

A Federal Commonwealth, an Australian Citizenship*

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An ardent Australian citizen who looks for inspiration in the history of federation will not easily find it. Not in the process of federation, which might have had its rhetorical flights, its moments of drama and grandeur, but was from first to last a complex, drawn out story of calculations and compromises ill suited to civic celebration. Not in the Constitution it produced, which is in the form of a statute and gives the ordinary reader little sense of how the government of the Commonwealth of Australia was to be conducted, still less of the principles it embodies. Not in the present preparations to mark the centenary of the Commonwealth, which were long delayed by partisan and parochial considerations and seem all too likely to brush impatiently past the history they are meant to commemorate. And not in the mimicry of the Federal Convention foreshadowed by the present government with its recent confirmation of a people's convention to reconsider the present constitutional arrangements, that very term confusing the official with the unofficial gatherings of the 1890s and falling well short of the level of popular participation achieved a hundred years ago. We seem to have a national genius for botching the past that cramps and stultifies the civic consciousness.

No-one knew better the vagaries of the federal movement than Alfred Deakin. Writing between the final passage of the Commonwealth Bill through the British Parliament in June 1900 and its proclamation in September, he observed that its fortunes had visibly trembled in the balance twenty times in the ten years after the colonial premiers had gathered in Melbourne to declare their support for a federal union. Again and again it had been made the

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sport of ministries and parliaments. Few made genuine sacrifices to the cause without thought or hope of gain. Deakin believed that genuine enthusiasm for national union was restricted to the young and the imaginative patriots. The chief stimulus to the electors was the prospect of financial gain; the desire for fame motivated their representatives. For Deakin the realisation of the Commonwealth was a providential event, one for which he worked and prayed. Thus the final sentence of his inner history: 'To those who watched its inner workings, followed its fortunes as if their own, and lived the life of devotion to it day by day, its actual accomplishment must always appear to have been secured by a series of miracles.'¹

Few present-day Australians share Deakin's sense of an immanent presence in public life and few scholars subscribe to his providential theory of historical causation. Deakin's *Federal Story* works in a mode that is nowadays quite out of favour, one that restricts its attention to a handful of leading men who lead and shape the national destiny. Each of the principal participants in the federal conventions is the subject of a pen-portrait, which reads appearance, bearing, speech and gesture as marks of character. The process of federation proceeds through the interplay of these powerful personalities, who in their ambitions and vanities articulate the inchoate impulses of the nation that is to be. He was not alone in this way of writing history. It was then the established method, handed down from Thucydides and Herodotus to Macaulay and Carlyle, and only just beginning to yield to the new idea of an objective study based on archival research. The textbooks that served to instruct Australian schoolchildren in their civic duty made stories of governors and explorers serve a similar exemplary purpose as the tales of forgetful Alfred, patient Robert the Bruce, Richard the Lionheart and his scheming brother John, Bluff King Hal and Good Queen Bess. American schoolchildren learned similar lessons from homilies on their federal fathers.

Deakin's portraits of the Australian federal fathers are mostly unflattering. A recurrent pattern of his *Federal Story* is the victory of the ruthless, practical man over the more educated and cultivated one. A similar pessimism hangs over his perfunctory treatment of the people. They are fickle, restless, short-sighted, gullible. 'In young communities', he writes, 'political decorum and even decency is too often sacrificed to what is called Democracy but is in fact only the intrusiveness of interests and individuals pursuing their own ends at the expense of the public interest'.² That the people could rise to their national duty on this occasion, that their elected representatives could align personal ambition with public duty, and that such an idealist as Deakin could play a leading role only emphasised the miracle.

No subsequent commentator has managed quite the same intensity of fervour for Australian federation as Deakin. Even during the 1890s there were advanced nationalists, democrats and radicals who argued that the concessions made to secure agreement were too great. A number of later commentators regarded the limitation of federal powers as a conservative brake; the events of 1975 revived criticism of the powers vested in a house of review composed of senators drawn from numerically unequal electorates, as well as the extent of reserve powers left with the Governor-General. Historians and political scientists turned from federation as a story of miraculous providence or heroic endeavour to the methodological scepticism of the social sciences in studies that revealed the political actor as an acquisitive, calculating, utility-maximising individual. An article published in 1949 by R.S. Parker in an early number of

¹ 'And be one people': *Alfred Deakin's Federal Story*, Melbourne University Press, Melbourne, 1995, p. 173.

