

## A Few of Clark's Hidden Stories

### *The Boy Patriot*

**Prof. REYNOLDS** — This is a book I remember from early childhood. For a child who grew up when toys were scarce my father's library provided many books of all sizes and colours within the reach of small hands and short arms. They could be piled up to make towers, houses and tunnels for my big brother's train set. *The Boy Patriot* was the only light blue book and the only one with a picture on the cover—a dramatic picture of a red-coated soldier threatening a boy with an up-raised sword.

I inherited many of the books but only recently opened the one in question and to my amazement read my father's inscription:

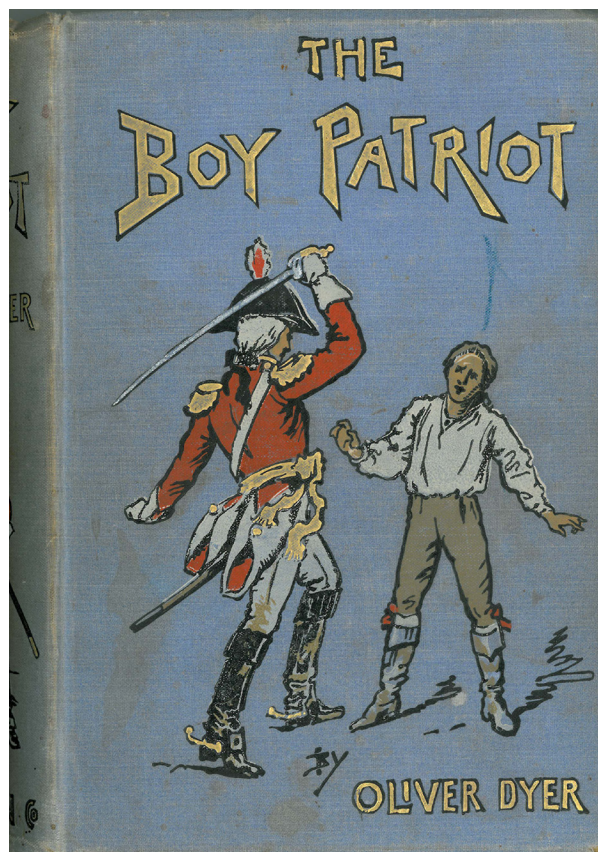
Given to Jack Reynolds by Justice A.I. Clark in August 1907 at 189 Collins Street after reading the first paragraph to Mr Henry Clark.

It had been given to him when he was six by A.I. Clark a few months before Clark's death. I knew my father had taken a deep interest in Clark and obviously knew members of the family but he had never mentioned the gift of the book. I realised that Clark would have known who my father was. He was brought up by his Aunt Edith who was the daughter of James Rules who had been part of Clark's circle of friends who worked together to produce the short-lived journal *The Quadrilateral*.

**CHAIR (Ms Jacobs)** — What do you know about the connection between your father and Clark?

**Prof. REYNOLDS** — I imagine he was taken to see Clark by his stepfather, who was a leading public servant. Hobart being a relatively small place, I presume the families knew each other. There is another important connection. My father's grandfather was James Rules. My father was taken in by Henry Reynolds and Edith Rules, his aunt, and so had the name Reynolds. He was never formally adopted so his birth name was really John Rules. James Rules was not native-born but arrived in Tasmania as a 20-year-old in the 1850s and became eventually director of education. He was one of Clark's intellectual friends and was certainly part of that *Quadrilateral* circle. So A. I. Clark would almost certainly realise that my father was the grandson of James Rules, who had died in about 1901. So there is that ongoing family connection which may seem strange but such connections are very common in Tasmania!

**CHAIR** — It is very unusual to have a revolutionary book in an Australian context. I just wonder what this tells us about your father's mindset and the kinds of thoughts and ideas that he perhaps passed on to you?



*The Boy Patriot: or, From Poverty to the Presidency, Being the Story of the Life of General Jackson ...* by Oliver Dyer (Hutchinson & Co., London, [1893])

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**Prof. REYNOLDS** — He didn't have as much interest in America as the generation before him, or that Clark did. He never struck me as being particularly anglophile. He was very much a Tasmanian and then, at one remove, an Australian. He was a self-taught historian who wrote lots of articles about all sorts of things and of course wrote a biography of Edmund Barton. So he knew his federation story very well. Just as he had been taken to meet A.I. Clark, he would take me to meet important men and took me to meet Douglas Mawson when Mawson was an old man. Douglas Mawson was a very tall chap and I was a very shy little boy and all I can remember about Douglas Mawson is his brown boots! My father gave evidence to a royal commission on the Constitution and he took me down there and introduced me and the one I remember mostly was this young politician called Gough Whitlam. He was an expert on the Constitution.

