Australia's *Real* Republican Heritage[†]

The Australian constitution, as its supporters frequently tell us, has been highly successful in providing stability, freedom and good government for over 90 years. The most significant reason for this success is that it was built upon sound republican foundations. The current republican movement threatens those foundations.

These seemingly paradoxical statements can be explained by a little history.

When the Australian constitution was drawn up in the 1890s, monarchy was the dominant form of government throughout the world, as it had been for the whole of the Christian Era. Modern states had been formed by centralising monarchies which had assumed absolute powers. The European monarchies, with the notable exception of the Russian Empire, had become constitutional monarchies, but constitutions had been handed down by the monarchs, who were still the ultimate authority and the source of all power, which is the definition of monarchical government. Institutions of self-government, where they existed, were appendages of the crown. This was the case legally even in the United Kingdom, where parliamentary government had been won by civil war and revolution in the 17th century.

Republican government, that is, a system in which the whole people are the ultimate repository of sovereignty and the source of political power, was still in the 1890s very

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[†] This article was solicited by a business journal, but not published because, the editor said, the subject was no longer topical.

problematical and a rarity. The history of republicanism was not encouraging. The ancient democracies, in which the citizenry assembled and personally made the political decisions, had been short-lived and marked by violent revolution and dictatorship. Ancient republics properly so called, in which the government was carried on by the elected agents of the people, had not had a happier career. The great classical model of republicanism, the Roman Republic, had collapsed when the extent of its empire became too great for its primitive institutions. The medieval and renaissance city states were oligarchical, unstable and unattractive. Of the modern republics, established since the Enlightenment of the 18th century, most had similarly fallen to revolution and dictatorship. The most conspicuous example was France; at the end of the 19th century the Third Republic, having recently succeeded by war and revolution the regime of Emperor Napoleon III, was constantly teetering on the brink of collapse.

There were only two modern republics which had survived, flourished and stayed free: the United States and Switzerland. The latter had remodelled its constitution largely on American lines in 1848. Both had experienced civil wars which were well within the memory of generations living in the 1890s. There was, therefore, only one viable republican model, and there were grounds for doubts about it.

Moreover, the British Empire then appeared to be the world's most successful polity, combining popular self-government, liberty and order in unmatched degrees. It was centred on a constitutional monarchy. Membership of the Empire, and protection by the British navy, were vital to Australia's survival. Over half of the delegates to the Australian constitutional conventions were born in parts of the Empire outside Australia.

Given all this, it is remarkable that the Australian founding fathers chose to follow the one viable republican model to the extent they did.

This was not because they were forming a federation, and that model provided the leading example of federation. Canada had shown that a federation could be based closely on the British system of parliamentary monarchy.

The Australian founders followed the republican model because they believed in it. It provided a framework for popular government over a wide territory in a country with a strongly democratic culture. This positive adherence to the republican model is typified by the least conspicuous but most influential of the founders, Andrew Inglis Clark of Tasmania, an ardent democrat and radical reformer who strongly promoted republican federal ideas as early as the 1870s. It was he and Sir Samuel Griffith of Queensland who steered the Australian constitution in that direction.

It appeared to many educated Australians, as to Clark, that the founders of the United States had solved the problem of republican government, of establishing a viable republic after so many others had perished. They had combined popular control of government with constitutional safeguards against abuse of power, and thereby avoided the fatal upheavals which had brought down earlier republican regimes. Earlier republics had depended on divisions of power between the people and aristocracies of wealth or office. The new republic relied for its safeguards on a balance of institutions all of which were popularly constituted. The division of power between the states and the central government, the separate representation of the people by numbers and by states in the bicameral legislature, and the separation of executive, legislative and judicial powers provided, as one of the founders put it, republican remedies against the diseases of republics. All successful republics have more or less followed this pattern, a fact we overlook because its innovations have become so common.

The Australian founders were impressed with the success of republican federalism, and adopted its key features. Their constitution was grounded on popular sovereignty: it was to be approved and amended by referendum. The division of power between the central government and the states followed the American precedent. The constitution was to be an overriding law interpreted and applied by the judiciary. The Parliament, unlike its United Kingdom equivalent, was not to be supreme in law making, but subject to the constitution. The ingenious invention of a lower house representing states by population and a second chamber representing states equally was also followed. Indigenous Australian ingredients were added, particularly the double dissolution provisions.

It is not surprising that the Australian founders kept the British monarchy at the apex of this essentially republican design. That was a condition of membership of the British Empire and protection by the Royal Navy. It was also regarded as conducive to responsible government, that is, the British system whereby the executive government is carried on by ministers who are members of parliament and who have the confidence of the lower house. The Australian founders adopted responsible government not because it was British, but because they believed it was best. They had operated it in the colonies. They thought that, although only 50 years old, responsible government had demonstrated a superiority to the republican separation of executive and legislature.

This belief was not universal. There were persistent critics of responsible government among the Australian founders. They considered it not only an inferior system but incompatible with the republican federation model which had otherwise been adopted. There were strong moves at the constitutional conventions, led by Sir Richard Baker, later the first President of the Senate, to abandon responsible government at the federal level and to have a separately constituted executive.

History has shown these pure federalists to have been right. The development of responsible government in all countries which have inherited it from the United Kingdom has resulted in a system whereby the ministry, relying on party discipline, completely controls the lower house of the parliament and is therefore not responsible in the way the theory of responsible government postulated. The control of lower houses by the ministry is more severe in Australia because party discipline is more severe. This system has reinforced the monarchical character of the British constitution: undivided power is now conferred on the ruling group of the majority party, and the prime minister is now a more powerful monarch than the Stuart kings. This concentration of power in the so-called Westminster system has been seen as a cause of the general decline and poor economic performance of the United Kingdom in this century.

Australia has incurred this degeneration of responsible government, but, while party discipline and therefore ministerial control has been worse here, it has been checked to an extent by the republican elements in the constitution: the subordination of Parliament to the written constitution as

interpreted by the High Court, federalism and bicameralism, the latter manifesting itself as a Senate not under government party control. It is these republican elements which have been successful, while the British element of responsible government has significantly failed, as it has elsewhere. We have been given a demonstration of what Australian government would be like without its republican safeguards: ministerial absolutism and abuse of power in Queensland illustrates the Australian version of the Westminster system deprived of those safeguards.

The problem with Australian republicanism now is that it sees a republic as simply the absence of the monarchy, and has no understanding of what republicanism really means, or of Australian constitutional history. Combined with hostility to the monarchy and the British connection there is a strong hostility to the republican elements of the constitution. Federalism is regarded as a brake on efficiency rather than a restraint on central government power. The Senate is regarded as a tedious interference with the mandates of governments to make law by decree. The process of changing the constitution by referendum with a special majority is regarded as a tiresome barrier to " reform" . All should be swept away as relics of colonialism.

Constant propaganda along these lines may brainwash the public into thinking that these elements of the constitution must be jettisoned with the monarchy. There is a conspiracy to conceal the republican nature of these institutions and their value to a viable republican government. The danger of the republican movement is that it will result in centralised and unrestrained government and lead us down the Queensland, if not the South American, road.

What is needed in the current debate is a True Republican Party, to expound and defend the republican heritage of the constitution, and perhaps even to extend the republican elements and provide further safeguards against the centralisation and abuse of government power.