² *ibid.*, p. 166.

Historical Studies, which analysed the voting patterns of the federal referenda according to the economic interests of the voters, set the pattern.³ As the individuals who led the federal movement disappeared from public life, knowledge and appreciation of them fell away, despite the efforts of notable scholars such as John La Nauze to keep their work alive. What resident of the ham of Lyne or the wick of Fysh knows of the careers of Sir William Lyne and Sir Philip Fysh?⁴

Deakin had understood nationhood as the highest expression of a political community, a loyalty that united its members and called forth their best instincts. A later generation of critics was struck more by the exclusions from the Commonwealth of Australia, the absence of women from the conventions of the 1890s, the discrimination against Aborigines and Torres Strait Islanders in the Constitution, its inscription of a white male supremacy, the failure to include a bill of rights, the lack of reference to Australian citizenship.

More recently there has been an attempt to revive Australian citizenship. The High Court, which once insisted that the Commonwealth Constitution was no more than a statute and the national government simply institutions established by law, now lays emphasis on the people as the moving force.⁵ This new understanding draws force from a new awareness of the moral and legal status of the indigenous people, a greater appreciation of cultural diversity, and an apprehension that the capacity to live together in mutual respect is among the more precious benefits in a world beset by murderous animosities. The interest in citizenship has grown with the constitutional evolution towards complete national autonomy, and an associated enthusiasm for an Australian republic. It is served by the approaching centenary of federation. In 1994 I chaired an inquiry that was charged with reviving civics and citizenship education. We found a low level of understanding and awareness of the Australian system of government, the federal system and the Commonwealth constitution, but a higher level of interest in civic issues and an appreciation of the amenities of citizenship.

How is that aspiration to be connected to knowledge and understanding? How might we promote the civic capacity? The inquiry I chaired made a number of recommendations, mostly concerned with school education, which were accepted in 1995 by the Keating government and are being implemented by the Coalition ministry. I believe that a determined effort to include civics in the school curriculum, backed by suitable materials and informed, enthusiastic teachers, is of major significance. Civics has been attenuated in the school timetable along with the study of history, geography, politics and other branches of the humanities and social sciences. In our report we argued that the teaching of civics should be grounded in these studies and especially history. If I were rewriting the report of the inquiry today, I would strengthen that argument. I am more than ever convinced that an understanding of the history of citizenship holds the key.

³ R.S. Parker, 'Australian Federation: the influence of economic interests and political pressures', *Historical Studies Australia and New Zealand*, vol. 4, no. 13, November 1949, pp. 1–24.

⁴ Two suburbs of Canberra, Lyneham and Fyshwick, were named in honour of these founding fathers.

⁵ Keith Mason, 'Citizenship', in Cheryl Saunders (ed.), *Courts of Final Jurisdiction: The Mason Court in Australia*, Federation Press, Sydney, 1996, pp. 35–46.

Furthermore, I would return to an emphasis on the figures who led the process whereby the Australian colonies federated into a Commonwealth, who drafted its Constitution and formulated the principles of national citizenship. I do not suggest that the federal fathers should be invested with reverential awe. They were men of their time, with assumptions and prejudices that are now quite alien. There were idealists among them, to be sure, but rather than treating them as antipodean George Washingtons, I prefer to regard them much as Alfred Deakin did, as still prone to wield the hatchet in their adulthood. A proper appreciation of their aims and methods would help us to understand how so much has changed and so much remains the same. I shall offer two examples of how the federal fathers conceived Australian citizenship.

