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The introduction of what have termed 'democratic' regimes into mid-nineteenth century Australia in the form of the granting of responsible government to the Australian colonies has been treated in recent times as an unproblematic process. The quasi-official version of political development in the colonies, as found in the Discovering Democracy civics education programme sponsored by the Commonwealth government and expressed in the textbook written for the programme by Dr John Hirst, is that this was the first stage on the road to 'real' democracy in Australia, the final stage of which will be the establishment of an Australian republic. As Hirst sees it, the people and their politicians embraced it as an advance on the road to freedom.¹

This is Whig history in full bloom. It is an anachronistic reading of the past in the light of current preoccupations. One of the problems is the ambiguity of the word 'democracy'. For many nineteenth century writers it was a problematic word associated with anarchy, the violence of the French Revolution and the descent into civil war in America. Supporters of popular politics in the Australian colonies preferred to be known as liberals; it was even preferable to be called a liberal conservative than a conservative.

This paper will divide into two roughly equal parts. The first will discuss the issue of democracy in the Australian colonies generally and in New South Wales in particular. It will especially focus on the issue of democracy versus mixed government and why many colonial writers were uneasy with the concept of democracy. The second will examine in some
detail the critique that William Forster, at one time premier of New South Wales, made of democracy and its workings in the Australian colonies.

Democracy in colonial New South Wales and its Critics

It was, and remains, difficult to know in what sense the Australian colonies could be described as democratic. For Hirst the touchstone would seem to be universal suffrage for parliamentary elections. Of course for the ancient Athenians election indicated an aristocratic regime, and as we shall see many colonial writers understood responsible government founded on manhood suffrage as the embodiment of an aristocratic form of government. Not all the colonies initially embraced universal manhood suffrage and all adopted an Upper House that was either nominated or elected on a restricted franchise. In New South Wales plural voting remained and rural voters enjoyed an advantage in representation over their city counterparts. Unlike America many local officials were not elected.

In *The Strange Birth of Colonial Democracy* Hirst mentions the lack of local government and the growth of state bureaucracy in such areas as education. But unlike Alan Atkinson he does not discuss the 'democratisation' of colonial churches nor does he discuss the development of 'civil society' and voluntary organisations such as the ANA which Bob Birrell emphasises in his analysis of the origins of the federation movement.

The other sense in which democracy was used in the nineteenth century was derived from Alexis de Tocqueville. Democracy meant social equality, the absence of ranks and distinctions; it was a social state rather than a system of politics. In this sense the Australian colonies could be understood as democracies.
It is interesting that Hirst bemoans the fact that democracy in New South Wales only had this social meaning.⁵ He sees the establishment of a democratic order in New South Wales as a failure because republicanism did not succeed and colonial politicians continued to have a fondness for British customs. Hirst argues that colonial democrats were duplicitous in that they had to pretend not to be democrats but liberals. They talked of ‘widening the franchise’ or making it more liberal rather than of democracy.⁶ This assumes that the colonial politicians were attempting to establish what Hirst understands and commends as democracy as opposed with just coming to terms with that new experimental form of polity known as ‘responsible government’.

This also comes through in Hirst’s argument that colonial liberals were in fact democrats in disguise who shied away from the word ‘democracy’ because of its bad associations.⁷ The evidence indicates, in fact, that colonial commentators were able to distinguish between ‘liberals’ and ‘democrats’. The problem is that Hirst does not engage with the concept of democracy and that his understanding of democracy lacks theoretical sophistication. In *Australia’s Democracy* the chapter following the one on colonial democracy is entitled ‘Real Democracy’ and it is somewhat ironic that it includes discussion of both Aboriginal disenfranchisement and White Australia, both products of Australian ‘real democracy’.

Other scholars have placed less emphasis on colonial democracy or understood it differently from Hirst. In their classic study of factional politics Martin and Loveday hardly use the word ‘democracy’ preferring to follow colonial usage and refer to liberalism.⁸ In his recent *History of Europeans in Australia volume II*, subtitled democracy and covering the
In the colonial period, Alan Atkinson does not define democracy in political terms but rather, like Tocqueville, sees it in terms of a state of society. However, unlike Tocqueville, his focus is not the *mores* and customs of colonial Australia as expressed in functioning local social and political institutions. For him, Australian democracy in the nineteenth century is to be understood in terms of the relationship between people, the dreams and aspirations of those people and how they imagined themselves.  

