

# Revolution And The Australian State

A SOCIALIST ANALYSIS

E. F. Hill

Price \$1.50

In this 1974 work, Hill offers an analysis of the machinery of the Australian state apparatus. His task was to analyse the Australian state as a machine for the maintenance of monopoly capitalist rule over the working class, and to challenge the bourgeois illusions of “independence of the judiciary”, “equality before the law”, and of parliament as a “democratic” institution. This is an Australian classic of Marxism-Leninism-Mao Zedong

## Introduction

Edward Fowler (Ted) Hill was the founding Chairperson of the Communist Party of Australia (Marxist-Leninist). He had been a leading member, and Central Committee member, of the Communist Party of Australia which he was forced to leave in 1963 following struggles in that Party between revisionists and Marxist-Leninists.

The new Party was founded on March 15, 1964. Over a number of years since that date, Hill subjected Australian reality to genuine Marxist-Leninist analysis in order to ensure the CPA (M-L) developed in accordance with the revolutionary teachings that the old Party had abandoned.

Some of Hill's writings can be found on the Encyclopedia of anti-Revisionism Online at the Marxists Internet Archive here: [Anti-Revisionism in Australia – Index Page \(marxists.org\)](#), some at the Reason in Revolt website here: [Hill, Edward Fowler \[Ted\] - Biographical entry - Reason in Revolt](#) . A range of publications and speeches has been collected here: [E F HILL](#) .

In February 1974, Hill published *Revolution and the Australian State: A Socialist Analysis*. It is one of his works that has not been previously archived. We have retyped it because it is an important part of his work and needs to be available for study. It is even more relevant today for both the working class and First Nations Peoples.

In this work Hill offers an analysis of the machinery of the Australian state apparatus. He modestly refrains in the sections on the law, the police, courts, from mentioning that he was an outstanding barrister, or that in his early studies in 1933, he had been awarded the Harry Emmerton Scholarship in Constitutional Law and Legal History. He could have easily tried to impress readers of this work by big-noting himself and saying "I am a lawyer, I deal with this stuff every day, so you must accept what I say." He lets his analysis stand on its own feet, to be accepted or rejected on its own merits.

We have added as an appendix, an article Hill wrote in 1987 for the CPA (M-L) newspaper *Vanguard* for it does fill in that missing space of Hill's own experiences with the police. It is now an historically valuable insight into Hill's personal and professional life.

It should be noted too that some of what Hill has written in this publication is now out of date. For example, some of the provisions of the Crimes Act are no longer found in that Act but have been incorporated in the growth area of new repressive laws. These laws are so concerning to some that they have been described as fascist. Prof. Stuart Rees OAM is one who has referred to them in this way (see: [Fascism is alive in Australia - Pearls and Irritations \(johnmenadue.com\)](#) ). We have added footnotes where we thought they might address changes since the time at which Hill was writing. Some are designed to contextualise references made by Hill.

Although Hill's task was to analyse the Australian state as a machine for the maintenance of monopoly capitalist rule over the working class, new developments in international law provide instances where the so-called "national interest" has been sold out by a ruling class determined to keep in sweet with the major imperialist powers headed by US imperialism. Although these developments which have seen the Australian state voluntarily surrender its sovereignty and independence to international bullies are beyond the scope of this Introduction, we would refer interested readers to Clinton Fernandes's *Island Off the Coast of Asia* (Monash University Publishing, 2018) for its discussion of such matters as free trade agreements, intellectual property agreements and Investor-State Dispute Settlement provisions.

Central Committee, Communist Party of Australia (Marxist-Leninist)

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## Chapter One

### The Australian Constitution

British imperialism seized Australia from the native black people and set up various British colonies. By 1900 there were six separate British colonies in Australia, namely, the colonies of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania. The Commonwealth of Australia was “legally” established by a law of the British Parliament entitled the Commonwealth of Australia Constitution Act. Formally this Act is 63 and 64 Vict. Chapter 12 (see Appendix 1). It was passed on July 9, 1900 and came into operation on January 1, 1901. It recited that the people of New South Wales, Victoria, South Australia, Queensland and Tasmania “have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom...(note the important phrase **under the Crown of the United Kingdom**). It contained special provision for Western Australia. By Section 6 it provided: “The Commonwealth shall mean the Commonwealth of Australia as established under this Act.

“The States’ shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called ‘a State’.

“Original States’ shall mean such States as are parts of the Commonwealth at its establishment.”

The actual constitution of this Commonwealth was a schedule to the Act of the British parliament. The constitution contained detailed provisions to set up and define the powers of the Parliament of the Commonwealth, the executive of the Commonwealth and the courts (“judicial power” as it is called) of the Commonwealth. The constitution set out the subjects upon which the Commonwealth Parliament could make laws, mainly, but not only, in Section 51. It defined the way in which Federal and State laws operated together so that Federal

laws on questions within the Federal competence prevailed over State laws in the same field. It provided by Section 128 how the constitution could be altered, namely only where both a majority of voters in a referendum in the Commonwealth and a majority of States by majority in those States supported change. The only other provision that bears on this is that the Commonwealth may legislate on matters referred to it by States. Section 127 contained the notorious provision: "In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted."

The Commonwealth Constitution is what is called a federal constitution That is, it contains a division of power between a central authority and regional authorities; in this case, the central authority is referred to as the Commonwealth and the regional authorities are referred to as States. So we have in Australia the Commonwealth as the central authority and the States of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania as the regional authorities.

The arrangement of powers is that the Commonwealth has the named designated powers and the States have the residue. Section 51 of the Constitution already referred to contains a list of most of the subjects upon which the Commonwealth may legislate. It says:

"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

1. trade and commerce with other countries, and among the States;
2. taxation; but so as not to discriminate between States or parts of States;
3. bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
4. borrowing money on the public credit of the Commonwealth;
5. postal, telegraphic, telephonic, and other like services;
6. the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
7. lighthouses, lightships, beacons and buoys;
8. astronomical and meteorological observations;

9. quarantine;
10. fisheries in Australian waters beyond territorial limits;
11. census and statistics;
12. currency, coinage, and legal tender;
13. banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
14. insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
15. weights and measures;
16. bills of exchange and promissory notes;
17. bankruptcy and insolvency;
18. copyrights, patents of inventions and designs, and trade marks;
19. naturalization and aliens;
20. foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
21. marriage;
22. divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
23. invalid and old-age pensions;
- 23A. the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
24. the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;
25. the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;
26. the people of any race, ~~other than the aboriginal race in any State,~~ for whom it is deemed necessary to make special laws;
27. immigration and emigration;
28. the influx of criminals;
29. external affairs;

- 30.the relations of the Commonwealth with the islands of the Pacific;
- 31.the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
- 32.the control of railways with respect to transport for the naval and military purposes of the Commonwealth;
- 33.the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- 34.railway construction and extension in any State with the consent of that State;
- 35.conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;
- 36.matters in respect of which this Constitution makes provision until the Parliament otherwise provides;
- 37.matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;
- 38.the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;
- 39.matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.”

There are other matters throughout the Constitution upon which the Commonwealth can legislate. On many of the subjects of power the States may also legislate but as previously indicated a Commonwealth law on the same subject and within the same field prevails.

The Australian constitution preserves to the States the power to legislate on all subjects not given to the Commonwealth by the Constitution. In Canada it is the opposite process. The Canadian Provinces (equivalent to Australian States) are given power to legislate on named subjects and the central parliament has power to legislate on all other matters.

The head of Australia is the monarch of Britain. As from 1973 the monarch is referred to as “Queen of Australia”.

The form of government is described in orthodox political theory as a parliamentary democracy. It provides for an elected parliament consisting of 2 houses, namely the House of Representatives and the Senate (constituted by representatives from the States where the States vote as electorates). There is a universal compulsory adult franchise. In the House of Representatives, preferential voting in geographical electorates operates, and for the Senate, a system of proportional representation. In the States, there is universal adult voting in geographical electorates for representatives in State parliaments.

In the Commonwealth and the States the Constitutions provide for the Executive government. Broadly speaking this means that there shall be a Cabinet taken from the parliamentary party that commands the support of the lower of the 2 houses of parliament where there are 2 houses (in Queensland there is only one).

There are elections each three years to choose the members of the various parliaments. Each Australian on the electoral roll votes for members of the Commonwealth Parliament and at the state elections for members of the State parliaments.

The final interpreter of the Constitution of the Commonwealth of Australia is the High Court of Australia set up under Section 71 of the Constitution. It is composed of judges appointed by the Cabinet of the day. Its judges hold office for life.

In Australia the word “States” has been used to describe what were described before as Colonies of Australia ie NSW, Victoria, South Australia, Western Australia, Queensland and Tasmania. Scientific socialism, Marxism-Leninism uses the term “state” in quite another sense. It uses it in the sense of describing the apparatus or machinery by which a social class maintains its domination. Hence, we speak of the capitalist state, not to be confused in Australia with the geographical use of the term “States” in the sense of NSW, Victoria, etc.

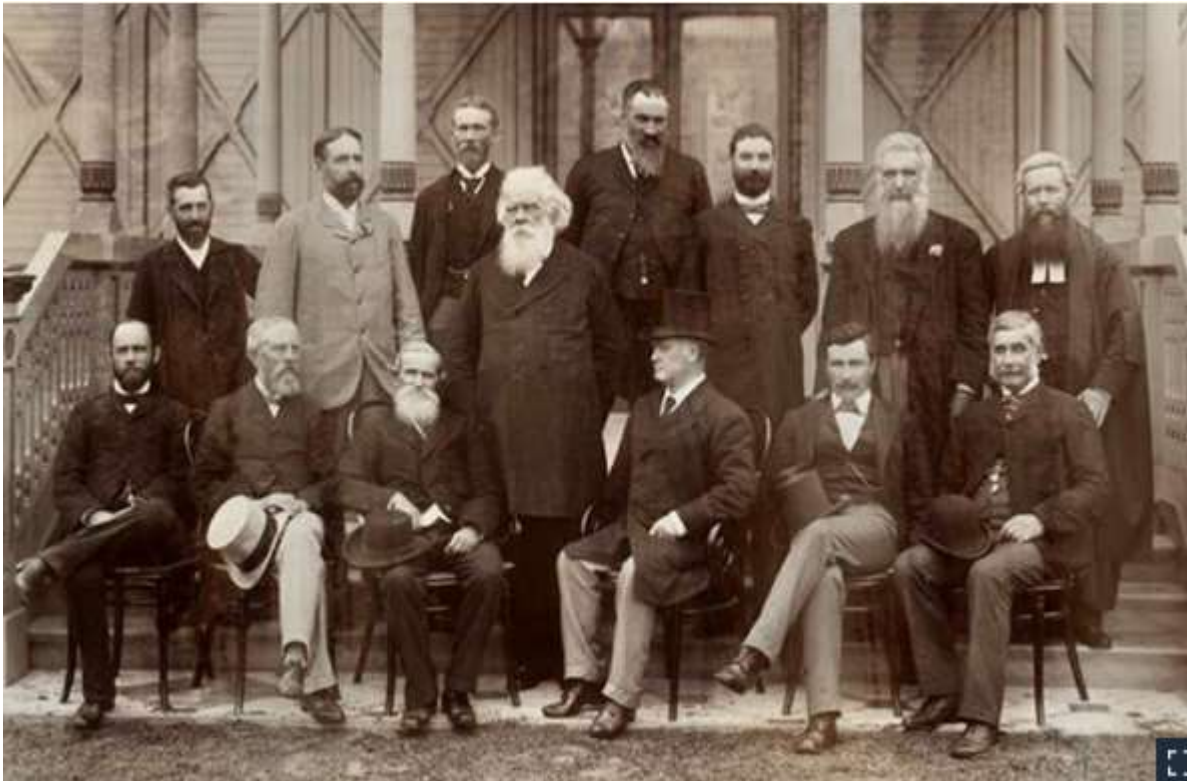
The great Russian revolutionary Lenin wrote a great deal in analysis of the nature of capitalist states. Before him, Marx too had written on this question. Both Marx and Lenin set out to look at the essence of the various states They deduced certain general conclusions. Lenin summarised those conclusions by saying: “The forms of the bourgeois state are extremely varied, but in essence they are all the same: in one way or another, in the last analysis, all these states are inevitably the dictatorship of the bourgeoisie”. (State and Revolution: conclusion of Chapter 2.)

Australia has the **form** of bourgeois democracy, parliamentary democracy, constitutional democracy, whatever you like to call it, but its **essence** is dictatorship of monopoly capitalists. There is the world of difference between form and essence. The essence is dictatorship of the bourgeoisie, that is, the monopoly capitalists really own state power. The central organ of state power is the army; then there are the



police, the courts, the gaols. The apparatus of army, police, courts, gaols, is, in Australia, a special organisation of violence for the suppression of the working class and working people. This is what reality shows. The reality is covered up or concealed by the form of parliamentary democracy, universal suffrage, freedom of speech, assembly, the press and so on.

It is the essence and what to do about it with which the people must be concerned.



(Above: Members of the Australasian Federation Convention, 1890. No women, no First Peoples, no Australian workers. NATIONAL LIBRARY OF AUSTRALIA, AN14292110)

## Chapter 2

### The Constitution A Compromise Between Conflicting Interests

The development of capitalism in the six separate British colonies in Australia (now States) dictated the need for the development of Australia as one nation with a national central government. The Australian constitution was a step in that direction. Before Federation there had been steps towards a central government largely resting on agreement between the separate colonies. The constitution was a long step beyond that because it translated into legal form (the form of what is called “fundamental law”) the stage that in fact colonial development had reached. The constitution itself was a compromise between the British imperialists, the new central authority and the authority of the previous six separate colonies (now States). It was characterised firstly by its exclusion of Australia’s native black people (ie it assumed the complete correctness of seizure of Australia from the black people and their ruthless extermination) and then by the division of government functions between the new central authority (Commonwealth) on the one hand and the States (previous separate colonies) on the other with retention of certain powers to British imperialism.



(Above: “Combine Australia”. The British view of Federation - the colonial Kangaroos still led by the British Lion.  
Photo: Dragi Markovic, National Museum of Australia.)

It was a fairly weak federation. Its weakness was born of the vested imperial interests in the six separate colonies (States) which were reluctant to hand over authority to

an unknown and untried central authority, and in the efforts of the British imperialists to maintain a direct hold in Australia. The economic interests in the previous separate colonies recognised the restrictions on the development of their interests that had been constituted by different colonial customs, different laws within the separate colonies, different railway gauges, different taxation, etc. The development of capitalism demanded the breaking down of inter-colonial barriers and for example, the institution of single national defence and foreign policies. In short, development of capitalism dictated a certain break from British imperialism which had really controlled defence and foreign policy and essentially retained reserve control of all aspects of government. On the other hand, competition amongst the vested interests within the separate colonies dictated a certain reserve in the erection of an all-embracing Australian central government. The British imperialist used the age old imperial technique of divide and rule by exploiting rivalry between the vested interests in the six separate colonies and also in the weakness of the central authority it created. Hence, the constitution represented a “reconciliation” of the contradictions (1) between British imperialism and the independence movement in the colonies (2) amongst the six separate colonies and (3) between the six separate colonies and the central authority.

The British authorities retained substantial reserve powers both under the Commonwealth Constitution and under various Acts (State constitutions) which had in the middle of the 19<sup>th</sup> century conferred so-called responsible government on the various separate colonies.

The constitution thus reflected the degree to which capitalism had developed in Australia. It by no means established real independence for Australia and in important respects it did not even establish formal independence (examples are the right of appeal to the Privy Council, retention of the British monarchy, certain measures requiring Royal assent, British-appointed governors).

Decisions of the High Court maintained a great measure of authority for the States as against the central authority. The growth of capitalism and particularly the impetus given to Australia’s capitalist development by World War I led to a greater development of the central power (legally recognised in the High Court’s decision in the Engineers’ case in 1920)<sup>1</sup>. The continued growth of capitalism and World War II

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<sup>1</sup> The Engineers Case overturned previously understood doctrines regarding State powers.

A union made up of working engineers (the Amalgamated Society of Engineers) brought a pay dispute claim to the High Court on behalf of its members. The case was against 844 employers spread throughout the nation.

Union members were being paid the Award wages of the State in which they worked. They wanted to move onto a new Federal Government Award that had recently been legislated and offered higher wages.

led to a still greater growth of central authority (exemplified in the High Court's decision in the Uniform Taxation case in 1942<sup>2</sup> and the adoption of the Statute of

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The High Court, by a majority of 6:1, decided in favour of the Union. As a result the Engineers could move over to the Federal award under the power of section 51 (xxxv) of the Constitution.

The decision had a profound impact on the balance of power between the Commonwealth and the States.

Widely regarded as one of the most important cases ever decided by the High Court of Australia, it swept away the earlier doctrines of implied intergovernmental immunities and reserved state powers, thus paving the way for fundamental changes in the nature of federalism in Australia.

Writing in 1971, Windeyer J made the following assessment of the Engineers case:

"The Colonies which in 1901 became States in the new Commonwealth were not before then sovereign bodies in any strict legal sense; and certainly the Constitution did not make them so. They were self-governing colonies which, when the Commonwealth came into existence as a new Dominion of the Crown, lost some of their former powers and gained no new powers. They became components of a federation, the Commonwealth of Australia. It became a nation. Its nationhood was in the course of time to be consolidated in war, by economic and commercial integration, by the unifying influence of federal law, by the decline of dependence upon British naval and military power and by a recognition and acceptance of external interests and obligations. With these developments the position of the Commonwealth, the federal government, has waxed; and that of the States has waned. In law that is a result of the paramount position of the Commonwealth Parliament in matters of concurrent power. And this legal supremacy has been reinforced in fact by financial dominance. That the Commonwealth would, as time went on, enter progressively, directly or indirectly, into fields that had formerly been occupied by the States, was from an early date seen as likely to occur. This was greatly aided after the decision in the Engineers case,[1] which diverted the flow of constitutional law into new channels. I have never thought it right to regard the discarding of the doctrine of the implied immunity of the States and other results of the Engineers case[1] as the correction of antecedent errors or as the uprooting of heresy. To return today to the discarded theories would indeed be an error and the adoption of a heresy. But that is because in 1920 the Constitution was read in a new light, a light reflected from events that had, over twenty years, led to a growing realization that Australians were now one people and Australia one country and that national laws might meet national needs. For lawyers the abandonment of old interpretations of the limits of constitutional powers was readily acceptable. It meant only insistence on rules of statutory interpretation to which they were well accustomed. But reading the instrument in this light does not to my mind mean that the original judges of the High Court were wrong in their understanding of what at the time of federation was believed to be the effect of the Constitution and in reading it accordingly. As I see it the Engineers case, looked at as an event in legal and constitutional history, was a consequence of developments that had occurred outside the law courts as well as a cause of further developments there. That is not surprising for the Constitution is not an ordinary statute: it is a fundamental law."

<sup>2</sup> During the course of World War II, the Australian government found itself short of funds to prosecute the war effort. In 1942 it sought to transfer taxation on personal incomes from the States to the Commonwealth. The States objected and refused to refer their powers. The Commonwealth introduced four pieces of legislation to make a uniform income tax a power of the Commonwealth alone. Four States objected in the High Court, but the High Court upheld the transfer of income tax powers to the Commonwealth.

Westminster in 1942 – see Appendix 2). Thus, without formal alteration of the constitution, the development towards a centralised capitalism in Australia has compelled constitutional recognition of that development. The real determinant of constitutional development has been economic, which dictates development of Australia as one nation. This remains the direction of development.

But even after the 1942 Uniform Taxation case, the division of Australia into six separate states and a central authority has been exploited by monopoly capitalists. Particularly has this been so in the great imperialist investment in Australia after World War II. The separate States have been used as particular weapons by this or that monopoly. The process towards centralism at the expense of the States, first tentatively recognised by the High Court in the 1920 Engineers' case and carried further still in the Uniform Taxation case, has never been carried through to completion. The old "State rights" linger on. Thus, even today there is substantial conflict between the rights of States as against the central government. Still the overall trend towards centralism and opposition to State rights was expressed in a statement of "The Company Directors Association of Australia"<sup>3</sup> on January 10, 1974. The statement said: "Regardless of our personal politics, businessmen take a broader view on the question of State rights than does the Premier of Queensland."<sup>4</sup>

"Australia is one country and should be governed as such. Business is being continually frustrated by the fragmentation of our laws. Business houses bear extra costs in catering to the idiosyncrasies of the varying legal requirements of each State.

"Thwarting the Federal Government, be it Liberal or Labor, by pursuing State rights leaves commerce with watered down ambiguous legislation and ludicrous costly variations.

"Differing scales of stamp duty, differing health requirements in food processing and packaging, differing laws relating to company performance for each State, are but a small example of the stupidity of our current system and call for stronger Federal intervention.

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<sup>3</sup> State branches of the Institute of Directors were bodies affiliated with the British Institute of Directors. They amalgamated in 1971 to form the Institute of Directors in Australia. A separate body, the Company Directors' Association of Australia was formed not long after, and in 1990, the two combined to become the Australian Institute of Company Directors.

<sup>4</sup> This refers to the Queensland government of Joh Bjelke-Peterson who was State Premier from August 1968 to December 1987. Bjelke-Peterson led a corrupt police state against Aboriginal and other progressive activists, against unions, conservationists and environmentalists. He campaigned strongly against the Commonwealth government and was an aggressive champion of State rights.

“The fact that Australia’s eastern States cannot agree on the same time of day must cause our overseas customers to really wonder at our duplication in government.” (“The Australian” newspaper, January 11, 1974.)

Thus in 1974 colonial relics remain. One may take a bourgeois professor’s observation (1973) “Australia is a sovereign nation for the purposes of international law; it was in its own right an original member of the League of Nations, an original member of the United Nations Organisation and a first member of the United Nations Security Council, and possesses its own independent diplomatic and consular service. But Australia is also a loyal member of the British Commonwealth of Nations, a relationship symbolised by allegiance to the Queen of Great Britain and having important though decreasing practical consequences in law, commercial and defence policy and diplomatic activities.” (*Australian Government Today*, G. Sawyer p. 2). There exists a great dependence upon the imperialist powers of Britain, the USA and Japan. Australia is a country which officially (and even in some respects, not even that) is politically independent, but which is in fact enmeshed in the net of financial and diplomatic dependence upon imperialism (paraphrase from Lenin, “Imperialism” Chapter 6).

