacific atolls, less easy to extend to numerous adherents of another faith. When I mentioned this to the Holy Father he reminded me that the Muslim faith in Indonesia is well integrated into an ideology of national goals which requires great religious tolerance that conversion can take place without penalty and that high public office can be held by the adherents of all religions.



These are observations which I too emphasised during the last referendum campaign on religious freedom. when some frightening stereotypes of Muslims were trotted out in an effort to whip up hysteria. Muslim refugees or immigrants from Indonesia imbued with the ideology of "Panca Sila" (pron. "punch-a seela") would have a very similar understanding of religious tolerance to our own.

But, to return to the Scientology case:—

"It is more accurate to say that protection is required for the adherents of religion, not for the religions themselves. Protection is accorded to preserve the dignity and freedom of each man so that he may adhere to any religion of his choosing or to none."

That is the High Court speaking to us as Australians about the importance of our constitutional document for our freedom of the religious conscience.

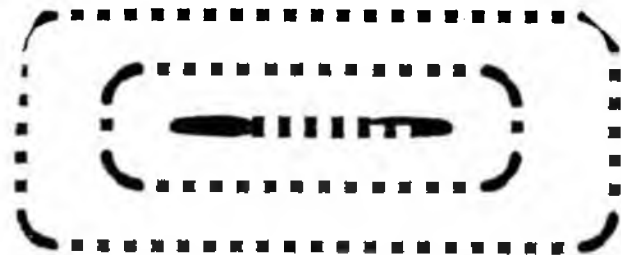
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the Holy spirit effectively  
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Now, also being a member of the worldwide community of the Catholic Church, I listen to the words of our Catholic constitutional documents of the modern era. I refer to the proceedings of the Second Vatican Council — in particular — *"The Declaration on Religious Freedom"*.<sup>13</sup>

"The Synod further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God, and by reason itself. This right of the human person to religious freedom is to be recognised in the constitutional law whereby society is governed. Thus it is to become a civil right." (Article 2)



What we have here, finally emerging from the Vatican Council on the 7 December 1965 when it was promulgated by the Pope, is a recognition of what the framers of our Constitution had realised in the 1890's. Recognition of the freedom of the religious conscience is essential to the dignity of human beings and needs to be entrenched constitutionally against legislatures and against elected governments.

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We are indeed fortunate  
to be inhabitants of  
"Austrialia del Espiritu  
Santo".

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Now if, as we Catholics believe, the Holy Spirit was at work in guiding the deliberations of the Bishops in Vatican II, then the Holy Spirit was also present at work guiding the framers of our Constitution 100 years ago — the Holy Spirit effectively gathers collaborators, accomplices, conspirators outside the formal boundaries of the Church!!

This conviction is the reason for my confidence in celebrating the constellation of events of 100 years ago in Rome and Australia.

I have tonight celebrated two centenary birthdays — that of *"Rerum Novarum"* and that of Australian democracy. Let me repeat for the last time tonight Pope John Paul II's centenary statement that:—

"The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate . . .

"Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person."

This statement had already been realised — conceived and made real — in the Australian experience of 1891. Those events, and the 100 years of the history of the improvements of the "Condition of the Working Classes" within and because of our democratic sense and tradition, fulfil the prophecy of the Portuguese explorer De Quiros with which I opened this speech.

Inasmuch as we are citizens of this democratic Commonwealth of Australia under the Rule of Law, we are indeed fortunate to be inhabitants of "Austrialia del Espiritu Santo" — *'the South Land of the Holy Spirit.'*

#### END NOTES

1. Centesimus Annus, N. 46
2. Rerum Novarum, N.28
3. V.I. LENIN "In Australia" SOCHINENLYA, Vol. 19. pp. 188–90 GOSIZPOLIT MOSCOW, 1952
4. (Exparte H.V. McKay, 1907 C.L.R. p 3,4,6,9)
5. "Rerum Novarum" N. 63
6. John Molony, "The Worker Question" p.88 Collins Dove, 1991
7. Parliamentary Research Service. Parliamentary Library
8. Philip Esler. "Community & Gospel in Luke Acts" C.U.P. 1987
9. Cicero. Ad Atticum I, XVI
10. Communist Party Case. (1951)83 C.L.R
11. A. Brown, "Political Change in the Soviet Union" World Policy Journal Summer 1989. 469 and 476.
12. Church of the New Faith v. Commissioner of Pay Roll Tax (VIC) (1982-83) 154 C.L.R. 120.130.132.
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