In his *The State and the People*, J M Ward argues that the Liberals in New South Wales rejected the traditional English model of the mixed constitution but accepted the idea of a 'natural aristocracy' that would allow people like James Macarthur to have their rightful place in the new political order. He also contends that 'colonial liberals and conservatives alike could have called on Burke'. Colonial liberals became more conservative during the 1860s and a common set of political values united both conservatives and radicals in New South Wales under the heading 'liberalism'. He characterised the outcome as follows:

The democratic impulse of the 1850s had exhausted itself. At the end of the 1860s manhood suffrage and the secret ballot were secure; so also, however, were unequal electorates and the nominated Legislative Council. Colonial liberalism was triumphant in New South Wales. Everyone with a political voice to use knew that it could be used. No one with a future to make (according to the social expectations of the time) had cause to fear that society would withhold opportunity. Land law amendments were being made as they seemed to be needed. Increasingly there was education for all who sought it. The economy was expansive.
'Democracy', according to Ward, compromised and became acceptable as part of a complex and fundamentally conservative political and social order. As we shall see, Ward is correct in that it was the Burkean conception of representation that became dominant in colonial New South Wales.

The reality was far more complex than Hirst’s anachronistic view of the matter. The colonists were not seeking twenty first century democracy. Their understanding of key political concepts was often ambiguous. They knew that they wanted 'responsible government', they were keen to implement the principles of what they understood to be 'liberalism' and they remained reverential towards the 'British Constitution'.

The case of the term 'democracy' was more complex. All of the other political concepts that circulated in the colonies came out of evolving British political practice. Democracy was an abstract term associated with ancient Athens, the French Revolution or America. The Australian colonists wanted good government and they had a faith that the British Constitution delivered good government. They needed conceptual tools when their own local versions of that constitution performed poorly. When many colonial writers came to find problems with the workings of their political system they tended to focus on its democratic elements.

Criticism of, and opposition to, democracy was based both on principle and a very real fear that the workings of democracy were not conducive to good government. One must ask: did the men of the 1850s know exactly what they were creating? While there was great debate over the franchise there was little or no discussion regarding the principles on which government generally should be founded. The colonists by and large assumed that they would be having a copy of what operated in England, 'responsible
government'. Much of their faith in 'responsible government' derived from a 'prejudice' in its favour.

It is difficult to know how much they appreciated the meaning and significance of responsible government as a form of government. After all, as Ward has argued, responsible government was relatively new in Britain.\(^{12}\) British politics still contained a highly significant aristocratic element. It was not unreasonable for Macarthur and Wentworth to argue for a colonial aristocracy if a colonial polity was to remain a form of 'mixed government'.

The notion of mixed government entails a suspicion of human nature. Colonial liberals, however, had a naïve faith that a natural harmony existed in the world and that once the forces of tradition were unshackled that harmony would assert itself.\(^ {13}\) The 'goodness of the people' and the genial power of nature would overcome all. This idealism can be seen in the two following passages from the 1850s:

Democracy is not to come—is not a dream or anticipation of the future. Democracy is all around us—it is part of the atmosphere we breathe—of the all-embracing Heaven under which we live. A true Democracy must be ever progressive; the influence of the people must day by day be at once penetrating and extensive; until every department of civil government—every act of the administration—shall reflect the national conscience, and express the national judgment.\(^ {14}\)

It can be seen just how vague the use of 'democracy' is in both of these quotes. It refers to a 'spirit' or a general hope rather than to any specific understanding of the workings of politics or administration.
Australian colonial liberals often looked to America as a model for their government. The Empire newspaper described America as 'a Hercules in Infancy' and as 'dignifying national greatness in Democracy'. Unlike the American founding fathers, however, they had little understanding or appreciation of the importance of either the need for 'checks and balances' or the separation of powers.

To challenge liberal optimism in colonial New South Wales was to run the risk of being dubbed a conservative or a Tory. Consequently the only serious theorising about the consequences of responsible government in New South Wales was done by 'conservatives' who were clearly concerned that the extension of the franchise would destroy the principles of mixed government and deliver power to a single section of the community. This concern, in the 1850s at least, was placed in the context of a fear that a majority of the colonists were lacking in political experience.

These 'conservatives' could not have an institutionalised aristocracy on the English model but they recognised that checks and balances were needed if the British Constitution and mixed government were to be reproduced in Australia. The development of arguments in favour of checks and balances meant criticising political arrangements that could most easily be characterised as democracy.

In his series of articles advocating the need for the Australian colonies to federate John West described, in advance, all of the vices that would eventually be found in colonial self government in Australia:

Had not the policy of the British Empire prohibited the freaks of selfishness, we should assuredly find petty legislators covering the tables of their respective Assemblies with bills for the restriction of
commerce, for the protection of native industry – meaning their own – for the control of labor; for the encouragement of a slave trade, and for every encroachment, monopoly, impertinence, and folly which covetousness of caste and class have ever clothed in the garb of patriotism. Thus it is obvious that the public spirit of a small community is no guarantee for the safety of its feebler members, the equity of its legislation, and the impartiality of its government.