Two of the more attractive federalists were John Quick and Robert Garran. Quick was a Bendigo lawyer, a Victorian and later a federal parliamentarian. He is best known for his initiative at the unofficial Corowa conference in 1893, which hit upon the method of popular participation that rescued the federal movement from paralysis, and is accordingly promoted by some Bendigonians as the true father of federation. Garran was a Sydney lawyer, and later a senior Canberra public servant, who attended the Corowa conference. Both were prominent at the Federal Convention of 1897–98, Quick as a delegate and an active member of the constitutional committee, Garran as secretary to the New South Wales premier and secretary of the committee that drafted the Constitution. In 1901 the two men published *The Annotated Constitution of the Australian Commonwealth*, which is at once a legal commentary, a history of the federal movement and an expression of their own enthusiasms.

They believed that the new Commonwealth created entitlements and duties that amounted to national citizenship. The problem was that the Constitution nowhere recognised such citizenship. Rather, it retained the accepted form of a ‘subject of the Queen’. The term citizen was reserved for foreign citizens. Section 44 of the Constitution disqualifies from membership of the Commonwealth Parliament any person who ‘is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power’. In expounding this provision Quick and Garran provided a note on the phrase ‘A Subject or a Citizen’. ‘A subject’, they explained, ‘is one who, from his birth or oath, owes lawful obedience or allegiance to his liege lord or sovereign. “Citizen” is the term usually employed, under a republican form of government, as the equivalent of “subject” in monarchies of feudal origin.’⁶

To emphasise the point, they then quoted from the English historian, E.A. Freeman, that stern champion of Teutonic liberties. The ancient Greek member of the city-state, from which the concept of citizenship derived, ‘would have deemed himself degraded by the name of “subject”’, wrote Freeman, but the members of Greater Britain used the word ‘without any feeling of being lowered by it’. Freeman explained the contrast as one of convenience: even the citizens of republics referred to themselves as subjects for ease of usage.

⁶ John Quick and Robert Randolph Garran, *The Annotated Constitution of the Australian Commonwealth*, Angus and Robertson, Sydney, 1901, p. 491.

Sydney Mail, 20 March 1897, p. 607

This explanation is surely a little ingenuous. If the subject was merely the formal equivalent of a citizen, and the first term substituted for the second for convenience, why did Quick himself seek at the Melbourne session of the Federal Convention to include a definition of citizenship in the Constitution? He observes that he did so in a subsequent note to Section 117, which specifies that 'A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to

him if he were a subject of the Crown resident in such other State'. As Quick and Garran observe, this formulation was a drastically reduced substitution for a clause in the earlier draft constitution which referred to citizens of the states.⁷

During the debate on that original clause several delegates objected that it would interfere with the independence of the states, and specifically that it would prevent a state from discriminating against aliens. Others objected that without a definition of citizenship, it was meaningless. Richard O'Connor proposed an amendment that would give some substance to citizenship by specifying certain rights of citizenship. He wanted to add a stipulation, along the lines of the United States Constitution, that 'A state shall not deprive any person of life, liberty, or property without due process of law ...', but delegates were offended by the imputation that such a guarantee was necessary and rejected it by 23 votes to 19.⁸

John Quick made two further attempts to inscribe citizenship in the Constitution. First he proposed to add to the list of Commonwealth powers set down in Section 51 a provision for the Commonwealth Parliament to make laws with respect to Commonwealth citizenship. He thought that without such a provision the Constitution would not be complete, for although the preamble referred to the people of the various colonies agreeing to unite in a Commonwealth, there was no indication of who the people were. Without some test of citizenship, he warned that 'all the people within the jurisdiction of the Commonwealth of all races, black or white, or aliens, will be considered members of this new political community'. Here already it was apparent that the argument for citizenship was motivated both by a desire to augment and to diminish, to spell out and secure the rights of citizenship and to restrict them on racially exclusive lines. There was already a power to exclude foreign races, but that left existing residents and Quick wanted a definition of citizenship and power to make laws about it in order to 'empower the Federal Parliament to exclude from the enjoyment of and participation in the privileges of federal citizenship people of any undesirable race or of undesirable antecedents'.⁹

The ensuing debate does not make pleasant reading. Some delegates agreed with Quick, others felt his discriminatory purpose was better secured without any reference to citizenship and anticipated all sorts of unnecessary difficulties that might arise once this novel status of citizen, unknown to British law, was created. Quick was amazed by the force of the technical objections against all attempts to 'improve and popularize' the Constitution. 'One would imagine', he lamented, 'that this was to be a mere lawyers' Constitution, and that everything that seems to go beyond mere legal literalism must be rejected.' He lamented in vain and his proposal to amend Section 51 was defeated by 21 votes to 15.¹⁰

Still he persisted with his argument that a definition of citizenship was necessary. The reference to 'citizens of the States' in the draft of Section 117 did not say 'whether a citizen is a ratepayer of a state, an adult male, or any member of the population of a state—men,

⁷ *ibid.*, pp. 953–9.

