
BOOK NOTES

Herbert Vere Evatt

The Tolpuddle Martyrs: Injustice Within the Law

Sydney University Press, Sydney, 104 pp., \$25.

In 1834 six agricultural labourers from the village of Tolpuddle in the south of England were transported to penal colonies in NSW and Tasmania. This was their punishment for swearing an oath of solidarity when meeting to discuss how they could resist their wages being reduced below a reasonable subsistence level. That their conviction and harsh sentence was ‘injustice within the law’ is the theme of H.V. ‘Doc’ Evatt’s treatise on the subject, originally published in 1937 when he was a judge of the High Court of Australia.

Evatt carefully traces how the law was used against these vulnerable men by those with more money and power in the locality. He argues that, according to the prevailing law, the Tolpuddle martyrs were indeed guilty – not of trying to form a combination of workers but of swearing a secret oath (much as freemasons do at their lodge meetings). Yet the sentence was clearly out of proportion to the offence. Much ‘respectable’ opinion in England agreed, resulting in demonstrations that eventually led to the martyrs being allowed to return home from the antipodes.

Geoffrey Robertson’s elegantly written introduction to this re-issue of Evatt’s treatise suggests that the Doc’s recognition that law can be a vehicle for injustice was pivotal in inspiring his personal commitment to establishing guarantees of basic human rights in modern society. Evatt went on to become President of the General Assembly of the United Nations and leader of the Australian Labor Party. The ‘right to form and join trade unions’ was inserted in the UN Declaration of Human Rights at his insistence. Yet a bill of rights still remains conspicuously lacking in Australia. This handsome little book bridges the history – a powerful story of solidarity, suffering and resistance – with the ongoing struggle for workers’ and citizens’ rights.