West argued that the construction of a federal structure for the Australian colonies was ultimately the best means for achieving this aim of a political order incorporating checks and balances. As the British political and social structure could not be reproduced in the colonies, federalism, he argued, was the form the British constitution must take in new societies derived from England if something like a mixed constitution was to be preserved.

Most other commentators focused on the structure of the Upper House and on ways that it could be made sufficiently distinct from the Lower House as to constitute a check to it. The most interesting argument came from James Norton. He wanted:

A body of senators with as much wisdom as the colony can afford, free from corrupting influence of the Crown; undaunted by the vulgar abuse of the mob.

This would involve the creation of a group of one hundred people who would be eligible to hold the office of senator. The Legislative Assembly would then choose twenty one of these men to hold the office of senator, either for ten years or for life. They would become a de facto aristocracy, independent, and capable of scrutinizing the activities of the democratic assembly.
What many of the political reformers of the 1850s in New South Wales wanted was not a democracy in the sense that Parliament would be a miniature version of the whole community so much as an elected aristocracy that would serve the public good.

Many of the ‘radicals’ of the early 1850s, including Henry Parkes and Daniel Deniehy, became quite conservative in the 1860s. They had an idealised picture of how British politics worked in which elected legislators formed a sort of ‘natural aristocracy’ who would act on behalf of the community. For them, New South Wales simply did not live up to that model. ‘Democracy’ could be seen to be the culprit. It lowered the tone of parliament and coarsened politics which should have been an honourable profession. Democracy was associated with the huckster and the operator. After all, the point of electing a legislative body was to elect a group of men capable of producing legislation beneficial to the community.

Consider the case of Parkes. In 1892 he made the following statement about the role of democrats in colonial politics:

‘The things done and the words spoken in the name of Democracy in the fair lands of Australia which have the repellent features and harsh tone of oppression must be familiar to all thoughtful readers. It would almost seem that when many men talk loudly of freedom, their meaning is the freedom to trample upon the rights of their fellow-men.’

The fact is that many people in colonial New South Wales came to be profoundly critical of democracy as a form of political organization. This was not because they were Tory reactionaries. They feared that the
operation of what they understood as a democratic political system did not really serve the public good.

To understand why they believed this to be case it is worthwhile to examine nineteenth century understandings of representative government. Bernard Manin argues that modern representative government is a form of 'mixed government', in that it is only partly democratic. He points out that representative government has always had aristocratic connotations because it involved the idea of electing someone who was 'superior' to the electors. Hence he notes that the Federalists rejected the notion that the representative body should reflect, in miniature, the electorate that it represented. This is also expressed in Burke's conception that the Member of Parliament should act as a trustee and was not a delegate:

Parliament is a deliberative Assembly of one Nation, with one Interest, that of the whole; where, not local Purposes, not local Prejudices ought to guide, but the general Good, resulting from the general Reason of the whole. You choose a Member indeed; but when you have chosen him, he is not Member of Bristol, but he is a Member of Parliament. This was a view held by many Members in Colonial New South Wales as the following quotes illustrate:

'I sit here as the representative, not the delegate, of my constituents...I have a duty to discharge to my country.'

'Politics would then become merely a profession, and the spirit of the delegate would take the place of the spirit of the representative'

The Member was considered to be an independent trustee who considered legislation on its merits and voted according to his judgement and
conscience. The idea of independence and principled behaviour by a Member of Parliament as a 'trustee' seems to me to be the cornerstone of the values of the new liberal order.

The post 1856 regime in New South Wales was not construed so much as being 'democratic' by its participants as understood as being in the tradition of the British Constitution, and embodying popular and liberal principles. Democracy largely entered into the political vocabulary when writers and commentators wished to expose the flaws of the political system.

The sorts of faults these critics found with the system can be seen in the devastating critique made by Henry Parkes of New South Wales politics made in a speech delivered at Kiama in 1865 at a time when Parkes was temporarily out of politics. Parkes began with a description of the current Legislative Assembly:

'a more mischievous and dangerous body than the Assembly as it now existed could scarcely be imagined in a free country—mischievous and dangerous alike from its experience, its self-conceit, and its utter want of self-respect and just sense of its duties and responsibilities.'

Here are many of the classic topoi that critics used to describe the failings of democratic politics in colonial New South Wales. The members of the Assembly did not understand the way to behave properly; they lacked the necessary moral capabilities to carry out their functions and they were brazen in the over-estimation of their own capacities.