⁸ Australasian Federal Convention *Debates*, Melbourne, 8 February 1898, pp. 664–90.

⁹ *ibid.*, 2 March 1898, pp. 1750, 1752.

¹⁰ *ibid.*, 2 March 1898, pp. 1767, 1768.

women, children, Chinamen, Japanese, Hindoos, and other barbarians'. Charles Kingston agreed with him. The existing assumption that a citizen 'was a man who had the rights of citizenship' reminded him of the definition of an archdeacon as a reverend gentleman who performed archdiaconal functions. Quick proposed a definition that would define citizens as 'All persons resident within the Commonwealth, being natural-born or naturalized subjects of the Queen, and not under any disability imposed by Parliament ...', but this alarmed other delegates who thought it might include Chinese, Lascars and others who happened to be British subjects. In the end the convention fell back upon the final form of Section 117, which referred to 'a subject of the Queen, resident in any State'. As O'Connor observed, 'it means the same thing'.¹¹

Quick and Garran appreciated that it did not. In their commentary, they rehearsed the historical distinction between a subject and a citizen, and suggested that the convention believed 'there might have been an impropriety in discarding the time-honoured word "subject" and in adopting a nomenclature unobjectionable in itself but associated with a different system of political government'. The nearest approach to citizenship they could discern in the Constitution was the wretched Clause 127, which read (until it was repealed in 1967): '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.' Here in the specification of the people, its special significance was established. Quick and Garran therefore concluded that the creation of the Commonwealth had created three gradations of political status, subjects of the Queen, people of the Commonwealth and people of a state.¹² If it was impossible to include citizenship in the creation of the Commonwealth because it revealed the lie of racial purity, then the alternative designation of the people allowed for the discrimination its creators codified.

My second example of how the federal fathers invoked the people comes from the popular movement outside the convention. In 1891, representatives of the colonial parliaments met in the first Federal Convention in Sydney and prepared a draft constitution for adoption by the colonies. The draft constitution was taken back to the colonial legislatures where it was criticised, amended, put off or rejected. Then came the formation of an Australasian Federation League, and the decision of its branches along the river-border of New South Wales and Victoria to convene a meeting of parties interested in federation. At that Conference in Corowa in 1893, John Quick hit upon the device that would break the deadlock. He suggested that the preparation of a new Bill for a Federal Constitution of Australia should be entrusted to popular representatives elected specifically for this purpose and that this bill should then be submitted for acceptance or rejection by a general vote of the people of each colony. The Corowa Conference having adopted his scheme, he drafted an enabling Australian Federal Congress Bill that the Federation League embraced and publicised. The premiers met in conference at Hobart in January 1895 and accepted the substance of Quick's proposal. The passage of enabling legislation led to the election of the delegates to the Federal Convention of 1897–98, and eventually to the popular endorsement of its work, which was enacted in 1900 and came into operation on the first day of January 1901.

¹¹ *ibid.*, 3 March 1898, pp. 1784, 1788, 1795, 1797.

¹² Quick and Garran, *op. cit.*, pp. 954–7.