So my father was not an Americanist, but nor was he particularly tied to the British. They were not republicans initially but I certainly got absolutely no training in why one should respect the British or the royals. I also had absolutely no military background whatsoever, because my father was too young for the First World War and too old for the Second World War and my mother was a committed pacifist. Nor were they Christians. So I had none of the normal intellectual training.

### **Created or Won, Not Acquired**

**Prof. WILLIAMS** — There are many moments in Andrew Inglis Clark's life that provide some insights into how he viewed the world. Fortunately he left an array of essays and his letters can be found in numerous archives and libraries around the world. We now have a number of biographical works and reviews of his scholarship.

The item that I wish to highlight in connection with Inglis Clark was not created by him. It comes from the Patrick Glynn diary. Glynn, who was one of the South Australian delegates to the 1897–98 conventions, would have had little contact with the Tasmanian. Both were lawyers and shared an interest in constitutional matters. For his part Glynn is perhaps best remembered for getting married during the Convention and working to have the Almighty mentioned in the Preamble to the Constitution. J.A. La Nauze described Glynn as he arrived at the 1897 Convention as:

Patrick McMahon Glynn (42), an Irish barrister and like O'Connor a Catholic, was rather self-consciously well-read in English literature and classics, eloquent in an incomprehensible brogue, a likeable little man prepared to do his homework.<sup>1</sup>

On 1 January 1901 in Sydney, representatives from around the country and beyond joined with the thousands of spectators to witness the Inauguration of the Commonwealth of Australia. The delegates from the various conventions were also in attendance. A few days later Glynn recorded the day and his encounter with Inglis Clark. He stated:

It is an eight day club of Conventionalists, Ministers of the Crown, leading politicians, Judges, Bishops, and other celebrities. Inglis Clarke (sic), a member of the Convention of 1891, now a Tasmanian Judge, was there, but left with Deakin for Melbourne en route for Tasmania last night. He is small, quietly genial, unobtrusive, well read in constitutional matters, a political pamphleteer, a radical with an inspiring faith in the national spirit of the people and not subdued by Imperial temper. Clarke (sic) is a believer in the genius of the people of the United States, with their love of the simple in what is symbolic; their

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<sup>1</sup> J.A. La Nauze, *The Making of the Australian Constitution*, Melbourne University Press, Carlton, Vic., 1972, pp. 102–3.

mutual reliance and self respect. He feels the significance of the sense of independence, and of the feeling, in the case of the American citizen, that his nationality had been created or won, not acquired ...<sup>2</sup>

The summation touches on something which was essential to Inglis Clark. It captures his republican sympathies, his liberal nationalism and his belief that the federation was an act of independence. That he had played a part in establishing a citizenship rather than been the passive recipient of it from what would become a foreign power.

**CHAIR** — When we are doing constitutional history, which can be quite dry, do we lose sight of the importance of people's humanity and their individual character for understanding their purposes?

**Prof. WILLIAMS** — I was recently reflecting on this. There is some great correspondence by Henry Higgins, writing to Felix Frankfurter. Justice Higgins' son was killed in the Great War. In this correspondence we hear about how his son is going to enlist and then the next letter talks about how he is not sure where he is going. The trouble is you know what is going to happen. Finally the letter comes. Higgins, one of the constitutional framers, is absolutely shattered. The correspondence with Frankfurter, another judge in the US, keeps going on for five or six more years and on the anniversary there will be a message about how it is the anniversary of his death. It is most poignant. Without this I don't think that you can understand Higgins the judge. Unlike Isaac Isaacs on the High Court during the First World War, who thought the High Court should waive through all Commonwealth legislation to the last man and the last shilling, Higgins doesn't do that. He is very concerned about the Commonwealth's powers because he is living the result of it.

**CHAIR** — This is the great value of letters, because we have that sense of the kind of personal agonies, the mechanisms of support, the values, the tragedies that shape these great decisions, which are not recorded in the newspapers of the day. We know nothing from the official records of the day about people's emotional reactions to these matters, do we?