From the standpoint of capitalism as a whole in Australia, Australia must be developed as a nation and must achieve independence. It is our opinion that the capitalists cannot carry either of these things through to the end; only the working class can do that. But this is a question for treatment and discussion elsewhere. Our present interest in it arises because it bears on the nature of the state apparatus in Australia which it is our purpose to investigate.

## Chapter 3

### Nature of the State Apparatus in Australia

Essentially the Constitution covers the dictatorship of the imperialist bourgeoisie and their Australian collaborators over the Australian working people. The statement by Lenin, previously quoted, that in the last analysis all bourgeois states “are inevitably the **dictatorship of the bourgeoisie**” calls for a little further comment. This view of the dictatorship is that it is rule based directly on force and unrestricted by any laws. In the final analysis, this is the position in Australia. The ultimate rule is force unregulated by any law. And the people in control of that force are the people who have the army.

It is true that in Australia there are laws, laws passed by parliament or laws derived from the common law, that do regulate the army, the police the courts and the gaols – institutions which we shall review. It is even true that the armed forces are set up under the Defence Act, the police forces under various laws of the Commonwealth and the States, likewise the Courts and the gaols. The constitution itself and the various State constitutions are spoken of as fundamental law. In legal theory the capacity to pass other laws derives from these fundamental laws. The fundamental laws create the parliaments and the capacity of those parliaments to pass laws.

Stripped to fundamentals, the situation in Australia is dictatorship. That is, the imperialist monopoly capitalists and their Australian collaborators enforce their rules their dictatorship, irrespective of any law. This rests upon the simple fact of imperialist occupation of Australia, imperialist built capitalism in Australia and the development of monopoly capitalism in Australia. This can be illustrated in the case of the first occupation of Australia by white people. That occupation simply rested upon arbitrary naked force against the black people. There was no law, no constitution, no habeas corpus, no equality before the law, no refined system of justice; it was simply naked unrefined dispossession of the black people. It was naked unrestricted dictatorship by British imperialism over the Australian black people. The black people were simply non people. The Commonwealth constitution, the British law of 1900, asserted as we have seen that the aboriginal natives were not to be included in the population.

Fundamentally as against these black people and the white Australian workers whom capitalism has called into being, this dictatorship exists. Within the monopoly factories a worker can be dismissed at any time<sup>5</sup>, that is, he can be deprived of his livelihood; his livelihood is the most important thing for him.<sup>6</sup> This is real dictatorship. The worker works or starves. The monopoly capitalist has the ultimate dictatorship. This extends over the whole of Australian society. This is the simple stark position. If the worker does not accept dismissal, then he may be thrown out forcibly by the boss. He may be starved to death and essentially, he may be arbitrarily killed. (We will see the relevance of the law in a moment.) Real dictatorship then exists in the economic social class relations. In its essence, this dictatorship is unrestricted by any laws other than the economic laws that govern capitalism. Those economic laws were elucidated by Marx. It is not our purpose to deal in detail with those economic laws. Suffice it to say that no amount of liberty, freedom of the press, habeas corpus, legal rights is of much use to the man who is dismissed in exercise of the monopoly capitalists' unrestricted right to hire and fire.

It is said that this is not real in Australia, that capitalism has changed, that everyone has a job, that the capitalist would never allow another economic crisis of the dimensions of that of the thirties to arise again. However, even in times of economic prosperity the capitalists have and use the dictatorial right to hire and fire. The workers are always essentially, vitally, critically dependent upon the capitalists. As we have said, in Australia these are essentially the imperialist monopoly capitalists. Even more importantly, the nature of capitalism has not changed. There will be economic crises when this most critical dictatorial weapon of hire and fire will emerge even more sharply. When the workers revolt against this or against any other dictatorial

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<sup>5</sup> Workers fought for and won some protections from unfair dismissal just before and after the writing of this book. It was first won at a State level in South Australia in 1972, and in 1984 at a Commonwealth level. Generally, these laws are administered today through the Fair Work Commission. Employers have used Liberal Party politicians to argue that unfair dismissal laws "block growth". The 2019 Liberal Party's Industrial Relations Law Reform Agenda committed the Party to "review" unfair dismissal laws where they "intersect" with other laws. There are various restrictions on when workers can apply for protection from unfair dismissal.

<sup>6</sup> Hill was writing at a time when the gendering of specific pronouns and their general applicability to situations where they should not have been, was widespread and common.



action the capitalists always have violence to suppress the revolt. They maintain their own physical force to do this.

In the evolution of capitalism, a state apparatus to carry out these functions of dictatorship arose and developed. As class antagonisms have developed, so the apparatus of the state has been strengthened and refined. "The state is a special organisation of force; it is the organisation of violence for the suppression of some class." In Australia it is the special organisation of the imperialist monopolist class and its Australian collaborators, organised for violent suppression of the workers and working people and their allies.

It is more efficient and more convenient for the ruling circles to organise this violent suppression into a state machine with its laws, its army and police, its courts and gaols. Hence in Australia, a whole elaborate state machine exists with its various components. This is a system for regulating the class suppression.

The army, the police, the courts, the gaols, all serve the cause of repression, class suppression.

It must not be thought that they exhaust the system of repression. In addition, there is the all-pervading, stifling ideology of capitalism. But we are concerned more particularly here with the state apparatus.

Nor must it be thought that the state apparatus remains an unchanging thing or is always used in the one way. Sometimes it operates strictly according to its own laws; sometimes it throws aside its own laws. In the final analysis it is naked violent class rule. The system of laws and regulation of the state power may be tightened or loosened or cast aside altogether. States of emergency for the ruling circles may be formally declared or they may actually be used without declaration and then the system of regulation goes by the board. Naked unrestrained force is used. In Australia, all this has happened.

At all times, as we shall see, even when the state apparatus is fully regulated, the ruling circles through their special bodies of armed men, the army and the police, use violence outside the system of regulation. Thus, murder by the police and their agencies, theft, physical violence, detention all occur in Australia every day. Even

according to the bourgeois law and system they are illegal, yet it is really virtually impossible to do anything about it. This “extra-legal” activity is an essential part of the maintenance of capitalism and, in Australia, the maintenance of imperialist domination. If the police stuck to the bourgeois law, the difficulties of maintaining bourgeois rule would be greater. They enforce it all right and when there is difficulty in finding a law, they dig one up from ancient times. When that fails, they simply carry out their killing, beating and detention. Theoretically, people have their remedies in the courts before which, according to the theory, the police and the citizen are equal. Test the theory in practice. It is a bitter joke which emphasises the real dictatorship expressed through the police and the courts.

Then there are special bodies of armed men that exist outside the formal system of the state apparatus. Such are organised security forces, fascists of one kind or another. Theoretically, these forces do not have the sanction and approval of the state apparatus. In reality, they do have that sanction and approval. They are used by the ruling circles to do those parts of repression and suppression that at certain times it is inconvenient or inappropriate for the regular state apparatus to do. In Australia, the secret and open police, the army and the courts protect Nazis, other fascists and security guards. It is simply a division of labour. These extra-legal forces carry out vital functions of suppression; they are not restricted by any laws. In times when the emphasis in state administration is turned towards liberalism, it is very convenient to have these extra-legal forces. In times of emergency, “legal” and “extra-legal” simply merge their functions.

The apparatus of suppression however does function more effectively when it is regulated. This regulation means that it can act for the imperialist monopoly capitalists and their Australian collaborators as a whole, “reconcile” their conflicting interests and serve their common interest in suppressing the workers and enforcing capitalist exploitation. This is the most critical interest they have and a certain harmony in suppression is essential.

The legal apparatus in Australia is simply the system of repression built up in the course of British imperialist occupation and domination of Australia, then US

imperialist expansion to Australia and the collaboration of certain Australian monopolies with these imperialists.

## Chapter 4

### Purpose and Organs of the State

The brief description of the constitutional form of government that we have given for Australia (Chapter 1) is what Lenin called in essence the dictatorship of the bourgeoisie. This dictatorship is maintained by the Australian state apparatus. We use the expression “state apparatus” in a Marxist-Leninist sense to describe the apparatus of government. (When we speak of the States in Australia as geographical entities it will be convenient to refer to them with a capital “S”; when we speak of the state apparatus we will speak of state with a small “s”.)

Marx said: “In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life” (Preface to a Contribution to the Critique of Political Economy).

The “mode of production of material life” In Australia is capitalist, characterised by modern large scale machine industry and mechanization of agriculture, with the relations of men to those means of production taking the particular shape of capitalism; that is, there is a class which owns and controls the means of production, modern large scale machine industry and there is a class which does not own the means of production but has only its capacity to work. This class is “free”, free to sell its labour; “free” in contrast to the slave in slavery, the serf in feudalism. Basically, there is a capitalist class, the owners of those means of production and on the other hand, a working class. There are of course other sections of the population which do not fit into either of these but they are incidental to the existence of the two main classes. No one would deny the existence of great factories in Australia nor their ownership by a tiny section of the population, nor the fact that a very large proportion of Australia’s 13,000,000 population work in them. The tiny section that owns these factories is largely foreign, that is, monopolists particularly from Britain

and the USA. In agriculture, vast holdings are owned by a comparative few. Again, foreign monopolists occupy very important positions in Australian agriculture. And that agriculture is extensively mechanised. In effect there is imperialist control of Australia in the shape of capitalist ownership of the main means of production plus some Australian monopolists. It is they who “own” and exploit Australia. On the other hand, the workers, other working people and intermediate sections of the population are dependent upon them. As it is not the immediate purpose to go into details of all this, it stands somewhat as a bald assertion. But a little thought and analysis show it to be true.

It is to maintain and extend this situation that the state apparatus in Australia exists. The state apparatus exists to compel people to be exploited by the handful of monopoly owners and to prevent them from rebelling against those monopoly owners.

Naked force does not appear openly very often. The methods of maintaining imperialist monopoly domination of Australia are infinitely various. One of them is deception, persuasion if you like, and the other is force. The essence of the question is force and the subsidiary question is deception. But deception (persuasion) is a more effective weapon of rule. If you can persuade people that capitalism offers them a good life, that it will continue to offer them a good life, that they have a say in running the country and so on, then they are not going to rebel. Thus, in a million ways, the capitalists try to do that. Always underlying it is the reserve of force. Force exists to compel acceptance of capitalism if deception, persuasion, should fail. The two go hand in hand. The emphasis shifts from one to the other as the situation changes.

The superstructure, as Marx called it, in Australia consists mainly of the state apparatus. That state apparatus corresponds to the economic situation of capitalism in Australia. It is this capitalism that “constitutes the economic structure of society – the real foundation” on which arise the legal superstructure of the Australian state apparatus. The constitutional provisions that have been outlined largely provide for the “legal and political superstructure” of capitalism in Australia. These constitutional provisions exist to serve that capitalism. They correspond to the particular

development of capitalism in Australia. There have been changes as capitalism in Australia has changed.

The Australian parliaments, the Australian courts, the Australian executives (Cabinets), are parts of that superstructure. They correspond to capitalist economy and they carry out essential dictatorial functions for the monopoly capitalists. In Australia they maintain the capitalism that imperialism has introduced into Australia and maintains and extends.

The most Important component of the state is the army. In Australia the chief component of the capitalist class state power is the Australian army. As adjuncts to the army stand the various police forces throughout Australia – the Commonwealth police<sup>7</sup>, the Australian Security Intelligence Organisation, the State police forces. There is a system of laws which consist of legislation passed by the Commonwealth and State parliaments and by a number of statutory bodies such as municipal councils, boards of various kinds and then laws which consist of what is called the common law, a system of laws handed down largely by Britain. To carry out the laws is an executive (consisting of the Governor-General in Council plus Cabinet Ministers for the Commonwealth and corresponding bodies in the States) with an immense public service both Commonwealth and State. To enforce the penal provisions of the law are the law courts both Commonwealth and State and the gaols. All this constitutes the apparatus of state.

Lenin pointed out that the question of the state is “a most complex and difficult one, perhaps one that more than any other has been confused by bourgeois scholars, writers and philosophers.” The nature of the state in Australia has been thoroughly confused by bourgeois “scholars”, writers and philosophers. It must be kept steadily in mind that the critical question is which class in society holds state power, which class controls the state apparatus. For example, sometimes it is said that the Labor Party is in power. In the sense that it occupies the Treasury Benches in Parliament that is true, but the essence of the question is that the state apparatus is owned by the monopolies and the Labor Party administers it for the monopolies. Or it is said

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<sup>7</sup> The Commonwealth Police existed between 1917 and 1979. In 1979, the Commonwealth Police and the Australian Capital Territory Police merged to form the Australian Federal Police (AFP).

that the people choose the government. It is true of course that there are elections in which everyone votes, but it remains a fact that the state apparatus is still in the hands of the monopoly capitalists. One may ask who rules Australia? It is the monopoly capitalists. It was once put to illustrate this – imagine in Australia a comparatively small group of people owning the entire water supply. So long as they hung on to their ownership of the water supply they could dictate to the rest of the people. Maybe the rest of the people could vote and vote freely to elect their parliament or whatever other institution they fancied. But the owners of the water supply simply say either elect us or someone acceptable to us or we will cut off the water. The right to vote is practically worthless or at best severely circumscribed. Take the example of Australian oil supply – it is virtually entirely controlled by monopoly capitalists, predominantly foreign. They can cut off the oil supply. Australia comes to a standstill. You may vote. Still, they own the oil supply and own immense armed forces to protect it. No state apparatus of capitalism ever touches this fundamental question of ownership. On the contrary the state apparatus exists to protect it. The very purpose of the state apparatus, its very reason for coming into existence, is to protect this situation. In short, such ownership is the essence of capitalism and the state arises to protect that ownership and administer it. Long ago in the Communist Manifesto Marx and Engels said: “The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie.”

Words about “democracy”, “impartial justice”, “the rule of law”, “freedom of the press, assembly, organisation” are very familiar. They are taught in the schools, extolled on radio and television and in the newspapers and so on. They all conceal the reality of the state apparatus in Australia. The organs of the state apparatus in Australia call for examination.

## Chapter 5

### The Armed Forces

The chief component of state power is the army. Armed force is ultimately the decisive factor in state power. “A standing army and police are the chief instruments of state power.” (Lenin: State and Revolution. Sel. Works 12 Vol.Edn. Vol 7 p. 11). Section 68 of the Commonwealth Constitution says: “The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen’s representative.”

Accepting for the moment the argument that democracy prevails in Australia through voting, parliament and so on, (an argument we utterly reject), still the question of the armed forces is so critical that the Constitution itself takes the command of those forces right out of the ordinary processes of parliament, “democracy”, etc. In our opinion, it would not matter if they were within the ordinary electoral machinery. The fact that they are not, demonstrates the extreme sensitiveness of this question to the monopoly capitalists.

The Governor-General is appointed by the Queen on the recommendation of the Australian Cabinet (itself a process born of colonialism). Even accepting that which we reject, conventional social theory holds that the Governor-General is in no sense elected or answerable to the people. Again we must state that it would not alter the essence of the question even if he were: it would merely alter the form of the question.

Australia maintains a standing army, that is, a professional army composed of full-time soldiers and a full-time officer corps. In addition, it maintains Citizen Military Forces<sup>8</sup> composed of voluntary soldiers. There is an air force and a navy both

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<sup>8</sup> The Citizen Military Force (CMF) changed to its current name, the Australian Army Reserve, in 1980. Its main components are the Standby Reserve and Active Reserve, each based on the degree of commitment and training of its members. Since 2011, its six brigades have been paired with regular (Australian Defence Force, ADF) brigades as part of their preparedness for operations.



composed of professional full-time personnel. Together we refer to them as the armed forces.<sup>9</sup>

The central purpose of these armed forces is to maintain internal order ie in the final analysis to suppress any revolt by the people against the ownership of Australia by the monopoly capitalists. The armed forces have, of course, been used in various wars in which Australia has participated. That is an important function. But here we are concerned with their internal role.

The Defence Act sets out the legal position of the armed forces. It does not crudely say that an army is set up to crush the people and to serve the monopoly capitalists. The armed forces are set up “within the law” and function according to the law. This formula about the law is also an essential part of the deception that conceals the reality. It raises the question whose law? A good deal will be said about this later. Suffice it to say now that the law emanates from the state power which we have demonstrated is in the hands of the monopoly capitalists.

Defence is a Commonwealth matter. It is exclusively in the hands of the Commonwealth. The Defence Act of the Commonwealth contains the formal provisions under which the armed forces are set up.<sup>10</sup> It creates a permanent standing army. It provides that the Defence Force consists of three arms, namely the Naval Forces of the Commonwealth, the Military Forces of the Commonwealth and the Air Force of the Commonwealth and it says the Military Forces of the Commonwealth consist of two parts, namely, the Permanent Military Forces and the Citizen Military Forces. The Permanent Military Forces consist of four forces, namely, the Australian Regular Army, the Regular Army Supplement, the Regular Army Emergency Reserve and the Regular Army Reserve; and the Australian Regular Army consists of officers appointed to, and of soldiers enlisted in, that force (Sections 30, 31, 32). The law contains detailed provisions about the armed forces. There is provision for a military college “under a Commandant, assisted by a staff as

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<sup>9</sup> Since 1976, the three services have been placed under a single command and are now known as the Australian Defence Force (ADF).

<sup>10</sup> The details in this paragraph reflect the situation in 1974, at the time of writing. Some reorganization and renaming of sections of the armed forces, as noted in previous footnotes, have occurred since then.

prescribed, for the education of candidates for commissions in the Military Forces (Section 147).

The Commonwealth Armed Forces are exclusively those under the command of the Governor-General. Great care is taken to prohibit anyone else from raising armed forces. The Defence Act itself by Section 118 prohibits any person from setting up or attempting to set up any armed forces not authorised by the Governor-General. Section 27 of the Commonwealth Crimes Act contains further provisions which legally guarantee the monopoly of the Governor-General over the armed forces in Australia. Nor are these the only provisions to that end. Provisions which prohibit ordinary citizens from owning firearms, and carefully regulate the conditions upon which even small arms can be held, exist throughout Australia.

It comes to this, that the law in Australia makes the armed forces set up under the Governor-General the only legal armed forces in Australia (the police force has certain arms and we will comment on that; and there are certain other minor exceptions). It prohibits an armed population. Yet if one were to take “democracy” as it is taught, “government of the people, for the people, by the people”, then what is wrong with arming the population? If the people are their own rulers, then it follows that those people may arm themselves if they wish. But this has nothing in common with class society. The formal laws, as we have seen, make absolutely sure that the armed force is taken out of the hands of the people and put into the hands of special bodies of armed men. Put in another way, the law gives expression to the class reality, that is, monopoly of arms by the ruling class and no arms for the ruled classes.

These armed forces in Australia are remote from the people. The military college, Duntroon, turns out an officer elite. The officer elite is very carefully and systematically indoctrinated against the people. In addition, there are various other Staff Colleges, officer cadet schools, etc. Similar institutions exist for the Air Force and the Navy. The whole system carefully and systematically indoctrinates all the members of the armed forces against the people. The armed forces are isolated from the people and insulated against them. The illusion is created that they are prohibited from taking part in politics by forbidding them from participating in

parliamentary politics. But the reality is that these armed forces certainly loom large in the politics of class struggle.

The military leaders are a byword for reactionary views, for fascist views. In 1973 heads of the armed forces in Australia broke even the convention of making no public statements so that they could make public their fascist views. So General Brogan, the senior military officer in Australia, broke all conventions to give his reactionary views for building up the armed forces both for internal uses and external uses.

Senior officers of the Citizen Military Forces made their position quite clear. A newspaper on September 15 1973 reported that Major-General N.A. Vickery, former member of the Military Board, said there was a strong possibility of major internal disorder in Papua-New Guinea soon. He said there were “strong indications” that Papua-New Guinea would suffer some of the problems caused by social and political immaturity. “Internal disorder of major proportions is a strong possibility. It could possibly happen by 1975. Our policy may be not to intervene, but having encouraged the country’s early independence, we must have a strong moral obligation to preserve its stability and integrity, if only by a peace-keeping action. **This is the strongest and most likely short term role for the Army in or outside Australia** in the short term.” (Melbourne Sun – see also all other main Australian metropolitan dailies for September 15, 1973 in which are reported the evidence to the Senate standing committee on Foreign Affairs and Defence of General Vickery, Professor Leonard Turner, Professor of History at Duntroon Military College and Major General Cullen, President of the CMF Association).

Australia’s history provides examples of the real use that is made of this special body of armed men in the suppression of the people. It was the army that was used against the rebelling miners at Eureka in 1854. It was the army that was used against the workers in the Maritime Strike of the 1890s (“Fire low and lay them out”, Colonel Price’s command to his soldiers at that time is notorious); it was the army that was used in the coal miners’ strike of 1949; it was the army that was used or threatened to be used in various waterside workers’ struggles.

Both logical reasoning and an examination of the laws which set up the armed forces, show that these armed forces are bodies separate from the people and to be used against the people. Actual experience shows that they are in fact used against the people and particularly against the workers.

Units of the army are stationed in every main centre of population in Australia. Within the main cities the units of the regular army are always readily available. They are on 24 hours duty – “continuous full time military service” (Section 45 Defence Act). They can be called upon at any time. At the time of the very big anti-Vietnam war demonstrations in the nineteen sixties, when thousands upon thousands of people demonstrated, units of the regular army stationed in Melbourne and Sydney were on full alert.

The Australian armed forces are integrated particularly with the US armed forces and traditionally they have been integrated with British armed forces. The British and US monopolists have very great financial investment in Australia. It is well known that whole sections of industry in Australia are in US hands. In addition, probably over half a million square miles of Australian land are in foreign hands. Thus, US and British monopolists have a very substantial interest in maintaining and protecting their investments in Australia. The US imperialists also have military, air and naval bases and installations in Australia vital to their world imperialist position. They maintain their own forces to protect them. Thus, there is a coming together of US imperialist, British imperialist and Australian armed forces, not only to wage war or protect Australia from anyone who threatens to take those investments, but to maintain “law and order”, to suppress Australian workers and working people who might rebel against them.



*(Above: The Australian Army, United States Marine Corps (USMC) and Japan Ground Self-Defense Force (JGSDF) during Exercise Southern Jackaroo 2022 at Shoalwater Bay training area near Rockhampton. Designed to enhance warfighting interoperability, the exercises focussed on conducting urban clearances. Photo: Dept. of Defence, Australia)*

The US Imperialist role in countries in which It has investments makes certain that it does interfere in Australia and certain that if it considers it necessary it will use its own armed forces in Australia. Those armed forces are much more powerful than Australia's. Already its bases operate in Australia even without the knowledge of the Australian government. Examples abound, but the US world wide alert at the time of the Israeli aggression against the Arab people in 1973 sufficiently illustrates the point.

