"A Fundamental Human Right"? Mixed-Race Marriage and the Meaning of Rights in the Post-War British Commonwealth

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Introduction

In February 1950, the would-be chief of the Bangwato in Bechuanaland (modern-day Botswana), Sereste Khama, was removed from the colony by the British Government and banished for five years. This was soon extended to his wife Ruth Williams, a clerk from London, and their new-born daughter. A few weeks earlier, on the other side of the world, in another corner of Britain's empire, the fate of several dozen other "mixed-race" relationships was being decided by the Australian High Court. The nation's highest judicial body found in December 1949 that some thirty-eight Chinese refugees, granted waivers to the nation's stringent immigration laws at the height of World War II, had no right to remain in the nation, despite many having married and had families with white Australian women. These cases of families being ripped asunder by the prerogatives of white supremacy, and the vociferous opposition such moves engendered from diverse sections of the Australian and British communities, speak to the tensions examined in this article. Marriage had long been policed by imperial authorities, and those that crossed the "color line" particularly so.[1] But, the 1940s saw rhetoric of a "family of nations" reach fever pitch, as a transforming British Empire and a freshly minted United Nations sought to deploy ideas of familiarity and marital

bonds to strengthen emerging global systems. The position these relationships existed between—practically denied while metaphorically venerated—provided a powerful weapon to be wielded by these families and their supporters, who saw the denial of love across racial boundaries as an infringement of imperial and human rights.

In this essay, we ask probing questions of well-established historiographies concerning gender and empire, the rise of "human rights," and the inevitability of an international system based on nation-states in the aftermath of World War II. The practice of international relations is redolent with metaphor: from crimson threads of kinship to special relationships and, most germane to our purposes, the family of nations.[2] The metaphor of "family" is a rich and a contested one. More broadly, metaphor is "something we draw upon to condense, refer to and incorporate ideas" at the level of intellectual discourse, but as Ben Golder insists, "more fundamentally and constitutively, a distinct way to materialize" them.[3] The term "family of nations" and its familiar, the world family, was uttered with growing frequency during both world wars and was particularly audible in the years surrounding the birth of the UN, and the rebranding of an archaic, hierarchical British Empire as a modern, supposedly equitable, Commonwealth of Nations. Such rhetoric carried significant baggage, however, chiefly its role as a stabilizing and disciplinary force for colonialism. Literature on gender and empire has since the mid-1990s revealed the ways monogamous relationships served as one of the central ways in which Britain portrayed its relation to overseas territories, becoming synonymous with the efficient operation of empire itself. This literature has also highlighted the coin's other side: how relationships that traversed distinctions between the colonizer and colonized could embody the precarious nature of colonial enterprise. We follow here a complementary reading, proposed by recent scholarship, that while such discourses were powerful in the colonies and metropole, they cannot encompass the diverse experiences of imperial subjects. Our case studies show that, while governmental authorities

deployed tried and tested technologies of exclusion and control, responses from colonial subjects on the ground varied considerably. Rather than welcoming a return to the normality of the colonial color line, significant support was developed for the struggles of mixed-race couples. This drew at least partially on how marriage served metaphorically as a buttress for a new world order, as well as the practical importance of "love-marriage" in the West, which saw relationship choice presented as an inalienable right.

In recent decades a significant historiography has developed regarding the meteoric rise of human rights to international prominence in the 1940s. A "textbook narrative" has emerged, whereby the horrors of the Holocaust forced world leaders to institutionalize centuries-old concepts of the dignity of the human person into an international set of responsibilities binding on states, an idea which, some stumbling blocks and worthy critiques aside, forms the bedrock of the today's liberal order.[4] Yet, as what has been termed the school of new human rights has highlighted over the past two decades, it is equally possible to argue that the 1940s proved less a moment of the concept's ascendance as its "death from birth," as Moyn puts it.[5] Human rights, and in particular the Universal Declaration of Human Rights' (UDHR) now largely forgotten focus on social and economic rights, served more as a blueprint for Western nations to construct welfare states than did calls for the respect of autonomy of individuals or minorities. The term was quickly forgotten, abandoned by postwar Western political elites and increasingly radical leaders of anti-colonial struggles before coming into its true rhetorical usability in the late 1970s.[6] We posit that neither teleological nor dismissive views provide sufficient clarity on the true career of human rights, or those of other rights languages, namely that of the imperial citizen. Following the work of Wildenthal and Bradley, we posit that by a close engagement with political discourse of the immediate postwar era it is possible to ascertain not only the early usages of human rights language in this period, but also the many other forms of political claim making with which

human rights language coexisted.[7]

Finally, our case studies show the contingency of international order at the end of the 1940s. While the United Nations became the focus of a new world of independent nation states throwing off the shackles of colonialism in later decades, at the end of World War II, it was far from certain that this would eventuate. Recent scholarship points not to the dramatic cessation of imperial claims and the embrace of a new, self-determining international system, but rather attempts by actors in colonies and dominions to reinvent empire on a new, more equal basis.[8] Our case studies demonstrate that claims of ongoing, indeed strengthened, British citizenship rights coexisted and indeed were strengthened by claims to membership of a universal humanity. Efforts by disconnected historical actors to finally make good on the promise of Imperial citizenship can easily appear as a naïve move: but what it shows is that the promise of a rights-bound nation state was far from the only, or even most popular, option on the table for postwar subjects.

We demonstrate this argument through two contemporaneous case studies from the British Empire, both of which show how the language of imperial rights and universal human rights was utilized by those in interracial marriages and their supporters, who saw no inherent conflict or contradiction between these different forms of rights. The first case study is the fierce controversy provoked by the marriage of Seretse Khama, a black African man, and Ruth Willliams, a white British woman, in September 1948. This is a relatively well-known historical episode, having been the subject of a 2016 film, *A United Kingdom*, and because Seretse Khama was later the country's first president, and their son Ian Khama was president until 2018.[9] It was "the most publicized issue of British African policy at the time," since Seretse Khama was heir to the Bangwato chieftaincy in Bechuanaland, a colony bordering South Africa, where the government was virulently opposed to interracial marriages and the marriage became a major political issue.[10]

The second case study is the deportation from Australia of Chinese "aliens" who had married white women, an incident that has attracted less scholarly interest and, when it has, has tended to be read as part of a broader period of "deportation controversies," with the cases of particular, recognizable, and sympathetic individuals taking precedence. As such, these refugees and their wives' campaign has been largely left aside or incorporated into a broader narrative of what Gwenda Tavan termed the "long, slow death of White Australia."[11] In both case studies, there has been a lack of comparative treatment. We contend here that viewed together they illuminate the complex and messy politics of rights-claiming and empire as new ideas of human rights came to prominence in the postwar world.