**Prof. WILLIAMS** — That's right and we see nothing, of course, in the Commonwealth Law Reports.

### **A Forgotten Gem**

**Dr HEADON** — In the introduction to my paper in this special issue of *Papers on Parliament*, I refer to the extraordinary American Moncure Conway's travel memoir, *My Pilgrimage to the Wise Men of the East*. While the 416-page volume was published in a prestigious, trans-Atlantic edition (Archibald Constable in London, and Houghton Mifflin in the USA) in 1906, the year before Conway and Andrew Inglis Clark died, it describes in detail Conway's travels much earlier, in 1883–84, his 'pilgrimage' to 'the east'—to Australia and New Zealand, and then to Ceylon (Sri Lanka) and India. Conway's seventy-odd books sold exceptionally well worldwide, over a long period, including his *Autobiography* (1904) and *Pilgrimage*, both of which were published in what proved to be his last years.

During this same period, another famous American writer, Samuel Clemens (Mark Twain), also travelled to Australia and New Zealand (and many other parts of the globe, in 1895) and wrote about it. Twain's travel memoir/lecture tour came out shortly after as *Following the Equator*, in 1897. Here were two internationally celebrated overseas visitors passing a keen and critical eye over the Australian colonies, and their Australian hosts, Clemens spending 175 pages on his observations and Conway 35 pages.

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2 Patrick McMahon Glynn, Diary, 4 January 1901, National Library of Australia, MS 4653, series 3, pp. 613–14.

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Conway and Clemens were good friends, and a few of the correspondences and contrasts between their respective travel works are worth noting:

- Conway went ‘east’ intentionally (passing through Australia) on a spiritual journey which, by the end, had effectively demolished the last of the ‘old foundations’ of his Christian beliefs; the agnostic Twain embarked on his lecture tour for more pragmatic reasons—to address serious debts incurred by failed investments in the new technology of the typewriter.
- Conway included Australia in his itinerary because of the Unitarian Church connections mentioned in my paper; Twain had no personal contacts as such, just an ambitious agent.
- Both writers (Conway in 1883, Twain in 1895) were astounded at the unprecedented cultural impact on the Australian community of a horserace, the Melbourne Cup. Conway recalled: ‘It is odd that Melbourne, rigidly Presbyterian, should have for its Pan-Australian synod a horse-race. Melbourne has, however, made its racing week a social congress of the colonies. The betting is universal. Sweepstakes were arranged in the schools (by the teachers), and Cup Day is a holiday.’<sup>3</sup> Twain’s response has become an integral part of Australian sport literature folklore, and is often quoted: ‘[Melbourne] is the mitred Metropolitan of the Horse-Racing Cult. Its raceground is the Mecca of Australasia ... The Melbourne Cup is the Australasian National Day. It would be difficult to overstate its importance ... Cup Day is supreme—it has no rival. I can call to mind no specialized annual day, in any country, which can be named by that large name—Supreme ... no specialized annual day, in any country, whose approach fires the whole land with a conflagration of conversation and preparation and anticipation and jubilation. No day save this one; but this one does it.’<sup>4</sup>
- Both authors felt compelled to comment on Australia’s distinctive approach to religion, and religious matters. Twain sardonically noted that the colonies are ‘tolerant, religious-wise ... Sixty-four religions and a Yankee cabinet minister [King O’Malley, in South Australia, before he entered the Commonwealth Parliament in 1901]. No amount of horse-racing can damn this community.’<sup>5</sup> Conway marvelled, for example, at the 144 denominational names cited in the 1881 census for Victoria—including the ‘Saved Sinners’, ‘Believers in parts of the Bible’, ‘Rational Christians’ and ‘Reasonists’<sup>6</sup>.
- Both Conway and Twain spent a significant (essentially sympathetic) percentage of their Australian section on the country’s indigenous inhabitants, and both referred to ‘the last of the Tasmanians’ (Conway) and ‘the last of her race’ (Twain—whose book even includes the iconic photograph of Truganini). Consistent with the more sympathetic writers of the era, both felt that they were observing the last, sad ‘survivors of a dying race’.
- Both writers display a knowledge of, and enthusiastic engagement with, Australian literature, and the broader culture. Marcus Clarke’s classic novel, *For the Term of His Natural Life*, is a defining work for them, Twain making reference to ‘Ralph [sic] Boldrewood, Gordon, Kendall, and others, [who] have built ... a brilliant and vigorous literature, and one which must endure.’<sup>7</sup> Conway revelled in his personal encounters with the locals, particularly the Clark circle in Hobart, his ‘philosophical friends’, including his ‘scientific interpreter’, Robert M. Johnston, who had a touch of the ‘Baird, Thoreau, Agassiz’ about him.<sup>8</sup>

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3 Moncure Daniel Conway, *My Pilgrimage to the Wise Men of the East*, Archibald Constable & Co., London, 1906, p. 70.