In this, the popular heroic version of Australian federation, it was the people who rescued the cause. The High Court now makes this history the basis of the citizenship rights it finds in constitutional cases. My academic colleague and friend, John Hirst, takes the striking novelty of the procedure to involve the people, quite contrary to British tradition, as an affirmation of our civic capacity. He has drawn attention also to the way that the meeting to establish the Australasian Federal League employed the language of citizens, not subjects. 'These subjects of the Queen were clearly citizens,' he has written. 'They were described as such, they called themselves such, they acted as such in believing they could shape the polity in which they lived.' He argues that when Australia becomes a republic, and the constitution catches up with the reality of citizenship, it will be 'our tribute to what I still call the popular movement for Federation'.¹³

This usage of the people, however, has another aspect. It sets the people against the politicians, indeed it defines the two terms as mutually exclusive. Thus John Quick ascribed the genesis of the Australasian Federal League to the spontaneous ardour of nationalists 'animated by patriotic impulse and interest in the common cause of federation, who thought the time had arrived when national unity should be made a people's cause and should be no longer dependent on the battledore and shuttlecock of colonial Parliamentary parties'.¹⁴ The meeting in the Sydney Town Hall that established the League resolved 'That it is expedient to advance the cause of Australian federation by an organisation of citizens owning no class distinction or party influence ...'.¹⁵ Its rules stipulated that no more than two-fifths of its Council could be politicians.

In fact the Australasian Federal League was initiated by Edmund Barton, with the assistance of Garran and other federalists. Its proscription of 'class distinction or party influence' was intended to exclude the republicans and socialists who disrupted its foundation meeting. The delegates to the Corowa Conference were carefully selected to avoid a repetition of such unwelcome participants. At the Conference Quick insisted that 'The main principle was that the cause should be advocated by the citizens and not merely by politicians. The time was gone by when it should be merely a political question.'¹⁶ But the organisers invited leading colonial statesmen and Quick himself was a quondam and future parliamentarian. So too were the other delegates to the subsequent Federal Convention.¹⁷

Rather than breaking with the conventional procedures of Australian politics, the makers of federation merely extended them. The politicians, having impugned their own calling, called forth a voice that could restore its legitimacy: they reinstated the people as a disembodied presence capable of an altruism that they themselves could not achieve. The people were

¹³ John Hirst, 'Can subjects be citizens?', in David Headon et al. (eds), *Crown or Country? The Traditions of Australian Republicanism*, Allen and Unwin, Sydney, 1994, pp. 119, 123.

¹⁴ L.E. Fredman (ed.), *Sir John Quick's Notebook*, Reg C. Pogonski, Newcastle, NSW, 1965, p. 40.

¹⁵ *Sydney Morning Herald*, 4 July 1893, p. 3.

¹⁶ *Sydney Morning Herald*, 2 August 1893, p. 8.

¹⁷ Stuart Macintyre, 'Corowa and the voice of the people', *Canberra Historical Journal*, n.s. no. 33, March, 1994, pp. 2–8; and Brian de Garis, 'How popular was the popular federation movement?' Senate Occasional Lecture, Canberra, 21 June 1993, reproduced in *Papers on Parliament*, no. 21, December 1993, pp. 101–118.

inscribed as citizens, owning no class distinction or party loyalty, gender, race or other potentially divisive identity: they gave legitimacy to the work of the next federal convention by electing its members, and completed that work by endorsing the Constitution in the referenda that followed. They spoke at the command of the politicians and then fell silent as the business of government was subsumed into the Commonwealth that this act of ventriloquism brought into being.

Some might detect a resemblance between these events and the proposals for a people's convention later this year. Once again we see a suggestion that the politicians have to be excluded, or at least restricted, in favour of the people. Once again there is a suggestion that politics is an obstacle to popular participation. Once again there is shrinking from argument as divisive, a failure to see that we are all politicians when we engage in the political debate that is inseparable from democracy. The depreciation of politics and the validation of the popular, the juxtaposition of the self-serving dissembler and his long-suffering victims, are prejudices so deeply embedded in the public discourse that we seldom notice their historical formation.

This is hardly a comforting conclusion. I have suggested that the people were written into the Constitution as subjects of the Crown in preference to citizenship because of deep fears and prejudices. I have also suggested that the role of the people was based on a profound distaste for the necessary business of politics, the free expression of opinion and playing out of differences. But there is surely a lesson to be learned. The narrow, discriminatory and prescriptive definition of Australian citizenship effected in the Constitution during the 1890s has yielded to a far more generous and open one. We have opened membership of the Australian community to people of different racial and cultural identities, and we have enlarged the content of that citizenship. Our Constitution has proved a far more adaptable instrument than its creators can have anticipated, and has allowed it to respond to changing needs and aspirations. The sort of civic education and civic awareness that I hope to see develop is one that would enable us to appreciate better this history and to continue it. We might hope that by the centenary of federation we shall be able to complete what an earlier generation began and to finally secure a full Australian citizenship.