Citizenship, Rights, and Marriage in a Changing World

These stories unfolded against the backdrop of a transforming world order, the emergence of a universalist human rights discourse, along with the persistence and strengthening of older imperial notions of citizenship. Colonized peoples in the British Empire had long histories of making claims to rights on the basis of their status as British subjects. David Killingray has detailed how, from the mid-eighteenth century, a black educated elite articulated a sense of being British "shaped by crown service, imperial institutions and ideologies which created empire loyalty" and "made frequent reference to English law and the rights conferred on British subjects" when making demands on the British state.[12] The same was true in other parts of the empire. One Indian petitioner in the late nineteenth century went so far as to declare England "the august mother of free nations," and those who resided in her colonial possessions as "children of that mother, [who] claim their birthright."[13] In Southern Africa, appeals and petitions to Britain were the mainstays of political activity among an African elite, and "well into the [twentieth] century, proclaimed loyalty was a self-conscious counter to settler despotism."[14]

Rather than fading out as an avatar of an imperial age, ideas of imperial citizenship and rights were bolstered with the passage of the 1948 British Nationality Act. This created a category of British citizenship for the whole Commonwealth, regardless of where individuals were born, on the basis of allegiance of the Crown.[15] For the first time, discourses of citizenship that had been vernacularized by activists for decades were codified. For Britain, efforts "to integrate cultural, social, and political identities within a broader *imperial* identity" were, as Daniel Gorman explains, "a means of fostering imperial unity and cementing Britain's status as the leading imperial power in an increasingly competitive world."[16] Laws enshrining a common nationality aimed, for Britain, "to preserve the fiction of a unified imperial nationality."[17] Imperial unity was commonly expressed in terms of familial metaphors, with Britain as the "mother" country and Dominion states as "daughters." In *The Expansion of England*, J. R. Seeley saw England as having "a large family scattered of distant seas," and that "this family consists for the most part of thriving colonies." The Commonwealth, which the British Government affirmed to be officially interchangeable with "British Empire" in 1946, was described in the same terms.[18] As K. C. Wheare put it in 1950, Commonwealth member states "having been brought together in the past within a single Empire rather as children are brought together in a family, have grown up together and have, now, of their own free will decided to remain together."[19]

Attempts at uniformity, however, conflicted with the aims of white settler states that possessed self-governing status within the empire, who sought to implement restrictive immigration policies based on race, irrespective of British subjecthood. In this, settler states consciously emulated each other's policies and practices, creating connections that cut across and undermined ideas of imperial status and attendant rights.[20] White British settlers often regarded themselves as sharing an identity and culture that united them with other British settler colonies and with Britain itself, and "few whites anywhere in the empire could

conceive of Britons other than as white."[21] As Saul Dubow reminds us, "We should not lose sight of the fact that Britishness was often oppressive and exclusionary, not least when it claimed universality."[22]

In Australia, the rush to impose a White Australia Policy after federation in 1901 saw little care given to the constitutional status of non-white British subjects, with the legal category of "Alien" catching "Indians and a number of Chinese [who] were in fact British subjects."[23] This is particularly important in the Australian case, where, despite the creation of the independent Commonwealth, the category of Australian citizenship was not created until 1949. As Peter Prince explains, "Racial factors were more significant than nationality or allegiance in determining who would be treated as legal members of the [Australian] community."[24] The same was true in Britain's settler colonies in Southern Africa, where membership of the political community was primarily determined by race, and both South Africa and Southern Rhodesia both restricted the entry of Indians, who were British subjects, into their territories.

The idea of human rights (re)emerged alongside Britain's efforts to create the category imperial citizenship. The question of Human Rights' origins has animated an array of scholarship over the past twenty years, and since the late 1990s human rights historians have proffered numerous possible moments in which these ideals entered the mainstream vocabulary: biblical, ancient, and of course in the so-called Age of Revolutions.[25] The 1940s have, understandably, become a point around which this new historiography has gravitated. The Atlantic Charter (1941), the Charter of the United Nations (1945), and then the UDHR (1948) mark the decade as replete with talk of universal rights and their applications in a fair, peaceful postwar world. Unlike the so-called ancient wellsprings of Imperial Citizenship, however, human rights were received as a break with the past that offered a new global future.

Elizabeth Borgwardt presents the era as one in which America offered "a new deal to the world," seeking to internationalize the harsh lessons of the Great Depression and the global war that followed while "sidestep[ping] the perceived mistakes of … Woodrow Wilson at the end of the First World War."[26] The Atlantic Charter, a 312-word document authored by Roosevelt and Churchill, spoke not just of the war but of life after it, of economic security and freedom "to all the men in all the lands…," though by this Churchill meant those nations in Europe then under Nazi occupation. The Charter, and Roosevelt's 'four freedoms' that provided its emotional resonance, "hinted that an ordinary citizen might possibly have some kind of direct relationship with international law," and in doing so, seemingly questioned "the prerogatives of nations" in global life.[27] This talk of a global world of empowered individuals sat within a broader framework that Or Rosenboim identifies as "globalism." Intellectuals across Europe and America imagined a world beyond the nation state not as an intellectual experiment, but in response to "the perception of an epochal crisis" out of which they hoped to "construct a better political order in which liberty, diversity and peace could be salvaged."[28]

Yet, for the thinkers and policy makers who imagined the United Nations, let alone the governments to whom they appealed, "globalism encouraged mid-century thinkers to reimagine—but not abandon—the nation-state."[29] Instead, the plan was to "embed the state in a new global context."[30] This is why, as Samuel Moyn argues in his influential work on human rights in the 1940s, for all of its ideologues' global ambitions, their idea of universal liberty remained a "vision of a postwar collective life … in which personal freedoms would fit with more widely circulating promises for some sort of social democracy." "Only rarely," Moyn continues, "were human rights understood as a departure from the persistent framework of nation-states that would provide that better life."[31] Still, human rights offered a discourse through which those who did not possess British subjecthood could make appeals

to their possession of a universal humanity, and the protections this seemingly conferred. As Marilyn Lake has shown, from the 1880s, subjects of the Chinese Empire resident in Australia demanded their "common human rights" to reside and prosper in these British colonies, claims they made alongside appeals to imperial rights. These Chinese subjects claimed that China's ancient traditions and moral values, alongside a treaty between Britain and the Chinese Empire, entitled them access to civilized, cosmopolitan status.[32]

Rather than a borderless world, globalists tended to imagine a postwar order as a sort of "family of nations," a term that first appeared in the nineteenth century but reached a crescendo in the 1940s.[33] Monogamous heterosexual relationships and Western practices of marriage had long been seen as a yardstick for a nation's entrance into the civilized community, and the idea of the family of nations sat alongside numerous other metaphorical devices for understanding still emerging concepts of international law.[34] This tradition of vernacular articulation coupled with the instability of the global order to make the idea of the family—viewed as timeless and essential to the proper functioning of society—a central one to internationalists in the 1940s. Roosevelt, for instance, appealed in January 1944 that the "issues that affect us as a family of nations at this crucial moment of our history" ought to be resolved through "the concept of the United Nations."[35] The family also featured prominently in the Universal Declaration, which in Article 16(3) was presented as the "natural and fundamental group unit of society" that was "entitled to the protection of society and the State." The basis of a new global order was to be a family of nations, with each sovereign entity composed of sacrosanct family units that were imbued with a sense of "permanence." That the British Empire could use similar metaphors, and newly guaranteed rights, to reconstitute discredited forms of imperial domination into the framework of the Commonwealth of Nations demonstrates that these ideals were far from being solely the possession of self-described "globalists," however.