4 Mark Twain, *Mark Twain in Australia and New Zealand*, Penguin Books Australia, Ringwood, Vic., 1973, pp. 161–3.

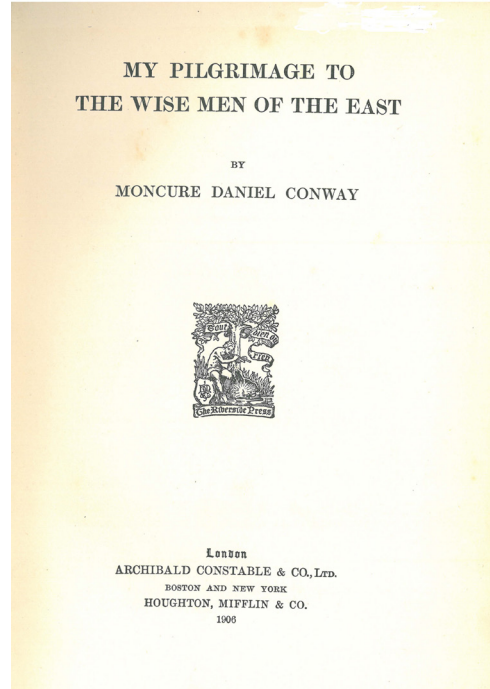
5 *ibid.*, p. 190.

6 Conway, *op. cit.*, p. 72.

7 Twain, *op. cit.*, p. 214.

8 Conway, p. 81.

- And finally, both make many acute observations. I will limit myself to one for each. Conway: 'I left Australia with a feeling that I had seen it at its best, and that the tendencies were in a direction of retrogression. Many of the best people were already looking forward with favour to that federation of the colonies which has since been achieved, and which I felt would be ... adverse ... Where either individuals or states are fettered together, their movement must be that of the slowest; and the slowest is apt to be the colleague that refuses to move at all, unless backward ... The old shout of "Liberty and Union, one and inseparable," has a fine sound, but so has the prophecy of the lion and the lamb lying down together.'<sup>9</sup> Twain (in perhaps his best-known 'Australian' comment): 'Australian history is almost always picturesque; indeed, it is so curious and strange, that it is itself the chiefest novelty the country has to offer, and so it pushes the other novelties into second and third place. It does not read like history, but like the most beautiful lies. And all of a fresh new sort, no mouldy old stale ones. It is full of surprises, and adventures, and incongruities, and contradictions, and incredibilities; but they are all true, they all happened.'<sup>10</sup>



## Railways, Resignations and Today's Senate

**Dr LAING** — 1897 was a busy session for Clark. He returned from the US at the end of June, stopping in Sydney to get a briefing on the Adelaide Convention from Edmund Barton and B.R. Wise. Back in Hobart, in July and August, Clark led the debate on consideration of the Adelaide draft through many days in committee of the whole, during which amendments to be moved at the Sydney session were debated. The Sydney session resumed in September and then Clark's political career turned to ashes.

The catalyst was railways, construction of which was the subject of much legislation, including private bills, introduced for the benefit of particular companies seeking access to land and resources (as opposed to public bills which were of general application). One such bill was the Van Diemen's Land Company's Waratah and Zeehan Railway Bill which received Royal Assent on 24 October 1895. The Act allowed the company to construct a main railway line from Waratah to Rosebery, or on to Zeehan, and to construct branch lines with the consent of the minister and Governor-in-Council. It was amended the following year to remove the 10-mile limit on branch lines.<sup>11</sup> Another was the Great Western Railway and Electric Ore-Reduction Company's Bill which received Royal Assent on 26 November 1896.<sup>12</sup> It was allowed to construct a branch line from a point on the Derwent Valley Railway to a point within the Western Mining Division to be approved by the minister.<sup>13</sup> In the meantime, the Emu Bay Railway Company took over the affairs and rights of the Van Diemen's Land Company. The Great Northern Railway Company appears to have been the parent company of Emu Bay.

9 *ibid.*, pp. 104–5.

10 Twain. *op. cit.*, p. 169.

11 *The Mercury* (Hobart), 15 October 1897, statement by the Emu Bay Railway Company, p. 3.

12 See summaries of proceedings on bills in the Journals of 1895 and 1896.

13 *The Mercury* (Hobart), 15 October 1897, statement by the Emu Bay Railway Company, p. 3.