Questioner — Do you think that the issues concerning us today in establishing an Australian republic after 2001 are more or less difficult than the issues faced by the founding fathers a hundred years ago?

The Father of His Country.

George Washington Reid.—“I CANNOT TELL A LIE.
ALONE I DID IT, WITH MY LITTLE HATCHET.”

Melbourne Punch, 22 June 1899, p. 588

Professor Macintyre — The issues or problems confronting the federal fathers, I think, were more difficult. I am at least half persuaded by John Hirst’s argument that there is a form of republican citizenship that is inherent in the way in which the Constitution was developed and that the present task is partly one of aligning our institutions with the way in which our public life now operates and completing a process that has begun. It is fairly clear that whatever happens between now and 2001 is likely to be less divisive, and not likely to generate the same level of debate as in the 1890s. I think the making of the federal Constitution was a contested process in which the substance of contestation was much greater.

Questioner — When we look at the development of America, there is something that is identifiable to most people as an American dream. Would you comment on whether such an ideal exists in Australia, and if so, what it might be?

Professor Macintyre — You have drawn attention to a striking aspect of our understanding of Australian citizenship. In some of the research that has been conducted, particularly over

the past decade, concerned with understandings of citizenship and civic awareness, it is fairly clear that many Australians are more familiar with what they think of as the United States Constitution than they are with an Australian one. This is because of the way in which the United States Constitution enters into American popular expectations as played out on television especially. When someone says ‘I’m taking the fifth amendment’, there is a reference there that people find more intelligible in Australia than they do any notion of appealing to an Australian Constitution as the basis of their own civic status. And the differences can be seen at different levels; they can be seen in the language of the documents and they can be seen in the historical process, whereby the citizenship that was created in the United States required them to throw off the older status of being a subject of the Crown. No similar process was necessary in Australia. There was not the same awareness of having created a new constitutional and civic status. And I think it sometimes has to do with the disinclination of Australians for waving flags and for grandiosity. It seems to me that citizenship, by its very nature, has to have both local and international meaning. But, having said that, there is a striking difference in levels of awareness. A further difference, I suppose, would be that there is much greater attention to civics in American schools than in Australian schools.

Questioner — Would you agree that the politicians of the 1890s were, by their use of the people, trying to avoid the problems of the six separate colonies; to escape the local limitations that had been imposed on the first constitution by the narrower, sectional interests of the six colonial parliaments?

Professor Macintyre — Yes, I suppose that is true. The preamble talks about the people and then it elaborates by referring to the colonies except for Western Australia. It is the people who are agreeing to unite in an indissoluble Commonwealth. But it is true to say that when one reads through the federation debates, the states-righters are the ones most uneasy with notions of citizenship and probably uneasy also with notions of the people except, as I have suggested, in so far as ‘the people’ are then given a particular meaning which excludes the racial minorities. The two colonies most reluctant to become part of the Commonwealth were Western Australia and Queensland. They were then both relatively small; they were also colonies with very large populations of indigenous people; and they were colonies in which race relations were poor. So they were suspicious of a Commonwealth on a number of levels and in most cases they were fairly suspicious of the language of citizenship and the people.

Questioner — Today it is more and more difficult to divorce the idea of politics and party politics, so that party is almost the public definition of politician. This contributes greatly to the disparagement of politicians which we see also in the question of who will be the head of state and how he or she will be elected. This question of how we might take the party out of the politician without leaving the politician out altogether relates to the 1890s—was Quick’s scheme intended to separate colonial party politics or to get the politicians out of their separate colonial contexts?

