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The Southern Tree of Liberty explained: class struggle, popular democracy and representative government in New South Wales before

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Abstract

In 2006 The Federation Press published my book, *The Southern Tree of Liberty - The Democratic Movement in New South Wales before 1856*. It received better reviews overseas than in Australia, where some reviewers persisted in assimilating it to the standard account of a British-influenced, elite-led, peaceful transition to responsible self-government in 1856. The "radicals" that the book concentrated on were seen as just part of that story, a tiny group of agitators whom no one took seriously - certainly not the established historians who wrote those reviews

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'The Southern Tree of Liberty' explained

Details

Written by Terry Irving

In 2006 The Federation Press published my book, *The Southern Tree of Liberty – The Democratic Movement in New South Wales before 1856*. It received better reviews overseas than in Australia, where some reviewers persisted in assimilating it to the standard account of a British-influenced, elite-led, peaceful transition to responsible self-government in 1856. The “radicals” that the book concentrated on were seen as just part of that story, a tiny group of agitators whom no one took seriously – certainly not the established historians who wrote those reviews.[\[1\]](#)

The book was subsidised by the NSW government as part of its celebration of the Sesquicentenary of Responsible Government in 2006, so perhaps these reviewers were confused by the state’s imprimatur. But the members of the Committee that allocated the grants were not. I had written a book that they had not expected. Instead of celebrating the British statesmen and colonial politicians, I wrote about working people, their grievances and their organisations. Instead of confining my newspaper reading to the *Sydney Morning Herald* and other organs of ruling class ideas, I read every issue of every working class newspaper – many of them never read before as a source for political analysis. Needless to say my book was not launched by the Committee, unlike other books in the series.

So I am taking the opportunity in this article to state succinctly what my book, *The Southern Tree of Liberty* covers and why it is a radical challenge to accepted views of the coming of self-government to the Australian colonies. This is even more necessary given that the book is hard to find in libraries.

In a nutshell, it denies that democracy and representative government are interchangeable terms; it restores working people and radical intellectuals to key roles in the story, and it discovers a wave of rioting that excited a popular rush towards democracy but also a ruling class determination to prevent it. It argues that the form of representative government introduced in the 1850s was imprinted with claims and ideas that had emerged from the struggles of a social movement for popular democracy in the 1830s and 40s.

* * *

At the heart of the book is the clash between democracy and representative government. At the time, popular democracy, that is, government controlled from below by working men and women and their allies, was an idea that wealthy and powerful supporters of representative government sought to quash. Their anti-democratic alternative was that, although the people had no right to govern themselves, if they trusted the wealthy and powerful to govern for them their interests would not be ignored. Well, that was the claim, as believable then as it is now. This clash of political philosophies began when the governing classes of the United States, Europe and the British Empire were fighting against the democratic forces unleashed by the French and American revolutions. In other words, the

practices of representative governance (regular elections, the independence of the representative from the electorate, scrutiny of government policy by a “loyal” opposition, etc.) that we equate with democracy were developed in the eighteenth and nineteenth centuries *to prevent* the triumph of the democratic alternative – popular rule.[\[2\]](#)

Representative self-government came to the Australian colonies in the 1850s but it was preceded by twenty years of vigorous debate and violent conflict in NSW. My book is about that pre-history of representative government, when the working people and radical intellectuals who supported popular democracy resisted the “aristocratic” schemes of the propertied classes. There are many studies of the ruling class men in that colony who supported representative self-government – Wentworth, Cowper, Parkes, James Macarthur *et al* – but none of the working people and radical intellectuals who opposed them and whose proposals they tried to suppress.

The book is premised on the idea that if so much effort is put into suppressing something, we ought to understand it. How substantial was the democratic challenge? Was the fear expressed by the ruling class more pretence than real? Did the democrats have realistic ideas about how popular rule would work? In asking this last question, incidentally, we need to acknowledge the possibility that just because representative government developed as a way to head off rule by the people does not mean that popular democracy could not embrace representation if it were limited by power exercised outside of and against parliament. In fact, that was what the radicals in my story tried to do.