Next Parkes asked why politics had sunk so low. His first, and chief, cause is revealing. The 'class of gentlemen' who were most vocal condemning this state of affairs had failed to behave 'like true English gentlemen'
keeping their ground and fighting 'on bravely through the struggle for power'. Their failure to fight manfully for their principles had led to a lowering of the standard of public life and, continued Parkes, their presence 'would have effectively repressed that low order of time-serving and shameless insensitivity to the public interest which were the most conspicuous characteristics of the present Assembly.'

Parkes gave a number of other reasons for the 'low' standard of Parliament. These included the tendency of the political elite to sponsor supporters who were 'mere creatures of the hour', the apathy of 'many intelligent men' in not exercising the franchise, the 'jockeying' of others in elections 'to serve temporary and selfish objects'. Finally he pointed to the 'immense patronage which had sprung up of late years, and which under any electoral system would have been sufficient to corrupt both Parliament and people.'

This is hardly a positive image of the workings of popular institutions, even allowing for the fact that Parkes was using what might be termed the rhetoric of opposition. The interesting thing is that, like Deniehy, Parkes' focus was primarily on people rather than structures, with the singular example of the amount of patronage. The real problem is that the wrong type of person has been elected to the legislature. These are selfish men, often lacking in intelligence and only interested in pursuing their own particular interests. Popular rule should enable the best to be elected, and they should then legislate to ensure that the public interest is protected.

For a man once described as a leading democrat in the colony Parkes' solution can be considered somewhat extraordinary:

Let men of property and intelligence mix with the people and take a
steady and consistent interest in their affairs, and on all occasions afford them the teaching of example in the single-minded performance of public duty.  

The Legislature can only achieve a 'higher standard of political conduct' if it is led by educated men who possess the character required to enforce that conduct. This means the 'true English gentleman ... the man who by education and association was alive to his own honour, and who valued his name and personal independence above the favour of any Government.' Moreover 'they must be careful not to mistake the parvenu for the gentleman.' The route to good government means electing men capable of serving the public good, who are above the people

The model was aristocratic in the sense that its basic concern was that the 'best' should rule and that representative institutions were the best means for achieving this goal. Deniehy, Parkes and West did not make the democratic assumption that anyone could rule. Some were more suited than others. In this way responsible government is very much a system of government predicated on aristocratic principles. It presumes a harmony between the elected and the elector. The representative acts as an independent agent once he is elected in seeking the interest of the society as a whole. For the men of the 1850s the issue was as much about the selection of independent men who would be able to legislate on behalf of the whole community as the establishment of a democratic franchise. This created great problems if, or actually when, when Members of parliament behaved like 'a Congress of Ambassadors from different and hostile interests.'
There was no provision in Responsible Government for mechanisms to deal with a failure in the system. The relationship between the 'aristocratic elite' and the democratic mass, even in participatory regimes, has always been problematic; Clifford Orwin has argued that democracy generally, as exemplified in the Athenian experience, is based on distrust rather than trust. Analysing the Mytilenian debate in Thucydides, the speeches of Cleon and Diodotus, Orwin concludes that

Participation educates...but one of the things that it teaches the people is to distrust politicians, and so to doubt their own judgment, and so to distrust politicians yet more. Distrust is therefore an inevitable inconvenience of democracy.

The rift between the people and the politicians cannot be healed. At best it can be patched by a politician unusually artful at commanding trust. ³²

Under an aristocratic state of society this does not become an acute problem because there is an understanding that the representative or leader has a right to lead. Pericles had the inestimable advantage of coming from the family of Cleisthenes, but even then that did not protect him from the people's wrath when things took a turn for the worse. The real problem arose when politicians such as Cleon began to appear on the scene and to manipulate this distrust for their own purposes. What both Deniehy and Parkes feared was the parvenu, the modern equivalent of Cleon; the man who could exploit the weaknesses of democracy for his own ends.

Responsible government ran two major risks. The first was that the 'independent gentlemen' would fail to satisfy the desires of the men who elected them. In these cases the democratic electorate would exact a
revenge on them at the next election. The second was that the 'independent gentlemen' would satisfy the desires of the electorate by voting for measures that satisfied merely local interests. How was a member to gain sufficient legitimacy to act as a trustee in a democratic society if he was neither an aristocrat nor a demagogue? How was a legislature of this type to be constrained if it decided to do terrible things? The real issue is that responsible government lacks a set of checks and balances that can guard against its unlimited will.