Elsewhere we refer to the dual aspects of rule by deception where force is in the background and on the other hand, rule by force where deception is in the background. The monopoly capitalists in Australia always use both. But the tendency in the existing period of general crisis of capitalism is to move towards force. At all times in all capitalist countries the military officer corps stands in reserve to wield the state power irrespective of the ordinary institutions of parliaments and courts. This is so in Australia. The officer corps has plans coordinated with those of the US monopoly capitalists to take state power in Australia into their own hands in "an emergency" and to rule irrespective of the ordinary institutions. Sometimes this is referred to as plans for a fascist coup. Really these are plans simply for the use of

undisguised monopoly capitalist naked force in the use of state power. There has been ample historical experience to show what happens. Hitler, Mussolini, Franco, Indonesia, Chile and many others are cases of fascist military rule. The most dangerous illusion is that of Australian exceptionalism, the idea that it can't happen here. It can happen here. There are in fact real live existing plans for it to happen here if need be. Some people in Germany said that it couldn't happen in Germany; more recently some people in Chile said it couldn't happen in Chile. In each case, fascist military dictatorships were established around the military officer corps. Whether the monopoly capitalists use liberalism and conceal force, or use force and push liberalism into the background, struggle for people's democracy in Australia must go on. The tactics of that struggle vary to meet the changing tactics of the monopoly capitalists but struggle remains absolute.

## Chapter 6

### The Police Forces

The Commonwealth and each State have separate police forces. The police forces are special bodies of armed men. Like the armed services they are set up under legislation. The legislation establishes their formal position, but their real power and real activities are far more extensive than one would gather from the legislation.

Nonetheless, the legislation reveals something of the reality. The law about the Commonwealth Police may be taken as an example of what is basically common to all Australian State police forces. The Commonwealth Police were created by W.M. Hughes, Australian Prime Minister during the latter part of World War I. Faced with working class opposition to his advocacy of conscription, he determined to set up the Commonwealth police. Now the law provides by the Commonwealth Police Act that there “shall be a Commonwealth Police Force which shall consist of –

- (a) Commonwealth Police officers of such number, ranks and grades as the Attorney-General with the concurrence of the Public Service Board determines; and
- (b) Special Commonwealth Police officers appointed in pursuance of Section 10 of this Act.”

And section 10 says: “The Attorney-General may, at any time, and on such terms and conditions as he thinks fit appoint such special Commonwealth Police officers as he thinks fit and all special Commonwealth Police Officers so appointed shall during the continuance of their appointment be Commonwealth Police Officers under the Act.”

The position therefore is that the Commonwealth government may appoint just as many Commonwealth policemen either regularly, or special, as it sees fit. In times of what it regards as an emergency ie some challenge to it, it may increase the police force without limit and it can add any thug to the thugs already in the Commonwealth police force. An exactly similar situation prevails in each State. In short, the law formalizes what is the reality, namely the ruling class’s use of special bodies of armed men to suppress opposition and protect the positions of power and privilege of the imperialists and monopolists in Australia.



(Above: Australian Federal Police train with Australian and US armies in Operation Talisman Sabre 2009. Photo Creative Commons Flickr)

Within each State police force there are special sections of secret police<sup>11</sup>. In the Commonwealth there is the Australian Security Intelligence Organisation, the formal name of the Commonwealth secret police.

The central function of all these police forces is to maintain internal law and order. They are directed against the people. They protect the property of the big monopolies and protect the system of “law and order” imposed by these monopolies.

It is said that the police simply carry out the law, that they are above classes, that they know no politics. True it is that the police deal with such things as murder, rape,

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<sup>11</sup> Each of the State police forces had a Special Branch, or secret police, whose job it was to monitor the activities of the Communist Party and other left and progressive forces. It was so secret that SA Police Commissioner Harold Salisbury, recruited from England, denied its existence to SA Labor Premier Don Dunstan. He established a Royal Commission under Justice White of the Supreme Court in 1977 which found that it did in fact exist, and that its files were "scandalously inaccurate, irrelevant to security purposes and outrageously unfair to hundreds, perhaps thousands, of loyal and worthy citizens". Dunstan sacked Salisbury and disbanded the Special Branch in 1984. Victoria had disbanded its in 1983, Queensland followed suit in 1989 and NSW in 1997. Removal of the politically embarrassing State police Special Branches was accompanied by a vast expansion of the powers of ASIO. From the point of view of the ruling class, the Special Branches had outlived their usefulness and could not be justified when a far more professional and powerful national secret police force was available.



theft, forgery and so on. These are basically matters that arise from social conditions. But these functions are not the essence of the police activities. It is not even all the truth that they carry out the law. They do that, but then the question remains, whose law? What class does the law serve. But they do not by any means confine their activities to carrying out the law. They go far beyond their own laws. Everyone knows the correctness of Engels's statement: "The shabbiest police servant...has more 'authority' than all the representatives of the tribe put together, but even the head of the military power of a civilized state may well envy a tribal chief the unfeigned and undisputed respect the latter enjoys." The police in Australia are notorious for brutal action against workers, students, any socially rebellious persons and particularly against black people. The real mind of the police and their monopoly capitalist masters was expressed in an unguarded moment by the senior police officer Inspector Platfuss when he said: "They got some baton today and they'll get a lot more in the future". We must thank the gentleman for being so frank. But for being too frank the monopolists withdrew him to the background.

Everyone knows of the trumped up charges of insulting words, indecent language, assault, obstruction, hindering police in the execution of their duty, theft, damage to property, etc, as weapons against the ordinary people. It is ironical indeed that these foul-mouthed police can be insulted by a few words or shocked by the language they claim others use. One need only go into any police station in Australia to get an education in bad language. When they do carry out the law they carry it out to almost complete discrimination against the working people. Their almost every action shows that they administer a rich man's law and a rich man's society. There could be no serious argument about that. The rich men who fall into the hands of the police are indeed few and far between. When it happens that a rich man does fall into the hands of the police, the police use it to "prove" their impartiality. In truth, it proves the reverse. Moreover, their handling of what few rich men who do fall into their hands is a very different operation from the knocking about they give to their ordinary victims. In no sense are these police above classes. They are special bodies of armed men to serve the monopolies. This is so in their ordinary activities. But it is only necessary to mention the part they play when workers are on strike or are demonstrating. Again it is common knowledge they are always used to suppress

strikes and demonstrations and never used against the employers who provoke and cause strikes or against the forces who are opposed to demonstrations.

As to the claim that they know no politics, it will not stand up to a moment's examination. Politics is the struggle of class against class. In this class struggle, the police forces in Australia are the weapon of the capitalist class. Their politics are bourgeois politics through and through. The claim of "no politics" always means, in capitalist society, bourgeois politics.

The police forces throughout Australia have been created by the bourgeoisie. They are indoctrinated with anti-working class sentiments, anti-people's sentiments. They share in the decadence and corruption of capitalism. There are very few, if any, senior police officers who are not personally corrupt; it is their way of life. Just imagine the head of a homicide squad whose job it is to investigate major crime, who at the very time of his investigation and prosecution of others was himself committing major crimes. Apprehension of a few such people is only a gesture: they are made scapegoats and then the capitalists say "Look how vigilant we are, we are prepared to root out corruption". Could any sensible person believe that the corruption revealed, for example, in the Victorian abortion scandal, was confined to a superintendent and inspector of police? Of course, it was not and is not. But assume the truth that it was so confined – well what sort of a police force is it that allows this to go on? Are we to believe that other senior police officers didn't know what was going on? If that were true then either they were utterly incompetent or they were mixed up in corruption of their own. It is the latter which is true. And this is because the police force simply reflects the general corruption of the ruling circles. These ruling circles have to pay a certain price for special bodies of armed men to protect them. The police simply share in the corruption that is capitalism.

Capitalism is a system of violence. Exploitation is violent. The expropriation of surplus value (the basis of profit) from the wage workers is robbery and violence. This too is reflected in the police forces. They use unrestricted violence against their victims. Of course they deny it. According to them they are nice, gentle, polite, courteous gentlemen who would never hurt a fly. It scarcely reconciles with the frequency and consistency of allegations of brutality against police. Whom would you prefer to

believe – an ordinary person who says he has been knocked about by police or the police who deny it? The question answers itself. (Inspector Platfuss has already been quoted.) It is safe to say that in 99 cases out of 100, allegations of police brutality are true. This is not a case of sheer assertion. In the present days of television and cameras, police brutality particularly in actions against democratic people can clearly be seen. The police say in answer, that guilty people invent these allegations in order to escape from the consequences of their crime. Perhaps a handful do but their “inventions” (if they exist) pale into insignificance alongside the real inventions on a mass scale of the police, the false verbal confessions to which the police swear, the sheer invention of evidence.

In any event, it is not invention that people emerge from police stations seriously injured; some even die. These are simple facts.

Why is there a constant cry to improve the police image? Why is there a general hostility to and distrust of the police force? It is because the police are a special body of armed men posed against the common people, a special body of armed men which has acted consistently against the common people and whose very purpose is to act against the common people. The great majority of Australians hate the police. It is not an irresponsible hatred at all. It is soundly based. Its basis is the class function that the police serve; they are a special body of armed men set up to keep the common people in order. Maybe all the people do not understand it in this way, but their intuition, instincts, are very sound in suspecting the police.



(Above: see article [Police shootings at all-time high in Australia, report says \(obriensolicitors.com.au\)](https://obriensolicitors.com.au) )

In recent years strenuous efforts have been made to strengthen the police forces numerically and with equipment. This too has a very sound social and historical explanation. The social system of capitalism is more and more on trial, its evils ever clearer to see. The challenge to it gathers scope. Deception of the people as to justice, and such things as police upholding the law, being above classes and having no politics, no longer have the same hold. Hence the emphasis shifts to force. As a result, the last couple of decades have seen a great extension in arming of the police, great extension in coordinating police with army activities, setting up and training of “riot” squads, equipment with tear and other poison gases, emphasis on crowd control, emergency situations and so on. Not only have there been these measures but throughout Australia police have resorted even more to violence. One expression of it is the great increase in victims of police shootings of people.

The police forces in Australia reveal themselves as special bodies of armed men who have violence and prisons at their disposal, special bodies of armed men to enforce capitalist class law, to act outside that law if necessary in the interests of the capitalist class.

The most sensitive function of maintaining capitalism is entrusted to the secret police. In every Australian State, as we have said, there are Secret state police.<sup>12</sup> They are co-ordinated with the all-Australian organisation, the Australian Security Intelligence Organisation. This is the key organisation in Australia's police system.

The Australian Security Intelligence Organisation was set up under a directive given by the Labor Prime Minister Chifley on March 16, 1949. In 1956, the Commonwealth Parliament passed an Act which gave the Australian Security Intelligence Organisation statutory existence. The fact that it had no statutory existence between 1947 and 1956 illustrates nicely our point that the repressive machinery is **the fact**, the law only a cloak. The Act describes its functions as (a) to obtain, correlate and evaluate intelligence relevant to security and, at the discretion of the Director-General, to communicate any such intelligence to such persons, and in such manner, as the Director-General considers to be in the interests of security; (b) to advise Ministers, where the Director-General is satisfied that it is necessary or desirable to do so, in respect of matters relevant to security, in so far as those matters relate to Departments of State administered by them or to authorities of the Commonwealth established by or under Acts administered by them; and (c) to cooperate with such Departments of State and authorities of the Commonwealth and, so far as it is practicable, with such Departments and authorities of the States and of other countries as are capable of assisting the Organisation in the performance of its functions." (Section 5) The Director-General is appointed by the Governor-General (Section 6). The Director-General of the secret police (they **are** secret police) can employ full time officers, "temporary employees and casual employees" just as he pleases. Careful provision is made to keep secret the personnel of the secret police and their wages and conditions; they are taken out of the hands of the ordinary wage tribunals. Security is defined to mean "the protection of the Commonwealth and the Territories of the Commonwealth from acts of espionage, sabotage or subversion, whether directed from, or intended to be committed, within the Commonwealth or not." (Section 2.)

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<sup>12</sup> See footnote 11.

That then is the formal side of the secret police who coordinate their activities with secret State police. What is the reality?

Almost the whole direction of the activities of these bodies is against the workers and working people. They compile dossiers on all people of “interest to security”. This amounts to anyone of even vaguely progressive view ranging up to and particularly Communist views. To get the material from which these dossiers are compiled they employ liars, perjurers and pimps (to use Mr Chifley’s phrase, used when he was Labor Opposition Leader). The secret police use murder, forgery, theft, burglary, every crime in the calendar, to carry out their activities. They use telephone tapping, planting of secret microphones, secret following of people of “interest to security”. Adjunct to their power is the Telephonic Communications (Interception) Act 1960 which gives “legal” effect to a practice commenced by the Chifley Labor government of tapping telephones. The people of “interest to security” are almost in the entirety workers, students, other working people and progressives. The secret police protect and organise Australia’s Nazis or other fascists.<sup>13</sup> Organisations of terrorists also receive their protection.<sup>14</sup>

A glimpse of their activities has been given In two Royal Commissions – namely the Sharpley Commission of 1949 (mainly State secret police information) and the Petrov Commission of 1954-5. This latter was rich in its revelations of the real anti-working class activity of the secret police, its resort to lying, perjury, forgery, burglary, theft, bribery, blackmail, telephone tapping (long before so-called legalisation of it), planting of secret microphones – the list is endless.

This is another special body of armed men with a special function in suppressing the people.

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<sup>13</sup> In recent times, ASIO claims to have increased its surveillance of neo-Nazi and White Supremacist organisations.

<sup>14</sup> This was certainly true of the Croatian terrorist Ustashi who waged a terror campaign in Australia from 1963 to 1973 and engaged in training for armed conflict in Yugoslavia. See: [28757579\\_Published\\_article.pdf \(csu.edu.au\)](#) .

## Chapter 7

### The Courts

The law courts in Australia, and traditionally in the system of so-called British justice, have been hailed as great bastions of liberty. Perhaps no other ideas in the field are so assiduously fostered as the “independence” of the judges, “impartial justice”, “fair trial”, the rule of law. There are other expressions which incorporate similar ideas. It is a definite technique of capitalism to paint a picture of the immense superiority of the British system of justice over any other legal system.

It is all sheer deception and sheer illusion. If, for example, the judges are independent, the question must be asked – of whom and what are they independent? If justice is impartial, how does it come about that the victims of this impartiality are never (or so rarely as to amount to never) the great monopolies but also the common people? “Fair trial” raises the question fair trial for whom and for what? The rule of law raises the question – whose law?

These terms are used to convey the idea of a system of law and law enforcement which is above social classes, that does equal justice to the rich and the poor. The difficulty about this idea is that it comes into conflict with reality. The great Chinese revolutionary Mao Zedong said: “In class society everyone lives as a member of a particular class, and every kind of thinking, without exception, is stamped with the brand of a class.” (“On Practice” Sel. Works, Vol 1 p. 296). This is a profoundly important thought. It embraces all social institutions.

No matter what is said nor what extravagant claims are made as to the courts being independent, impartial, above classes and so on, the fact remains that they are not impartial on social issues (and almost every legal question reflects a social issue).

The law courts are an essential part of the state machinery. Their basic function is to enforce the law against the working class and the working people. It will be objected that this is far-fetched, that the courts adjudicate many questions amongst the capitalists and perform functions that have little to do with the working class or common people. It is true that many questions in the courts are disputes among capitalists. These questions do not directly concern the working class or common

people; they do indirectly concern the working class or common people in that they maintain order among the capitalists, reconcile conflicts that might otherwise weaken the capitalists as a whole. In the determination of issues between great monopolies then, the courts can act in a manner somewhat akin to an umpire as a sports match. The courts in such circumstances can act in this way because the combatants are on a more or less equal basis (even here economic strength is an important factor).

However, our statement remains that the base function of the courts is to enforce the law against the working class and the common people. And the law they administer is capitalist class law. There is no single example in Australia of a working class law.

Even what might be called remedial laws or laws that do in some way benefit the common people exist in order to serve capitalism and the capitalist class. Even reforms won in the courts are used in service to the capitalist class. The struggle for the reforms is important, but the courts have long recognised that to give a little here, to give a liberal judgement now and again, pays dividends. It feeds illusions. It creates the atmosphere in which the real repressive purpose of the courts can function better. A concession here and there does not affect essential functions of repression. These are dual tactics. Lenin said: "...in every country the bourgeoisie inevitably works out two systems of rule, two methods of fighting for its interests and of retaining its rule, and these methods at times succeed each other and at times are interwoven with each other in various combinations. They are, firstly, the method of force, the method which rejects all concessions to the labour movement, the method of supporting all the old and obsolete institutions, the method of irreconcilably rejecting reforms...The second method of the method of 'liberalism', which takes steps towards the development of political rights, towards reforms, concessions and so forth." (Differences in the European Labour Movement 1910).

By far the most important courts in Australia are the magistrates courts. Various names have been given to them, such as courts of petty sessions and police courts. They are the most important because it is here that most people who become involved with the law appear. Particularly in the last couple of decades the essence of



the law courts has emerged clearly in these courts. Nonsense about independence, above classes, impartiality has suffered a rude blow because of the crude dependence, crude class bias, crude partiality of these courts. No doubt the magistrates are eminently respectable gentlemen and no personal reflection on any of them is intended. It is with the social institution that we are concerned.

In the great upsurge of struggle against the Vietnam war, against racial oppression and on a host of other social issues, these courts acted ruthlessly to enforce the law in a wholly class way, capitalist class way. With monotonous regularity police "evidence" was accepted by magistrates about indecent language, offensive behaviour, assault, hindering police in the execution of duty, obstruction, etc. With monotonous regularity the victims were fined or jailed and upbraided. Two orthodox academic commentators said: "...courts of summary jurisdiction have in the past too readily accepted the idea that whatever a policeman regards as offensive is offensive." (Professors Campbell and Whitmore, *Freedom in Australia* 2<sup>nd</sup> Edn. 168.) Even from a capitalist standpoint many of the gaoled victims have been vindicated by events and that in a very short time. But this has not altered and will not alter the process of gaoling them. The courts are one cog in the machine that starts with the law, goes through the police to the courts and then into gaol. The courts have largely been a well-oiled cog in the machine or a rubber stamp for police repression. It is often said they are too close to the police. It is true that they are very close to the police, very close indeed in every way, but even if they were not, the essence would remain. These courts abuse even their own rules and laws. But that is beside the point. They can give the person the fairest possible trial, listen courteously and politely to every word said, then just as definitely convict the victim. It is better for the ruling class that way because then they can say "he got a fair trial". It has been well said of the hypocrisy of English law that it hangs a man but only after a fair trial.

The string of offences, assault, offensive behaviour, indecent words, obstruction, resisting arrest are simply political weapons used to suppress the working and common people. The courts are the second last step in the process – law, police, courts, gaols. Throughout Australia hundreds of people have been through the courts in this way.

It is said by magistrates (and police) that they are not concerned with politics; they are only concerned with whether an assault has occurred, indecent words have been used etc. What utter, arrant nonsense and humbug this is! Everyone knows, even if these pious gentlemen do not, that what is involved is most definitely a political issue, an issue of the monopoly capitalists who profit from war and exploitation against the people. The courts might be entitled to a bit of respect if they said, “Yes, well we stand here to enforce the law against the people and we make no apology for it”. But that does not happen. The reality is all covered up under the disguise of independence and impartiality.

As we have said, now and again a liberal decision is given. That serves the purpose of deception. Even when the workers and common people in struggle compel favourable court action, that favourable court action is invoked by the capitalists to say, contrary to the fact, how fair the courts are.

There is indeed rich material in Australia to demonstrate that the essence of the courts is political repression, repression of class enemies.

We spoke of the magistrates courts; similar considerations apply to all other courts. It may be that there is slightly more “liberalism” in the higher courts. This is a part of the tactic of deception. It does not alter the essence that these courts are part of the repressive state apparatus in Australia. They are recruited from the most conservative and reactionary profession there is, namely the legal profession. With the exception of some appointment to the arbitration court, judges are appointed from among barristers. Ordinarily, they are barristers who have been a “success” and have had the required number of years’ experience. They are appointed on the recommendation of the government of the day. They in effect, enter into a contract that is far more binding than any formal contract – their contract is to uphold the status quo, capitalism, come what may. And they carry out their contract with scrupulous care. It is not necessary to point to the fact that on appointment they are accepted (if they were not before) into the most exclusive clubs and the most exclusive sections of the ruling circles, nor to point to their affinity to big business nor to such cases as that of Chief Judge Piper who one day was chief judge of the arbitration court and next day a director of BHP. These things only underline the point

that the courts that these judges man are in essence weapons of class repression. Sometimes it is said that there have been left-wing people appointed judges so what is the complaint? These so-called left-wing judges enter into the contract to uphold capitalism just as any other judge does. Experience has shown that commonly they are worse than the open conservative because they are very anxious to show fairness, impartiality and very anxious to show the ruling class their loyalty to it. Even if they maintain their **“left-wing” views, it does not alter the essence of repression.**

The simple fact is that the courts do not in any way interfere with exploitation, they proceed on the basis of exploitation. They are institutions of capitalism. The political views of a judge certainly influence his decisions. There are marginal differences in the judges and these marginal differences have a certain importance. The fact remains that there is no difference on the fundamental question of capitalism. Indeed, the liberal and left-wing judges serve the sound purpose, from the capitalist point of view, of feeding the illusion of justice, fair trial and so on.

It is said that the courts serve the essential function of punishing murderers, thieves and other criminals. One does not step beyond orthodox left liberalism (which accepts capitalism) to say that the basic cause of crime lies in social conditions. From a scientific socialist standpoint, it lies in class society, in capitalism. It is well never to forget the French writer Anatole France’s statement that the law in its majestic impartiality punished alike the rich and the poor for stealing bread and for sleeping under bridges. The essence of the law is the protection of capitalist power, capitalist institutions and capitalist property.