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Apparently, after the passage of the 1895 legislation, four cabinet ministers had given approval to Emu Bay to build the line to Mt Lyell, in the opposite direction, instead of Zeehan on the basis that it could be described as a branch line. Clark wasn't one of the four ministers and none of this came out during the select committee inquiry into Great Western's proposals in 1896, preparatory to the passage of the authorising legislation for that company's proposals.

A director of Great Western, reading about Emu Bay's prospectus in a Sydney newspaper, considered that the construction of a line to Mt Lyell was in breach of Great Western's rights to build a line into the Western Mining Division and wrote to Premier Edward Braddon demanding an explanation and calling on the government to respect the legal powers and position of both companies.<sup>14</sup>

By mid-October, questions were being asked in parliament, including about Premier Braddon's earlier directorship of Great Northern, whether the ministers had deliberately excluded the Attorney-General from their deliberations (it appears that they had) and whether the Surveyor-General had recommended against Emu Bay's line to Mt Lyell (he had). *The Mercury* was referring to the matter as 'the railway muddle'. A want of confidence motion was moved and debated over several days.

In the meantime, Clark, as Attorney-General, provided a legal opinion that Emu Bay's proposal to build the line to Mt Lyell could not be classified as a branch line. Approval of it was not authorised by the legislation. Clark's ministerial colleagues rejected his opinion. Statements were made in the House by Clark sympathisers arguing that the Mt Lyell proposal should have been submitted to parliament for its approval. It was noted that had the ministerial approval of Emu Bay's proposal been known at the time that Great Western's bill was being considered, Great Western would probably not have gone ahead with its plans.<sup>15</sup>

His advice rejected by his colleagues, Clark resigned as Attorney-General during the course of debate on the no-confidence motion on 21 October 1897, tabling his legal opinion before the House adjourned for the day. Clark had clearly been kept in the dark by his colleagues but he spoke without rancour, concluding that the Premier had placed him in a difficult position:

The Premier was not prepared to take his opinion as to what the law was, and what interpretation the Ministry should put on the Act of Parliament. What was the objection to the amendment [to the no-confidence motion, effectively rendering it ineffective as such]? He was only asked that the Cabinet should lay the question before the law officers of the Crown for their advice. If the Premier was not prepared to accept that amendment, all he (the Attorney-General) could say was that the Premier would have to find another adviser who would advise him in a manner more comfortable with his wishes than he could. (Loud Opposition and cross bench cheers)<sup>16</sup>

Clark moved to the opposition benches. Braddon hung on to the letter of resignation for several days, trying to persuade Clark to change his mind but Clark was adamant. Braddon submitted the resignation to the Governor on 28 October.

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14 F.M. Neasey and L.J. Neasey, *Andrew Inglis Clark*, University of Tasmania Law Press, [Hobart], 2001, p. 200; *The Mercury* (Hobart), 15 October 1897, supplement, p. 1.

15 *The Mercury* (Hobart), 16 October 1897, speech by Mr Mulcahy, supplement, p. 1.

16 *The Mercury* (Hobart), 21 October 1897, p. 4. The paper also reproduced Clark's legal opinion.

Clark stayed on briefly as Opposition Leader but resigned at the beginning of the following session and was shortly afterwards appointed as a judge of the Tasmanian Supreme Court. Was this as a consequence of an attempt by Braddon to try to make amends? Clark's last reported speech was on a motion to postpone polling on the Constitution Bill until three weeks after the polls scheduled in New South Wales and Victoria. Clark spoke in detail about the effect of the financial provisions on Tasmania and expressed his support for the Premier. There was no mention of the previous year's unpleasantness. The motion was withdrawn.<sup>17</sup>

All this is known. It is also known that the director of the Great Western Railway Company was one Sir Richard Baker, South Australian businessman, but let's join some dots.

Baker was a native-born South Australian who had nevertheless been educated at Eton and Trinity College, Cambridge. A former Premier who had been challenged to a duel by (and remained an implacable enemy of) Charles Cameron Kingston, Baker was now a member of the Legislative Council and its President.<sup>18</sup> Clark and Baker were well known to one another. Both had been delegates for their respective states to the National Australasian Convention in Sydney in 1891. Both had made significant preparations for the Convention. Clark had prepared a draft constitution bill. Baker had prepared a manual for constitution-makers, citing all the great constitutional theorists and commentators from Montesquieu and the writers of the Federalist Papers, to Walter Bagehot, James Bryce, Albert Dicey and Alexis de Tocqueville.<sup>19</sup>

Both were strong federalists and both attempted to have responsible government written out of the Constitution.