This articulation of the family as a building block of postwar worlds based on reformulated empire or rights-bound nation states each had a fundamental impact on its older existence as a fundamental framework of colonialism. Building on Ann Laura Stoler's insistence that intimacy and empire were deeply imbricated, scholars have revealed how the proper policing of family and domesticity was deemed an essential attribute of successful imperial subjects.[36] As Mary A. Procida puts it in her study of marriage in British India, "The marital partnership of husband and wife in service of the empire was vital to both the ideological presentation of imperialism and the practical functioning of the British Empire."[37] Needless to say, such marriages were to be of the "right sort." Relationships that crossed dividing lines between the colonized and colonizer were inherently dangerous, particularly when the latter was a woman. As Phillipa Levine argues, "some images of colonized men stressed their apparent unmanliness," even homosexuality, while "in yet other imagery, the colonized man was imagined as a sexual predator unable to control his physical desires and dangerous to women," representations which "palpably affected ideas about women."[38] If the men involved were "predatory savages," as Ginger Frost puts it, then the "women were air-headed working class girls," who required protection.[39] While the man was seen as at fault, it was women who had the most to lose, with the standard of Private International Law (PIL) at the time dictating that a wife would adopt her husband's nationality upon marriage. The precarious positioning of women within these relationships came to be synonymous with anxieties about empire itself, revealing "the illusory nature of imperial knowledge and control," which could be easily transgressed and undermined.[40]

The legal position of married women in the British Empire changed in 1948 in ways that are pertinent to the cases under consideration here. During the interwar period, the legal concept that the nationality of the husband determined the nationality of the family, and that a women automatically adopted her husband's nationality upon marriage and lost her own,

came under determined assault from feminist movements across several states.[41] Concerted campaigns across Britain and the Dominions forced changes in the law, and after Canada, Australia and New Zealand each enacted laws to grant women equal nationality rights, the British Government was forced to do the same to maintain the principle of common imperial citizenship. The 1948 British Nationality Act therefore provided that marriage would have no effect on a British woman's nationality.[42] The exclusion of women from citizenship was not an oversight but was part of the construction of the nation-state.[43] The role of women in the nation-state was defined through reproduction of members of that nation-state, and their sexuality therefore had to be controlled. The marriage of women to national or racial "outsiders" posed a threat to the nation-state's constitution.

It is important, though, not to overstate the extent to which ideals of gender and empire were uniformly reflect in imperial practice or popular understanding and opinion. As Matthew Fitzpatrick highlights, these marriages were not always perceived as threatening, which becomes apparent when "assess[ing] empirically the varying dynamics of racialized interactions in different colonial sites."[44] Both of our case studies direct attention toward the tensions between the professed ideals and the actual practices of imperial rule, and how activists could draw upon these tensions around marriage as both a metaphor condensing the work of governance and a personal relationship between people in particular contexts. Campaigns in Australia and Britain in support of interracial married couples drew upon newly emerging ideas of universal rights as well as older, established notions of imperial British rights and liberties. We will see that imperial discourse and promotion of monogamous marriages were used to highlight how states in the empire failed to adhere to this discourse, and helped generate popular support for these interracial relationships.

A particularly significant change in this context was in postwar understandings of marriage itself, particularly the primacy of "love-marriage" in the West. Marilyn Lake argues

that in Australia marriage was no longer motivated by purely economic or natalist necessity, and instead, "Romantic love was not only the basis for marriage in the 1940s, but for women it was meant to supply the meaning of life."[45] This was marriage's "golden age": rather than a practice linked discursively to procreation, or to the security of the nation and empire, marriage became about "companionate love" in the postwar decades.[46] Now governed less by reason and necessity and more by emotion and chance, marriage also came to be perceived less as a social norm that could be controlled or serve as an overt agent of social stability and more as an individual experience framed by free will and choice. Our case studies show that these intersecting reinventions of rights, empire, and marriage produced a situation in which the right of individuals to choose who they married could, in some contexts, overpower and neutralize steadfast categories of racial difference.

The Case of Seretse and Ruth Khama

Britain's response to the marriage of Seretse and Ruth Khama was closely influenced by the reaction of white settlers in South Africa and the anticipated political consequences of that reaction. Criminalizing interracial marriage was among the first acts of the National Party in South Africa after it won the 1948 election, as a key component of their policy of apartheid. Prior to this, interracial marriage had been subject to state intervention and surveillance and had provoked intermittent moral panics among the settler population.[47] The South African Government would not countenance a prominent interracial couple living near its borders, and banned them from entering South Africa.[48] Such was the perceived threat of Seretse and Ruth's relationship to the established racial order that the government banned even a postcard depicting them standing together.[49]

Despite all this, the Khamas relocated to Bechuanaland in mid-1949. The British Government became firmly opposed to their presence there, especially once it emerged in January 1950 that Ruth was pregnant. After much official procrastination and a judicial

enquiry, Seretse was summoned to London in February 1950. After he refused to abdicate his claim to the chieftaincy, the Labour Government banned him from the colony for five years, an exile that was made permanent, or so it was intended, by the succeeding Conservative Government in 1952. The British Government had quickly reached a decision, informed by South African lobbying, that the Khamas had to be removed from Bechuanaland if Britain was to retain its hold over colonies in the region.[50] "All the evidence," the Commonwealth Relations Office review of the case concluded, "is that the one thing that might unite and inflame South Africans in support of Dr Malan's impending demand for transfer is the recognition of Seretse as chief while still married to Ruth. It might lose us the territories."[51]

The incorporation of some of Britain's Southern African colonies was provided for in legislation. The 1909 South Africa Act, which created the Union of South Africa, contained provisions for the eventual incorporation into South Africa of three neighboring British colonies—Basutoland, Swaziland, and Bechuanaland—named the "High Commission Territories," after the body that administered them. In October 1949, South Africa's Prime Minister D. F. Malan threatened that he was awaiting "an appropriate moment" to demand the incorporation of the protectorates into South Africa, and that he had warned the British Government of the "dangerous precedent" represented by Seretse and Ruth Khama's marriage.[52]

Britain itself had no laws against interracial marriage or miscegenation and so it could not prohibit the Khamas' marriage on legal grounds, but the lack of such laws did not equate to a popular acceptance of such relationships there. Black and Asian men resident in Britain after the First World War—often demobilized. soldiers or sailors—were the focus of official anxieties over interracial sex, and riots targeting these men in ports in 1919 were partly motivated by hostility to interracial relationships. Black men were pressured to accept "voluntary" repatriation, but authorities were "loath" to pay for the white British wives of

these men to accompany them. Nevertheless, Lucy Bland argued that the 1920s marked the beginning of a period when interracial relationships became more common.[53] The Second World War saw apprehension among British officials over the prospect of African American troops being stationed in Britain. However, among the white general public, "Black Americans were often favorably contrasted by British civilians to white Americans," provoking official fears about interracial sex, which "was understood as a kind of sexual perversion" by those in positions of authority.[54]George Orwell claimed in 1943 that although there was general resentment towards American troops stained in Britain, "The general consensus of opinion seems to be that the only American soldiers with decent manners are the Negroes."[55] Elizabeth Buettner has argued that white British reactions to interracial relationships in the 1950s showed "similarities to and continuities with" these earlier episodes, involving "windows of racial tolerance" amidst "widespread white public condemnation of interracial sexuality and families." The important new context was the presence of many more black men in Britain following the upsurge in colonial migration to Britain after 1948, and Buettner quotes one contemporary assessment that "the idea of mixed marriages between colored and white people probably evokes greater antipathy than any other aspect of colored colonial immigration to Britain."[56]