Lenin (himself a lawyer) spoke with proper and just ridicule of the law, when he said: “When thoroughly bourgeois and, for the most part, reactionary lawyers in the capitalist countries have for centuries or decades been drawing up most detailed rules and regulations and writing hundreds of volumes of various codes and law and interpretations of these laws to **oppress** the workers, to bind the **poor man** hand and foot and to place a hundred and one hindrances and obstacles in the way of the common toiling people – oh, then bourgeois liberals...see no ‘tyranny’. This is ‘law and order’: the ways in which the poor are to be ‘kept down’ have all been thought out and written down. There are thousands and thousands of bourgeois lawyers and

bureaucrats...- lawyers and bureaucrats who are able to interpret the law in such a way that the worker and the average peasant can never break through the barbed wire entanglement of these laws. This, of course, is not the 'tyranny' of the bourgeoisie, it is not the dictatorship of sordid and self-seeking exploiters who are sucking the blood of the people. Oh, nothing of the kind! It is 'pure democracy', which is becoming purer and purer every day." (The Proletarian Revolution and the Renegade Kautsky. Sel. Works 12 Vol. Ed. Vol 7 pp 163-4.)

And to an oft-made allegation that the Communists are opposed to dealing with crime, let us again quote Lenin who in speaking of Communism said: "We are not utopians, and do not in the least deny the possibility and inevitability of excesses on the part of individual persons, or the need to stop such excesses. In the first place, however, no special machine, no special apparatus of suppression, is needed for this: this will be done by the armed people themselves, as simply and as readily as any crowd of civilized people, even in modern society, interferes to put a stop to a scuffle or to prevent a woman from being assaulted." (State and Revolution Sel. Works 12 Vol. Edn. Vol. 7 p. 83.)

## Chapter 8

### Some Aspects of “British Justice”

There are some features of the subject of courts upon which perhaps special comment may be made.

The power to punish for contempt of court is a power essentially to protect the courts from public criticism. Commonly the assertion is made that the courts welcome criticism. It is however very obvious in Australia (or any other capitalist country) that there is in fact next to no criticism of the courts. The truth is that the courts have far-reaching power to punish for contempt in court in the most arbitrary fashion. And this power is used to ensure that the courts stand well above the people.

There are two forms of contempt – criminal and civil. The end result is the same. Criminal contempt is used to punish words and acts tending to prejudice the course of justice or scandalising the courts or contempt in the face of the court (that is, demonstrations against the courts). It can readily be seen just how wide this is. There is great uncertainty even in the courts about the scope of this but what is certain is that all working class criticism of the courts is wide open to punishment for contempt. Civil contempt for our purposes is disobedience of the order of a court commanding someone to do something or to refrain from doing something. Then if he does not do it or does it in breach of an order which forbids it, he is gaoled. This type of order was used extensively under the arbitration legislation in working class activities about which more will be said.

But it has been used against workers and students in Australia. The La Trobe University Council used it to gaoil three revolutionary students in 1972.

This power to punish for contempt is a far-reaching weapon used by the courts to suppress the workers and common people. There is not very much pretence about it. It is at least open to the praise that it does not have the same hypocrisy as other measures.

In the field of hypocrisy are a number of measures where it is said that English law, as followed in Australia, contains safeguards against abuse.

Such, for example, is the writ of habeas corpus. Tremendous claims are made for it as a bastion of liberty. But a writ of habeas corpus is simply a proceeding for testing the legality of the detention of a person. It is purely and simply a procedural matter. The detention is tested in an ordinary court and under the ordinary law. It is no more and no less a class question than any other legal question. Like all other questions of law, like all questions of courts, it is a class question. There are other prerogative writs in addition to habeas corpus and these too are acclaimed as wonderful weapons in the hands of the people.<sup>15</sup> It is sheer nonsense. Similar considerations apply to them. They are devices of the law, capitalist law, to test capitalist action.

These writs assumed great importance in the struggle of the rising capitalist class against feudalism. The courts were used by the capitalists in the struggle to curb the power of the feudal king. At the time, habeas corpus secured the release of some capitalist-minded victims of feudal aristocracy. It became a traditional symbol of liberty. Thus, in itself, it had a class origin, ie a capitalist class origin. It was in fact historically progressive in that the rise of capitalism against feudalism was a progressive historical step. But that condition is evoked in entirely new historical conditions, that is, the established conditions of capitalism, now monopoly capitalism, to keep alive today what is really an illusion. This goes too for the other prerogative writs.

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<sup>15</sup> The first prerogative writs emerged in the feudal era as powers issued in the name of the Crown. By the late 17<sup>th</sup> Century, the writs were increasingly used by the bourgeoisie to compel courts and administrative agencies to act according to the class interests of the capitalists.

Six writs are traditionally classified as prerogative writs:

- certiorari, an order by a higher court directing a lower court to send the record in a given case for review;
- habeas corpus, a demand that a prisoner be taken before the court to determine whether there is lawful authority to detain the person;
- mandamus, an order issued by a higher court to compel or to direct a lower court or a government officer to perform mandatory duties correctly;
- prohibition, directing a subordinate to stop doing something the law prohibits;
- procedendo, to send a case from an appellate court to a lower court with an order to proceed to judgment;
- quo warranto, requiring a person to show by what authority they exercise a power.

The independence of judges, so much spoken of today, has a similar origin. Some of the judges in the struggle against feudalism took a stand with the rising capitalist class against the feudal monarch. They came to be spoken of as “independent”. That is, whereas certain judges were dependent upon the feudal monarch these judges were “independent “of him and were prepared to defy him. The reality was that they were dependent upon the newly arising capitalist class. Again, it was a class question. We have just said that objectively capitalism was historically progressive as against the decaying feudalism. Its judges were progressive in that sense. When capitalism became established, these judges served it faithfully; in its reactionary phase so too are its judges reactionary. Hence independence of feudalism became fully consummated in dependence on capitalism. The tradition of independence has been nurtured to feed the illusion that this independence is independence of capitalism and above classes. Of course, it is just not so. On the contrary, it is a very dangerous illusion. Today if a judge constantly used his power to curb monopoly capitalism and constantly used his power to advance socialism, then he could be said to be independent, that is, not dependent on capitalism, but dependent on socialism which is maturing in the heart of capitalism. If he did that, he would not be a judge. The illusion of “independence” is maintained. The Commonwealth constitution for example guarantees the tenure of judges for life and makes it virtually impossible to remove them (only by a resolution of both houses of parliament passed in the one session for proved misbehaviour or incapacity). This is born too of the struggle between feudalism and capitalism; it was to prevent the feudal king from sacking a capitalist-minded judge. Today it means absolutely nothing in terms of independence: it has become its opposite and only the most loyal and trusted servants of capitalism get jobs as judges.

Thus, on the one hand, the courts retain wide and open powers of suppression and on the other, the traditions and illusions of freedom and democracy are nurtured to conceal the essential and basic oppressive functions of the courts. Both brands of goods are kept in stock – repression and “freedom” to be used as occasion demands.

It should also be said that the all-pervading so-called freedom and rule of law are exceedingly expensive. It is well beyond the reach of any but the wealthy to have access to courts. The poor man’s lawsuit against the rich is a very unequal contest. If

justice is the right of all then it should be universally free and open to all. But everyone knows that it is not, that it is on the contrary a very costly affair.

One should not pass the subject of courts without comment on trial by jury, another supposedly great free institution. The fact is that jury trial is simply an aspect of a system of legal administration that in now way conflicts with or contradicts the fundamental class character of that system. The jury system operates as an integral part of the law (capitalist law) that embraces police, judges, the jails. It is not something that operate apart from class society. Sometimes it may give a little more to the common people. When it does it is only part of the dual tactics of oppression and “liberalism” which protect capitalism.

The representation of all this as some mythical rule of law, as justice equality before the law is the sheerest humbug and hypocrisy. The very process of the law we have shown is against the common people. Even the pretended protection it gives can be abolished overnight. Behind it all stands the naked power of the army and police. In British history there have been periods when all these so-called traditional safeguards have been swept aside. So too in Australian history. In both world wars every one of them was abolished or could be abolished. In the Commonwealth legislation in 1949 to deal with the coal miners’ strike, they went by the board. In times of “emergency” the capitalist class can abolish them all with a stroke of the pen.

The whole position was acutely summed up by Lenin: “Take the fundamental laws of contemporary states, take their administration, take the right of assembly, freedom of the press and ‘equality of all citizens before the law’ and you will see at every step evidence of the hypocrisy of bourgeois democracy with which every honest and class conscious worker is familiar. There is not a single state, however democratic, which does not contain loopholes or limiting clauses in its constitution guaranteeing the bourgeoisie the possibility of dispatching troops against the workers, of proclaiming martial law, and so forth, in case of ‘disturbance of the peace’ ie in case the exploited class ‘disturbs’ its position of slavery and tries to behave in a non-slavish fashion.’ (The Proletarian Revolution and the Renegade Kautsky, Sel. Works 12 Vol. Edn. Vol. 7 p. 131.)



This brilliant statement follows another characterisation apt in its application to Australia: “Bourgeois democracy, although a great historical advance in comparison with medievalism, nevertheless remains and under capitalism cannot but remain restricted, truncated, false and hypocritical, a paradise for the rich and a snare and a deception for the exploited, for the poor.” (Op. cit. p. 130.)

## Chapter 9

### Repressive Legislation

The heart and soul of the law in Australia is revealed by the tremendous mass of actually and avowedly repressive laws on the statute books. Reference has been made to the repressive use of laws about assault, obstruction. Offensive behaviour. The use of these laws for repression is comparatively easy because courts and governments have the glib answer that these are ordinary laws by which all citizens are bound; therefore, they say, it is absurd to suggest that such laws are used in a way that discriminates against the workers and common people.

There are however laws that are openly directed against the workers and common people. Central to these are the political provisions of the Commonwealth Crimes Act. The history of these provisions shows a progressive resort to violence and outright suppression by the ruling circles. The history of successive steps which increase the oppression reflects the advance of imperialist investment in Australia and imperialist repression. Before 1926 there were political provisions in the Commonwealth Crimes Act. Most notable of them was the provision that dealt with sedition. Sedition really means that anyone who says anything that the government of the day does not like can be prosecuted for sedition and in Australia gaoled for up to 3 years. Seditious intention is defined in very wide terms. It includes promotion of "feelings of illwill and hostility between different classes of Her Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth". This is obviously a class provision. Or again, sedition means "to excite Her Majesty's subjects to procure the alteration, other than by lawful means of any matter in the Commonwealth established by law of the Commonwealth". This too is a frank provision of political repression.

The history of the political provisions of the Crimes Act warrants a little further study. Attention may well be drawn to the penalties provided for in legislation for what are, purely and simply, political offences. In the primary set of political provisions in 1926, penalties were around one year's imprisonment; in the 1932 amendments, they were not radically altered, although their range was extended; in the abortive Communist Party Dissolution Act of 1950, penalties for offences similar to those of the Crimes Act

were drastically increased to a standard five years' imprisonment; and in the 1960 amendments to the Crimes Act, they assumed draconian proportions – for the greatly extended act of treason – death; for the entirely new so-called crime of treachery, (really opposition to the foreign policy of the monopolists) – imprisonment for life; for the crime of so-called sabotage (for political and industrial opposition to the monopolists' policy) – 15 years' imprisonment; and for breaches of official secrets now greatly extended, as will be described in a moment, (and often having little or no relation to such secrets) – seven years' imprisonment. That short account in itself, is sufficient commentary on the panic determination of the monopolists to impose their rule and policy by force, and try to maintain by force their positions of power and privilege.

Sections 24, 24AA and 24AB of the Crimes Act read:<sup>16</sup>

“24. (1) A person who-

**(2)** kills the Sovereign, does the Sovereign any bodily harm tending to the death or destruction of the Sovereign or maims, wounds, imprisons or restrains the Sovereign;

**(2)** kills the eldest son and heir apparent, or the Queen Consort, of the Sovereign;

**(2)** levies war, or does any act preparatory to levying war, against the Commonwealth;

**(d)** assists by any means whatever, with intent to assist, an enemy-

**(i)** at war with the Commonwealth, whether or not the existence of a state of war has been declared; and

**(ii)** specified by proclamation made for the purpose of this paragraph to be an enemy at war with the Commonwealth;

**(e)** instigates a foreigner to make an armed invasion of the Commonwealth or any Territory not forming part of the Commonwealth; or

**(f)** forms an intention to do any act referred to in a preceding paragraph of this sub-section and manifests that intention by an overt act,

shall be guilty of an indictable offence, called treason, and liable to the

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<sup>16</sup> The original Crimes Act 1900 has been subject to many revisions, additions and amendments. The wording quoted here by Comrade Hill was that of the Crimes Act as it stood in 1974. Some passages have been transferred to other Acts. The current version of the Crimes Act may be found here: [Crimes Act 1914 \(legislation.gov.au\)](http://legislation.gov.au)

punishment of death.<sup>17</sup>

(2) A person who-

(a) receives or assists another person who is, to his knowledge, guilty of treason in order to enable him to escape punishment; or

**(2)** knowing that a person intends to commit treason, does not give information thereof with all reasonable despatch to a constable or use other reasonable endeavours to prevent the commission of the offence,

shall be guilty of an indictable offence.

Penalty: Imprisonment for life.

24AA. (1) A person shall not-

(a) do any act or thing with intent-

(i) to overthrow the Constitution of the Commonwealth by revolution or sabotage; or

(ii) to overthrow by force or violence the established government of the Commonwealth, of a State or of a proclaimed country; or

**(2)** within the Commonwealth or a Territory not forming part of the Commonwealth-

**(2)** levy war, or do any act preparatory to levying war, against a proclaimed country;

(ii) assist by any means whatever, with intent to assist, a proclaimed enemy of a proclaimed country; or

(iii) instigate a person to make an armed invasion of a proclaimed country.

(2) Where a part of the Defence Force is on, or is proceeding to, service outside the Commonwealth and the Territories not forming part of the Commonwealth, a person shall not assist by any means whatever, with intent to assist, any persons-

**(2)** against whom that part of the Defence Force, or a force that includes that part of the Defence Force, is or is likely to be opposed; and

**(2)** who are specified, or included in a class of persons specified, by proclamation to be persons in respect of whom, or a class of persons in respect of which, this sub-section applies.

(3) A person who contravenes a provision of this section shall be guilty of

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<sup>17</sup> The section in the Crimes Act on treason was taken from there in 2002 and inserted in the Criminal Code. The definition of treason was expanded to include terrorism. For details see: [Chapter 4 Treason – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au)

an indictable offence, called treachery.

Penalty: Imprisonment for life.

(4) In this section-

“proclaimed country” means a country specified by proclamation made for the purpose of this definition to be a proclaimed country, and includes any colony, overseas territory or protectorate of that country, or any territory for the international relations of which that country is responsible, which is a colony, overseas territory, protectorate or territory to which the proclamation is expressed to extend;

“proclaimed enemy”, in relation to a proclaimed country, means an enemy-  
**(2)** of and at war with a proclaimed country, whether or not the existence of a state of war has been declared; and

**(2)** specified by proclamation made for the purpose of this definition to be an enemy of and at war with that country.

(5) A proclamation shall not be made for the purpose of the definition of “proclaimed country”, or for the purpose of the definition of “proclaimed enemy”, in the last preceding sub-section except in pursuance of a resolution of each House of the Parliament passed within the preceding period of twenty-one days.

24AB. (1) In this section-

“act of sabotage”<sup>18</sup> means the destruction, damage or impairment, for a purpose intended to be prejudicial to the safety or defence of the Commonwealth, of any article-

**(2)** that is used, or intended to be used, by the Defence Force or a part of the Defence Force or is used, or intended to be used, in the Commonwealth or a Territory not forming part of the Commonwealth, by the armed forces of a country that is a proclaimed country for the purposes of the last preceding section;

**(2)** that is used, or intended to be used, in or in connexion with the manufacture, investigation or testing of weapons or apparatus of war;

**(2)** that is used, or intended to be used, for any purpose that relates

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<sup>18</sup> The sabotage offences in the Crimes Act were replaced with seven new offences in the Criminal Code (Division 82). While the Crimes Act offences were limited to defence property, the proposed new sabotage offences are premised on damage or vulnerabilities to ‘public infrastructure’. For details of the seven new offences see: [8. Sabotage offences – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au)

directly to the defence of the Commonwealth; or

**(2)** that is in or forms part of a place that is a prohibited place within the meaning of section 80;

“article” includes any thing, substance or material.

(2) A person who-

(a) carries out an act of sabotage; or

(b) has in his possession any article that is capable of use, and which he intends for use, in carrying out an act of sabotage,

shall be guilty of an indictable offence.

Penalty: Imprisonment for fifteen years.

(3) On a prosecution under this section it is not necessary to show that the accused person was guilty of a particular act tending to show a purpose intended to be prejudicial to the safety or defence of the Commonwealth and, notwithstanding that such an act is not proved against him, he may be convicted if, from the circumstances of the case, from his conduct or from his known character as proved, it appears that his purpose was a purpose intended to be prejudicial to the safety or defence of the Commonwealth.

(4) On a prosecution under this section, evidence is not admissible by virtue of the last preceding sub-section if the Magistrate exercising jurisdiction with respect to the examination and commitment for trial of the defendant, or the Judge presiding at the trial, as the case may be, is of the opinion that that evidence-

**(2)** would not tend to show that the purpose of the defendant was a purpose intended to be prejudicial to the safety or defence of the Commonwealth; or

**(2)** would, having regard to all the circumstances of the case and notwithstanding the next succeeding sub-section, prejudice the fair trial of the defendant.

(5) If evidence referred to in the last preceding sub-section is admitted at the trial, the Judge shall direct the jury that the evidence may be taken into account by the jury only on the question whether the purpose of the defendant was a purpose intended to be prejudicial to the safety or defence of the Commonwealth and must be disregarded by the jury in relation to any other question.”

It can be seen at a glance, that these provisions give great scope for a widespread attack on civil liberties. A whole book could be written about them. But here as has been said, only a few comments can be made. No one will worry about clauses that deal with killing the Sovereign, or such like clauses, because only a lunatic would contemplate that. When it comes to the phrase “levying war”, it is worth directing attention to a statement of the English common law, (which, broadly speaking, applies to Australia), by Lord Chief Justice Mansfield<sup>19</sup>:

“Insurrections by force and violence to raise the price of wages, to open all prisons, to destroy meeting houses, nay to destroy all brothels, to resist the execution of militia laws, throw down all enclosures, to alter the established law, or change religion, or to redress grievances, real or pretended, have all been held levying war...I tell you the opinion of us all is that is this multitude assembled with intent, by acts of force and violence, to compel the legislature to change a law, it is high treason. Whoever wishes advises or is in any way encouraging to such a multitude assembled with such intent, though he does not personally appear among them, yet he is equally a principal.” It may be objected that this is an old statement. That is true, but nevertheless, it goes to show that the meaning of those words “levying war” has a far wider significance than what may be popularly believed. When you remember the way in which police are used provocatively in, for example, an industrial struggle, so that “force and violence” are falsely ascribed to the strikers, you can see again the tremendous scope of the provision of the Crimes Act.

The take the words – “assists by any means whatever” – as they occur in the “treason” and “treachery” sections. Obviously, that can mean speaking against the warlike policy of the Government, writing a leaflet, distributing leaflets, criticising in any way the Government policy on war. Clearly it can be used against trade unionists taking action on an industrial or political issue. When you recall the anti-people character of the SEATO and ANZUS pacts, aimed at suppressing the colonial liberation movements – movements with which so many Australians sympathise -then you can again see the purpose of this means. It seeks to enforce with the force and violence of a hangman’s rope, the police and gaols, the reactionary policy incorporated in those pacts.

There is no protection in the “proclaimed countries” concept. On the contrary, that enforces so-called loyalties not only to Australian monopoly capitalism, but, at the whim of the Government, loyalty to a foreign power such as the United State, or

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<sup>19</sup> William Murray, the First Earl of Mansfield, was Lord Chief Justice of the King’s Bench from November 1756 to June 1788.

Indonesia in respect of West Irian, or France, or Belgium or Portugal or any other country. You may say that this is absurd, but examine the provision, and think over recent history with its Vietnams, Koreas, Congos, Cubas, Laoses, Cypruses, New Guineas and other places.

If you take Section 24 AA (2), criticism of the use of Australian Defence Forces in Malaya, as they have been and are used, is struck at. Everyone knows of the widespread opposition to that. Yet it is exactly what is encompassed in this section. Again, think of SEATO and ANZUS, poised against the colonial peoples. Remember, for example, the important action taken by Australian seamen and wharfies, to assist the newly-born Indonesian Republic after World War 2. Contemplate any strike of transport workers, wharfies or seamen, involving transport or materials for the Defence Forces engaged in a so-called police action.

It will be said that protection is given for bona fide actions by Sections 24 F; but look at that section for yourself. All it really serves to do, when you recall the hysteria that is whipped up in circumstances of war, or “police action”, is to emphasise the points made above.

The “sabotage” section is clearly and specifically directed against any sort of working class action. It has next to nothing to do with its highly coloured title “sabotage”, as that word is commonly understood. The extreme width of the provision is underlined by the “prohibited place”, spoken of in clause (d) of Section 24 AB (1) – prohibited place can mean anywhere at all.

This section also introduces the concept of “known character” being invoked against an accused person. In other words, secret police dossiers are made useful – if the person accused is or has been a Communist, an active unionist, an active democrat, a fighter for peace, a Labor Party progressive activist, then all this can be thrown against him. Again, the so-called safeguards mean nothing.

Thus, the extensive scope of “sabotage” can be demonstrated by taking the example of a seaman (or seamen) who accidentally “impairs” the cargo of a ship carrying stores for the Defence Forces, and who has been an active unionist. He could easily incur 15 years’ imprisonment. As for a strike, well it is not necessary to elaborate the point.

Then look for a moment at Part VII of the Act headed “Espionage and Official Secrets”, much of which, as we have said, has very little to do with espionage or official secrets. Here again, the concept of “known character” is invoked against the accused. The communication or collection of information “that is **likely to be, might be** or is intended to be directly or indirectly useful to an enemy or a **foreign power**”, is punishable by seven years’ imprisonment. “Information” does not mean what you



might think it means, but means (as defined in the Act) "information" of any kind whatsoever, whether true **or false** and whether in material form or not, and includes

—

- (a) an **opinion**, and
- (b) a report of a conversation

It can amount to this, that you hold a false opinion about something which it is said might possibly be useful to a foreign power, (note: not an enemy) and you have a known character in the sense we previously described, then you could be found guilty of an offence here. In practical terms, it imperils all cultural and friendly exchanges between the people of Australia and any other foreign country. Really, it is directed against the socialist countries, and the countries newly liberated or striving for liberation. There are many other provisions of this part of the Crimes Act, which strike at freedom, but we must content ourselves by inviting you to read them for yourself.