Let me start by sketching three men who appear in the book, each of whom illustrates a way of studying popular democracy: Johann Lhotsky and the radical tradition; Henry Macdermott and the making of an alternative public; and Edward Phelan and the threat of violence against the status quo.

* * *

Dr Johann Lhotsky was one of those radicals (Bert Evatt was another) who suffer snide acknowledgements and secret scorn by the ruling class because, despite their upper class backgrounds or their professional attainments, they side with the people. Lhotsky studied at universities in Prague, Vienna, Leipzig, Paris and Jena; he spoke five languages; he wrote his doctoral thesis on political philosophy in Latin; and he worked as a botanist. He arrived in Sydney in 1832 on a round-the-world scientific expedition, but he stayed almost five years. Historians of Australian science record his explorations of the Australian Alps and the Monaro plains, and the genus of plants and another of fish named after him, but they do not explain why he was ostracised and reviled by the colonial elite. To do so we have to recover his political activities and ideas.

Not long after he arrived he demanded that land should be granted to working immigrants as well as capitalists, speaking at one of Australia’s first public meetings called by organised wage earners. At another meeting he argued for the rights of convicts. He published the first of a series of short-lived periodicals, the most important of which was *The Reformer – a Weekly Periodical for the People of the*

Australian Colonies. Aghast, official, educated and commercial Sydney discovered that in their midst was a foreigner who seemed to have no respect for the policies or the superior self-regard of British colonialists. Their racism he scoffed at, predicting that one day the Aborigines would produce their own Franklins and Washingtons, Byrons and Shakespeares. But what turned elite amazement into outrage was his belief that there was no enmity between emancipists and free immigrants and therefore no justification (as their rulers insisted) for limiting self-government. Worse, the colony was, he believed, about to experience a conflict between the people and their rulers.

Lhotsky's provocations increased. In 1835, W.C. Wentworth, with the support of wealthy landowners and merchants, formed the Australian Patriotic Association to petition for an elected legislature. It is not generally recognised that it had a radical wing – called the “trades union party” by the conservative press – made up of shopkeepers, artisans and intellectuals who wanted to make sure that the franchise was extended to people like themselves. Lhotsky offered them advice, and a vision of politics that was new to the colony. The Association, he said, should mobilise the people, not rely on elite lobbying. For this purpose it should widen its attack beyond the franchise, so as to rectify injustice and improve the lives of the people. It should campaign to lower the price of bread, redistribute the lands of the colony, and regulate immigration to protect wages. At the centre of this popular mobilisation there should be a Directing Committee of one hundred, large enough to become a *de facto* assembly that would be able to defy the government. In this way, the popular will would prevail. What would happen next? A “free constitution” would emerge in this situation, he said, that would liberate the imagination of the people, enabling them to think of new ways to organise their society.

It was a revolutionary program, similar in its emphasis on popular sovereignty to the programs promulgated by young idealists in the clandestine movements for democracy and national liberation that sprang up in Europe after the defeat of Napoleon. All power to the radical imagination!

In Sydney, Johann Lhotsky had a secret. He was one of those revolutionary intellectuals, a gadfly, and he had spent five years as a political prisoner. The secret remained with him long after his death, until in the 1960s a Czech historian of science discovered the police records that revealed Lhotsky's revolutionary past. As a student, sympathising with the dreams of liberty and self-determination of the subject peoples of the Austro-Hungarian Empire, he had joined an underground organisation, publishing and spreading democratic ideas in his travels until he was arrested in 1822, on the eve of the Verona meeting of the Holy Alliance (of reactionary European regimes).