Unlike Clark, Baker would go on to be a participant in the 1897–98 conventions and to continue pushing for the strongest possible Senate as the expression of the federal principle. Baker stood for the first Federal Parliament and was elected as a senator for South Australia. The Senate chose him as its first President. In that role, he exerted enormous influence in shaping the character of this new institution, ensuring that it cut the umbilical cord to Westminster in terms of practice, procedure and outlook, particularly in the assertion of its financial powers. He took the lead role in shaping new standing orders for the Senate. Instead of relying on Westminster practices, the Senate would determine its own course in confronting situations not specifically provided for in standing orders (or encountered at Westminster which was not, of course, a parliament for a federation). Rulings of the President would have the force of standing orders unless altered by the Senate and, in making such rulings, Presidents would lean towards the interpretation which preserved or strengthened the powers of the Senate and the rights of senators. They still do.

No two men had a greater influence on the shape and character of the Senate today than Clark and Baker. Clark's initial US-based design for the Senate with its equal representation of states regardless of population set the character of the institution from the start. He was a great advocate for proportional representation which was finally adopted in 1948 and changed the face and potential of the Senate forever. It was Baker who established a procedural capacity and independence for the Senate that it

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17 *The Mercury* (Hobart), 6 May 1898, p. 4.

18 See his entry in Ann Millar (ed.), *The Biographical Dictionary of the Australian Senate*, vol. 1, University of Melbourne Press, Carlton, Vic., 2000, pp. 139–43.

19 Clark's 1891 draft Constitution is reproduced in John M. Williams, *The Australian Constitution: A Documentary History*, Melbourne University Press, Carlton, Vic., 2005, pp. 63–93. R.C. Baker, *A Manual of Reference to Authorities for the Use of the Members of the National Australasian Convention Which Will Assemble at Sydney on March 2, 1891 for the Purpose of Drafting a Constitution for the Dominion of Australia*, W.K. Thomas, Adelaide, 1891.

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would rediscover as the impact of proportional representation began to be felt from the 1950s and 1960s. How ironic that it should be Baker whose lobbying of Braddon in Great Western's interests should indirectly bring about the resignation of Clark as Attorney-General and presage the end of his parliamentary career.

**CHAIR** — When you were doing your research did you discern any difference in the political process by comparison with today?

**Dr LAING** — The current political processes, particularly those in the Senate, are much closer to what they were in the first decade of the Senate's operations. With the First World War Australia turned towards Mother England and the need to save the Empire and I think the Senate was quite a supine place for some decades until the impact of proportional representation took hold in the 1950s and 60s. I think we have gone back to some of that early bolshiness of the Senate in sticking up for itself.

**CHAIR** — John Williams, I think that you have a comment to make about Andrew Inglis Clark and railways?

**Prof. WILLIAMS** — Railways were very important to Andrew Inglis Clark and his thinking in another way too, and this was in 1891. Inglis Clark had a very low regard for the Privy Council. It is one of the reasons for his view that appeals should end with the High Court, which he described as the Supreme Court. The reason we know he has a low regard is because in 1891 he had to go as the Attorney-General to argue an appeal for the Main Line Railway Case in England in front of the Privy Council. In the report in the Tasmanian Parliament, when he came back, Inglis Clark is reported as saying the solicitor employed in the case pointed out to him the desirability of having a good court but that they had some 'old fossils' on the bench. He went one day to hear the case and found the judges were sitting in ordinary clothes around a common table. Only one of the judges was awake and the others all were dozing and that was the grand and august tribunal superior to anything that Australia could muster.

**Dr LAING** — Can I add something to that? It is, I think, Sir Anthony Mason who did the foreword to that. He notes that those remarks were made initially in 1897, around the time that Clark was taking the Adelaide Convention bill through the Tasmanian Parliament, and he got into great trouble for making these remarks about the Privy Council, but Sir Anthony Mason notes that they were made under parliamentary privilege!

## Clark's Gallery

**Prof. PICKERING (read by Dr HEADON)** — Andrew Inglis Clark—or so the story goes—had a picture of one man in every room of his house. Who was this individual that, purportedly, was so honoured by one of Australia's leading constitutional architects?