Section 30 A (1) of the Crimes Act provides:

"1) The following are hereby declared to be unlawful associations, namely:-

**(2)** Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages-

**(2)** the overthrow of the Constitution of the Commonwealth by revolution or sabotage;

(ii) the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government; or

(iii) the destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the States, or which is, or purports to be, affiliated with any organization which advocates or encourages any of the doctrines or practices specified in this paragraph;

**(2)** Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section 24A.

Inserted by No. 30, 1932, s. 3.

(1A) Without limiting the effect of the provisions of the last preceding sub-section, any body of persons, incorporated or unincorporated, which is, in pursuance of the next succeeding section, declared by the High Court or the Supreme Court of a State to be an unlawful association, shall be deemed to be

an unlawful association for the purposes of this Act.

(2) Any branch or committee of an unlawful association, and any institution or school conducted by or under the authority or apparent authority of an unlawful association, shall, for all the purposes of this Act, be deemed to be an unlawful association.”

It can readily be seen that this is openly aimed at the advanced workers. It is followed by other detailed provisions that carry the same intention into effect.

Historically, the monopoly capitalists in Australia have concentrated blows against militant workers. Hence legislation aimed at ensuring capitalist control of the trade unions has come into existence and been changed in various directions over the last 70-odd years. Government control of trade union ballots for the election of union office bearers was introduced by the Chifley Labor government and subsequently extended. Use of a system of injunctions (previously described) and of contempt of court by the Commonwealth Industrial Court became a favourite method of suppression. It was used until 1969 when workers rebelled over its use against C.L. O’Shea and dealt it a shattering blow. Yet the system remains and shows the real mind and heart of the monopoly capitalists. It is paralleled in specific provisions for repressing particular groups of workers<sup>20</sup> such as seamen, waterside workers, workers on specified Commonwealth projects. All this Commonwealth law is supplemented in the States by a variety of laws which impose penalties against the workers for industrial action. In short, there is a wide-ranging system for suppressing the struggle of the workers even on economic questions.

Should any of these laws provide inadequate, the Commonwealth and the States have shown no inability and no hesitation in passing special legislation to deal with special situations. Thus in 1949 the then Labor government passed emergency legislation to deal with the coal miners’ strike to which reference has already been made. It was a revealing episode on the whole operation of the state machinery. The legislation was rushed through parliament, assented to, and a special sitting of the High Court (then on vacation) pronounced the legislation constitutionally valid. During the strike, the legislation was used to gaol miners and other workers’ leaders.

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<sup>20</sup> The most notorious of such provisions in recent times was directed against workers in an entire industry, namely, the construction industry. Originally known as the Office of the Australian Building and Construction Commissioner between 2005 and 2012, and as the Fair Work Building and Construction between 2012 and 2016, and supported by both Liberal and Labor governments, it was re-established as the Australian Building and Construction Commission by the second Turnbull government in 2016. The ABCC maintained separate laws and separate penalties for workers in this industry.

Troops were used in the mines. Every “liberty” was abolished. Habeas corpus, equality before the law were revealed as hollow pretences.

Then Section 30 J of the Commonwealth Crimes Act contains provisions to declare a state of emergency.

The Commonwealth Telephonic Communications (Interceptions) Act 1960 “authorised” the telephone tapping that had been going on for years.

All this legislation is “democratically” passed by an elected parliament. Such “democratic” action does not in any way change its monopoly capitalist class character nor its direction against the Australian workers and other common people.

In any event, its main importance lies in demonstrating the oppression that is the reality and showing that within its own system of laws the monopoly capitalists maintain this oppression. The law exists for this very purpose and to systematise it. It is more suitable for them to maintain this oppression through the law (within the law) for a variety of reasons.

The very tradition of the struggle against feudalism makes it difficult to rule without a system of law and without giving lip service to the rule of law, liberty, equality before the law. The weapons of the system of law the capitalists evolved in their struggle against feudalism they now use against the workers and common people. Oppression in the name of liberty, equality before the law, democracy is more difficult to expose and attack. (Injustice **within** the law is well recognised and harder to deal with than action outside the law.)

But in the final analysis all this law can be abolished or ignored by the monopolists. The Army and police can be openly used to maintain law and order. The world provides many examples of it. Indonesia, Greece, Chile in recent times come readily to mind. Ideas that it can't happen here are entirely wrong. Law serves repression. When law is no longer adequate, naked force is used. Australian ruling circles are no exception.

## Chapter 10

### The Prisons<sup>21</sup>

In every State of the Commonwealth there is a system of prisons. These prisons are bywords for oppression of the prisoners. Fundamentally the prisons serve as essential weapons in the class struggle. They are institutions for detaining the workers, for carrying out capital<sup>22</sup> and corporal punishment and in addition to their actual use are a continuing threat against the workers and common people. It must never be thought that the mere fact that capital and corporal punishment are not carried out because the law has fallen into disuse or discredit or has been repealed, means that such things have disappeared. Capital punishment exists all right; a significant number of Australians have died at the hands of police and gaol officials while countless Australians have been beaten just as brutally as any “legal” corporal punishment. We may simply look at the political and physical attacks upon the workers and common people.

The sanction in the laws that we have previously reviewed is finally imprisonment or death. Alternative forms of punishment exist such as fines, release on good behaviour bonds, adjournments. But the ultimate sanctions are imprisonment or death. For assault, indecent language, resisting arrest, etc, the victim is liable to be imprisoned. Indeed, many people have been imprisoned. So the whole thing runs in this way – (1) political activity (2) arrest (3) police evidence in court prosecution (4)

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<sup>21</sup> Written today, this chapter would place greater emphasis on the prisons and the First Peoples, who are the most incarcerated Indigenous Peoples per capita of any on earth. A Royal Commission into Aboriginal Deaths in Custody followed growing struggle and public outrage. Its trigger was the death of 16-year old John Pat in a WA police cell in 1983. The Royal Commission ran from 1987 to 1991 and made 339 recommendations. Since 1991, over 500 First Peoples have died in custody.

Greater emphasis would also have been placed on the imprisonment of children as young as ten, many of whom are Indigenous. The children of the rich do not enter this system of institutional physical and mental torture. Much evidence of this has been presented following revelations about the abuse inflicted on Dylan Voller as a juvenile in the Don Dale Detention Centre in the Northern Territory. Similar abuses have been revealed in other juvenile detention centres such as Banksia Hill in Western Australia.

An issue which has arisen since Hill wrote this book is the privatisation of remand centres and gaols in Australia. Australia now imprisons more people than at any time in its history. State government have turned to private operators over the last twenty years to save costs in the running of prisons, and to show their political ties to the private sector. Giant corporations are running prisons on behalf of all other monopoly capitalists. As of 2015, private prisons run by the likes of Serco, G4S, GEO hold some 20% of the prison population. This is in addition to the contracts given to private companies to run concentration camps for so-called “illegal immigrants”.

<sup>22</sup> Capital punishment was abolished at different times in different States and in the Commonwealth. Queensland was the first, in 1922. The Commonwealth abolished the death penalty in 1973, but it was still in force in Victoria, South Australia and Western Australia at the time of writing this book.

conviction (5) goal. This occurs just as the machine churns out sausages. This is the streamlined process that has been evolved and operates in Australia. It is called law and order.

In the great protest movement against the US aggression in Vietnam and against the Australian conscription for service in that war, many workers, students and other people were thrown into gaol. Protest action against the war in Vietnam or against conscription was accompanied by arrest by police, police evidence in court (accepted in 99 cases out of 100), conviction, gaol. This was the “legal” side of it. But the police would administer corporal punishment, abuse, detention (imprisonment) outside the law. There could be no argument against the proposition that this was sheer class oppression. Insofar as it used the law, it was the use of class violence by the class state machine, outside the law it was simple naked class violence. Even many who at that time did not support the protest movement in Australia would now agree with this, because change in imperialist power and alignment, the defeat of US imperialism, have revealed that Australia’s participation in the war was a great error even from a capitalist standpoint. From a class standpoint, of course, it was simply naked imperialist aggression.

The number of gaolings for what are political offences (we use the term to describe actions of class struggle against the monopoly capitalists and their policies) has steadily increased in Australia. In the last decade or two it stands as an all-time high.

But, as pointed out, the ultimate “legal” sanction against the workers has always been gaol (or death). But never lose sight of the police violence beyond the law, police prosecution, police detention, police intimidation, police perjury. Do not be misled into illusions about the law.



(Above: Not an adult terrorist at Guantanamo Bay, but 14-year old Dylan Voller at the Don Dale Detention Centre. ABC Four Corners)

In the eye of the ruling imperialist circles the most serious criminals are always the revolutionary workers. It is for these revolutionary workers that the most severe strictures are reserved. It is ultimately for them that the gaols exist.

The resort by Hitler to open terrorist dictatorship was only expressing the logical capitalist outlook on this question.

Extracts from a 1932 Deutsche Fuhrebriefe, confidential bulletin of the Federation of German Industry, throws a very revealing light on all this and they are applicable to all countries. (For "Social Democracy" in the quotation it is to be remembered the ALP is a party of social democracy.) These are the extracts:

"The necessary conditions for any social reconsolidation of bourgeois rule possible in Germany after the war is the splitting of the workers' movement. Any united workers' movement springing up from below must be revolutionary, and this rule would not be able to hold out against it for long, not even with the means of military power.

"The problem of consolidating the bourgeois regime in post-war Germany is generally determined by the fact that the leading bourgeoisie, who have control of the national economy, have become too small to uphold their rule alone. They require for this rule, if they do not wish to rely on the extremely dangerous weapon of purely military force, an alliance with strata that do not belong to them socially, but which render them an indispensable service of anchoring their rule in the people, and thereby being the actual and final bearers of this rule. This last or outermost bearer of bourgeois rule was, in the first period of post-war consolidation, Social-Democracy.

"In the first reconstruction era of the bourgeois post-war regime, in the era from 1923-4 to 1929-30, the split in the working class was founded on the achievements in regard to wages and social policy into which Social-Democracy capitalised the revolutionary upsurge.

"Thanks to its social character as being originally a workers' party, Social Democracy brought into the system of reconstruction at that time, in addition to its purely political force, something more valuable and enduring, namely the organised working class, and while paralysing their revolutionary energy chained them to the bourgeois State.

"These (the achievements in regard to wages and social policy) functioned as a sort of sluice mechanism through which, in a falling labour market, the employed and firmly organised part of the working class enjoyed a graduated, but nevertheless considerable advantage compared with the unemployed and fluctuating mass of the

lower categories, and were relatively protected against the full effects of unemployment and the general critical situation on the standard of living.

“The political frontier between Social Democracy and Communism runs almost exactly along the social and economic line of the sluice-dam; and all the efforts of Communism, which, however, have so far been in vain, are directed towards forcing a breach into this protected sphere of the trade unions.

“The process of the transition which we are undergoing at present, because the economic crisis necessarily destroys these achievements, passes through the stage of acute danger that, with the disappearance of these achievements, the mechanism of disrupting the working class which is based on these achievements, will cease to operate, with the result that the working class will begin to turn in the direction of Communism and the bourgeois rule will be faced with the necessity of setting up a military dictatorship. This stage would mark the beginning of the phase of the incurable sickness of bourgeois rule. As the old sluice mechanism can no longer be sufficiently restored, the only possible means of saving bourgeois rule from this abyss is to effect the splitting of the working class and its tying to the State apparatus by other and more direct means. Herein lies the positive possibilities and the tasks of National Socialism.”

Hitler shifted the emphasis in German state power from the hypocrisy of “democracy” to open force. He killed and gaoled thousands of workers. His actions demonstrated vividly the real intentions of all capitalist classes. He had the sympathy and support in this respect of all monopoly capitalists; some of those monopoly capitalists criticised Hitler but fundamentally the differences on this matter were tactical differences and not differences of principle.

In the history of Australia, this ultimate resort to gaols and violence as one aspect of class violence has always been present. In the early Master and Servants Acts aimed at preventing working class organisation, gaol was the penalty. At the Eureka stockade, not only was the army, the chief component of state power, used to suppress the miners but prosecutions with the ultimate sanction of gaol were launched. Police and soldiers’ violence outside the law was a daily occurrence. In the 1890 Maritime Strike again the army was used and prosecutions with gaol penalty launched. In the struggle against the imperialist war of 1914-1918, many were gaoled. Leaders of the Industrial Workers of the World were framed on spurious charges of arson and gaoled. Throughout the twenties, active advanced workers were gaoled. In the thirties, the struggle against fascism and war found many opponents of fascism and imperialist war gaoled. In the forties, in the struggles against the encroachments of US imperialism in Australia and against its efforts to produce a subservient working class, many were gaoled. In the various struggles of

the fifties, such as against the US aggression in Korea, the process was continued. The years of the sixties and seventies have already been commented upon.

Earlier we said that the Crimes Act amendments have shown a significant development in that the period of the ultimate sanction in gaol sentences has become longer. This has coincided with the decline and weakness of imperialism and thereby the increase in its ferocity and on the other hand the advance of the strength of opposition to it. Almost each decade if we include the penalties (5 years' imprisonment) provided in the Communist Party Dissolution Act of 1950<sup>23</sup>, has seen an increase in the terms of imprisonment imposed as punishment. The significance of this is that it reveals the inner mind of the ruling circles. Their sense of insecurity and desperation can be measured by considering the steady development of repression.

In addition, within the discretion given to magistrates and judges to impose less than maximum sentences there has been a steady rise in the terms of imprisonment imposed. From small fines to large fines, from small terms of imprisonment to larger terms of imprisonment, has been the story.

Nor would it be correct to ignore the question of capital punishment. Capital punishment is what is really desired by the capitalist class against the revolutionary workers. No penalty for revolutionary activity is too severe in their eyes. The real mind of such capitalists may be seen wherever there is a challenge to their state power and the challenge fails. Invariably they visit retribution on the workers in executions. This is the case in all history. Recent examples have been Indonesia and Chile. Hitler provided deep lessons in the same process. As we have seen the latest Australian amendment to the political provisions of the Crimes Act makes the penalty for "treason", defined in very wide terms, death. All this would be very understandable if the authors of it did not mouth such phrases as democracy, freedom and so on. If they said frankly, "the death penalty is our class weapon", then they would be entitled to that degree of respect which frankness at least commands. Ultimately the death penalty is directed against the revolutionary workers who are, in the eyes of the monopoly capitalists, the worst criminals.

Within all Australian gaols, there is what is called a maximum security section. The ordinary gaols are themselves torture chambers. The maximum security sections are torture chambers but much less refined. There is much talk of prison reform. Certainly prisons ought to be reformed. In fact, they never will be reformed in a

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<sup>23</sup> Assuming the Communist Party Dissolution Act would pass through parliament, Menzies secretly ordered supplies for the construction of a concentration camp to house up to 300 Communists. ASIO and State Special Branches were ordered to raid the houses of known and suspected Communists, and Party offices, to find "evidence" of people's party membership that could withstand any challenge in the courts.



fundamental way while capitalism lasts because these prisons are a vital weapon of monopoly capitalism in its maintenance of its exploitation and are aimed at the revolutionary conscious workers. In the final analysis, the prisons are for the detention, torture (reform, they call it in their hypocrisy) of the class conscious workers. These prisons house social misfits who ought to be humanely treated in appropriate institutions, people who steal because they are in need, some professional criminals who have learned from the legal thieving of the monopoly capitalists. The vast majority of inmates of Australian gaols are poor people – the rich do not imprison themselves in their own gaols. On the contrary, any analysis shows that they gaols are to detain the opponents of the rich. Some of these opponents are misguided but that is not our present point. It does not go beyond bourgeois criticism to point out that the gaols are places where the poor are detained. Our point of departure is that essentially the gaols are part of the state apparatus for maintenance of capitalist class rule over the working class and working people.



*(Above:* The Clarence Correctional Centre near Grafton, NSW, was opened in 2020. It is operated as public-private partnership between the NSW government, John Laing (UK), John Holland (China) and Serco UK). The ABC titled its story on the centre: “Australia’s largest prison will be big business on the New South Wales north coast”. )

## Chapter 11

### The Deception of Parliament

#### The Role of the Public Service

The whole system that we have described operates under laws passed by this or that parliament or approved by this or that court. To the type of analysis that we have made, the bourgeoisie replies that the people of Australia vote democratically for their representatives in parliament, that these representatives vote for the legislation and are responsible to the people, that it is from the majority of elected representatives that the Cabinet comes, that the Cabinet is responsible to parliament and it is to the elected representatives of the people. Then the bourgeoisie says if you don't like a government you only have to persuade a majority to agree with you and the government will be changed in accordance with your democratic will expressed in the ballot box. Or if you don't like a law you can get it democratically repealed, in a similar way.

All this, too, is sheer illusion and deception.

There are indeed seven elected parliaments in Australia. All Australians vote in the elections for members of them. But the question is – does this in any way give Australian people a real say in the government of Australia? Unhesitatingly, the question must be answered – no, it does not. On the contrary, this system really aims to cover up the real rule in Australia by the imperialist monopoly capitalists and their collaborators. It is the illusion and not the reality of democracy.

No one would deny that there is capitalism in Australia. No one would deny that the key sections of the economy of Australia are in the hands of overseas monopolies. It is only necessary to mention the oil industry to illustrate the point. Earlier we pointed out that foreign interests only need to cut off Australia's oil supply and it would bring Australia to a standstill. Within Australia the entire iron and steel supply is in the hands of BHP. BHP has only to cut off the steel supply and it would bring Australia to a standstill. No Australian parliament no matter how democratically elected impinges one little bit on these fundamental facts. This is the whole character of Australia. Australia is owned by monopoly capitalists and run by monopoly capitalists. Parliament is a device that serves those monopoly capitalists.

The system of law and repression under it upon which we have previously commented largely emanated from these parliaments in Australia. The law operates for the rich against the poor. It is class law – monopoly capitalist class law against the working class and its allies.

One must be concerned with realities and must look beyond appearances to get at that reality. Lenin said: "To decide once every few years which member of the ruling

class is to misrepresent the people in parliament is the real essence of bourgeois parliamentarism, not only in parliamentary monarchies, but also in the most democratic republics.” (The State and Revolution, sel. Works 12 Vol. Edn., Vol 7 p. 44) or again “...the method of elections and the form of democracy are one thing, and the class content of the given institution is another thing.” (The Proletarian Revolution and the Renegade Kautsky, Sel. Works 12 Vol. Edn., Vol 7 p. 157.)

These propositions are most certainly applicable to Australia. The parliamentary institutions offer a choice” broadly speaking between the Australian Labor Party and the Liberal Country Parties<sup>24</sup> on the other. (For the moment we must leave aside the minority aspirants for parliamentary seats.) The hard facts of Australian parliamentary history show that under it, capitalism has greatly developed and this is so whether governments have been constituted by the Labor Party or the Liberal Country Party (and we include its predecessors under different names). Each of these parliamentary parties has served capitalism because parliament is a capitalist device.

The argument against the proposition is that the Labor Party is a socialist party and includes socialisation in its programmatic platform. It is true that in 1921 “socialisation” did become a plank in the Labor Party platform. Today, some refer to the Labor party as a party of socialism. This is used to support the idea that parliamentary elections offer the choice between socialism and capitalism and that in Australia the choice is open and it is also open in each of the States.

The people have “chosen” the Labor Party several times in both the Commonwealth sphere and in the State spheres. There have been Labor Government in all States and in the Commonwealth. But there has never been socialism nor anything remotely resembling it. On the contrary, capitalism in Australia has grown; imperialism has advanced its hold on Australia.

This is cold hard fact. There has been argument centred on words as to the Labor Party’s socialism. Our definition of socialism means people’s ownership of the means of production, production for use and not for profit and proletarian dictatorship to enforce it. The Labor Party, in its many years aggregate in office in Australia, has never taken one step towards people’s ownership; on the contrary, it has always protected and advanced monopoly ownership. Some say that nationalisation is a step towards socialism, that institutions like the railways in Australia or the post office in Australia are socialist. This is just not correct. Such institutions are owned by the capitalist state. They are run by the capitalists for the capitalists. Nationalisation is undertaken to give a service to all the capitalists, or when a capitalist key industry is becoming unprofitable and the capitalists are prepared to push the burden on to the state, the maintenance of which is drawn not only from capitalists but from the

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<sup>24</sup> In 1982, Liberal Party coalition partner the Country Party changed its name to the National Party.

people as a whole. The struggle for nationalisation of key monopolies can in certain circumstances have benefit for the people. Nationalisation has been undertaken not only by Labor governments but by conventional Tory governments. In Australia, the railways were often run by the colonial governments because no individual capitalist or group of capitalists was prepared to take the risk. The state accordingly carried the burden for all the capitalists.

The Labor Party is a liberal bourgeois party and it follows a liberal bourgeois policy. This has always been the position and it is still the position. The word "labor" is deception designed to gain the support of the workers. The "socialism" of the Labor Party is deception designed to gather up the socialist sentiments of the Australian workers and divert them into an acceptance of capitalism. The socialisation plank was introduced in 1921 at a time when the socialist October revolution in 1917 in Russia had greatly inspired socialist sentiments in the people. The Labor Party's socialisation plank catered for these sentiments. It was a matter of words only. It has been correctly said that "in order to understand the real significance of parties one must examine, not their labels, but their class character and the historical condition of each separate country". (Lenin: Labor Government in Australia.)

The Labor party in Australia is therefore an essential part of the deception of parliament.

Both logical reasoning and summary of actual experience demonstrate that parliament in Australia and all parliamentary parties are instruments of monopoly capitalism.

But consider the mechanism of voting. There is universal adult suffrage. Every person in Australia votes secretly at every election to choose the parliamentary representatives. In a mere moment a ballot paper is marked and put in a ballot box. It is manifestly absurd that in that mere moment and in that mere process, the elector is participating in government. He is not. Within the confines of the parliamentary system, there is much criticism even from an orthodox bourgeois standpoint. An election "campaign" occurs. It at best is an affair that offers only minor variations in policy. That **must** be because each party stands for the maintenance of capitalism. In that fleeting moment of voting the elector "chooses". Experience shows it is no real choice at all.

Consider the matter further. The choice occurs in an atmosphere thoroughly permeated with capitalist ideas. Newspapers, radio, television, are all in the hands of the capitalist class.

The real business of government is done and its continuity ensured by the public service. It is backed by the army, the police, the courts and gaols. Governments come and go in competition with each other for the goals of office: they call it power but it

is a very limited idea of power and is based on power in the hands of the monopoly capitalists.

Professor Sawyer, a strong apologist for parliament, said of it:

“Most of the time, however, parliamentary debate is not a process of decision, except in a formal sense. It is one of registering, defending and publicising decisions already taken by the majority party, cabinet and the civil service, and drawing attention to the different proposals of the opposition. It is a continual inquest into the deeds and misdeeds of the government, and a continual reminder to the electors that an alternative exists.” (Australian Government Today, pp 423-3).