Lhotsky brought his ideas and experience of popular politics to Australia, as did many others, most of them of course from Britain. They gave their allegiance to a tradition of politics in which democracy meant popular rule, that is, control from below. As with all traditions, we can study this one through its language. But politics is more than a contest of ideas. In liberal societies politics is a sphere of action in which citizens create publics to counter the state. It is not sufficient that the most radical of the citizens, the democrats, have ideas about popular rule. They must have their own vigorous publics to give effect to their struggle for rule. And while

minds and texts may travel across the seas, and across the social divide between rulers and ruled, publics cannot, because publics are the product of action. Publics – the spaces, networks, organisations and meetings in which people share ideas about power – are always formed consciously and specifically, or else they are pseudo-publics, manipulated entities called “public opinion”, fictions serving the purposes of powerful interests seeking in fact to evade accountability to real publics.

When a conservative newspaper in 1838 ridiculed “the public meeting men” of Sydney, it was clear that a radical public had come into existence. Taking shape as “the trades union party” in the Australian Patriotic Association, it was soon augmented by a radical press, given organisational backbone by the trades societies, and provided with spaces to meet by the Mechanics Institute and the pubs on the southern and western fringes of the town. Soon there was a corps of regular speakers, mostly from the trades societies of the workingmen (as they called themselves) but some also from higher classes – journalists, lawyers and businessmen. These were “the friends of the people”, and none was more admired and energetic in radical causes than Henry Macdermott.^[3]

Henry Macdermott was a wine merchant who had arrived in the colony as a soldier. As a young man in Sydney, handsome and successful, he made the fatal social gaffe of marrying above his station. He had been a sergeant, a foot soldier; his bride was the daughter of an officer. At Governor Gipps’s first reception for the colony’s elite, Macdermott attended with his father-in-law, but was asked to leave by the aide-de-camp, the intimation being that he did not have the education and status required of a gentleman. But he also had another black mark against his name: he had supported the proposals of the radicals in the Australian Patriotic Association. Despite this public humiliation, his subsequent career showed he was motivated more by principle than pique, for in 1846 he led a group of radicals to Macquarie Street to cheer Governor Gipps when he opened his last session of the Legislative Council. By that time the Governor was in continuous conflict with the pastoralists, against whom the workingmen and radical intellectuals were also fighting. Between 1838 and his death in 1847, Macdermott was the most reliable “friend” of the workingmen and the most courageous defender of democratic principles.

For the workingmen, he exposed the conservative implications of philanthropy when the elite was organising charity for the “deserving” unemployed workers and their families, telling the Bishop and other worthies that they were hypocrites because their real intention was to defuse “the power of the poor”.^[4] He chaired or spoke at meetings called by the delegates of the trades against government plans for mass immigration, against the use of convicts in the city when unemployment was high, and for the reform of the land laws to allow small allotments to be given to working men. He led deputations to the Governor on their behalf.

His reputation as a democrat was established at the rigged meetings in 1842 on representative government, at which James Macarthur and his friends supported a petition to Britain that would have excluded labourers and tradesmen from representation. At the first meeting, attended by about two thousand, Macdermott countered with a petition (drawn up in consultation with radicals and trades delegates) that called for “popular representation”. The meeting exploded and had to be adjourned. When it resumed a week later, the conservatives reneged on a

compromise wording for the petition and on an agreement to support radicals as members of the petition committee, James Macarthur declaring that “he would not serve on the committee if Macdermott were elected. They [the audience] had to decide whether they would have the rights of Britons or that vile and bastard democracy which had led to so many evil results in different parts of the world.”^[5] Forced to reply through the radical press, Macdermott denied that he was “a leveller”, but declared that he would not be deterred from leading popular action for democracy by ignorant conservative talk about “the mob”.^[6]

The more Macdermott was loved by the people the more he was hated by the powerful. Acquitted in 1841 of a charge of perjury (over a business deal) a crowd of his supporters escorted him home and organised a testimonial for him. After he was ostracised in 1842 by the conservatives his ardent supporters nominated him in three wards at the City Council elections. He chose Macquarie ward for its many shops and houses of tradesmen, won, and for the next five years led the push by radicals to control the city council. He was Mayor in 1846.