Given this background, it is unsurprising that some coverage of the Khamas' marriage in the British press was hostile and critical. Several commentators highlighted the geopolitical repercussions, essentially endorsing the British Government's own judgement that whatever rights Seretse and Ruth possessed were outweighed by the need for Britain to hold onto its Southern African colonies. The *Daily Chronicle* expressed sympathy with the British Government, arguing that Seretse and Ruth's presence in Bechuanaland would "inflame against us white opinion in South Africa" and therefore undermine the empire.[57] A correspondent for the *Spectator* perhaps expressed the argument most clearly by questioning

"whether the technical legitimacy of a marriage of this sort should be allowed to transcend its political and social consequences" and concluding that the status of a nation could not be subordinated to "freedom of choice in marriage."[58]

Opposition toward Seretse and Ruth Khama's marriage on the grounds of race was more muted, despite efforts by the British Government to "plant" stories discrediting the couple in the press with journalists who opposed the marriage.[59] One of these may have been Margaret Frawley who, writing in the *Daily Mirror*, advised Ruth to "pack up and go home" and emphasized that all the white women she had spoken to in Bechuanaland were resolutely hostile to the marriage.[60] The *Daily Mail* expressed "profound sympathy" with Seretse and Ruth, but concluded that "the time has not yet come" when mixed marriages could be accepted in the empire.[61] In the House of Commons, some MPs termed the marriage "unfortunate" and spoke of an "instinctive belief" of opposition to interracial marriage.[62] Others expressed their opposition to interracial marriage under the guise of "concern" about the fate of mixed-race children.[63] Ruth's own family opposed the marriage, as did her employer who threatened to sack her, while senior members of the London Missionary Society tried all sorts of underhand legal maneuvers to prevent the wedding from taking place.[64] Yet there was none of the overt hostility toward the idea of interracial marriage that appeared in the South Africa press, where the Johannesburg *Star* termed the marriage "distasteful and disturbing" while the *Natal Witness* concluded it was "striking at the roots of white supremacy."[65] Even the comparatively liberal *Cape Times* carefully noted, "this newspaper no more approves of mixed marriages than anyone else in the Union [of South Africa]."[66]

Yet, in the British press, opposition to the Khamas' marriage was outweighed by considerable sympathy and support for the couple. Neil Parsons argued that this was partly due to the largely Conservative-supporting press eagerly using the opportunity to attack the

recently re-elected Labour Government, but this support for Seretse and Ruth Khama went far beyond simple party-political considerations.[67] It was predominately rooted in the conception that their rights were being violated, and that these rights were imperial ones granted by virtue of shared membership in the empire. It was "utterly wrong" to punish a man "who had married a woman of his choice" argued the *Evening Standard*, and the British Government "must act in accordance with the true conception of Empire. For the Empire is all-embracing: it includes men of every color and every faith."[68] "Nothing forbids such a marriage between black and white. Nothing should," declared the *Daily Express*. This lack of prohibition was grounded in the claim that "all citizens of the British Empire are created equal in fact and in law, so why should a marriage between two Empire citizens be subject to punishment?"[69]

Historians have stressed the class dimension of those making claims on imperial rights. Killingray pointed out, for instance, that it was "African educated elites" who adopted and utilized ideas of Britishness.[70] In this sense, the background and conduct of Seretse and Ruth Khama were taken as evidence in the press, and by campaigners, that they were particularly deserving of the rights they claimed. Anne Spry Rush has argued that the kind of "Britishness" many middle-class Caribbean people adopted in the nineteenth and twentieth centuries, and used as a weapon against colonial racial discrimination, "was intertwined with an ideology of respectability that placed heavy emphasis on the Victorian values of Western-style education, Christian morality, and domesticity."[71] In the same way, ideas of respectability permeated both how the Khamas' relationship was regarded and discussed in public discourse and the way that campaigners for them made their case. The sanctity of monogamous heterosexual marriage was stressed, along with the respectability of the Khamas. As the *Times* noted primly, the two had entered into "a valid marriage by the law of the Christian Church, to which both husband and wife belong."[72]

Seretse Khama had impeccable credentials. He was a chief-in-waiting, practically royalty—one of his supporters in the House of Commons referred to the couple as a "prince and princess"—and had been educated at Balliol College, Oxford and studied law at the Inner Temple in London.[73] From his former college, 136 members wrote a letter of protest to the *Times* criticizing the government and concluding that "a question of principle has been decided on the basis of expediency."[74] When Viscount Stangate, a former Liberal and Labour MP, rose in the House of Lords to speak in support of Seretse, he emphasized that Seretse had come from "an historic family," specifically "a family of distinguished men who are great administrators," along stressing the applicability of "human rights and the equality of race" in Serete's case.[75]

The same applied to Ruth Khama. She was from a "respectable" family—her father was a former captain in the Indian Army—and she had met Seretse through her involvement in the church.[76] She "took seriously," the *Observer* noted, what she "had been taught at Sunday school that all men were equal the sight of God."[77] One contemporary took strong issue with Ruth Khama being referred to as a "typist" in the press, as she invariably was, by arguing she was "was not 'a typist'… before her marriage she held a position of trust at a bank."[78] This was later stressed by historians; Ronald Hyam began an article on the topic with the statement, "Ruth Williams was not a typist … she was a secretary, a confidential clerk, with a firm of Lloyd's underwriters."[79] In this sense, Seretse and Ruth were a world away from the black soldiers and sailors who kindled relationships with white British women on the docks of Liverpool and Cardiff.

A campaign, quickly established to demand that Seretse and Ruth be allowed to return to Bechuanaland, attracted broad support. One contemporary observer noted that, from the outset, Seretse "has patently succeeded in amassing enormous public support behind him."[80] The day after the British Government confirmed the Khamas' ban, thirteen organizations of

African and Caribbean students in Britain formed The Seretse Khama Fighting Committee. It was chaired by the West Indian cricketer Learie Constantine, who during the war had won damages against a London hotel for denying him a room because he was black, and it drew support from Labour MPs who broke ranks with the government, Liberal MPs, and veteran campaigners like Sylvia Pankhurst.[81] Even the Archbishop of Canterbury wrote to the Prime Minister to criticize the government for appearing to break with what he termed Britain's "traditional policy" in the colonies of opposing racial discrimination.[82] The Fighting Committee was supplemented in 1952 by the Council for the Defense of Seretse Khama and the Protectorates (even its name making a claim to a pro-imperial orientation), constituted as an all-party committee by prominent politicians, authors, journalists, actors, and sportsmen.[83]

Both of these campaigns energetically supported the Khamas and based their strategy on making appeals not only to the imperial rights of British subjects but also to the emerging discourse of human rights, stressing that the treatment of the Khamas threatened to cause discord among the "family" of nations and so endangered empire. A two-thousand-strong rally in London in March 1950 thus proposed to send a petition to King George VI to highlight "feelings of outrage that exist among his subjects about the infringements of human rights and the color bar."[84] In Parliament, where the Khamas' case was debated extensively, the maverick backbench Labour MP Fenner Brockway, who had initiated the Council for the Defense of Seretse Khama, demanded "that this Government ought to stand" on the principle of the UNHDR of "equal in human dignities and in human rights."[85] This led to a somewhat awkward conflation of human rights with the rights of a hereditary chief to rule over his people, since the demand was that Seretse Khama be allowed to not only return to Bechuanaland but also take up the chieftaincy of the Bangwato there. The U.S. Council on African Affairs, an anti-colonial, Pan-Africanist organization headed by Paul Robeson and W.E.B. du Bois, sent a petition signed by prominent supporters of the Council to the UN that

argued the British Government had violated both Article 73 of the UN Charter and Article 7 of the UDHR and demanded that it accede to "the virtually world-wide demand that Seretse Khama be permitted to rule his people with his wife as consort."[86]