Whether the government in Australia be Labor or Tory, the public service remains, the army remains, the police remain, the courts remain and the gaols remain. There may even be changes in leading personnel in these institutions but nonetheless they remain to administer capitalism. Australian history is rich in examples of judges and senior public servants (and officers of the armed forces) who pass from their public service positions into open employment by monopoly capitalists, and monopoly capitalists who serve in key positions in the public service. Many trade union leaders become government functionaries to administer the capitalist state. Even if actual corruption did not exist, it would not alter the validity of our argument: the fact that it does exist (and every now and then is publicly revealed to exist) only strengthens the argument. The 1972 Australian change to a Labor government did for a moment throw a light on the real role of the public service. Some of the senior public servants could not adjust themselves to a change even to a Labor government which is really a liberal bourgeois government and this despite the conventional theory that the public service is above “party politics”.

The public service In all capitalist countries does the real state business. Lenin summed this up brilliantly when he said: “The entire history of the bourgeois-parliamentary, and also, to a considerable extent, of the bourgeois-constitutional, countries shows that a change of ministers means very little, for the real work of administration is in the hands of an enormous army of officials. This army, however, is undemocratic through and through, it is connected by thousands and millions of threads with the landowners and the bourgeoisie and is completely dependent on them. This army is surrounded by an atmosphere of bourgeois relations, and breathes nothing but this atmosphere. It is set in its ways, petrified, stagnant, and is powerless to break free of this atmosphere. It can only think, feel, or act in the old way. This army is bound by servility to rank, by certain privileges of “Civil” Service; the upper ranks of this army are, through the medium of shares and banks, entirely enslaved by finance capital, being to a certain extent its agent and a vehicle of its interests and influence.

“It is the greatest delusion, the greatest self-deception, and a deception of the people, to attempt, by means of this state apparatus, to carry out such reforms as the abolition of landed estates without compensation, or the grain monopoly, etc. This apparatus can serve a republican bourgeoisie, creating a republic in the shape of a “monarchy without a monarch”, like the French Third Republic, but it is absolutely incapable of carrying out reforms which would even seriously curtail or limit the rights of capital, the rights of “sacred private property”, much less abolish those rights. That is why it always happens, under all sorts of “coalition” Cabinets that include “socialists”, that these socialists, even when individuals among them are perfectly honest, in reality turn out to be either a useless ornament of or a screen for the bourgeois government, a sort of lightning conductor to divert the people’s indignation from the government, a tool for the government to deceive the people. This was the case with Louis Blanc in 1848, and dozens of times in Britain and France, when socialists participated in Cabinets. This is also the case with the Chernovs and Tseretelis in 1917. So it has been and so it will be as long as the bourgeois system exists and as long as the old bourgeois, bureaucratic state apparatus remains intact.” (One of the Fundamental Questions of the Revolution, 1917).

This is even more so in Australia where, as we said, Labor governments have been in office in the Commonwealth and all States, and capitalism has remained and prospered.

Australia may indeed be included in Lenin’s analysis of the development of parliamentarism: “...one the one hand, the development of ‘parliamentary power’ both in the republican countries (France, America, Switzerland) and in the monarchies (England, Germany to a certain extent, Italy, the Scandinavian countries etc.); on the other hand, a **struggle for power among the various bourgeois and petty-bourgeois parties which distributed and redistributed the ‘spoils’ of office, while the foundations of bourgeois society remained unchanged**; and finally, the perfection and consolidation of the ‘executive power’, its bureaucratic and military apparatus.

“There is not the slightest doubt that these features are common to the whole of the modern evolution of all capitalist states in general.” (State and Revolution – emphasis ours.) “Parliament is given up to talk for the special purpose of fooling the common people” (State and Revolution) while the real business of state is performed behind the scenes by the public service, big business and the army. Parliament is simply a talking shop.

Universal suffrage is really an instrument of capitalist class rule. Recall our examples of the water supply and the oil supply in Australia. Engels called universal suffrage “the gauge of the maturity of the working class. It cannot and never will be anything

more in the present day state.” This universal suffrage in Australia both in the Federal parliament and the State parliaments has enabled the Australian people to decide once every few years which member of these parties (both parties of the ruling class) is to repress and crush the people through parliament. “Such”, said Lenin, “is the real essence of bourgeois parliamentarism not only in parliamentary constitutional monarchies, but also in the most democratic republics.”

The fact too is that all parliamentarians (there are absolutely insignificant exceptions) are tied to monopoly capitalism. The parliamentary politicians are “their” (ie the monopoly capitalists) men in every sense of the term. One does not need to be a very acute observer to understand the thousand and one visible and invisible ties between both main bourgeois political parties and their members on the one hand and the big monopolies on the other. Now and again a particular scandal rocks Australia such as Comalco’s 1970 share allocation to parliamentarians but it only emerged publicly because it was too crude. What it revealed openly and momentarily, namely, the outright bribery of Australian parliamentary politicians, goes on all the time, sometimes subtly, sometimes crudely. The US Watergate revelations are only a dramatic momentary glimpse into something that is always there. An exactly similar situation, true on a lesser scale, prevails in Australia.

“Democracy for an insignificant minority, democracy for the rich—that is the democracy of capitalist society. If we look more closely into the machinery of capitalist democracy, we see everywhere, in the “petty”—supposedly petty—details of the suffrage (residential qualifications, exclusion of women, etc.), in the technique of the representative institutions, in the actual obstacles to the right of assembly (public buildings are not for “paupers”!), in the purely capitalist organization of the daily press, etc., etc.,--we see restriction after restriction upon democracy. These restrictions, exceptions, exclusions, obstacles for the poor seem slight, especially in the eyes of one who has never known want himself and has never been in close contact with the oppressed classes in their mass life (and nine out of 10, if not 99 out of 100, bourgeois publicists and politicians come under this category); but in their sum total these restrictions exclude and squeeze out the poor from politics, from active participation in democracy.

“Marx grasped this essence of capitalist democracy splendidly when, in analysing the experience of the Commune, he said that the oppressed are allowed once every few years to decide which particular representatives of the oppressing class shall represent and repress them in parliament!” (Lenin: *The State and Revolution*, Sel. Works 12 Vols. Edn. Vol 7 p. 80.)

Australians have a very rich experience of the truth of these ideas. Nor has the validity of Lenin’s ideas been altered by the fact that universal female and male

suffrage without property qualifications does prevail in Australia at least for all lower houses of parliament.

The monopoly capitalists even voluntarily restrict their own monopoly capitalist freedom. This arises under the D (Defence) Notice system introduced into Australia in an organised way in 1952<sup>25</sup>. These D notices are notices issued by the monopoly capitalists (in the shape of representatives of the newspaper monopolies, plus representatives of the army, secret police, intelligence services) to newspapers and other news dissemination agencies. (In itself, it is a frank admission of monopoly capitalist ownership of the army, intelligence services, the police.) The notices in effect prohibit news items on certain matters of “defence” and “security”.

Theoretically, it is a voluntary system, but since the participants impose their own D notices, it does not matter whether or not it is voluntary. The effect of a D notice is to prohibit all discussion of a particular topic. The type of thing that has been used and is subject to D notices is by no means only technical material, but political material. Thus, aspects of the Petrov affair were and are subjects of D notices. The D notice certainly does not exhaust press censorship<sup>26</sup>.

The monopoly capitalist press and news disseminators effectively ensure expression of the monopoly capitalist viewpoint exclusively. Sometimes it used workers’ leaders or would-be “leaders” (by presenting them on television, and the radio, in the press etc.) for the very purpose of improving its effectiveness in putting its own viewpoint. It uses such people to sow for its own advantage the illusion of impartiality, fairness, democracy, to gain credence, credibility, capital for its own viewpoint.

But it is said that the electors have democracy. They have freedom of the press, freedom of speech, freedom of organisation, freedom of assembly. They may discuss political issues, organise about them, demonstrate about them, write about them

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<sup>25</sup> D-Notices were originally issued by a Defence, Press and Broadcasting Committee. In 1982 this committee ceased meeting and the D-Notice system became the administrative responsibility of the Minister for Defence. D-Notices are rarely issued nowadays, although one issued in 1977 on all matters relating to the Australian Secret Intelligence Service (ASIS, the body charged with gathering foreign intelligence), is still in effect.

<sup>26</sup> A case in point was the 2019 Australian Federal Police raid on the house of Murdoch Press journalist Annika Smethurst following an article she wrote on the Australian Signals Directorate (ASD). This is a secretive body charged with intercepting communications outside Australia and passing them onto Australian and other Five Eyes intelligence services. The seven-hour search was described by police as part of an investigation into “alleged publishing of information classified as an official secret”. Those “secrets” were plans by then Home Affairs Minister Peter Dutton to grant the ASD new powers to enable it to secretly access Australian citizens’ bank records, emails and text messages without leaving a trace. The High Court later ruled that the Federal Police raid was unlawful.



and so on. All this is quite unreal. Who owns the newspapers in Australia? Who owns the radio and television? Who owns the halls? The monopoly capitalists own them all. The ordinary person cannot possibly afford them.

Thus, the “democracy” of parliament in Australia is simply a fraud.

## Chapter 12

### The Struggle to Win State Power

Actual analysis of various facets of the state in Australia confirms inexorably the conclusion that the state is the weapon of the monopolies to maintain and extend their exploitation of the Australian workers and working people. There is no single solitary instance of the state apparatus in Australia ever having operated in the interests of the exploited against the exploiters.

The actual development of events leads to presentation of the question how to deal with this state apparatus in Australia. This is a critical question, **the** critical question in the revolutionary movement. As our whole analysis proceeds on the footing that capitalism must be ended and socialism built in stages, we must affirm once more that the critical question in politics is the question of state power. The monopolists understand this quite well. As our analysis shows, these monopolists very carefully indeed safeguard their state power in Australia. They show an extraordinary sensitivity to the problem which Lenin posed in this way: “the basic question in any revolution is that of state power. Unless this question is understood, there can be no conscious participation in the revolution, not to speak of guidance of the revolution.” (On the Dual Power Sel. Works 12 Vols. Edn. Vol 6 p. 27.) This critical question has been obscured in Australia by Labor Party “theoreticians” who hammer the importance of parliament, by revisionist “Communists” (people who speak in the name of Marxism but who “rob Marxism of its revolutionary living spirit...who recognise **everything** in Marxism except **revolutionary** methods of struggle, preaching and preparing them, training the masses precisely in this direction” (Lenin “Proletarian Revolution and the Renegade Kautsky”, emphasis Lenin’s)) and by Trotskyists, followers of Marcuse, “left” academics, etc.

Rich experience in Australia demonstrates the bankruptcy of these theories. Parliaments, representative institutions, have existed in Australia for well over 100 years: capitalism has developed. To revolutionaries, parliament in certain circumstances offers an incidental weapon to advance revolutionary struggle. It is advantageous to the workers that commonly in parliament, the capitalist parties reveal themselves and “reflect the relations between all the classes of bourgeois society...supposedly parliament **expresses the will of the people** but in fact covers up the **deception of the people by the money bags.**” (Lenin: “Letter to the Austrian Communists” 1920.)

The revisionists have produced their blue prints for socialism all emphasising parliamentary means, all denying revolutionary struggle, all avoiding the question of state power, all talking about the peaceful transition to socialism. Absurd pictures of socialist Australia have been produced, even one of “socialist” Melbourne. These are

simply schemes entirely divorced from reality and conjured up in the minds of “Communists” who refuse to see the essence of revolutionary struggle for state power and divert that struggle by talking about these absurd schemes. Trotskyists, adherents of Marcuse, “left” academics, make their own “contributions” in the name of the left, to confusing the question of revolutionary struggle for state power.

Essentially, however, it is a straightforward question. There is no difficulty in understanding that if Australia is to advance, is to be Australia for Australian people both white and black, the Australian workers, working people and other patriotic sections of the people must overthrow the existing state apparatus, destroy it and establish their own state power, a dictatorship of the proletariat in the form of a people’s democratic state. The people’s democratic state will end imperialism in Australia, socialise the key sectors of the economy and prepare the way for full socialism. It is not a difficult idea to understand that this can be accomplished only in great struggle. But it is an idea that is critical for the imperialists and their followers to distort and confuse; hence the Labor Party “theoreticians”, the revisionists, the Trotskyists, the adherents of Marcuse, the “left” academics serve the imperialists on this most critical of questions.

For our part we uphold this struggle to that end. We do not pretend its carrying out is simple. We are realists; we recognise and respect facts. We acknowledge difficulties.

In Australia we recognise perfectly clearly the protracted character of the struggle to establish a people’s democratic dictatorship. We recognise the people are exploited, misled, held down by the state apparatus we have described if they show signs of rebellion. Their ultimate rebellion turns upon many factors and is influenced by world factors, such as the great victories of socialism and the crisis of imperialism. Australia does not exist in a vacuum. It is obvious that crisis in the imperialist countries like the USA, Britain and Japan, which oppress Australia, acutely influences Australia. It is obvious that the world-wide struggle of oppressed peoples helps Australian rebellion. But of course, it is only Australians who will make revolution in Australia. Revolution can neither be imported nor exported.

The overthrowing of the existing state apparatus is a critical question. “...proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and the substitution for it of a **new one** which in the words of Engels, is ‘no longer a state in the proper sense of the word’.” (The Proletarian Revolution and the Renegade Kautsky, Sel.Works 12 Vol. Edn., p. 124.) The existing state apparatus in Australia is as we have shown, specifically designed to maintain capitalism in Australia. The Crimes Act provisions openly declare violence against those who advocate violent ending of the existing state machine. In a moment we shall comment on the question of violence. But if a people’s democracy (dictatorship of

the proletariat) is to win, then it is obviously incompatible with the Australian army we have described, the Australian police forces we have described, the Australian courts, gaols and system of law we have described. “We are governed (and our state is ‘put into shape’) by bourgeois bureaucrats, by bourgeois members of parliament, by bourgeois judges – such is the simple, obvious and indisputable truth, which tens and hundreds of millions of people belonging to the exploited classes in all bourgeois countries, including the most democratic, know from their living experience, feel and realise every day.” (Ibid p. 136.) Experience in all successful socialist revolutions saw the old bureaucratic machine “completely smashed the old judges all sent packing, the bourgeois parliament dispersed,” (Ibid.) a people’s army built.

Of course, the monopolists in Australia are not going to voluntarily surrender their factories, mines, land, to the workers and people, nor the state apparatus that protects their factories, mines, land. The laws we have reviewed protect that all very carefully and the laws give expression to the dictatorship of those monopolies. That dictatorship is rule based directly upon force and unrestrained by any law. As we have seen, the law simply regulates that dictatorship; it does not restrict it, it enforces the dictatorship. The army, in repressing the Eureka rebellion or the Maritime Strike or the coal miners’ strike, was not for a moment restricted by any law.

The position of the army illustrates, better than anything else, dictatorship unrestricted by any law. It tramples over everything in time of crisis for the monopolists. This is a simple fact illustrated graphically in 1973 in the events in the constitutional and republican democracy of Chile where a duly elected government was smashed by the force of the army. Australia is no exception to what Chile illustrated namely, that historically all ruling classes, even when challenged by comparatively mild radical reform, resort to violence<sup>27</sup>. That violence must be met by violence, by people’s violence. The violence of the monopolists is the violence of a tiny minority; in Australia far less than 10% - it is the violence of BHP, GMH, Ford, Chryslers, etc.

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<sup>27</sup> The Australian Constitutional Crisis of November 11, 1975 - actually a semi-fascist coup – was an act of vengeance that suited the big foreign and local monopoly capitalists against the mildly radical reforms of the Whitlam government. Whitlam was sacked by the Governor-General, who as head of the Australian armed forces, had it in his power to call on the army to suppress any widespread rebellion and civil disobedience in support of Whitlam and against his sacking. Only the intercession of ACTU President Bob Hawke, who, the very next day after the dismissal, rejected union calls for a nation-wide strike and urged workers instead to donate a day’s pay to an ALP re-election campaign, saved Governor-General Kerr from having to bring out the army. A former Whitlam minister and friend of Kerr’s claims he was ready to call out the army. See: [Kerr was 'ready to call out the army' \(smh.com.au\)](http://www.smh.com.au)

Hence, the monopolist violence must be met with the revolutionary violence of the people led by the working class. In Australia this must be recognised very clearly. In moments of social “tranquility”, it appears not very obvious. But our analysis is designed to show Australian monopoly capitalism armed with every weapon of repression against the people. Our workers and working people must keep firmly in mind the ruthless records of the US, British and Japanese imperialist and Australian monopolist resort to force and violence against the people. Stages in capitalist and revolutionary development in Australia, as elsewhere, cannot be skipped over. Every stage must be carefully considered and analysed. Preparation to overwhelm reactionary violence with revolutionary violence demands “long, skilful, determined preparation” and demands many sacrifices. We have seen, as illustrative of this, just how carefully the monopoly of armed force in Australia is guarded by the state apparatus. It is “illegal” to organise an armed population. But all difficulties will be overcome.

There is always a great howl against revolutionaries that they believe in violence. It is true revolutionaries do believe in violence. This is based on recognition of the fact that organised violence against the Australian working people exists and is deeply entrenched.

This organised violence is the state machine in Australia and is well demonstrated by historical experience in Australia. The classics of Marxism-Leninism time and time again pointed out that the working class would prefer to take power peacefully (see, for example, Engels’ “Principles of Communism”, Lenin: “A Retrograde Direction in Russian Social Democracy”, “Two Tactics of Social Democracy in the Democratic Revolution”). Indeed, the ultimate aim is to abolish violence. Lenin said: “We set ourselves the ultimate aim of abolishing the state, i.e., all organized and systematic violence, all use of violence against people in general. We do not expect the advent of a system of society in which the principle of subordination of the minority to the majority will not be observed. In striving for socialism, however, we are convinced that it will develop into communism and, therefore, that the need for violence against people in general, for the subordination of one man to another, and of one section of the population to another, will vanish altogether since people will become accustomed to observing the elementary conditions of social life without violence and without subordination.” (State and Revolution, Sel. Works 12 Vol. Edn. Vol. 7 p. 75) But their reactionaries have their organised violence concentrated in the state apparatus and they always resort to more violence when they are threatened. Hence, the working class and its allies **must** be prepared to smash that violence with their own violence. Talk of “smashing the capitalist state apparatus” as put forward by some revisionist circles, without facing up to building a people’s army, is just diversionary nonsense.

A people's army which comes into being over long preparation and revolutionary struggle becomes the chief component of the people's revolutionary struggle and the people's democratic dictatorship in Australia. And this is a million times more democratic than the so-called democracy spoken of in capitalist Australia.

Australia's state apparatus shows what a snare and delusion democracy is. There can be no equality between exploiters and exploited; the position of superiority over their workers in Australia of BHP, GMH, ICI, CSR, Fords, Chryslers, British Leyland, etc. is perfectly plain. Take our previous review of Australia's laws and legal system. But the state apparatus of people's democratic dictatorship led by the working class (a form of the dictatorship of the proletariat) exercises state power over the tiny minority of exploiters. Writing of the dictatorship of the proletariat in Russia soon after the 1917 October Revolution, Lenin said: "Proletarian democracy is a million times more democratic than the most democratic bourgeois republic.

"To fail to see this one must either deliberately serve the bourgeoisie, or be politically as dead as a doornail, unable to see real life from behind the dusty pages of bourgeois books, be thoroughly imbued with bourgeois democratic prejudices, and thereby objectively convert himself to a lackey of the bourgeoisie.

"To fail to see this one must be incapable of **presenting the question** from the point of view of the **oppressed** classes:

"Is there a single country in the world, even among the most democratic bourgeois countries, in which the **average rank-and-file worker**, the average **rank-and-file farm labourer**, or village semi-proletarian generally (i.e., the representative of the oppressed, of the overwhelming majority of the population), enjoys anything approaching such **liberty** of holding meetings in the best buildings, such **liberty** of using the largest printing-plants and biggest stocks of paper to express his ideas and to defend his interests, such liberty of promoting men and women of his own class to administer and to "knock into shape" the state, as in Soviet Russia?

"It is ridiculous to think that Mr. Kautsky could find in any country even one out of a thousand of well-informed workers or farm labourers who would have any doubts as to the reply. Instinctively, from hearing fragments of admissions of the truth in the bourgeois press, the workers of the whole world sympathise with the Soviet Republic precisely because they regard it as a proletarian **democracy**, a **democracy for the poor**, and not a democracy for the rich that every bourgeois democracy, even the best, actually is." (The Proletarian Revolution and the Renegade Kautsky, Sel. Works 12 Vol. Edn. pp. 135-6.) Democracy for the vast majority is the result of people's democratic dictatorship. Precisely by reversing these principles, Khrushchov and his heirs turned the proletarian democracy of Soviet Russia into bourgeois dictatorship,

but Lenin's point stands. Today it is vividly illustrated by People's China's dictatorship of the proletariat.

It is true that bourgeois democracy is a great historical advance as against feudalism and slavery. We have already said that capitalism is historically an advance on feudalism and slavery. And Australian workers cannot be indifferent to the form of capitalist class rule. Bourgeois democracy certainly in essence is the dictatorship of the monopolists. But its formal freedoms, although they are freedom more in form than reality, are of enormous importance to the Australian workers, working people and other patriots in the struggle for people's democratic dictatorship. The formal freedom of speech, of assembly, of organisation, formal equality before the law, all have value in organising and educating the workers. "Democracy is a form of the state, one of its varieties. Consequently, it, like every state, represents on the one hand the organised, systematic use of violence against persons; but on the other hand it signifies the formal recognition of equality of citizens, the equal right of all to determine the structure of, and to administer, the state. This, in turn, results in the fact that, at a certain stage in the development of democracy, it first wields together the class that wages a revolutionary struggle against capitalism – the proletariat – and enables it to crush, smash to atoms, wipe off the face of the earth, the bourgeois, even the republican bourgeois, state machine, the standing army, the police and the bureaucracy and to substitute for them a **more** democratic state machine, but a state machine nevertheless, in the shape of the armed masses of workers who develop into a militia in which the entire population takes part." (State and Revolution, Sel. Works 12 Vol. Edn. Vol 7 pp 91-2.)