His enemies received ample support from the *Sydney Morning Herald*, whose attacks on Macdermott ranged from ridicule of his proposal that there should be an artisan representative on the board of the Savings bank to the dangerous insinuation that, as a leader of the mob, he might be assassinated. Among his enemies none was more virulent than Robert Lowe, who was notorious for his sneers and provocations. In 1844, Macdermott was blackballed by the elite who ran the Australian Subscription Library, and Lowe could not resist the temptation to refer to this in the Legislative Council. When Macdermott enquired by messenger of Lowe what reason he might have to slight so gratuitously his character, Lowe insulted Macdermott by asserting that he felt no need as a gentleman to respond to questions from persons of lower rank. Realising that he might have gone too far, Lowe found a sympathetic magistrate to whom he declared that he felt his life was in danger, with the result that Macdermott was bound over to keep the peace. This was normal behaviour in such situations (as Lowe would have known because, after threatening a rival lawyer, he was under a court order himself to keep the peace) but what followed was not. Lowe persuaded the Attorney-General to lay a criminal charge against Macdermott in the Supreme Court for an alleged breach of the Legislative Council’s privileges. The radical public was incensed. A public meeting was organised, the Mutual Protection Association taking the opportunity not just to defend Macdermott but *to deny the legitimacy of the Legislative Council*. His supporters packed the Supreme Court when the case came on and rejoiced when it was thrown out on a technicality.

Through Macdermott’s history we can see how an alternative public came into existence, and the risks involved in assuming a leading role in it. But, we might ask, why were the risks so great? Why did the elite have to humiliate and persecute Macdermott with such persistence? Why not just ignore him and his lower class followers? The answer to those questions can be found in the threatening political context in which the alternative public was formed.

Edward Phelan made his contribution to Australian history just once, on New Year’s Day, 1844. On that sweltering day in Sydney, where about a quarter of wage earners were unemployed, the crowds on the streets and in the parks were turning from

mischief to defiance. Since lunch-time, drunken revellers had been taunting the police and then rescuing those arrested. Soldiers had to charge with fixed bayonets to clear the space outside the Hyde Park convict barracks, where the crowd was encouraging the prisoners to break out. As the soldiers marched away they were pelted with stones. Earlier the Governor had been surrounded by women workers demanding that he honour his promise to end the taking-in of washing by convicts at the Female Factory. The Governor, a brave man, fronted the crowd and told them to go home. From the crowd a bitter response came: "What should we go to our homes for; we've got nothing to eat!"^[7] That day there were many arrests, among them Edward Phelan, who was sentenced to twelve months in irons on Cockatoo Island. His crime was not called sedition, but such it was. Outside the convict barracks he had made a speech, referring to the revolts against British rule in Upper and Lower Canada some years before, telling the crowd: "Although you cheer well, and muster in large numbers, you ought to go further, and do as the Canadians did!"^[8] Then Edward Phelan disappears from history, but his brief appearance alerts us to the significance of revolutionary ideas in this story of popular struggle, and more broadly to the way historians have banished political violence from the received "nation-building" account of Australian history.

* * *

In the history of the Australian labour movement, the great strikes of the 1890s and the formation of Labor parties are the usual starting points. If the industrial activity of the trades societies of the 1830s and 40s is mentioned at all, it is to differentiate it from "proper" trade unionism, which is supposed to begin with the struggle for the eight hour day and the creation of Trades Halls in the 1850s. If the political action of the trades societies is referred to, it is to label it as immature, because, unlike the move from industrial to political action in the 1890s, it failed to lead to the formation of a Labor party. These received views, however, minimise the extent of trades society activity. In fact, there was a long history of formal and informal collective activity by workers, and it led in the 1840s to the involvement of the trade societies in politics. These trades societies successfully pressured the government to amend its Master and Servant bill in 1840; they successfully campaigned in the depression of 1843-4 for government works for the unemployed; they established a political organisation, the Mutual Protection Association; and in 1846 they were the first section of colonial society to hold mass meetings against the resumption of transportation (a movement later hijacked by politicians in the liberal wing of the ruling class, mainly merchants and lawyers). Throughout this period, and into the 1850s, "the delegates of the trades" met from time to time, functioning as an informal central leadership for the politicised workingmen, who were also served by a series of weekly newspapers, one of them set up by the trades delegates. This history of working class activity is one of the main subjects of my book.