Seretse Khama was active in shaping the couple's public image and drew upon the same strategy of appeals centered on imperial membership and respectability as well as a wider conception of universal rights. In a letter to the *Times*, he stressed "I have been intensely proud of my family tradition and our long connexion to Britain," and defended his rights to marry a woman of his choice and to assume the chieftaincy with reference to the "treaty rights granted by her Majesty Queen Victoria" to the people of Bechuanaland when the colony was established in 1891. He argued that his tribe had decided "to have me with my English wife as their chief," so the British Government should not over-rule them as "the Bamangwato are entitled to exercise their right in their choice of chieftain" under the stipulations of this treaty."[87] Seretse drew on these same arguments in a longer article in the *Sunday Express*, stressing that his grandfather had sought to make a treaty with the British Empire to protect them from encroaching Boer trekkers, with the non-too-subtle implication that the British Government were now failing to protect Bechuanaland from the "Boers," embodied in the newly-installed South African Government. The "principles at stake," as he saw it, were "freedom for a man to marry a woman of his choice and the democratic right of people to choose their own form of government."[88]

Considerations about empire were at the heart of the debate over whether the Khamas should be allowed to return to Bechuanaland, and the prospect that the treatment of the Khamas threatened the unity of empire was taken up with gusto as a counter to the idea that preserving British power and influence meant avoiding inflaming white South African opinion. The Seretse Khama Fighting Committee warned that Britain's action "forfeits the confidence of African peoples everywhere," and so threatened the empire.[89] Many in Britain

found this a convincing line of argument. The *Daily Telegraph* concluded that the government had "opened the door to dangerous agitation in the entire colonial empire," while Margery Perham warned that Britain "was in danger of losing our self-respect and our leadership over all the colored peoples."[90] In this sense, Britain's actions toward an individual family could threaten relations among the wider "family" of Commonwealth nations.[91]

The campaign was temporarily stymied by the intransigence of the British Government, especially after the newly elected Conservative Government made a five-year ban on the Khamas' return permanent in 1952. In 1954, Learie Constantine gloomily concluded that the campaign "might as well have whistled to the wind," but it soon regained momentum.[92] The political context was changing and in 1954 the two campaigns supporting the Khamas merged with over three hundred others to form the Movement for Colonial Freedom. In May 1955, the government continued to insist that the decision over the Khamas' banishment was "final." However, in the face of continuing criticism in the press, growing public opposition to apartheid that made appeasing South Africa less politically tenable, and moves towards decolonization in Britain's African empire, the government relented.[93] In 1956, Seretse and Ruth Khama were allowed to return to Botswana, and Seretse came to occupy a central role in the country's life in the following decades.

Australian Deportation Controversies, 1947-1949

While never reaching the level of international concern engendered by Sereste and Ruth Khama, parallel cases occurred on the other side of the world. During World War II, Australia had accepted some six thousand wartime refugees from the Asia-Pacific region "who normally would have been refused admission," on what Immigration minister Arthur Calwell termed "compassionate grounds."[94] These refugees, including many seamen moored in Australian harbors or evacuated from Allied ports during the rapid Japanese advance of early 1942, were granted five-year exemptions from the *Immigration Restriction Act 1901* on

the understanding that they, as Calwell put it, "would return to their own countries at the conclusion of hostilities." The slogan "populate or perish" framed postwar population anxieties for Australians, and Calwell's Australian Labor Party (ALP) sought to justify to Australians a rush of "good refugees, blond and blue-eyed.… Displaced Persons, from Lithuania, Latvia and Estonia" by publicly opposing this supposedly "hard core" of Chinese malingerers.[95] Despite this, the plight of these sailors, the vast majority of whom left voluntarily, and their white Australian wives, engendered fairly widespread support from a media and general populace grating against a seemingly outmoded policy.

Although Australia had never officially prohibited interracial relationships, they were subject to state restrictions and sanctions. The White Australia Policy, with the *Immigration Restriction Act* at its center, was also "the basis for internal population control."[96] Marriage was particularly proscribed for Indigenous Australians, since different states within the Commonwealth had in the early decades of the twentieth century instituted restrictions—and in Queensland what amounted to a ban—on marriages between Indigenous and non-Indigenous persons.[97] The motivation behind this policy was at first an addendum to broader understandings of the "dying race theory," and later ideas of biological absorption, or "breeding out the color." Asian-Australian relationships, on the other hand, risked exacerbating racial admixture: "the ruination of white girls and women, the pollution of the British race and the creation of a 'piebald breed.'"[98] Marriages between Asians and Aborigines were heavily controlled and usually prevented, and the few relationships that were permitted were based on the understanding that they were "minor exceptions [which] would have little impact on broader population goals."[99] Concerns around the vices of Chinese immigrants were often conflated with those for Indigenous Australians, as demonstrated in the wording of Queensland's *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*.[100]

Relationships with white women sparked altogether different responses. Fears of miscegenation comingled with increasingly racialized concerns over the moral vices of Asiatic men: "the spectre of the opium den, the seduction and drugging of innocents and … the squalor of urban Chinese quarters" that found prominent voice in the government reports and trade union campaigns.[101] Despite moral campaigns and discriminatory legislation, marriages between white Australians and Asians continued to occur into the early twentieth century. Kate Bagnall uncovered about two thousand marriages between Chinese men and white women in Australia's eastern colonies between the 1850s and 1900 and estimates there were a similar number of de facto relationships.[102] Michael Woods also notes that prominent Chinese merchants in Australia married European women, "which enabled them to become naturalized citizens." But such occurrences declined as the White Australia Policy led to the numbers of non-white residents in Australia dropping from approximately 1 percent of the population in 1911 to only 0.3 percent in 1947.[103]

There is further evidence for a divergence between the attitudes of the state and those of ordinary citizens, which helped condition responses to the threatened deportation of Chinese men married to white Australian women. During the Second World War, Australian policymakers had hoped to prevent African American soldiers from arriving in the country, and sought to limit interactions between black soldiers and white women, yet there is "considerable evidence suggesting that many Australians reacted warmly and positively to their presence."[104] While initial perceptions were poor and some practices were egregious—with Black servicemen in Brisbane "Jim Crowed" into the same urban areas as the city's indigenous inhabitants—African Americans reported, and their white commanders protested, that Australians fraternized across the "color line."