The English Constitution was meant to work as a system of mixed government in which the various components would actively constrain each other. The American constitution effectively substituted a republican separation of powers for mixed government. Hence West had advocated a federal system because he saw the federal structure as providing a conservative balance on the excesses of local popular politics. Two other possible checks remained on the abuse of power in colonial New South Wales. One was the governor, though his power waned with time. The other was the Upper House, be it elected by a limited franchise or appointed by the executive.

However, the conflict between the two houses became a major theme in colonial politics during the second half of the 19th century, with the NSW Upper House vulnerable because it wasn't elected. In the absence of institutional checks and balances all that remained to make the system work was, as Parkes pointed out, to educate the populace so that they elected capable and moral members of Parliament.

A key aspect of the post 1856 polity in New South Wales, however, was the low esteem in which politicians came to be held. This was a paradox
as the political system could only work effectively if the politicians behaved as trustees, in effect if they behaved as aristocrats. It was their 'democratic' behaviour that gave politics such a bad name and made critics see democracy as the problem.

Forster on Democracy:

William Forster was a major player in politics in New South Wales from the 1850s until his death in 1883. For a short time in 1860 he was Premier of the New South Wales government. Forster, however, was an independently minded individual who had a reputation for being somewhat difficult and this limited his effectiveness as a politician. Always renowned as a literary man, late in his career Forster wrote a number of studies of contemporary politics, invariably with a keen eye for what was happening in the British colonies and with a focus on democracy.

What did he understand by the term 'democracy'? He provided two basic definitions. The first was a social one, 'the complete and absolute equality of political conditions, and entire absence of political classes of any sort, so palpably prevail.' The second was essentially a political definition, 'democracy means, or ought to mean, government of, or by the people, as distinguished from the highest classes, or best, or strongest of the people.'

However, in both of his definitions he contrasts democracy with aristocracy, not with monarchy or despotism. Alexis De Tocqueville has heavily shaped his appreciation of democracy. Forster concedes that De Tocqueville, 'the highest modern authority on the subject', does not define democracy in terms of political structures but as "equality of political conditions."
As with De Tocqueville, Forster always has aristocracy, and aristocratic society, in the back of his mind when he is discussing democracy. He argues that aristocracy is prior to democracy and that all nations have passed through an aristocratic stage. Democracy arrives when the 'aristocratic spirit' has exhausted itself and 'the democratic spirit permeates all classes and institutions, until a complete equality of political conditions, at first virtually, and in the end formally, pervades the entire structure of society.'

Forster invokes Polybius to support his idea that democracy is a stage of social and political growth that emerges out of aristocracy. Forster then proceeds to link this movement from aristocracy to democracy to the idea that nations, like people go through stages of organic growth. Aristocracy is the manifestation of young manhood, vigorous and lively. Forster considers that Ancient Greece and Rome along with medieval Italy were freer and 'in every respect more liberal and progressive' than they would later become. Democracy comes with maturity, 'it is as inevitable as maturity in animal life' and is consequently but a step from 'senility and dissolution.'

Democracy means the equality of political and social conditions. Therefore, for Forster it is perfectly compatible with despotism and military dictatorship. In fact, Forster believes that despotism is the ultimate outcome of this equality of conditions:

the antiquated and changeless nations of the East...we are able to trace, in comparatively civilized communities, the final effects of democratic maturity, and extreme development, in perfect social and political equality, in chronic despotism, organic stagnation, and hopeless national degeneracy.
Although Forster invokes Polybius, his account of the origin and development of government is not really Polybian in nature. The Polybian scheme is an endless cycle of monarchy, aristocracy and democracy driven by the *stasis* that the degenerate forms of these regimes create.\(^4\) Forster does not accept the idea that it is possible to halt the process of regime change through the establishment of a form of mixed government as in the case of Rome. Instead he views republican Rome as essentially aristocratic in nature.

In part this is because he transposes the Tocquevillian understanding of aristocracy and democracy as social states onto what is essentially a political understanding of history. Polybius placed monarchy prior to aristocracy in his explanation of the origin of government while Forster makes it a consequence of a democratic social state. Forster links his understanding of the Polybian scheme with an organic model of national development that is clearly derived from nineteenth century Romantic sources. The process of history is inexorable, moving towards democracy and the decay of old age. There can be no cheating of the aging process.

This makes the 'East' the 'Old Age' of the human race towards which European countries are invariably moving as they become more democratic. Such a model stands in stark contrast to the Hegelian/ Marxist model that moves from East to West, from oriental despotism to European freedom. Hence, for Forster, democracy is not part of the story of human freedom but an element of its fall from freedom to despotism. He states that 'in many nations despotism was unknown until democracy was first established.'\(^4\) Republicanism is linked to aristocracy, not to democracy.
Forster argues that 'no really effective republic has ever yet long continued in a democratic community.'