A second subject is the activity of the radical intellectuals. The received view is that in the public life of the 1840s and 50s the early radicals are unimportant. The picture that emerges from the histories is of a small band hanging on to the coat tails of the liberals, who use their wealth and status to lead the key anti-transportation and self-government campaigns. Radical ideas, it is said, are copied from the British radical scene, and anyway make no impression on the colonial workingmen because the radical language of class is at odds with the individualistic, aspirational ethos of

colonial experience. In short, the radicals are slightly loopier liberals, a view reinforced every time Henry Parkes, famously liberal, is wrongly noted for having radical beginnings.

What the received view overlooks is the central place of popular democracy in radical politics. From 1838 the colony's radical intellectuals grappled with how to make public meetings responsible to the people. A political wave of public meetings builds up from the late 1830s, reaching its crest in the early 1850s. My book estimates that in just the years between 1848 and 1855 there were over a hundred in Sydney. At these meetings, democrats learnt that the way a public meeting is called, when it is held, how it is chaired, how the resolutions are drawn up, whether the members of the deputation are representatives or delegates with a duty to report back to a further meeting – all these and other practices, the democrats learnt, are just as important as the issues considered at the meetings. The intellectuals also practiced mobilisation of the people, running issue-based campaigns, educating and leading the people by forming political organisations (with limited tenure for their office-bearers), endorsing candidates and getting out the vote in elections. This is a history of democracy practised and understood as popular sovereignty, not as the precursor to representative elitism, however dressed up as liberalism it might be.

The third neglected aspect of the 1840s – neglected also in Australian historical writing more generally – is political violence. In the 1840s there were 14 street riots, in which three men died and much public and private property was destroyed. These riots, in which police stations were favourite targets, had political effects, because they revealed the animosity between classes and provoked the ruling class into repressive laws and organisation. There were another 14 occasions when political turbulence was deliberately provoked by agitators, and a further six spontaneous incidents of actual or potential violence in political settings. Thus there is a history of turbulent street politics – orderly and disorderly, of masses as well as menace – that existed *at the same time* as self-government was being considered – right up to the moment when the property-owning classes were drafting the constitution, when there was also the threat of revolt on the Turon River goldfields. It emboldened the radical democrats (and also frightened them); it strengthened the resolve of the conservatives to frame an anti-democratic constitution; and it persuaded liberals, such as Parkes, to recognise the political and electoral clout of the democrats, who could not be ignored publicly lest they sought the backing of tumultuous crowds, even though privately the liberals despised democratic pandering to the “hydra-headed” mob.

* * *

As well as providing new information about workingmen's politics, radical intellectuals, and political violence, *The Southern Tree of Liberty* argues against the received understanding of a key moment in our political history. It has an *argument* because new information by itself cannot make substantial headway when the ruling understanding has been unchallenged for so long – the ruling understanding that democracy equals representative government, and that only businessmen and liberals were its progenitors. In John Hirst's words, typical of the received understanding about the birth of colonial democracy, “There had been no struggle to educate and elevate the masses and no moment of crisis when their attachment to

new institutions was intense and fixed forever as part of their identity. Too much came too easily... Manhood suffrage was introduced not by democrats but by liberals, late converts to democracy..."^[9] In the ruling argument it is as if public life, using a borrowed template from Britain, emerged without strain, in an absent-minded moment, and as if the right to vote was all the democrats wanted.

The argument in my book links support for popular democracy with the emergence of an alternative public. It seeks to explain why the liberal heroes of the received understanding were "late converts" to the need to democratise representative government, and it looks for the explanation not in something extraneous, an ethos of social egalitarianism (as in Hirst's book), but in politics itself, in the working of public life outside the legislature and newspapers of the elite. It is an argument about how a social movement for democracy emerged from the particular way public life developed in the colony.