It wasn't Washington, Jefferson, or Emerson, or Lincoln. Nor was it Lafayette, Danton or Marat. It wasn't Locke, Paine, Bentham or John Stuart Mill, nor Moncure Conway, Oliver Wendell Holmes, or George Higinbotham. It was not John Dunmore Lang, and it certainly wasn't Sir Henry Parkes. The portraits were, in fact, of one of the three great Giuseppes of the nineteenth century—but to be truthful it was the least famous of them. Rather than Garibaldi or Verdi it was Giuseppe Mazzini.<sup>20</sup>

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20 H. Reynolds, 'Clark, Andrew Inglis (1848–1907)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/clark-andrew-inglis-3211/text4835>.



The story of Clark's gallery is surely apocryphal—or at least exaggerated—but withal there is no doubt that Clark was an ardent admirer of Mazzini. When he visited Mazzini's tomb in Genoa in 1890, he recorded his thoughts in a long poem entitled 'My Pilgrimage'.<sup>21</sup> Of course, this poses the question of why was Clark a devoted acolyte? Mazzini was a nationalist, a democrat and a republican, but it is important to remember that the latter was founded upon a deep religiosity, a profoundly moral understanding of the notion of individual behaviour that was known as 'ideal republicanism'. Clark's outlook was shaped by a trans-Atlantic cluster of ideas, with the US Constitution the shining example he advocated in the antipodes. Although some American thinkers and commentators were influenced by Mazzini's nationalism, the effect of his 'republicanism' was perhaps even more profound on the *mentalité* of British radicals. The Italian's conception of 'ideal republicanism' supplied a crucial gap that was missing in their democratic agenda: the notion of Duty. First appearing in 1860, Mazzini's *Duties of Man* was the ideal bookend to Thomas Paine's iconic manifesto published seventy years earlier. Indeed he took Paine further. 'My voice may sound to you harsh, and I may too severely insist on proclaiming the necessity of virtue and sacrifice', he wrote, 'but I know, and you too,—untainted by false doctrine, and unspoiled by wealth,—will soon know also, that the sole origin of every Right, is in a Duty fulfilled'.<sup>22</sup>



Portrait of Giuseppe Mazzini from the photograph album of Andrew Inglis Clark, A.I. Clark papers, University of Tasmania Special and Rare Collections, [www.eprints.utas.edu.au/11710/](http://www.eprints.utas.edu.au/11710/)

For radicals, this notion of 'Duty', meant (to borrow the words of one of his British disciples, W.E. Adams) 'sacrifice, service, endeavour, [and] the devotion of all the faculties possessed and all the powers acquired to the welfare and improvement of humanity'. 'The Duties of Man, in the great Italian's conception of the revolutionary programme,' Adams continued, 'were the necessary accompaniment of the Rights of Man. Rights, indeed, took a secondary place, being ... of value only as enabling nations as well as individuals to fulfil their obligations to each other'.<sup>23</sup>

Adams' view was common among British radicals, many of whom had rubbed shoulders with Mazzini during his long years of exile. Listen to George Jacob Holyoake, the Secretary of the National Charter Association, arguably what was Britain's first working-class political party:

The personal character of Mazzini never needed defence. In private life and state affairs, honour was to him an instinct. He saw a path of right with clear eyes. No advantage induced him to deviate from it. No danger prevented his walking in it.<sup>24</sup>

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- 21 See Zelman Cowen, 'One people, one destiny', *Papers on Parliament*, no. 13, 1991, p. 6; Ros Pesman, 'Australians in Italy: the long view', in Bill Kent, Ros Pesman and Cynthia Troup (eds), *Australians in Italy*, Monash University Publishing, Clayton, Vic., 2008, p. 5.
- 22 Joseph [sic] Mazzini, *The Duties of Man*, Chapman & Hall, London, 1862, p. xiii.
- 23 W.E. Adams, *Memoirs of a Social Atom*, Hutcheson & Co., London, 1903, vol. 2, pp. 261–9.
- 24 G.J. Holyoake, *Bygones Worth Remembering*, vol. 1, T. Fisher Unwin, London, 1905, p. 229.

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‘It was from belief in his heroic and unfaltering integrity’, Holyoake mused, ‘that men went out at his word, to encounter the dungeon, torture, and death ...’<sup>25</sup> In this way, for many radicals, the Mazzinian notion of ‘ideal republicanism’—the duty of the individual to work for the good of all—became inextricably linked to the campaign for democratic rights. Indeed, Duty and Rights were different sides of the same coin. ‘Ideal republicanism’ was the republic of the self. The institutional structures of society—even monarchy—were less important than the individual moral behaviour of its citizenry.