Combining Polybius and de Tocqueville with an organic understanding of national development, Forster constructs a picture of democracy that is quite different to that of many later thinkers. His characterisation of democracy stands in stark contrast with a twentieth century commentator such as Keith Hancock who also used an organic model of national growth but saw Australian democracy as an expression of national immaturity.

Forster’s affinity is much more with C H Pearson who, in *National Life and Character*, published in the early 1890s, associated the coming of 'state socialism' with the creation of a static society moving towards entropy.

Having associated democracy with what he termed ‘the symptoms of declining nationality’ Forster was then able to describe the range of ‘symptoms’ that democracy brought into being. These can be summarised as follows:

Nations are no longer inspired by 'great national ideas'. As a consequence the standards of politics declines, and the public interest gives way to local and particular interests. Parties cease to embody principles and instead become collections 'of individuals or local delegates', bound together by their leaders. In such an environment inferior men replace 'great statesmen and politicians, who are the proper and necessary exponents of great ideas and principles'. Politics becomes a matter of attaining office and helping one’s friends and relatives. Men of intellect and enterprise cease to enter politics and without them 'legislation deteriorates, and oratory...in becoming more common, becomes also less forcible and effective, and less distinguished for
excellencies of style and composition.' In its place there appears a
'superabundance of speech' and public opinion equally declines.46

In this characterisation of democracy as national decline Forster
emphasises the emerging victory of the particular over the universal. As
particular interests and particular ideas come to predominate over general
ones the nation loses its sense of its mission. It loses its moral bearings and
its capacity for greatness. One wonders if his real model here is less
Polybius than Sallust, with its emphasis on the decline of virtue.

Forster linked moral decline and the victory of particular interests to
the growth of larrikinism and the emergence of anti-Chinese sentiment in
Australia. He argued that 'A considerable majority of intelligent and socially
disinterested people in the colonies' disapproved of the 'oppressive and
arbitrary legislation' the Chinese had to suffer, 'and, above all of the brutal
treatment to which Chinamen are subjected; but, nevertheless, in obedience
to the highly moral prejudices, and obvious class interests, of the voting
majority, not only are oppressive and specially differential laws passed...but
the most brutal and unprovoked insults and injuries are inflicted upon
Chinamen, generally with impunity, by groups of ruffians.'47

For Forster, the triumph of particularism and sectionalism over
universal and national values is the inevitable consequence of democracy.
Like Bruce Smith, whose Liberty and Liberalism appeared a few years after
Forster's death, Forster feared that democracy would lead to the funding of
'local' or 'class interests.'48 Democracy, he feared, would lead to a policy of
protection the regulation of the hours of labour and the increased taxation
of 'large properties to the exclusion of small' ones.49
The deleterious effects of democracy were not just limited to the emergence of sectional legislation. Under a democratic regime, according to Forster, parliament attempts to 'absorb into its own hands the governing and executive, and in some degree even the judicial powers' so that it alone could be the focus of political power.\textsuperscript{50} Parliamentary dominance tended to destroy both the separation of powers and checks and balances. Even worse, Forster claimed that Parliament now lacked the capacity to govern effectively and consequently the art of good government was being eroded. Parliament had become merely a forum for 'indiscriminate discussion', a place where words were a substitute for action.\textsuperscript{51}

Aristocratic regimes had a real capacity for government; democratic regimes have a capacity for talking and the consequence is the decline of good government and effective administration:

in democracy there is nothing to counteract the popular will, and now this democratic formula goes simply to the subversion of all authority...so that the art of government, so far as it is exercised at all, is reduced to a simple process of counting votes or noses.\textsuperscript{52}

Democracy involves not only the triumph of sectional interests over national ones but also the substitution of what Forster terms personal government for party government based on principle. Parties, he argues, originally were based on a 'common nationality'. They had a strong sense of principle and obligation. Principle, however, declines as nationality declines leaving only the men who lead the parties. As principle evaporates and personality grows in importance parties become rancorous and unscrupulous.\textsuperscript{53}

Forster clearly has based this model of party and political development on his experience in colonial politics as is made clear by his
analysis of the development of colonial politics. He claims that when responsible government was introduced there were two parties. He describes these parties as 'old fogeyism' on the one hand and the 'men of new ideas' combined with 'the large class who had personal passions to gratify, or personal wrongs avenge' on the other. The Land Question was the one major issue of principle. It was resolved by an 'able popular leader', John Robertson, by serving simultaneously both his own and the public interest.54