Whereas many studies of colonial democracy begin in 1848, or in 1843, *The Southern Tree of Liberty* begins in 1833. It does so because public life in NSW took shape in the decade before 1843, when there was no element of elected representation in government at all. In the midst of all the politicking in those years, no one was able to stand up before the citizens and say "vote for me". So the philosophical questions of representation (who were entitled to vote; whether electorates should be distributed according to interests or population; whether the representative should be like or unlike the voters; how often voting should occur; whether voters could recall their representative, etc.) were rarely alluded to; instead, discussion of how politics should be conducted focused on ensuring transparency and inclusivity in public meetings.

The introduction in 1843 of a formally constituted site for deliberation – the partly-elected Legislative Council – certainly lessened the legitimacy of public meetings. Moreover, elections to it elevated prominent citizens, thus contributing to social difference, instead of integrating the people, as agitation in common aimed to do. On the other hand, the defects of the institution (J.D. Lang prophetically called it "the Bastard-parliament of New South Wales")^[10] actually gave representation a bad name. One of the leading radical intellectuals, W.A. Duncan, seriously contended that a benign autocratic Governor would be preferable to representative government while the people lacked education in citizenship and experience in self-government.

So we have the first step in the argument: that the context in which support for popular democracy emerged was a public sphere in which representative government was *not* automatically privileged in debates about self-government. The next step considers how the popular and representative traditions of public life were fused to create a democratic movement. It focuses firstly on the agitation by the trades delegates, secondly on the model of democratic public life created by the radical intellectuals, "the public meeting men", and thirdly on the linkages between mass activity and representation.

As a result of the activity of the trades delegates, a constituency of working men was created for an alternative public. The activity of the trades delegates had substance, durability, political aims, and organisation. According to the study by Michael Quinlan and his colleagues, before 1850 there were 560 cases of collective, employment-

related activity by workers, and 102 attempts to form trades societies.^[11] My research suggests that there were ten or twelve trades societies functioning in Sydney in any one year in the 1840s, and that they covered about 10 percent of the city's tradesmen, mostly in the building trades. Although membership turnover was high, and societies often had to be re-established, there was a surprising continuity among their leaders – the “delegates of the trades”. We know they met as delegates in 1833, several times in the early 1840s, in 1846 and 1849, and in 1854 when workers were returning from the gold fields.

The activity of the delegates of the trades was as much directed towards the public as it was towards the labour market. They were impelled to action by government plans to lower wages or by government neglect of the unemployed. By 1840, when the government failed to gag the trades societies in a new master and servant act, their political muscle was clear to all. The onset of the depression, and the indifference of Gipps and the elected members of the Legislative Council to the plight of the unemployed, persuaded the delegates that they needed a permanent organisation to protect the trades and reach out to the middle classes. So was born in 1843 the Mutual Protection Association, which in terms of the development of democratic politics in Australia was much more important than the NSW Pastoralists Association. It published its own weekly newspaper, one of a line of radical and working class journals stretching from 1838 to 1858. There was never a week when a politicised worker could not buy one, sometimes two, papers advocating their interests.

The importance of the substantial, continuing, political and organised activity of the trades societies in public life was that the campaign for popular democracy could be directed towards a particular social constituency in-the-making; and that support for this kind of radical democracy was not assembled randomly from individuals with a simple affinity to it. By the same token, the democracy that they affirmed in their organisations and proposed for the state was not simply a set of ideas, but a model of acting democratically. It was the radical intellectuals – “the friends of the people” – who articulated its principles and embedded it in the alternative public of the workingmen. Johann Lhotsky, Richard Hipkiss, W.A. Duncan, James McEachern, Henry Macdermott, Richard Driver, Edward Hawksley – these were the most notable radicals – took the idea of the public meeting and used it to promote the practice of democracy in public.