Professor Macintyre — Essentially, I think that the Quick device relied on the realisation that federalists had gone to Sydney and prepared a constitution, and once they took it back to six legislatures, every one of them took a different attitude towards it. The project quickly bogged down in a series of arguments that were very difficult to correlate, much less resolve. Quick’s idea was that if you started the process anew and elected delegates, as opposed to having them appointed by the Parliament, then they would have a greater mandate, and if the

colonial parliaments agreed in advance that they would submit the work of that convention to a referendum, then federalists could maintain a momentum that would enable them to overcome the uncooperativeness of the colonial legislatures. It was not a process, obviously, in which politicians disappeared. They were there at Corowa, they were there at the conventions, they were there on the hustings when the referenda were being argued—but they were speaking with an enlarged authority of the people.

And I agree with you that there is that deep fear of party now, as then. In the tradition of civic discourse that people used in the nineteenth century, in so far as they used it in Australia in the nineteenth century, citizenship was seen to involve setting aside your particular identity in order to be able to meet with others in the public sphere—that distinction between the public and the private was vital. You had to cast off potentially divisive things such as your denominational adherence in order that you could perform your duty as a citizen. In that same terminology, party was seen as one of the sectional identities that interfered with the playing out of citizenship. There was a great suspicion of party, at a time when the very recognition of parties was still occurring.

The story for me is that the Australian colonists having rapidly achieved self-government in the 1850s, having created a very advanced system of democracy, and having thought about the extension of suffrage and payment of members of Parliament, regular elections and so on, were not at all happy with the results. Very quickly they moved from thinking of an unresponsive governor or administration as the source of their problems to thinking about those ratbags they sent off to Macquarie Street or Spring Street, and so that became thought of as a process of politics. There were some people who resisted it. George Higinbotham, that idealistic nineteenth century liberal, when he went to the Supreme Court of Victoria, at one stage said that just because a man becomes a judge, he does not become a political eunuch. He recognised that the various arms of government were all performing political work. ‘Why do you deprecate politics?’ was the question he asked fellow colonists. Politics is necessary; if you deprecate it then your expectations of it will be low. But, as I say, it became fixed very rapidly with the advent of self-government, even before the federal process.

Questioner — If you look at the 1890s, the popular reaction to the process of federation, by both anti-federationists and pro-federationists, is expressed in some quite extraordinary ways. At Corowa in 1893, there are one or two poems in circulation about the efficacy of federation. By 1896 and the Bathurst Convention, and even a little later, the *Sydney Morning Herald* is getting dozens every week, both for and against the process of federation. It is interesting that we have a much more ‘ho hum’ attitude towards the republic. It is hard enough to write a letter to the editor, let alone a sonnet or an ode on the subject of republicanism. We don’t see that popular engagement with the idea, so there is an interesting difference there that might be instructive. My question is about the Aboriginal people who, of course, were able to vote in the referenda, but in fact lost that right under the Constitution. Did Quick and Garran reflect on that in any sort of moral sense?

Professor Macintyre — No, there was almost no discussion of that and, as I have suggested, both Quick and Garran thought of the idea of racial purity as necessary, a precondition of the particular sort of liberal civic ideals they professed. There was a long debate at the federal convention about the likely outcome of the electoral arrangements whereby people who had the vote in states would keep it in the Commonwealth, and that meant that a number of Aboriginal voters, a large number of them on the rolls in South Australia, but a significant

number in Victoria and New South Wales as well, would vote but their children would not vote. I am not aware of any recognition of the implications of that.

I think verse is interesting. Verse of course is a cultural form which had a different meaning then than it does now. The 1890s was a period when recitations and so on were forms of both domestic and public activity. I suppose verse is a medium rather equivalent to what the TV advertisements are likely to be once we embark on our elections for the people's convention with the important difference that verse is more democratic: all you have to do is write it and get a paper to print it and you are in business. I suppose we shrink from that sort of verse because we find it comic now. I am not sure. There are members of the Australian republican movement, such as Tom Keneally, who use considerable eloquence, but rhyming couplets are no longer the way in which this is done.

THE REAL REASON WHY QUEENSLAND WAS NOT ALLOWED TO TAKE PART IN THE
FEDERAL CONVENTION

Worker (Brisbane) 24 July 1897