The one other popular leader who could have challenged the policies of Robertson, Henry Parkes, chose to join in a coalition with Robertson. The outcome was an extension of personal politics. If Parkes and Robertson could not agree on a political question they simply pushed it to one side. In the place of political principle Forster saw instead the 'formal concrete embodiment of the gospel of self' and the triumph of personal interests over political principle.55 He believed that this was linked to the election of members who were returned 'upon purely local and personal grounds', who were incapable of dealing with 'politics in their higher forms'. Parliament reflected the quality of its members; mainly minor matters were discussed, sectional and personal interests predominated and 'large sums of public money were voted into the pockets of at least one minister, and friends of ministers.56

Writing fifteen years after Parkes, Forster agrees with much of Parkes' analysis only now the target of his barbs is Parkes. It is also clear that Forster was measuring colonial politics against some sort of ideal of British politics. That model was essentially aristocratic in nature. Elected representatives should behave like trustees. They should be able to grasp
the wider issues and not be concerned with just the local and the personal. Forster, like Parkes, was engaging in a rhetorical denunciation of the political system that both of them had helped to establish but which did not measure up to their ideal of the British model. Most importantly it seemed to be unable to deliver good government and the source of that failure could be summed up in the word democracy.

Forster paints rather dismal picture of this failure as 'the perversion of order, law, and justice, by the intimidation of police, and the exercise of corrupt influence over courts' that has only been 'in large measure counteracted, by the presence and partial interference of a British Governor, and by British connections and associations.' In place of good government Forster saw attempts to follow and manipulate public opinion.

As with Parkes, Forster identified the abandonment of the public sphere by men of character and standing as a real problem of democracy. Instead of men acting as trustees of the public good Parliament was full of parvenus. Forster identified this condition with Tocqueville's 'Individualism', citing as its cause 'despair of the political future'. His judgement on democracy is very harsh:

imperfect or merely apparent government, which exemplifies and expresses the tendency of democratic communities under representative forms of government to reduce the ostensible machinery and operations of the quasi-governing body or ruling element to a practical non-entity, and to substitute for the reality of government and executive action merely a plausible or pretentious copy, or, at best, a weak embodiment and representation.
The overall argument is quite simple. Democratic government has become bad government because it has moved beyond the virtues of aristocratic rule. In a purely democratic community there is nothing to check the excesses of democratic rule. Democracy had once been a check against the excesses of monarchy and aristocracy. Pure democracy exists in a sort of vacuum in which there is nothing to check its deficiencies.

Such an analysis leads to the conclusion that democracy ultimately engenders a form of paralysis or anarchy where no one rules and society decays. This would still seem to lead to the Polybian scenario where the only option is rule by one man. The only other solution is mixed government. Ultimately Forster was driven back to a re-working of the themes of mixed government.

In 1881 and 1882 he published two articles in the *Sydney University Review* on the issue of upper houses in the colonies. He argued that in a democracy there was no real basis for supporting the idea of a second chamber. Its advocates, he claimed, used utilitarian arguments or ones based on expediency. It was useful to have an independent and separate chamber.\(^6\) Once the Upper House attempted to be independent it was open to attack because it lacked the 'democratic' foundation of the Assembly.\(^1\)

Moreover, argued Forster, unscrupulous leaders in the Assembly attacked the Upper House as a means of keeping their majorities in line. He claimed that

When the Ministerial majority in the Lower House shows any sign of withdrawing or relaxing its allegiance...a very obvious resource is a gratuitous quarrel with the Upper House, brought about, it may be,
upon some very trivial pretext. Experience teaches that all quarrels are apt to be bitter, in inverse proportion to their significance. By attacking the Upper House, premiers were able to appear as champions of the popular will, and to intimidate the other chamber into complying with their will. Forster claims that in fact there is no constitutional reason for accepting the inferiority of the Upper House. 'Both houses...especially in the Colonies,' he argued, 'derive their origin from the same legal or constitutional sources, and exist by the same popular or national will.'

It is the democratic sentiment, not constitutional reality, that enables Lower House dominance. In such circumstances he argues that it might be better to have a single chamber so that a democratic chamber is not able to push the blame for political mistakes elsewhere and so must face up to its public responsibilities. Hence Forster comes to a somewhat alarming preliminary finding:

Thus democracy contradicts constitutional traditions. Time was, when the idea of political independence was almost exclusively associated with popular support, and direct representation of the people, or of a constituency. It is somewhat new to find it connected with, and in a measure dependent on, nomination for life by the Government, or by the Crown through its representative.