"There was a significant disjunction between official Australian government policy and many Australians' interactions with African Americans," Chris Dixon writes, with one

African-American visitor recalling their "hospitable and most congenial" Australian hosts, who "treated us better than we've been treated anywhere in the world."[105] Further evidence lies in the seeming frequency of romantic relationships between black troops and white women, who "refused to respect prevailing conventions regarding relationships—platonic, sexual, and everything in between—that violated the color line," the social acceptance of which horrified many white Americans. Some fifty marriages between African-American servicemen and Australian women were recorded at the time, which despite such relationships existing in "a kind of legal limbo, or marital statelessness," given conflicting laws in the United States and Australia, demonstrates the increasing fragility of long-constructed racial dichotomies.[106]

The postwar period also saw Australians returning from military service in Asia with positive views of their near neighbors whom they had fought alongside.[107] One soldier wrote in *SALT*, the army's journal, after spending significant time in British India, that they felt "our very lives and [the] outcome of this war may depend upon us giving this great nation some of the freedom for which we fight." Still others stood in awe of the sacrifices made by Chinese resisters.[108] These new understandings and experiences, part of a general rush of postwar possibility that saw mass protests and industrial action in support of Indonesian independence from the Netherlands in 1948, conditioned mainstream responses to the deportation controversies of 1947–1949.[109]

In 1947, the cases of fourteen Malaysian seamen threatened with deportation to Singapore or Malaysia made headlines, both owing to an international outcry the move engendered and the government's refusal of exit visas to their Australian wives.[110] Much like the Khama case, initial protests employed a language that privileged fealty to British imperial ties rather than the then-still-emerging global rights order.[111] As one campaigner for the deportees, Rev. E. J. Davidson, put it, the decision to deport these men was "an infringement

of fundamental human rights, the more so as the husbands are British subjects." The fact of their membership in the empire ought to have been reason enough for the minister to employ his "discretionary powers and the application of considerations other than those of strict adherence to the letter of the law."[112] A protest letter from the Ministers' Fraternal of Maitland put it similarly, that these Malays were "fellow citizens of the British Empire, [who] have shared with us the perils and hardships of recent years."[113] Much as in the British commentary in support of the Khamas, it was not the sailors "humanity" that was at stake but their rights as fellow members of the British Commonwealth.

Marriage, however, seemed to confer a different universal status on the white Australian women wedded to these sailors. Kim Beazley, an ALP Member of Parliament from Western Australia, broke ranks to criticize the government's decision to separate these families, asking, was "the right of a woman to choose whom she will marry a fundamental human right, which should not be interfered with by preventing an Australian woman from joining an Asiatic husband, however mistaken the Government may feel that to be?" Beazley was quick to clarify that he did not oppose deporting the men, which he "regarded as an application of the White Australia policy."[114] He rather questioned the government's refusal to allow their wives to follow, a violation of the standards of Private International Law as it stood at the time. The year 1949 saw further deportation controversies, including the well-known case of Annie O'Keefe, an Indonesian woman married to an Australian citizen who the Chifley government sought to deport.

The O'Keefe case, settled early in 1949 when the High Court ruled her deportation illegal on a technicality, proved a further international embarrassment for Chifley's government as it sought out allies in the Asia-Pacific region.[115] Yet, O'Keefe's claims were made not on the basis of recently codified universal human rights but, much like the case of the Malaysian sailors, her status as a British subject by marriage, around which her

supporters and the media presented her case. The seeming inoperability of human rights was highlighted in a cartoon, entitled "The-not-too-trusty sword," that appeared in the *Sydney Morning Herald* in February 1949. Calwell is presented as a jackbooted Nazi confronting O'Keefe, who brandishes a blunted sword inscribed with the words "Bill of Human Rights," and Calwell remarks: "Don't make me laugh lady, or I won't have the strength to throw you out of Australia."[116]

Chinese sailors who had married Australian women, and who refused to return to their homelands at the behest of Australian authorities, were left with no choice. Unlike the Khamas or Malay seamen, these Chinese sailors did not have the benefit of being British subjects, and they and their supporters were left to vernacularize notions of human rights in a new context, much as Marilyn Lake documents Chinese residents having done in the 1880s.[117] The idea had more salience in late 1949, owing not only to the widely publicized adoption of the UDHR but also the formalization of the United Nations Human Rights Commission as an authority to whom aggrieved parties could, theoretically at least, appeal against the policies of nations. In July 1949, when the federal government tabled the *War-Time Refugees Removal Bill 1949* in the House of Representatives, Calwell's reading of the legislation in Parliament pulled no punches. Wartime refugees were labeled a "recalcitrant minority" interested only in serving "their own selfish ends." Hundreds were tarred with a traitorous brush, yet as Calwell put it, "The decision of the High Court in the case of the Ambonese woman has, for the time being, restricted the Government's power." Unable to even utter O'Keefe's name, the clearly embittered Calwell railed, "No government could, of course, afford to ignore the impudent challenge to its authority from this hard core of passive resisters."[118] Refugees, their wives, and supporters hoped that Calwell's enthusiasm for state-based power might be curbed by their invoking the specter of human rights and potential action from the new global authority in which Australia was a prominent participant.

To counter Calwell's bill, wives of the deportees established an organization called the Wives of Chinese Seamen Association, which claimed to have fifty members in Sydney alone. Norma Han, the group's organizer, demanded that "our husbands should be allowed to remain in Australia permanently" and only have to leave "in their own time."[119] The Association tried to make human rights meaningful to Australians by cementing these new ideas as the polar opposite to what Australians had just fought against. Samuel Wong, a prominent Chinese-Australian political activist, attacked Calwell's bill as a "Hitler-like law." He claimed that "when Hitler hated and persecuted the Jews he made a special law for them to disobey so that he could legitimately punish them," and Calwell's "bill is framed for the Asiatics exactly as Hitler's law for the Jews."[120] The Wives Association put this even more bluntly, accusing the minister of having "infringed the whole preamble of the United Nations universal declaration of human rights, and so many articles of that great world document as to make us wonder whether he had become a law unto himself." "We fear Mr. Calwell as millions of the world's people feared Hitler and Tojo during the last decade," the petition concluded.[121] Media were highly supportive of this drive to vernacularize rights, with Grafton's *Daily Examiner* one of many newspapers to editorialize on Calwell, claiming, "The Minister's interpretation of the White Australia policy puts Hitler's racial purity ideas to shame" (a statement indicative of very low levels of holocaust consciousness globally at that time).[122]

The discourses of respectability and class that framed the Khamas' case were also apparent in the Australian context. One reason O'Keefe's case gained such publicity was that she appeared to be a respectable mother of well fed and dressed children. F. Humphreys of Windsor, a friend of the family, wrote to the Prime Minister, "We have never met a finer family. The intelligence and refinement of the children is of a high order."[123] While less publicized or media-friendly, the Chinese and their wives also sought to use respectability to

their advantage. When Calwell accused the refugees of "living with their Australian wives in filthy conditions," recalling Australian sexualized fears of Chinese predation and vice that reached back to the 1850s, Wives Association secretary Norma Han responded by opening her Surry Hills home to journalists, who "found [it] to be clean and airy."[124] One reporter claimed to have conducted "a score of visits to homes of deportees," and found much to challenge stereotypes of uncleanliness and vice. Both husbands and their wives were described as "clean, intelligent [and] decent-living," and the reporter concluded, "I undertake to find as much dust on the Minister's mantelpiece as on the furniture on most of these Chinese-Australian homes."[125] While their poverty could not be denied, this did not necessarily discount them as racial others.

