

Republicanism, Continued[†]

A brief rejoinder to Graham Maddox

Unfortunately Professor Graham Maddox ('The Origins of Republicanism', *Legislative Studies*, Spring 1992) has misunderstood the point I was trying to make about the relationship between Roman and modern republicanism. My statement that Australia is a republic "in the original and more meaningful sense of the word" did not refer to the doctrine of the mixed constitution; on the contrary, I suggested that Cicero's attempt to superimpose this Greek notion on his ideal of the balanced constitution was unconvincing and artificial. He identified as the essence of republican government a structure of constitutional constraints against the misuse of power by any element in the state, which is encapsulated in the expression "checks and balances", and it was to that essence that I referred.

It is surprising that a professor of politics in 1992 should repeat the old chestnut that the American founders aimed to entrench a property-owning oligarchy behind their constitution. This thesis, which was current about 50 years ago, has been demolished by more recent American scholars, such as Martin Diamond, Vincent Ostrom, Walter Berns and George Carey. It is refuted, for example, by the rejection by the 1787 Convention of a proposal for a constitutionally-entrenched property qualification on the franchise.

Where the American founders took up the classical tradition of republicanism was in their realisation that popular governments without constitutional safeguards did not last very long. They

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also realised that a democratic state would not flourish without an infusion of civic virtue also drawn from the old republican tradition. These points were taken up later by nineteenth century liberals such as Matthew Arnold, Lord Acton and Sir Henry Maine.

Then there is Professor Maddox's amazing statement that "checks and balances have never been applied save to protect a settled order with its existing privilege and current disposition of wealth and property. Checks and balances are inherently anti-democratic in that they veto reform programs designed to raise the lot of the poor." Conservative critics and liberal supporters of the US Supreme Court would beg to differ, as would radical supporters of bills of rights.

The classical republican traditions of constitutional safeguards and civic virtue are still central to any critique of the modern liberal democracy, and it is in the interests of the latter's survival that that critique continue to be advanced.