The Lower House was failing because it was not properly checked; it had become despotic and overbearing. It needed to be checked by an independent chamber. But in a democratic community an effective Upper House also required a democratic sanction. The irony for Forster was that 'in political aptitude in debating power, in all the essential attributes and qualifications for the work of Government and Legislation, the superiority of
nominee Houses in the colonies...over the elected branches of the Legislature, are universally acknowledged.66

Forster's solution is to combine the nominee principle with the democratic one. The executive will choose a pool of people that have the experience and character to be legislators. Out of that pool the electorate will elect, from time to time, members to sit in the Upper House.67 Forster even foresaw the day when the House of Lords would be composed of life peers chosen by proportional representation.68 In this way Forster thought that the Upper House would be independent, be filled with a superior type of member and possess democratic legitimacy. It may even be able to escape the 'two besetting sins of democracy, namely, localism and demagogism.'69

Conclusion

Forster's proposal was, in effect, an attempt to reconstruct a quasi-aristocratic model of responsible government, or, in reality, mixed government. Forster's proposal for the Upper House resembles in many ways the one that James Norton had proposed some thirty years earlier, only Forster made the election by the people rather than by the Lower House. The twin evils of democracy, demagogism and localism, were precisely those identified by John West in the 1850s. The consistency in critiques of democracy from the 1850s to the 1880s is not surprising. There would to be a common rhetoric used by participants in politics to describe and criticise democracy. That rhetoric revolved around two elements. One was an emphasis on the need to get the best people into Parliament so that the public good was protected. The other was an attempt to find a new basis for mixed government, the mode of government that
Ward notes the colonists had rejected. Both of these themes can be found in Forster's work.

Forster's critique of the workings of responsible government within what he sees as a democratic framework is both astringent and acute. Responsible government in a democratic setting provides little in checks and balances beyond that between the two houses of parliament. In the years following the granting of responsible government the power of the governor declined. The Upper House had its power increasingly restricted. Power was increasingly concentrated in the Legislative Assembly. Responsible government ceased to be mixed government and it lacked a strict separation of powers. In this sense Forster was correct to link democracy with despotism, as the Assembly came to be able to exert despotic power constrained only by periodic elections and the, increasingly unlikely, intervention by imperial authorities.

In such circumstances all the vices that West, and other critics of democracy had already identified could flourish. The Australian colonies were able to reap all the benefits that real democracy could offer.

6 Hirst, *Australia’s Democracy*, p. 57


15 *Empire*, 16 March 1853, 27 April 1854.


17 West, *Union Among the Colonies*, p. 38.


19 Norton, 'The Constitution Question,' p.28


23 Edmund Burke, 'Speech at Mr Burke's Arrival at Bristol, and at the Conclusion of the Poll,' in his *Works, Vol. III*, F C and J Rivington, London, 1815, p. 20


25 Samuel Lees quoted In Hirst, *Australia's Democracy*, p. 76

26 Henry Parkes, 'Speech at Public Dinner at Kiama,' in his *Speeches on Various Occasions connected with the Public Affairs of New South Wales 1848-1874*, George Robertson, Sydney, 1876. p.174

27 Parkes, 'Speech at Public Dinner at Kiama,' p. 174

28 Parkes, 'Speech at Public Dinner at Kiama,' p. 175

29 Parkes, 'Speech at Public Dinner at Kiama,' p. 175

30 Parkes, 'Speech at Public Dinner at Kiama,' p. 176

31 Burke 'Speech at Mr Burke's Arrival at Bristol', p. 20


36 Forster, 'Democratic Government', p.359
39 Forster, 'Democratic Government', p. 364
40 Forster, 'Democratic Government', p. 363
42 Forster, *Political Presentments*, p. 60
43 Forster, *Political Presentments*, p. 60
49 Forster, *Political Presentments*, pp. 67, 68
50 Forster, *Political Presentments*, p. 69
51 Forster, *Political Presentments*, p. 69
54 Forster, 'Personal Government,' p.177
55 Forster, 'Personal Government,' p.178.
57 Forster, *Political Presentments*, pp. 61,62.
58 Forster, *Political Presentments*, p.70.
60 William Forster, 'Upper Houses,' *Sydney University Review*, No. 1, November 1881, p.23.
61 Forster, 'Upper Houses,' p. 24
62 Forster, 'Upper Houses,' p. 25
63 Forster, 'Upper Houses,' p. 28
64 Forster, 'Upper Houses,'p.29
65 Forster, 'Upper Houses,' p.29-30.
66 William Forster, 'Upper Houses—No. 2,' *Sydney University Review*, No. 4, December 1882, p. 324
67 Forster, 'Upper Houses—No. 2,' p. 325
68 Forster, 'Upper Houses—No. 2,' p. 327
69 Forster, 'Upper Houses—No. 2,' p. 327