One route by which Mazzini’s ideas came to the Australian colonies was in the suitcases of British radicals, many of whom subsequently helped to shape Australia’s political trajectory. Take Holyoake for example. Holyoake was, to borrow the words of an old Chartist living in Broken Hill at the turn of the century, ‘the connecting link between Mazzini, the great Italian patriot, and the Chartists and the advanced thinkers of England’.<sup>26</sup> At the same time as Holyoake was secretary of Britain’s foremost working-class political association, his brother, Henry, was one of the leaders of the goldfields protest movement in Victoria.<sup>27</sup> Of course, alongside Henry were many Italian migrants, including men such as Raffaello Carboni that were veterans of the struggle for freedom in Italy.<sup>28</sup>

In important respects the notion that Rights and Duty are inextricably linked is part of our core understanding of Australian society and values. For example, I suspect that the great store that was set by the fact the first Australian Imperial Force was a *volunteer* army owes something to it. Of course, the ANZACs were subjects of the Empire, but they volunteered, and by so doing they behaved like citizens not subjects. Indeed, it is also possible that the trope of ‘mateship’ is tintured with the idea of civic responsibility. As Manning Clark, invoking Henry Lawson’s notion of ‘chivalry-upside down’, noted with grim eloquence, ‘the better part of a people’s life came uppermost in a storm’. ‘The Australians at Gallipoli’, he continued, ‘were in the mood to receive such a message. In their misery they saw themselves as men who knew that some things were worth fighting and dying for, as men who had fought with some of the finest mates that ever existed’. War had wrought their ‘miracle of a secular transfiguration’.<sup>29</sup>

Mazzini enjoyed nothing like the broad appeal or fame of his compatriots—there were no stirring melodies and no coloured shirts. As a young man Clark was inspired by Mazzini, a passion he carried into later life. Clark was among a relatively small number of influential progressive, radical and reformist commentators and politicians that embraced Mazzini’s ideas.

When Clark looked up at the portraits of Mazzini on his walls what did he see? Nationalist? Patriot? Democrat? Moral guide? Or an ideal republican: a citizen?

Two related questions remain, however. In his extensive contributions to the federation debates and the founding of the Australian Commonwealth—as a delegate to the Federal Council in 1888, 1889, 1891 and 1894 and the Australasian Federation Conference—Clark did not mention Mazzini. Why? John Hirst has noted that if Clark had given way to his ‘heart’s desire’ he would have penned a draft constitution that provided for a Mazzinian republic—a blueprint for nation with a historic mission

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25    *ibid.*

26    *Barrier Times*, 16 January 1909.

27    See *Gold Diggers Advocate* (Melbourne), 10 February 1854; Paul Pickering, ‘A wider field in a new country: Chartism in colonial Australia’, in M. Sawyer (ed.), *Elections Full, Free and Fair*; Federation Press, Sydney, 2001, p. 39.

28    See: Jennifer Lorch, ‘Carboni, Raffaello (1817–1875)’, *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/carboni-raffaello-3163/text4733>.

29    C.M.H. Clark, *A History of Australia*, Melbourne University Press, 1997, p. 466. Lawson’s line comes from his ‘The Star of Australasia’, 1895.

not unlike that which Mazzini envisaged for Italy.<sup>30</sup> Why didn't he? This paper is a preliminary sketch of part of a wider study of Mazzini's influence on political thinking in the Anglophone world and Clark's papers may reveal a comprehensive answer. But my hunch is that it was because Clark was also an astute politician. For Mazzini and many of his followers republicanism had less to do with kingship than citizenship. Speaking on behalf of many of those influenced by Mazzini, W.J. Linton put it in 1867 thus:

What do we mean by republic? We mean not only the displacement of a form of government; but, believing that presidents are but slightly improved constitutional sovereigns, we mean the abolition of class government, which is monarchy, under whatever name ... We mean that duty shall no longer be an idle word; that it shall really express the relation of the parts to the whole, the relation by which a man or a woman becomes the servant of the actual time or the surrounding society—of family, of country, of the world...<sup>31</sup>

Clark, however, understood that the use of the word 'republicanism' would do more harm than good among the vast majority of delegates who were fundamentally committed to the British Empire with a monarch safely ensconced on the throne.

Mazzini, on the other hand, was not a compromiser. His subordinate role in the unification of Italy was in large part due to the greater willingness of his contemporaries, Garibaldi and Cavour, to engage in realpolitik. Did Mazzini, therefore, stare back at Clark with a glare of rebuke?

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30 John Hirst, *The Sentimental Nation: The Making of the Australian Commonwealth*, Oxford University Press, Melbourne, 2000, pp. 10–13.

31 *National Reformer*, 16 June 1867.