The Wives Association prepared a petition to submit to the United Nations that challenged Calwell's actions, engaging in an emerging global praxis of utilizing this new body as a supranational "higher authority." In so doing, they threatened to rip open an already tattered relationship between Herbert Vere Evatt, Australia's Attorney General and prominent participant at the UN, and his government. Australia had been one of the eight nations to draft the UDHR, and when Evatt had returned from presiding over the meeting of the United Nations General Assembly that adopted it, he invoked Australia's hallowed "fair go" as expressing "the real spirit behind" the document. Yet, Evatt's international leadership appeared to set in motion events many feared could see his fellow Cabinet Minister harangued before an international court. As one newspaper put it, "In any International Court of Human Rights Evatt may achieve[,] it seems Calwell would have a tough time proving his innocence."[126] The petition appealed "in the name of humanity" for the United Nations to step in and save their husbands "from the arbitrary and inhuman actions" of the responsible minister.[127] Rather than tearing asunder these "humble families," the petitioners proffered in

language that reproduced the UN's own, perhaps "inter-marriage should be encouraged as it could be the means of uniting the nations of the world."[128]

While the petitioners presented Calwell in a highly unflattering light, they appealed to the "learned and beloved Dr Evatt … a great advocate of human rights" as their savior.[129] Then, when it became obvious that Evatt was limited both by his marginal influence in the ALP and the highly restrictive nature of what could be achieved within the framework of the Universal Declaration, he was transformed into a hypocrite. The communist *Tribune* took a particularly harsh line on this, publishing a leader article entitled "Evatt's 'Human Rights' Hypocrisy Exposed." The paper systematically went through different articles of the Declaration and called out each of the government's breaches, drawing particular attention to Article 1 that implored human beings "to act towards each other in a spirit of brotherhood." The *Tribune*'s scribe asked, "Does Dr. Evatt imagine that Chinese residents in Australia aren't 'human beings' within the meaning of this article; or is his contention that Mr. Calwell, in tearing Chinese away from their wives and families, is 'acting towards them in a spirit of brotherhood?'"[130] Such criticism was widespread in a media, which was already opposed to the government, and among the public. "It's strange to hear Dr. Evatt talk in UNO about human rights, while Mr. Calwell is working against them," commented one recently arrived northern European immigrant, in Perth's *Daily News*, adding that, in light of the scandal, "I thank god that I am a Dane and I don't want to be called a 'New Australian.'"[131]

When the High Court heard a case brought by thirty-eight Chinese would-be deportees in late 1949, however, "rights" were read in a highly circumscribed manner. Jurists in the United States had found invocations of the UDHR—which one called "a more prominent authority" than domestic law—reason enough to strike out such incompatible ordinances as the Alien Land Law, which denied property rights to non-citizens.[132] Nonetheless, the

Australian court's final judgement, delivered by Chief Justice G. J. Latham, dismissed the Chinese claimants' argument for a universal right to immigrate:

> It was frankly said in argument that if a person succeeded in obtaining entry into Australia and established what he intended to be a permanent home in Australia within a week of his entry, he became entitled to stay in Australia permanently as a matter of right so far as Commonwealth immigration law was concerned. If this be so the power to make laws with respect to immigration is reduced to a power to prevent entry into Australia—it does not include a power to prevent the settlement in Australia of any persons who contrive to enter Australia.[133]

Such language of refugees contriving to enter Australia and claiming the universal right to movement to secure residence expressed the ongoing state-based reading of rights and betrays how little heed was given to the Universal Declaration's individual principles.[134] As Evatt put it in when questioned in Parliament on this issue, "There is no relationship between the Declaration of Human Rights, or any clause of it, that I am aware of and the exercise by a country of its national right, which has always been recognized in every country, to determine the composition of its own people."[135] In any case, only eleven days after the High Court's decision was handed down, Calwell's ALP was replaced by the opposition Liberals, and the new government did not deport the remaining seamen. Incoming immigration minister Harold Holt "took a more accommodating approach" to the refugees,[136] and in any case, in the wake of the communist takeover of mainland China there was "nowhere to send" them.[137] Still, the High Court's decision meant that a clear legal boundary was drawn through the heart of the UDHR, one that sat at the core of Australia's international relations for decades to come.

Conclusion

Imperial rights based ultimately on the shared membership of an empire seemingly sit uneasily with notions of universal human rights to which any person is inherently entitled. Yet, this is not how the couples and campaigners in postwar Australia and Britain saw it and in both cases they eagerly drew upon imperial discourses to exploit the disparity between professed ideals and practice, along with more recently minted human rights language. Human rights did not sequentially replace older forms of rights-claiming; they coexisted and were bolstered by political developments in the 1940s, namely the institutionalization of human rights in newly formed international organizations and the creation of imperial citizenship within the British Commonwealth. The opportunities presented by the latter for colonized subjects and activists to some extent paralleled the experience in the postwar French Empire, where scholars have chronicled how Africans under French rule made powerful use of new languages of rights and international law to claim political equality with French citizens on the basis of a shared imperial citizenship.[138] The organizing principles of empire were being used in unexpected ways by those deemed to be imperial subjects.

The rights and rhetoric of empire were not equally accessible by all imperial subjects. As noted by previous scholars, the use and effectiveness of these rights was closely shaped by class and respectability. This is the most evident contrast between our case studies. Seretse Khama's aristocratic background, elite education, and connections in Britain facilitated his claim to imperial rights, while his income, which he retained in exile, meant that the family was in no danger of poverty in Britain. This distinguished the Khamas' from previous interracial couples in Britain that had been subjected to official attention and exclusion, and also from the Chinese and Malay sailors in Australia. Poverty and relative lack of education made claiming respectability a difficult but not impossible task for these men and their Australian wives.[139]

While domestic in nature, both of these cases became thoroughly entangled with and even determined by much larger international forces. The Khamas' case, imagined as a fairly straightforward domestic one by Britain in 1950, was transformed by mid-decade into a question of decolonization, as calls for the end of Britain's African empire grew and South African apartheid only became more distasteful. In the Australian case, worries about perceptions in Asia were ever-present, and the shock of China's "fall" to communism in October 1949 threw a permanent spanner in the works for those seeking repatriation of the refugees. Those who had been unwanted aliens soon became victims of totalitarianism, as the response to the 1962 accidental deportation of market gardener Willie Wong to mainland China would demonstrate.[140] While the nation remained the building block of the "family of nations," the increasingly interdependent world made exertion of sovereignty more easily contestable.

Language around family and marriage proved particularly potent in this regard. The breaking up or exiling of real-life families sharply contrasted with the postwar enthusiasm of political elites to conceive of nation-states and colonies as a "family." That the marriages covered in this article were the focus of intense public debate and preoccupied the highest levels of government is illustrative of the profound challenge that the presence of people in interracial relationships represented to the racial order—a pillar of the nation states of both South Africa and Australia. That such restrictions on marriage came under assault in the immediate postwar years shows how much discourses of a world family threw such policies into increasing disarray. That the family could be both the building block of the international order, yet subject to intense inequalities and distinctions, proved fertile rhetorical ground for campaigners who declared it no business of any government to decide whom a person should marry.

"Family" was a rich metaphor, both for postwar statesmen envisioning a new kind of world order and for campaigners. The idea of families, and real-life families like the Khamas and the Chinese and Malaysian sailors and their white Australian wives, provided material to imagine different kinds of "families of nations" and raised questions of who was to be included in the imperial family. When Fenner Brockway spoke in support of the Khamas, referring to "the all-embracing human family" from which black Africans were being excluded, he invoked the possibility that multiple "families" of nations could be envisaged.[141] Indeed, our cases show that alternative conceptions of political organization existed, and that it was by no means predetermined that the nation-state would become the norm.

