

THE HISTORY OF LIBERTY IN AUSTRALIA

Australians have preferred a protective form of liberty, writes **Greg Melleuish**

In his essay 'The Servile State', Sydney philosopher John Anderson argues that the Italian liberal philosopher Benedetto Croce, in his *History as the Story of Liberty*, 'emphasised the way in which liberty (and, with it, culture) declines under conditions of fancied security and is reborn in adversity.' For Anderson the attainment of a social order based on social harmony and comfort, on 'security and sufficiency', was the enemy of liberty, which required an element of struggle and activity if it was to be a living principle. Liberty was about activity and achievement, not securing a peaceful and comfortable life. To emphasise this point he quoted Croce to the effect that liberty 'has lived and always will live ... a perilous and fighting life.'

Anderson wrote these words in 1943, at a time when the state in Australia could be seen as seeking to meld the country into a unified harmonious entity under its protection so that individuals would be free from want and fear. Anderson rightly feared that such 'freedom' was but a form of stupor. Comfort and a benign paternalism destroy the human desire for achievement.

Anderson's essay raises an interesting question: what exactly does the history of liberty mean in Australia, especially if there is no real agreement as to what constitutes liberty? Anderson did not believe in such notions as progress, of the idea of liberty as a movement from a condition that might

be called 'unfree' to another that could be termed 'free'. Liberty lay in a continuous, never ending struggle against those who would seek to snuff it out, a very traditional Scottish and republican ideal of liberty.

Liberty as activity and achievement is clearly not the only way that liberty can be understood. There are those for whom liberty is a state of being, a condition in which one is not dependent on others, one is free to cultivate one's own garden in a state of contented tranquillity. D H Lawrence in his 'Australian' novel *Kangaroo* had complained about the emptiness and vacuity, as well as the tempting allure, of what he saw as Australian liberty. He summed up this Australian idea of freedom in the desire to get a few cows and a few acres and 'get away from it all', to escape from the pressure of the world and surrender to nature.

This second ideal of liberty, its critics would argue, embodies a desire to avoid the consequences

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of exercising one's liberty and acting in a responsible fashion. Its objective has often been to live a life of modest comfort and domestic decency. Its ideal

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has been that of a protected profession, be it a newsagent or a medical practitioner, who would be guaranteed their income through government protection.

How then are we to understand the history of liberty in Australia? Is liberty about achievement, of effort and a positive engagement with the world? Or is it about the desire to be free from care and so able to live a life of modest comfort and domestic decency? Are not both conceptions of liberty equally valid?

In search of liberty

Perhaps a starting point for this issue is to consider why people came to Australia in the nineteenth century. The only group who came to this country because of an issue of freedom were the Lutherans, who had little impact on the political culture because they were concentrated in rural areas. There were a number of reasons why most people ended up in Australia:

1. There were those who came involuntarily, including some of my own ancestors.
2. There were those who came as government officials or members of the military.
3. There were those who came as assisted migrants.
4. There were those who came to create a better life by engaging in farming.
5. There were those who came in search of instant wealth, especially those brought by the gold rushes.

Few of these arrivals were driven by a burning desire to fight for freedom or to resist the dark forces of government oppression. Even the Eureka Stockade, often held up as the birthplace of Australian democracy, had more to do with an incompetent government struggling with the

logistics of massive population growth than with an attack on the rights of its citizens.

To what extent, then, can nineteenth century Australian history be understood as a struggle by the Australian colonists to achieve liberty and a free society?

Certainly there were struggles in the 1820s and 1830s for the rights of a British subject, such as trial by jury. One can chart the growth of NSW from autocratic prison to a free society. Despite Manning Clark's disdain for such bourgeois objectives, these were important developments that laid the foundations for the free society that Australia became.

There is no doubt that the great achievement of nineteenth century Australian colonies was to establish all of those institutions that mark out a free society: rule of law, representative institutions, a free market, freedom of ideas and a society based on principles of civility and decency.

Painless liberty

How much of a struggle for liberty did this transition involve? The colonists really wanted no more than what they believed was due to them as freeborn Britons. They idealised the British Constitution; they were less concerned with notions of the Rights of Man and other abstract political ideals. They wanted trial by jury, the right to elect their legislators, the right to control their economic future. And they got all of these things because the British were not unwilling to let them have them so long as imperial interests were respected.

The British had learnt from their experience of their American colonies and were willing to be much more flexible than they had been in the 1770s. The Australian colonies received quite a different British inheritance from America. We got the Britain of respectability, of queuing for buses, and conducting oneself in an orderly fashion. The old fractious British traditions that led to the 'Cousins Wars', that blighted both Britain and America, and were fuelled at least in part by a passion for liberty, were exhausted by the time that Australia came into being. As David Malouf puts it, we got late Enlightenment English; Australians are in many ways a polite, rather than a fractious, people.

Nevertheless the one thing that the imperial

authorities feared was that colonial regimes in Australia would use their new found power to infringe the liberties of others and hence they reserved the right to knock back colonial legislation that could be considered to be obnoxious. Unfortunately, when one looks at the later record in Australia in terms of the introduction of protection, of immigration restriction and the treatment of the indigenous peoples of the continent, such concerns were shown to have a basis in reality.

Hence colonial Australians really received their liberties in a relatively painless fashion, and they were able to get on with the job in the second half of the nineteenth century of economic development, of building railways, bridges, schools.

But what did this mean in terms of their appreciation of the principles of liberty as something active and vital in their lives?