Hence, in Australia we regard the struggle to defend democratic rights as an essential component in revolutionary struggle. Likewise, we regard the struggle against repressive legislation. The struggle to defend democratic rights is not a thing in itself, not something aimed at greater bourgeois democracy itself but is part of the struggle to end exploitation and to win state power. In the struggle, the workers and working people come to understand the severe limitation of democratic rights, come to understand the need to struggle for revolutionary power which will convert formal freedoms into real freedoms, enhance their revolutionary consciousness. Bourgeois democracy offers the best conditions for organising and waging such a struggle.

## Chapter 13

### Marxism-Leninism Guides Revolutionary Struggle:

#### The Need for a Communist Party

The analysis that has been made is an attempt to analyse aspects of the Australian state machine in terms of the revolutionary theory of Communism, Marxism-Leninism-Mao Zedong Thought. It advocates revolutionary ending of capitalism in Australia. An understanding of revolutionary theory is vital to political understanding. We are adherents of Marxism-Leninism-Mao Zedong Thought. It is our belief that this is a strictly scientific approach that alone offers the way forward. We think there is proof of the correctness of this assertion in the fact that the monopolists take great pains to “prove” that Marx was wrong or that Communism has failed. But no matter what they have done, Marx and the ideas of Communism are better known than ever before. The ideas of Communism have become known to millions throughout the world. In Australia there has been great advance in people’s understanding of Communism.

Communism offers a completely rational and scientific explanation of the development of society and of the direction of its future development. If one understands scientific phenomena, one’s action in relation to those phenomena has meaning, has a freedom that is denied to those who do not understand and therefore grope blindly. Even the uncertain knowledge of laws about the weather enables people to act with greater certainty than if there were no knowledge at all. It is similar with all phenomena. So with society. If you accept and understand the Marxist analysis then you are able to act to develop revolutionary struggle. If you do not accept the Marxist analysis and do not understand it, then our view is that no matter how well intentioned towards social reform you may be, your efforts are doomed to failure. Already Chile has been referred to: acceptance and understanding of Marxism by Allende would have shown the need for a people’s army. Lack of acceptance and understanding ended in the disaster of a reactionary takeover and blood bath for the people.

We hold that Lenin’s statement that without a revolutionary theory there can be no revolutionary movement is axiomatic in Australia (as elsewhere). The very attacks on revolutionary theory particularly by revisionist “Communists” demonstrates this truth. Revolutionary theory - and we have quoted extensively from the Marxist revolutionary classics **themselves** about this theory (and not what someone said that Marx, Engels, Lenin, Stalin, Mao Zedong said) – shows that in Australia, as elsewhere, the critical political question is which class holds state power; which class holds the



state machine – the tiny minority of exploiters or the immense majority of hitherto exploited; and how that critical question is resolved.

It is precisely on this point that there has been so much distortion in Australia. The revisionist “Communists” have contended Marx is out of date, have contended that in Australia there can be peaceful, parliamentary transition to socialism, that there is no need for revolutionary struggle nor for that matter, revolutionary theory. In upholding the contrary view in Australian circumstances, Marxism-Leninism, integrated with Australia’s actual conditions, has grown stronger. It has upheld and defended the cardinal principles of Communism and these principles have been verified by Australian history and events.

An equally critical aspect of the theory of Marxism-Leninism is that there must be a Marxist-Leninist Party to lead the revolutionary movement. Marxism-Leninism is partisan, militant, active. Its overall outlook is that of materialist dialectics of which Mao Zedong said: “The Marxist philosophy of dialectical materialism has two outstanding characteristics. One is its class nature; it openly avows that dialectical materialism is in the service of the proletariat. The other is its practicability: it emphasises the dependence of theory on practice, emphasises that theory is based on practice and in turn, serves practice.”

Communist theory and Communist Parties have arisen precisely from analysis of practice. That analysis dictates that there must be a Communist Party to lead revolutionary struggle. The practice of the October Revolution in Russia and of Chinese liberation is the supreme proof of that. Again, the furious attacks of the monopolists, world-wide and including Australia, upon the Communist Party provide proof of the truth of the correctness of this proposition.

In Australia, it has been the Communist Party that has brought the enlightenment of Marxist-Leninist revolutionary theory to the workers and working people. In more recent times it has been specifically the Communist Party of Australia (Marxist-Leninist) that has striven might and main to uphold the purity of Marxist-Leninist theory and practice and its integration into the actual conditions in Australia. Lenin summed up all experience when he said: “By educating the workers' party, Marxism educates the vanguard of the proletariat, capable of assuming power and leading the whole people to socialism, of directing and organizing the new system, of being the teacher, the guide, the leader of all the working and exploited people in organizing their social life without the bourgeoisie and against the bourgeoisie. By contrast, the opportunism” (including ALP and revisionist “Communism”) “now prevailing trains the members of the workers' party to be the representatives of the better-paid workers, who lose touch with the masses, "get along" fairly well under capitalism, and sell their birthright for a mass of pottage, i.e., renounce their role as

revolutionary leaders of the people against the bourgeoisie.” (State and Revolution, *Ibid.* p. 26).

Of course, it is the Australian people who will make revolution in Australia. It is the Australian people who now engage in mass struggles, struggles which flow into the revolutionary stream. Communism, Marxism-Leninism-Mao Zedong Thought brings guidance to the struggle, learns from it, sums it up. The custodian and wielder of Marxism-Leninism-Mao Zedong Thought in service to the people is the Communist Party of Australia (Marxist-Leninist). It strives to answer to this profound analysis: “If there is to be revolution, there must be a revolutionary party. Without a revolutionary party, without a party built on the Marxist-Leninist revolutionary theory and in the Marxist-Leninist revolutionary style, it is impossible to lead the working class and the broad masses of the people in defeating imperialism and its running dogs.” (Mao Zedong, *Selected Works*, Vol. 4 p. 284.)

The Communist Party of Australia (Marxist-Leninist) must rely upon the Australian people. It is the possession of the people in the struggle against exploitation. If it does its work correctly, then Mao Zedong’s summing up of the victory of the Chinese revolution will apply in Australia: “A well-disciplined Party armed with the theory of Marxism-Leninism, using the method of self-criticism and linked with the masses of the people; an army under the leadership of such a Party; a united front of all revolutionary groups under the leadership of such a Party – these are the three main weapons with which we have defeated the enemy.” (*Sel. Works* Vol. 4 p. 422.)

## Chapter 14

### There is Only One Road to Socialism

The resort of the monopoly capitalists in Australia to a more repressive state machine ie to a more powerful army, more powerful police force, heavier gaol sentences, more use of punitive measures in gaols, is by no means an expression of the strength of monopoly capitalism. On the contrary, it is an expression of its weakness. It indicates that the monopoly capitalists have lost confidence in their capacity to deceive the people by “democracy”. Therefore they resort more to force. Fascism is the system of unrestrained force where the deception of democracy is pushed into the background. The tendency, the trend of monopoly capitalism in Australia, has been towards fascist measures. It is a tactical question of great importance for the monopoly capitalists where to put their emphasis – on deception or on outright violence.

There is no need for the people to be afraid. Their struggle is absolute. The very resort to fascist measures is proof of the effectiveness of struggle. The question is to make it still more united and effective.

Australians must act.

Only socialism can solve the problems of the Australian people. By socialism we mean ownership by the working class and its allies of the means of production. As the first stage of that, the blow must be concentrated against the foreign monopoly capitalists and their Australian collaborators. All Australians except those collaborators and their handful of allies will join the struggle. This is the phase of struggle for socialism that we call the anti-imperialist struggle for independence and people’s democracy.

Our approach is conditioned by our acceptance of the view that capitalism on a world scale and in Australia is in a state of collapse and chaos and that “revolution is the main trend in the world today”. That does not mean that socialist revolution or even people’s democratic revolution is going to occur in Australia immediately. Not at all. Nor does our last assertion mean that people’s democratic revolution in Australia is going to be postponed forever. Australia’s people’s democratic revolution is part of the world’s proletarian socialist revolution. We live in the era of the collapse of imperialism and the world-wide victory of socialism. Events move very rapidly. Our perspective for Australia must be clear and our preparations can only be good preparations if that perspective is clear.

In Australia in the decisive means of production (factories, mines, etc.) the process of production is already socialised. That is, no individual worker makes the finished product. The finished product is the product of thousands and thousands of workers

employed mainly in the imperialist monopoly owned factories. In addition, quite large numbers of other Australian manufacturers and tradesmen depend upon these imperialist monopoly owners. As previously pointed out, big tracts of Australian land (something of the order of 500,000 square miles) are owned by these imperialists. The state machine in Australia serves them and their Australian collaborators (BHP's collaboration with Esso for example). The state is their special organ of suppression. It is that state that must be overthrown and replaced by an anti-imperialist, people's democratic state dictatorship.

Much has been written the past about socialism in Australia and how to achieve it. The central point of controversy with the revisionists in Australia involved this question. Revisionism in the name of Marxism-Leninism takes revolution right out of the working class movement. It asserts that there can be parliamentary road to socialism, peaceful transition to socialism merely by gaining a majority of parliamentary votes for Communist candidates. This is utter nonsense. It has never happened anywhere in history and almost certainly it never will happen. Our approach to the problems rejects out of hand any blueprint; it rejects this so-called peaceful transition to socialism and it asserts the only path to socialism is through revolutionary struggle.

As to this so-called parliamentary road, comment has already been made on parliaments in Australia. They are sheer deception - "a figleaf" as the distinguished German socialist Karl Liebknecht once put it. They will not legislate for socialism nor will there ever be a Communist majority in them. They are designed to serve capitalism from beginning to end. Even on the narrowest footing, when Communists look like being elected, the monopolists change the electoral law.<sup>28</sup> But even if they did not, and even if, contrary to all real assessments, a majority legislated to introduce socialism or to expel all imperialists, the imperialist monopolies without the slightest doubt would use their army. All experience confirms that. It is only necessary to speak of the Russian October socialist revolution, Albanian and Chinese liberation. This is not to mention, for example, the limited liberal radical reforms in Spain in 1936 and Chile in 1973 to see how readily the reactionaries resort to arms to smash the slightest challenge.

It simply cannot be that Australia is any exception. That it is not an exception is not only a question of logical reasoning but a question of world experience and Australia

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<sup>28</sup> Fred Paterson, a Communist, stood for and won the 1944 Queensland State election for the seat of Bowen. He retained the seat in the 1947 election. In a 1949 redistribution, Paterson's electorate of Bowen was abolished, and split between two new electorates: Burdekin and Whitsunday. He lost the election for the Whitsunday seat to a Country Party candidate.

experience. Logically such enterprises as GMH, Ford, Chryslers, BHP, ICI, are not going to surrender their assets without the sternest fight. Historically, they have never done so. Even in Australia's limited history the ruling circle have resorted to force to smash challenges. The first was the forcible expropriation of the Australian black people. But comment has been made on the troops at Eureka, troops in the 1890 Maritime Strike, the 1917 general strike, the coal miners' strike of 1949, their use during the struggle against the war in Vietnam. It is fanciful to believe that when their whole position is put on challenge they are not going to use their army. Of course they are; they have and they will.

Moreover, we have seen that at all the time, every minute of every day, a whole repressive system of laws, police, courts and gaols operates to suppress the workers. The imperialist monopolies are most certainly not going to surrender their apparatus voluntarily. The laws, the courts and the gaols serve to keep the masses suppressed in "ordinary" times. But the law and the courts can be thrown aside in one minute and naked unrestrained force used.

Accordingly, in Australia as elsewhere it is impossible to contemplate the establishment of anti-imperialist people's democratic state power without the Australian workers and their allies having their own army and their own arms. Certainly this is a process. But to shrink away from it, to denounce it as unreal, are sheer treachery. It is to give the imperialists a guarantee in advance that their exploitation will never be disturbed. To recognise the dictatorship of the anti-imperialist people's democratic forces led by the Australian workers does not mean irresponsible insurrection, "does not mean: at all costs, at **any** moment, to go in for assaults by storm, for insurrection. This is nonsense. For a successful uprising long, skilful, determined preparation, demanding many sacrifices, is required". We quote from Lenin who spoke of the dictatorship of the proletariat. He said: "To recognise the dictatorship of the proletariat does mean: a resolute, merciless, and above all – a completely conscious and completely consistently carried out break with opportunism, reformism, with the half-hearted nature, and evasiveness of the Second International: a break with leaders who **cannot but** carry on the old tradition, with old (not in age but in methods) parliamentarians, officials of trade unions and cooperatives etc.

"We must break with them. To pity them is criminal: it means betraying for the insignificant interests of ten or a hundred thousand the basic interests of tens of millions" (he spoke of Russia) "of workers and small peasants." ("Notes of a Publicist", 1920).

The existence of force must be fearlessly faced. Our whole theme has been the force of the state. In Australia, every day, every minute, that force exists. It exists to

maintain exploitation, to maintain the country's dependent position, to suppress any move for independence. In saying this is not for one minute to overlook the all-pervading bourgeois ideological atmosphere, the powerful weapons of education, news dissemination, literature and art etc. that go to persuade people to accept without question Australia's present social system. We do not overlook this but our analysis is for the present purpose focused on the state machine.

Force and violence is the way of life of the imperialist monopolies and their collaborators in Australia as elsewhere. They use it constantly and take constant measures to increase it as the believe occasion demands.

Accordingly, any serious and responsible approach to winning Australian independence must take this very very seriously into account. One cannot excuse lack of preparation by saying we abhor violence. Every sensible person does abhor violence, but every sensible person recognises the existence of violence, recognises its monopoly in the hands of the imperialist dominators of our country and recognises that the violence must be overcome. It will never be overcome by pious resolutions, parliamentary majorities, peaceful transition to socialism, but only by people's violence.

Previously, we pointed out that if the imperialist monopolists and their Australian collaborators really believed in democracy for the people of which they are so fond of speaking, they could have no possible objection to arming the people. This is so because according to them everyone has a say, there are no classes, everyone is free. But their laws prohibit the people having arms. These laws express their minds of this. Even more importantly in times of "emergency" the first thing they see to is that the people do not get arms.

The vital teachings of Marx, Engels, Lenin, Stalin and Mao Zedong on this most critical political question have been systematically suppressed and distorted by revisionists in Australia. But we must get out these teachings and most carefully study them and their actual application in the specific conditions in Australia. "An oppressed class which does not strive to learn to use arms, to acquire arms, only deserves to be treated like slaves. We cannot, unless we have become bourgeois pacifists or opportunists, forget that we are living in a class society from which there is no way out, nor can there be, save through the class struggle. In every class society, whether based on slavery, serfdom, or, as at present, wage-labour, the oppressor class is always armed. Not only the modern standing army, but even the modern militia—and even in the most democratic bourgeois republics, Switzerland, for instance—represent the bourgeoisie armed **against** the proletariat. That is such an elementary truth that it is hardly necessary to dwell upon it. Suffice it to point to the use of troops against strikers in all capitalist countries.

“A bourgeoisie armed against the proletariat is one of the biggest fundamental and cardinal facts of modern capitalist society. And in face of this fact, revolutionary Social-Democrats are urged to “demand” “disarmament”! That is tantamount of complete abandonment of the class-struggle point of view, to renunciation of all thought of revolution. Our slogan must be: arming of the proletariat to defeat, expropriate and disarm the bourgeoisie. These are the only tactics possible for a revolutionary class, tactics that follow logically from, and are dictated by, the whole **objective development** of capitalist militarism. Only **after** the proletariat has disarmed the bourgeoisie will it be able, without betraying its world-historic mission, to consign all armaments to the scrap-heap. And the proletariat will undoubtedly do this, but **only when this condition has been fulfilled, certainly not before.**” (Lenin’s “The Military Programme of the Proletarian Revolution”, September 1916).

Could the Australian democratic anti-imperialist people in revolutionary struggle simply take hold of the existing state machine in Australia? This would involve their taking over the army, the police, the public service, the courts, the gaols. It is pure absurdity. The Australian army is commanded by a bourgeois officer corps steeped in anti-people sentiment. The very purpose of the Australian army is against the Australian people. It is built on that foundation, it is officered by men who consciously serve the anti-people’s cause and its soldiers are organised, trained and indoctrinated in the anti-people’ cause. Such an army could not conceivably be taken over and used by the people. It requires completely breaking up.

The same problem is presented by the public service. Already comment has been made on this. It is constructed to serve capitalism, to maintain capitalism, and it is connected in a million ways with capitalism. Even the mildly liberal Whitlam government had trouble with it. As to the courts, similar considerations apply. The judges are the distilled essence of conservatism. The police and gaols stand in similar position.

All this must be smashed up – a complete break from it is required. An entirely different state apparatus must be erected.

The chief component of **people’s** state power is the people’s army. So the people must have an army to wrest power from the imperialist monopolists and having wrested it, to maintain power. Australians do have the specific task of creating a people’s army. Mao Zedong said: “Without a people’s army, the people have nothing.” (Sel. Works Vol 3, pp. 296-7). This is undoubtedly a complicated task but it must be solved. It is one thing to reject the revisionist idea of peaceful transition to socialism, it is another thing to put into practice the actual tasks that flow from that rejection and flow from the acceptance of the task of undertaking to combat

reactionary violence with people's revolutionary violence in the struggle for people's state power.

Given the people's army, the creation of a system of people's administration, people's justice and places for the detention of people's enemies, is not so difficult. The arming of the whole people except the reactionaries is the key to the solution of the problem. "To imagine socialism as though Messrs. Socialists will present it to us on a platter, in a ready-made little dress, is not permissible – it will not happen. Not a single question of the class struggle has yet been solved in history except by violence. Violence, when it occurs from the side of the toiling, exploited masses against the exploiters – yes, we are for such violence! And we are not a bit embarrassed by the wails of people who consciously or unconsciously, stand on the side of the bourgeoisie or are so intimidated, so oppressed by its domination that now, seeing this class struggle of unheard-of sharpness, they have lost their bearings, begun to weep, forgot all their promises and demand from us the impossible – that we Socialists should attain complete victory without struggle against the exploiters without crushing their resistance." (Lenin: "Report on the Work of the Council of People's Commissars..." 1918).

In Australia, we cannot foresee the precise shape the armed revolutionary struggle will take, nor can we foresee the precise shape revolutionary crushing of the resistance of counter-revolution will take. But we can say with certainty that the anti-imperialist people's democratic struggle for independence, which has already arisen, will develop to higher and higher levels and reach its highest level when it takes up arms. It is certain to establish people's power. That people's power is certain to exercise dictatorship over the imperialists and their collaborators. For the first time, the majority of Australians will be in control of their own country and their own destiny. Independence will be achieved and the way will be open to build socialism.

It is said that this is undemocratic. No one voted for it. This is to look at voting in a completely abstract unreal way. Voting in our present conditions is quite illusory: as we pointed out, it has got nothing to do with giving the people a say. It is far more democratic for the people to build up their own movement in democratic exchange of views, in freedom to come together to serve a common cause and in serving that cause. "Only scoundrels or simpletons can think that the proletariat must first win a majority in elections carried out **under the yoke of the bourgeoisie, under the yoke of wage-slavery**, and must then win power. This is the height of stupidity or hypocrisy; it is substituting elections, under the old system and with the old power, for class struggle and revolution.

"The proletariat wages its class struggle and does not wait for elections to begin a strike, although for the complete success of a strike it is necessary to have the



sympathy of the majority of the working people (and, it follows, of the majority of the population); the proletariat wages its class struggle and overthrows the bourgeoisie without waiting for any preliminary elections (supervised by the bourgeoisie and carried out under its yoke); and the proletariat is perfectly well aware that for the success of its revolution, for the successful overthrow of the bourgeoisie, it is **absolutely necessary** to have the sympathy of the majority of the working people (and, it follows, of the majority of the population).” (Lenin: Greetings to the Italian, French and German Communists” 1919).

This splendid statement demonstrates very clearly democracy and its operation in the working class. Democracy in Australia now is democracy only for the very rich, and from which the working people are effectively excluded because they do not have the printing presses for their freedom of the press, nor radio nor television stations, nor halls for meetings and places to assemble at nor any real means to combat the all-pervading bourgeois atmosphere. Of course, even these normal freedoms do have their importance. They make it slightly easier than it would be without them to do the necessary organising of the of the working class and working people to build up their united front, to create their army and to get into the position of overthrowing the enemy. But to take these freedoms as absolute in any way, to accept them at their face value, to fail to look beyond the surface is to succumb to capitalism. Yes, we believe these freedoms should be defended and extended. They have been won in struggle: then the ruling circles have used them to mislead the people into accepting them as democracy. Our task is to understand them and understand their importance, and that is, that properly understood they help in organising the people in anti-imperialist people’s democratic revolution.

Our Australian people’s democratic state will be an oppressive force – an oppressive force against a handful of traitors and their imperialist masters. It will definitely deny democracy to them. The US, British and Japanese imperialists in our country and those who have so shamefully collaborated with them will undoubtedly be repressed by the Australian people’s army and police, courts and gaols. There is no doubt of that. This is the rule by the immense majority of Australians over a tiny minority. People’s democracy, people’s democratic dictatorship, proletarian dictatorship is democracy for the immense majority. It is a “million times more democratic than any bourgeois democracy”. Democracy is a class question; it raises the question – democracy for whom?

Then it is said all of this takes no heed of representative institutions. Such is the all-pervading ideology of the capitalism that it confines its “democracy” to the idea that the only representative institution is parliament; therefore if there is no parliament, there is no representative institution. It is unnecessary to repeat what was said about parliament. It is simply not an institution representative of the people. The prevailing

cynicism about parliament and parliamentary politicians expresses the justifiable suspicions of the Australian people. There is no difficulty in the people creating their own representative institutions. The Soviets (councils) in Russia were born in the actual struggle of the people. Australian people in all manner of struggles have thrown up bodies to lead the struggle. Every worker knows of strike committees. The Eureka miners set up their own leading body. The Paris Commune set up its leadership. We are not utopians and we cannot invent for Australia some utopia or blueprint to solve this question. But we have sufficient historical and practical and theoretical experience to know that it will be solved. Lenin in speaking of the post office said: "...the mechanism of social management is here already to hand. Once we have overthrown the capitalists, crushed the resistance of these exploiters with the iron hand of the armed workers, and smashed the bureaucratic machinery of the modern state, we shall have a splendidly-equipped mechanism, freed from the "parasite", a mechanism which can very well be set going by the united workers themselves, who will hire technicians, foremen and accountants, and pay them all, as indeed all "state" officials in general, workmen's wages. Here is a concrete, practical task which can immediately be fulfilled in relation to all trusts, a task whose fulfilment will rid the working people of exploitation, a task which takes account of what the Commune had already begun to practice (particularly in building up the state).