This democratic practice, constantly defended from 1835 in the writings and speeches of the “public meeting men”, had three main characteristics. First, the radicals fought for deliberation in public, that is, in properly advertised and conducted public meetings. This would break with the custom of taking decisions behind closed doors, in suspicious “hole and corner meetings”, or in a legislative chamber from which the public felt remote. Public meetings at this time were very numerous and well-attended, rivalling the official legislature as the main forum for political debate. Second, if certain members of the audience were authorised to take further action, they were to be regarded as delegates, with a responsibility to report back to another meeting. Delegation, not representation, was the radical idea of governance. Third, when the inevitable disagreements arose over policies they were to be settled by conciliation and compromise, in public, not by class legislation favouring the pastoral and urban business oligarchy. Taken together, these principles promoted an active

engagement by working class citizens with politics; they restricted elite manoeuvrings; and they opened the door to popular sovereignty of the citizens.

Of course the critical question was: could this radical model be adapted to representative government, or rather, could representative government be adapted to it? There were three ways in which the radicals came to terms with representation and in so doing made important innovations in electoral politics in the colony. These innovations are only visible when the Legislative Councillors and the middle class liberals are not the sole occupants of the public stage.

The challenge of representation for the radicals began in 1842, when the first elections were held in Sydney for the city's municipal council. The conservative press, unwittingly revealing the nature of this challenge, ridiculed the "usefulness of public meetings", and welcomed representation as a way to move beyond "the public of large and promiscuous assemblies".^[12] But then there was an unexpected development. The election campaign, which came after three years of intense democratic agitation in public meetings, allowed the trades delegates and radical intellectuals to reorganise their agitational expertise geographically. From that moment, the city's six wards became the focus of political mobilisation. Moreover, much to the surprise of the colonial Tories and the Governor, the colony's first election was a victory for the tradesmen and shopkeepers of the city, the voters electing "practical men" and "public meeting men" in preference to "gentlemen". Accordingly the radicals came to understand that representation could be made to work for them. They decided that election campaigns would be another avenue to create "the people" through political action, and believed that the popular will thus revealed could drive the process of representation. This understanding was based on the innovative adaptation of agitation to the system of electoral wards. Ward-based agitation as an electoral weapon to mobilise the people really came into its own between 1848 and 1855 when, in seven of the eight elections to choose representatives for the seat of Sydney, the radicals selected and brought out the vote for the successful candidates.

In the meantime, there was a second important innovation in the democratic approach to representation. Almost fifty years before the Labor parties began endorsing candidates, the workingmen of Sydney in 1843 adopted a program for the city council elections, invited candidates to answer questions at meetings where their adherence to the program could be measured, and endorsed those whose answers were satisfactory. The body in charge of this process, the Mutual Protection Association, boasted that every one of the candidates it endorsed was returned, and that six of the Councillors were members of the Association. This procedure was foreshadowed in its Prospectus, which made clear that it was formed in order to intervene in the public sphere on behalf of the working classes, and to find allies among the small producers and manufacturers.

The MPA fell apart in 1845 but three years later, at the next general elections for the Legislative Council, the same political forces returned to try to defeat Wentworth for the seat of Sydney. This was when the third innovation occurred: the "free election" model, wrongly associated with Henry Parkes alone, but clearly built on the MPA's intervention and the earlier radical successes in the municipal elections.^[13] By "free election" the radicals meant that the election would not be polluted by the candidate

spending his money to buy votes, and consequently that the vote would be mobilised in terms of principles, not connections and influence. It also meant that the election committee would take the initiative in seeking out the candidate on this basis – in effect a form of endorsement. So it was that the radicals in 1848 sought out Robert Lowe, who agreed to stand, and successfully got him elected, albeit behind Wentworth. Parkes called this victory “the birthday of Australian democracy”.^[14] In radical circles what was understood to have been achieved on this occasion was a ward-based campaign that mobilised workingmen through an intensive series of meetings in local pubs, that was “free” from the influence of the candidate or other “notables”, and that therefore allowed them to imagine a government in which accountability to the people was achieved through linking the process of representation to the expression of the popular will in public meetings and organisations.

In sum: the radicals had assimilated election campaigns into their model of popular agitation to create “the people”; they had made principles and issues the bases of campaigning in elections; and they had taken the initiative for finding candidates sympathetic to those principles and issues. Most importantly, it was a model that worked for them in the electorate of Sydney, where there was a substantial working class constituency after 1851.