1. The somewhat peculiar half sovereign state of the colonies encouraged what I have termed 'irresponsible government' in so far as the range of activities for which they had to take responsibility was limited. They got on with the job of economic management as their primary responsibility
2. There was a strong sentiment in favour of the yeoman farmer and of a desire for a self-sufficient existence that would be both stable and permanent. The British in Australia wanted to recreate a rural idyll that was part of the British Dream that would be immune to change.
3. There would be attempts to infringe the liberties of others ranging from restrictive tariffs to restrictive immigration to protective policies towards indigenous Australians.
4. The full impact of the precocious development of democratic politics was felt in the growing demand that the state should look after its citizens, protect them and provide for them.

Illiberal policies

On the one hand Australia had inherited a full set of liberal institutions that provided the framework for the growth of liberty in this country. On the other hand there were at times strong tendencies in Australian society and culture that pushed towards

using those liberal institutions in ways that did not do much to enhance liberty.

I have long been puzzled by the contrast between the liberal Commonwealth constitution introduced in 1901 and the rather illiberal policies that politicians, many of them the same people who had been involved in making that constitution,

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introduced during the first decade of the twentieth century, starting with White Australia.

I argued last year in an article in the *Financial Review* entitled 'The paradox of power in hands of liberals', that one explanation of this problem is that although the constitution created a federal structure what was lacking was a real federal ideal, that 'federalism had been transferred to Australian soil but without the values required for it to flourish as a liberal form of polity'. This was in stark contrast to earlier federalists in Australia, such as John West, who understood that federalism needed both national strength and strong principles of freedom if it is to work properly.

Unfortunately the spirit of liberty was increasingly dominated by the desire to create national strength in twentieth century Australia, a desire that is still with us in the twenty-first century. In the pursuit of that strength and the goal of creating national unity and harmony Australian governments continued the colonial practice of irresponsible government, of pursuing policies that aimed to protect Australians even if, as W K Hancock pointed out, the long term consequence of those policies was to undermine national strength.

Many of these policies, such as protective tariffs, social engineering and censorship restricted liberty. They sought to 'protect' Australians from the wider world and can be described as expressing an ideal that can be termed 'protective liberty'. They sought to give ordinary Australians the opportunity to cultivate their gardens in peace.

Protective liberty

The dominant form of liberty in twentieth century Australia was this protective liberty. It was the liberty that found expression in Sir Robert Menzies's formulation of the Forgotten People, the liberty of the middle class suburbanite to pursue a life of decency, propriety and respectability. It was a liberty that needed to be protected, given the many harsh winds that were blowing in the outside world.

Drawing on a literary analogy from *The Lord of the Rings*, Australia was the Hobbit Shire, a peaceful, decent world founded on domestic happiness that could remain so because Gandalf and the Rangers kept danger at length. Ultimately, however, it could only survive as a free society because some of its citizens were willing to fight the forces of darkness, to face danger and to risk their lives.

Protective liberty and its goal, which is to go tell the world to take a flying leap, are founded on illusion. Even if one retreats into the bush carrying Norman Lindsay's magic pudding in the hope of keeping it all to oneself, eventually the outside world will come looking for the legendary creature. War and terrorism eventually arrive even at the second last bus stop on the planet.

So we end up with one of the great paradoxes of Australian history. Australians received their heritage of liberty from Britain in the nineteenth century. In constructing the Commonwealth constitution they added American elements in creating a genuine liberal document and liberal institutions. In part they had to fight to obtain that heritage but in general the British were more than happy for them to have it.

But having gained this liberal inheritance Australians have too often sought to use it to pursue a rather restricted ideal of liberty, one that wants to escape from the world rather than engage with it. It is the liberty of irresponsibility. And, I should add, there is much that is very attractive about this form of liberty. It is like being continuously on holiday, which perhaps explains why so many Australians seek to retire to the scene of their childhood holidays.

Hence we have had endless claims that Australia should never have been involved in other peoples' wars, or that Australia was betrayed by Britain

at Singapore in 1941, whereas the fact is that Australia betrayed itself by its unwillingness to take threats from the wider world seriously. We have the contemporary fantasy that globalisation can be evaded if only Australia chose to turn its back on the world, and that Australia will cease to be a target for terrorists once it brings the troops home from Iraq.

True liberty

True liberty can only come with responsibility and positive engagement with the world, when a country like Australia and its citizens recognise that there is no escape from the rest of the world and that the world can be a brutal and harsh place. Liberty is not about running away into the bush with the magic pudding and hoping to live an idyllic existence unnoticed by anyone else.

In this sense liberty may turn out to be something less pleasant than many Australians have hitherto believed it to be. That is because Anderson was right. Liberty is something that has to be struggled for, earned and cherished. It cannot be taken for granted and it can be as much a burden as a source of pleasure. The history of liberty in Australia is the story about both those who want 'to get away from it all' and those who have recognised that liberty in Australia will only be preserved if Australians are willing to take on the burden of defending it.

Australians inhabit a lucky country in the sense that they possess a great heritage of liberty embodied in both their institutions and their intellectual traditions. The realisation has come over the past thirty years of how crucial this heritage is if Australia is to remain a vibrant, prosperous and free society.

The fact is that protective liberty will not safeguard the long term and best interests of this country. It lacks the dynamism and craving for positive achievement that Australia needs if it is to chart its passage through a world that is competitive, dangerous and often cruel. Rather Australia requires the sort of liberty that emphasises responsibility and engagement with the world. This form of liberty lay dormant in Australia for much of the twentieth century but it has been re-ignited over the past thirty years. In moving towards this form of liberty Australians are discovering that it is as much a burden as a boon. But, with the future of the country at stake, it is a burden worth carrying.