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[1] There is an extensive literature on this subject. Ann Stoler argued that policing interracial relationships was closely bound up with constructing and maintaining white supremacy in empire, in "Making Empire Respectable: The Politics of Race and Sexual Morality in 20th Century Colonial Cultures," *American Ethnologist* 16, 4 (1989): 634–60. See also Stoler's works collated in *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, 2002); Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (New York, 2006); Owen White, *Children of the French Empire: Miscegenation and Colonial Society in French West Africa, 1895–1960* (New York, 1999); Jock McCulloch, *Black Peril, White Virtue: Sexual Crime in Southern Rhodesia, 1902–1935* (Bloomington, 2000); Ann MacGrath, "Consent, Marriage and Colonialism: Indigenous Australian Women and Colonizer Marriages," *Journalism of Colonialism and Colonial History*, 6, 3 (2005), published online, doi: 10.1353/cch.2006.0016.

[2] See Michael P. Marks, *Metaphors in International Relations Theory* (Basingstoke, 2011); Natasha Wheatley, "Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State," *Law and History Review* 35, 3 (2017): 753–87.

[3] Ben Golder "Thinking Human Rights through Metaphor," *Law & Literature* 31, 3 (2019): 301–32.

[4] For the "textbook narrative" see Stephen Jensen and Roland Burke, "From the Normative to the Transnational: Methods in the Study of Human Rights History," in Bard A. Andreassen, Hans-Otto Sano, and Siobhán Mclnerney-Lankford, The World Bank, eds., *Research Methods in Human Rights: A Handbook* (Cheltenham, 2017), 223. This lineage is

one popularly assumed by many contemporary human rights institutions and legal figures. See, for examples, Australian Human Rights Commission, "Human Rights Explained: Face Sheet 2: Human Rights Origins," https://www.humanrights.gov.au/human-rights-explained-fact-sheet-2-human-rights-origins (accessed 29 Jan. 2019); and Nigel Rodley, "International Human Rights Law," in Malcolm Evans, ed., *International Law*, 4th ed (Oxford, 2014), 783–820.

[5] Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass., 2012), ch. 2.

[6] Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia, 2013); Barbara Keys, *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* (Cambridge, Mass., 2014); and contributions to Jan Eckell and Samuel Moyn, eds., *The Breakthrough: Human Rights in the 1970s* (Philadelphia, 2015); and Akire Iriye, Petra Goedde, and William I. Hitchcock, eds., *The Human Rights Revolution: An International History* (Oxford, 2012).

[7] Lora Wildenthal, *The Language of Human Rights in West Germany* (Philadelphia, 2012); and Mark Philip Bradley, *The World Reimagined: Americans and Human Rights in the Twentieth Century* (New York, 2016).

[8] See, for example, Adom Getachew, *Worldmaking after Empire: The Rise and Fall of Self-Determination* (Princeton, 2019).

[9] The film was based on Susan Williams' book *Colour Bar: The Triumph of Seretse Khama and His Nation* (London, 2006).

[10] Susan Williams, "The Media and the Exile of Seretse Khama: The Bangwato vs. the British in Bechuanaland, 1948–56," in Chandrika Kaul, ed., *Media and the British Empire* (London, 2006), 70. The literature on Seretse and Ruth Khama's marriage concentrates on the implications for British imperial policy, specifically British control over its Southern

African colonies. See Ronald Hyam, "The Political Consequences of Seretse Khama: Britain, the Bangwato and South Africa, 1948–1952," *Historical Journal* 29, 4 (1986): 921–47; Peter Henshaw and Ronald Hyam, *The Lion and the Springbok* (New York, 2003), 168–97; Rob Skinner, *The Foundations of Anti-Apartheid: Liberal Humanitarians and Transnational Activists in Britain and the United States, c. 1919–64* (Basingstoke, 2010), 96; Neil Parsons, Thomas Tlou, and Willie Henderson, *Seretse Khama, 1921–80* (Braamfontein, 1997); Ronald Hyam, "The Parting of the Ways: Britain and South Africa's Departure from the Commonwealth, 1951–61," *Journal of Imperial and Commonwealth History* 26, 2 (1998): 158–59. See also Neil Parsons, "The Impact of Seretse Khama on British Public Opinion 1948–56 and 1978," *Immigrants & Minorities* 12, 3 (1993), 195–219; Michael Dutfield, *A Marriage of Inconvenience: The Persecution of Ruth and Seretse Khama* (London, 1990); John Stuart, "Empire and Religion in Colonial Botswana: The Seretse Khama Controversy, 1948–1956," in Hilary M. Carey, ed., *Empires of Religion* (Basingstoke, 2008), 311–32.

[11] Gwenda Tavan, *The Long, Slow Death of White Australia* (Melbourne, 2005). See also Klass Neumann, *Across the Seas: Australia's Response to Refugees, a History* (Melbourne, 2015); and Glenn Nichols, *Deported: A History of Forced Departures from Australia* (Sydney, 2007). Of the cases, that involving the Indonesian woman Annie O'Keefe has received the most interest; see in particular, Sean Brawley, "Finding Home in White Australia: The O'Keefe Deportation Case of 1949," *History Australia* 11, 1 (2014): 128–48.

[12] David Killingray, "'A Good West Indian, a Good African, and, in Short, a Good Britisher': Black and British in a Colour-Conscious Empire, 1760–1950," *Journal of Imperial and Commonwealth History* 36, 3 (2008): 363–81, 364, 372.

[13] Quoted in Sunkanya Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham, 2010), 3.

[14] Shula Marks, "Southern Africa," in J. M. Brown and W. Roger Louis, eds., *The Oxford History of the British Empire. Volume IV: The Twentieth Century* (Oxford, 1999), 560

[15] Harry Goulbourne, *Ethnicity and Nationalism in Post-Imperial Britain* (Cambridge, 1991), 91–96.

[16] Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester, 2006), 2.

[17] Pat Thane, "The British Imperial State and the Construction of National Identities," in Billie Melman, ed., *Borderlines: Genders and Identities in War and Peace, 1870–1930* (London, 1998), 42.

[18] J. R. Seeley, *The Expansion of England. Two Courses of Lectures* (Cambridge, 2010[1883]), 256; Rieko Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (London, 2003), 12.

[19] K.C. Wheare, "Is the British Commonwealth Withering Away?" *American Political Science Review* 44, 3 (1950): 535–55, 554.

[20] Marilyn Lake, "From Mississippi to Melbourne via Natal: The Invention of the Literacy Test as a Technology of Racial Exclusion," in Ann Curthoys and Marilyn Lake, eds., *Connected Worlds: History in Transnational Perspective* (Canberra, 2005), 209–29.

[21] Kate Darian-Smith, Patricia Grimshaw, and Stuart Macintyre, *Britishness Abroad: Transnational Movements and Imperial Cultures* (Carlton, 2007). Quotation from Killingray, "Good West Indian," 364.

[22] Saul Dubow, "How British Was the British World? The Case of South Africa," *Journal of Imperial and Commonwealth History* 37, 1 (2009): 1–27, 20.

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