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All this happened before the era of political parties and before the insertion of issues into election campaigns by organised interest groups. And consider how radical this was. Usually candidates, especially in the agricultural and pastoral electorates, were powerful men who expected the voters to trust them because of their wealth, their status, or their religion. But trust, according to Edward Hawksley, was a term meant to limit the effectiveness of the franchise, to preclude the accountability of representatives, and to legitimise the idea that representatives had to come from the ruling class or their toadies. He was right, and today the same deep insight into the limits of political liberalism is still valid. Against these essentially aristocratic ideas the democratic ideology proclaimed by the radicals offered voting as a right of all men (and today we would add “and women”), candidates who would be delegates reporting to their electorates, candidates who would be like rather than unlike the people (i.e. not drawn from a superior class), an alliance between the caucus of progressives in the parliament and the organisations of the people outside of parliament, and candidates who had experience in those organisations.

The radicals understood what they were proposing. In 1854, Edward Hawksley wrote in *The People's Advocate* that the strategy of the radicals was “to revolutionize Australia”.^[15] Certainly, in terms of the prevailing model of representation, developed as we have seen to prevent the introduction of democracy, this idea of popular democracy was revolutionary. In 1855, Hawksley insisted that “what is called the radical party...is really the only liberal and progressive party.”^[16] Certainly, the “other” liberals, the businessmen and professionals who had led the anti-transportation movement and campaigned for an anti-democratic constitution in 1853, did not have the depth of experience in public life to match the democratic political movement created by twenty years of radical agitation and organisation among the working people of the colony.

So, as the election of 1856 approached, when radical intellectuals and politicised workingmen stepped forth to mobilise the people in the campaign, to seek out suitable candidates, and to run the campaign as a defence of democratic principles, they were offering to revolutionise the ruling practice of politics at that time, the liberal model of representation, a model in which elections were meant to mobilise individuals, and the formation of the people, the articulation of a public interest, was left to the elected representatives. There was, of course, no chance of the radicals forming an alternative government, but they did have a vision of government that was different, that was not simply an immature version of liberal parliamentarism. They imagined a government in which accountability to the people was achieved through linking the process of representation to the expression of the popular will in public meetings and organisations. They had a very clear idea of how representation could be made to work to ensure popular sovereignty. And within a few years after 1856 the force of this alternative model was recognised, as the parliaments reformed their constitutions and introduced land reform to placate the democratic aspirations of working people. That was how the idea of popular sovereignty, and its practice in a movement for democracy developing over twenty years, became a foundational element of Australia's political life.[\[17\]](#)

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[\[1\]](#) Irving 2006. References are omitted here except for direct quotations.

[\[2\]](#) For a recent statement of this argument, see Manin 1997.

[\[3\]](#) *The Australasian Chronicle*, 7 June 1842 (for "friends of the people").

[\[4\]](#) *The Australasian Chronicle*, 6 August 1839.

[5] *The Australasian Chronicle*, 1 March 1842.

[6] *The Australasian Chronicle*, 8 March 1842.

[7] *Dispatch*, 6 January 1844.

[8] *The Weekly Register*, 6 January 1844.

[9] Hirst 1988, p.271.

[10] *The Colonial Observer*, 21 December 1842.

[11] Quinlan et al, 2003.

[12] *The Australian*, 19 September 1842; *The Sydney Morning Herald*, 17 September 1842.

[13] *The Elector*, published by the radical committee, is the best source for the “free election” model.

[14] Parkes in *The People’s Advocate*, 10 February 1849.

[15] *The People’s Advocate*, 22 April 1854.

[16] *The People’s Advocate*, 24 February 1855.

[17] Two reviewers stand out as intelligent and radical exceptions to the mystified reaction of liberal historians (and others) when confronted by my Marxist refusal to equate democracy with representative government: Tom O’Lincoln (*Overland*, 186, 2007) and Frank Bongiorno (*Journal of Australian Colonial History*, 10 (1), 2008).