"To organize the whole economy on the lines of the postal service so that the technicians, foremen and accountants, as well as all officials, shall receive salaries no higher than "a workman's wage", all under the control and leadership of the armed proletariat--that is our immediate aim. This is what will bring about the abolition of parliamentarism and the preservation of representative institutions. This is what will rid the labouring classes of the bourgeoisie's prostitution of these institutions." (Lenin: The State and Revolution Sel. Works 12 Vol. Edn. Vol 7 p. 48.)

Already in Australia, it is possible to see clearly the shape of the people's democratic anti-imperialist movement. It involves uniting all people who desire real Australian independence and democracy based on the expropriation of the imperialists and their collaborators, people's ownership of the key industries and transport. The workers are the sheet anchor of all this because they are the most disciplined, cohesive, far-sighted, and are tied to the very means of production that must be taken over. Around them are gathering rural workers, small and middle farmers, public servants except those top few tied to imperialism, bank and insurance clerks, students, progressive intellectuals, small shopkeepers and capitalists and other patriotic capitalists. The movement must be conscious of where it is going: it must have scientific theory.

These views on revolution and the state machinery in Australia are intended to be seen as part of the process of developing the theory of the Australian revolution. They are certainly not intended as some sort of intellectual exercise for discussion and debate in cosy “learned” circles. They are serious proposals made for the purpose of arming the people with revolutionary theory. Their correctness or otherwise will be tested in a mass way by the advanced people, above all by the workers, in fierce struggle with the monopolist bosses.

Consciousness develops in struggle. The working class must have its party to develop consciousness. The Marxist-Leninist Communist Party must be “the teacher, the guide, the leader” of all the people in the anti-imperialist people’s democratic front. All this has received greater than ever emphasis in recent years because Marxism-Leninism-Mao Zedong Thought has been under such vigorous attack. “Theories” of peaceful transition to socialism, parliamentary road, are designed to serve capitalism. It is precisely because it is necessary to destroy capitalism that it is necessary to restate revolutionary principle and to uphold it to the end.

## **Appendix One**

The Constitution of Australia Act may be found here:

[The Australian Constitution – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au)

## **Appendix Two**

The Statute of Westminster Adoption Act 1942 may be found here:

[STATUTE OF WESTMINSTER ADOPTION ACT 1942 - THE SCHEDULE \(austlii.edu.au\)](http://austlii.edu.au)

## Appendix Three

From No. 55 (November 1972) of the journal "Australian Communist", article entitled:

### **"Get Rid of Illusions Over Nature of the Law"**

A great deal of illusion exists over the nature of the law, the courts, democratic liberties. This is a question that bears directly on the central question of politics – the question of which class holds political power. It bears on the question of the so-called peaceful transition to socialism as against the revolutionary overthrow of capitalist state power.

Bourgeois sociologists have paid a great deal of attention to persuading people of the tremendous virtues of English law. They extol such things as the rule of law, the omnipotence and supremacy of Parliament, equality before the law, habeas corpus and what are called prerogative writs, independence of the judiciary, independence and integrity of the bar, freedom of the press, of speech, of assembly, or organisation. It is very important indeed to subject this all to very close analysis. If what these theoreticians say is true, then there is no need for revolution; everything can be achieved through the law.

The fundamental basis of the argument really is that the law exists above classes; that it has an existence independent of social classes. If that is correct, then one would think that from the very beginning the law would have been essentially the same. The merest cursory glance shows that this is simply wrong. Slavery had a legal system; under it, the only persons known to the law were the slave owners, the slaves were chattels; under feudalism the legal system protected the feudal landowners, the feudal serfs had "rights" that were conditioned by their feudal service to the feudal lords; under capitalism the legal service protects the capitalist owners. The appearance of the law however, is to put capitalist and wage slave on the same footing. It is necessary to look beyond the appearance. Marx said: "In the social production of their existence, men inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage in the development of their material forces of production. The totality of these relations of production constitutes the economic structure of society, the real foundation, on which arises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the general process of social, political and intellectual life. It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness." (Marx – Preface: A Contribution to the Critique of Political Economy.)

Changes in the superstructure, that is, legal and political institutions, occur as a reflection of changes in the mode of production of obtaining the necessities of life. Capitalism arose within feudalism. The feudal barriers against the free exchange of commodities were smashed down to create a “free” labour force for capitalism, production of commodities in factories and their exchange evolved from within feudalism. It was a more efficient way of getting a living than that which had given rise to a feudal superstructure. Changes in the mode of production gave rise to the struggle of the capitalist class against the feudal overlords. Involved in the struggle were all the people against the feudal overlords and their retainers. “Liberty, equality, fraternity” was the slogan of the French revolution. Under it the developing French capitalist class mobilised the people to smash down the feudal barriers that were standing in the way of the development of capitalism. “Liberty, equality, fraternity” applied to all. Everyone wanted such desirable things. In England, the “divine right of kings” expressed the absolutism of feudalism. It was smashed by the rising capitalist class at the head of all the people against the feudal kings and their retainers. Charles I lost his head. The 1689 upheaval with its Bill of Rights saw a foreign capitalist king imported to England. Again, the people were the main force of the bourgeois revolution but its leadership was the rising British bourgeoisie. This accorded with changes in the mode of production: capitalism had a long way to go before becoming a fetter on production and the proletariat had not yet gone through the school of education of exploitation by capitalism.

A consequence of all this was that many of the rights won in struggle against feudalism nominally belonged to all the people. Instead of the judges being dependent on the feudal king they became independent of the king. Habeas corpus was developed to protect the rising capitalist class against arbitrary detention by the feudal overlords (other prerogative writs like mandamus, prohibition, quo warranto were other forms to prevent arbitrary feudal action), all people were equal before the law and so on. In these respects, the law had a certain progressive side which reflected the fact that the social system of capitalism was a great advance on feudalism, that is, the mode of production, the method of getting a living under capitalism was a great advance on feudalism. It did not mean that **all** feudal restrictions had been broken down but the **decisive** content of the law reflected capitalist interests; there were remnants of feudalism.

As capitalism developed, the law necessarily reflected that development. On the one hand it expanded its “freedoms” against feudal remnants and on the other hand it evolved doctrine to curb the rights of the working class or invoked old feudal laws to do that. So, laws of conspiracy were used to prevent the workers from organising. In the hey day of capitalism various liberal ideas were reflected in the law. But always

there were the opposite of these either in the capacity of the judges to find existing laws to curb the workers or to invoke old feudal laws for the same purpose.

Capitalist law therefore always had a dual character, namely the side that reflected the historically progressive struggle against feudal absolutism and on the other hand its own opposition to the workers for which it could even invoke the old feudal laws and it could make its own laws. By far the most decisive aspect was the repressive side against the workers.

The traditions of capitalism's own freedoms won from feudalism do exert an influence. They give "substance" and credence to the story that there is a rule of law before which everyone is equal, that judges are independent, that habeas corpus prevents arbitrary arrest. All sorts of legal theorists have arisen to push this sort of thing forward. Within the working class the revisionists and social democrats (ALP) foster it.

Reality is that it was never true. It was partially true in protecting the bourgeois class against the feudal overlords, but this only means that in struggle against feudalism, capitalism got the upper hand and in the process evolved amongst other things legal doctrines. The workers did not ever get real protection from this version of the law. In the struggle between competing sections of the capitalist class, the workers could sometimes take advantage of divisions and sometimes because of their own strength could compel the capitalists and their legal system to make decisions in their favour. The working class did indeed wrest democratic rights in stubborn struggle. These rights had a precarious existence, were always under threat. English law most certainly keeps 2 sorts of law in stock – open oppression and "liberal" oppression. It uses both. Sometimes it thinks one is better; at other times it thinks the other is better. It is a tactical question, the determination of which turns on the given circumstances of the class struggle. Often repression is commonly not the best weapon; liberal measures perpetuate deception and are more effective in controlling the workers.

The inconsistencies of English case law (ie decisions of courts) which constitutes the so-called common law, can be explained in this way. Theoretically, judges are bound by preceding decisions of courts (higher in the hierarchy of courts). They have never, however, found any difficulty in "distinguishing" inconvenient cases. They have evolved a whole legal theory to "justify" this – the theory of the ratio decidendi which reduces a decision if need be, to the narrowest possible basis and enables them to escape from any inconvenient implications – all "according to law". It all has its inconveniences because as Engels pointed out: "In a modern state, law must not only correspond to the general economic position and be its expression, but must also be an expression which is **consistent in itself**, and which does not, owing to inner

contradictions, look glaringly inconsistent.” (Engels: Letter to Conrad Schmidt, October 27, 1890. Emphasis his.)

Let us look at practice a little more closely. The supremacy of parliament meant historically the supremacy of the bourgeois parliament against feudal absolutism. Nowadays, parliament is merely a façade to conceal the real rule of the bourgeoisie over the working class. The rule of law, equality before the law, habeas corpus, freedom of the press, etc. were all products of the capitalist struggle against feudalism.

The law is a class weapon. It is the doctrine developed by the ruling class in its oppression. That is true whether it uses open repression or liberal repression. Capitalism, for example, developed the legal doctrine of what is called common employment; that is, that a worker injured by the carelessness of a fellow worker could not recover damages from the employer because the injured worker was deemed to have willingly taken the risk of working with a careless fellow worker. As industry developed this caused great unrest among the workers. Protest action disrupted production. The doctrine of common employment was modified and ultimately abolished. Things like workers' compensation were evolved. In one sense they were victories for the workers, products of working class struggle. But the then contemporary views of the ruling class showed that it believed that by abolishing the doctrine of common employment and introducing such things as workers' compensation, there would be a more contented working class and that would favourably effect profits. Moreover, it would make the workers loyal to the capitalist system. Modification of criminal punishment had a similar sort of origin. Extension of the parliamentary franchise likewise. Within the ruling class there were always those who opposed any sort of reform; that is, there were 2 lines – the line of “liberal” oppression and the line of open oppression. Each sought to maintain exploitation and oppression. Each fed the other. They were a unity and a division.

The struggle of the workers could and certainly did take advantage of the “liberal line in the bourgeoisie and did take advantage of the “freedoms” the bourgeoisie had itself wrested from feudalism. Today that can be done and is being done. But it in no way affects the oppressive character of the law nor its character as a weapon of oppression by the ruling class.

There is in fact no rule of law before which all are equal, there is no real safeguard in things like habeas corpus, there is no such thing as independence of the judiciary, etc.

Judges are simply functionaries of the state. The state is an instrument of class oppression. The judges, the police, the gaols, the army are all of the same kind. No judge ever challenges the system. Habeas corpus, so hallowed in English legal system,



is no different from any other legal procedure. It is subject to the same class considerations as all law. It is hallowed because of its importance in the struggle against feudalism. It does not serve the workers. If its existence is inconvenient it is simply abrogated just as parliament is when people take its democracy too seriously. Freedom of the press, speech, assembly, organisation are the shadow and not the reality of those freedoms, they are freedoms with substance for the ruling class and with little substance for the workers. Lenin's description in 1917 applies in its essentials: "In capitalist society under the conditions most favourable to its development, we have more or less complete democracy in the democratic republic. But this democracy is always restricted by the narrow framework of capitalist exploitation, and consequently always remains, in reality, a democracy for the minority, only for the possessing classes, only for the rich. Freedom in capitalist society always remains about the same as it was in the ancient Greek republics: freedom for the slave-owners. Owing to the conditions of capitalist exploitation, the modern wage-slaves are also so crushed by want and poverty that 'they cannot be bothered with democracy', 'they cannot be bothered with politics'; in the ordinary peaceful course of events the majority of the population is debarred from participating in social and political life".

In Australian history this process can be seen clearly enough. The law has a capitalist content, it is the product of capitalism to protect capitalism. Its equality is well expressed in its majestic impartiality in punishing the rich and poor alike for stealing bread." It has never stood above classes. Its judges have never been independent. But it is true that there have been certain court decisions that have been favourable to the workers. This is for reasons exactly similar to those outlined above. One can give any number of illustrations. In 1950-51 the constitutional validity of the Communist Party Dissolution Act was debated in the Australian High Court. There was on the one hand ample constitutional support for its validity and on the other hand ample support for saying it was not constitutional. In the result, the Court in a 6 to 1 majority decision threw the Act out. Why? There was a great mass campaign against it. The campaign drew on the very traditions of liberty to which the bourgeois struggle against feudalism had given rise. This was a very big factor. Coupled with divisions in the ruling class as to the best method to carry out repression it was enough to get the Act declared constitutionally invalid. The bourgeoisie differed amongst themselves as to the correct tactics ie whether outright prohibition such as a ban on the Communist Party or prohibition within the law eg by prosecution for individual offences, conspiracy etc. would be better. Moreover, they were concerned for themselves because the maintenance of consistency in legal principle (Engels) may have visited unhappy consequences on sections of the capitalists themselves by constitutionally justifying similar far-reaching measures against capitalist rivals.

O'Shea<sup>29</sup> was gaoled for contempt. Mass struggle and divisions in the ruling class similar to those to which we have referred secured his release. Langer and the La Trobe students<sup>30</sup> likewise. None of these things was due to courtroom advocacy, no doubt that helped to give legal justification. The decisions were social decisions, legal decisions brought about by social considerations.

It is quite wrong to believe the law or judges have independence. Everyone lives as a member of a class and every kind of thinking is stamped with the brand of a class. A revolutionary in court understands this: he serves the revolution by understanding it. He takes what advantage he can of conflicts in the law, amongst the bourgeoisie and he upholds the mass struggle. Favorable results (and they are few and far between) should never blind anyone to the real content of the law, the real nature of courts. They are merely weapons of the state and the state is an instrument of oppression. "The state is a special organisation of force; it is the organisation of violence for the suppression of some class." The capitalist class suppresses the workers. The proletariat at the head of the people must smash it. They will smash the law, the courts, the gaols and establish a people's army as the chief component of the state in contrast to the reactionary army of the bourgeoisie.

The formal liberties such as freedom of speech, of the press, of assembly, or organisation, what liberal traditions in the law there are have an importance. They enable the workers to organise, to study, to fight. True, there are limitations. The workers and other patriotic people work to understand that the struggle to preserve and extend democratic rights is not an end in itself, but part of the revolutionary struggle for the seizure of state power. Lenin said; "We are in favour of a democratic republic as the best form of state power for the proletariat under capitalism; but we have no right to forget that wage slavery is the lot of the people even in the most democratic bourgeois republic. Furthermore, every state is a 'special repressive force' for the suppression of an oppressed class" (State and Revolution) He also said: "It would be a fundamental mistake to suppose that the struggle for democracy can divert the proletariat from the socialist revolution, or obscure, or overshadow it, etc. On the contrary, just as socialism cannot be victorious unless it introduces complete democracy, so the proletariat will be unable to prepare for victory over the bourgeoisie unless it wages a many-sided, consistent and revolutionary struggle for democracy."

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<sup>29</sup> Clarrie O'Shea was gaoled in 1968 when the Victorian branch of the Tramways Union of which he was State President, refused to pay fines imposed by the courts. At the time, he was Vice-Chairperson of the Communist Party of Australia (Marxist-Leninist).

<sup>30</sup> Albert Langer was a Monash University student; the La Trobe students were Barry York, Fergus Robinson and Brian Pola. All were closely associated at the time with the Party. The La Trobe students were gaoled for contempt after violating an injunction not to enter La Trobe University. Placed in a maximum security section of Pentridge Gaol, their sentences lasted for from six weeks to four months.

## Appendix 4

### Some reminiscences about police persecution

E.F. Hill

(From *Vanguard*, March 4, 1987)

The other day a young working man came to the building in which I work. He was doing a job that had nothing to do with the law. He found himself in a building in which a lot of lawyers had offices. He seized the opportunity seek advice from one of these lawyers and that lawyer brought him to me.

He said that he had been in the street with four other young men when a police car stopped alongside them. A policewoman got out and grabbed one of them. She alleged that the one she grabbed had made a rude gesture. She then said to the others: "You fucking bastards, fuck off". Her male colleague sat in the police car and laughed.

The young man wanted to know from me what could be done. I gave him some advice. I accept his story as quite true. He was not himself charged though his mate was. He had no motive to lie; he had simply seized an accidental chance to get some legal advice.

A close friend of mine looks after some drug addicts. He told me he had been in the foyer of a suburban court with an addict when he heard a policewoman use the foulest language he had ever heard (and he is a man who would know).

I personally have experienced police abuse in foul language many times. Policemen have been concerned.

Because of the nature of the police force, (not because of inherent badness in individual policemen or police women) the police charge other people with offensive or indecent language, simply to cover up police harassment.

Time was when I knew my way around Melbourne by reference to what was then called Police Courts. Communists and other progressive people were commonly charged with obstructing the street, offensive behaviour, resisting arrest, and so on. They still are. Their real offence was to have progressive views. They were and are regarded as "political criminals".

A very distinguished and dedicated Communist, the late N. Seeligson, was in one single period of a week or so charged in three different courts – obstruction and resisting arrest. His "crime" was to address street meetings.

In the 1960s, I was asked to go and bail a young woman (Miss X) who had been arrested in Heidelberg (Victoria) for participating in an anti-Vietnam war

demonstration. The policeman concerned addressed her as a “ratshit moll”. When I asked the police at the Heidelberg police station for Miss X, they said she was not there. Having had previous experience of this sort of thing, I said I knew she was there and I would stay there until they produced her and when (and if) they didn’t, I would go and get a habeas corpus writ. Soon after, the officer-in-charge came out and said he was sorry there was a mistake and she was there – did I want to see her? I saw her, arranged her bail and then gave her some advice whereupon another policeman threatened to arrest me. When I invited him to go ahead, he backed off.

In 1974, I appeared for a young woman (Miss Y – not a political matter) charged with offensive language and resisting arrest. Her “crime”? She had been walking along the street with two friends when a police divisional van pulled up, accused them of being prostitutes and demanded their names and addresses. When Miss Y declined, they arrested her, threw her into the van and took her to South Melbourne police station. She was bailed and subsequently acquitted. Later I was asked to allow her to give evidence to the Beach inquiry into allegations into police misbehaviour. It was said it was important because she was a “cleanskin” (no convictions). She did. Mr Beach (now Judge) found the police conduct unlawful. The internal police report made by a ranking officer (inspector) said that Miss Y was “defended by Mr E.F. Hill, a very aggressive barrister notoriously anti-police and a Communist”. Miss Y sued the police and recovered damages.

In the seaside resort of Lorne, I was present at an anti-Vietnam War meeting addressed by Jim Cairns. A young fellow had set himself up as my “minder”. At one stage I turned around to say something to him and found he was not there. I looked about and inquired about him. I found him in the local lock-up charged with indecent language (which he had not used). I demanded they bail him. The police said that Dr Cairns had agreed on a \$200 bail. I said I didn’t care what Dr Cairns and the police agreed, \$200 was ridiculous. I got a local justice. He fixed bail at \$20. In the course of my actions, the police abused me and threatened to arrest me and would have but for the intervention of a sergeant.

I could record many personal experiences to the same effect. But my experience with the young working man the other day made me reflect on this whole question.

I have no doubt that a number of men and women join the police for altruistic reasons – they want to serve people. Indeed, there are numbers of selfless acts of heroism and self-sacrifice by policemen and policewomen. These acts always get great publicity. They stand out in contrast to the usual police conduct. But there is an indoctrination and atmosphere developed within the police force as an institution against political activists and young people and indeed against the people (“us” and

“them”). An atmosphere of hostility develops. There is mutual hostility. The police are hated. Things I have described are commonplace.

In the Petrov Royal Commission I was asked by Commonwealth police who were policing the Commission to appear for them in some internal disciplinary charge against them. I advised them against having a notorious political criminal appear for them – it would prejudice them, I said. They pressed me, but I declined. They seemed decent enough people. Soon after this, I appeared in the Petrov Commission for Bill Bird, famous secretary of the Seamen’s Union. There was a mass demonstration of support for him. These same policemen became organised violent thugs kicking and batoning demonstrators with reckless but “disciplined” abandon. It is the nature of the system.

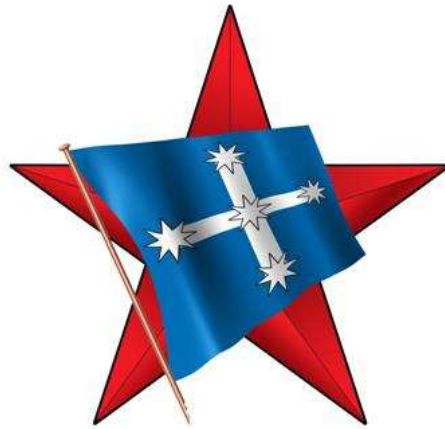
In recent time, Norm Gallagher has been subjected to bugging, shadowing, abuse, intimidation, etc. by police and they have systematically harassed his members. They harassed and pushed striking nurses about. Wherever there is a strike or demonstration, this occurs. There is always money to concentrate police against strikers.

Then in the Victorian police force (and others) it is commonly said there is little or no corruption. It is a plain outright lie. In various capacities since 1932 I have had to do with the police. I know of my own knowledge and also with credible information from others of systematic bribe taking, police standover tactics for money, racketeering of almost every sort. I knew, for example, Superintendent Mathews very well. As a man he seemed an all right sort of a chap. But for many years the dogs were barking that he was an abortion racketeer. And he was ultimately convicted when the lid could no longer be kept on. He was by no means the only senior officer involved. Some were never exposed. There were and are many other rackets. It simply defies credibility that the very top police knew nothing about it. Mathews’ case is only a mere example of what is widespread in car stealing rackets and many others. In New South Wales, it has been revealed that police commissioners have been involved in similar corruption. There is nothing surprising about it anywhere: NSW is definitely not an exception for police corruption.

Why write about this? It is to demonstrate that the police force is a violent, corrupt arm of the repressive state apparatus. Certainly we should be sympathetic to the ordinary rank-and-file but we should understand the nature of the state apparatus and the position of the police in it. It serves many functions but its basic essential is to repress and oppress the people. The police force is a disciplined body of repression. Its individual members are brought up in an anti-people atmosphere. When called upon, the police force as an institution acts ruthlessly against the people.

Lenin said: “Special laws are enacted proclaiming the sanctity and immunity of the officials. The shabbiest police servant...has more ‘authority’ than all representatives of the tribe (ancient society) put together but even the head of the military power of a civilised state may well envy a tribal chief the unfeigned and undisputed respect the latter enjoys” (State and Revolution).

The police force is a special repressive institution. There must be absolutely no increase in its powers – its powers should be drastically cut down.



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