

# Oh, to Be in Boston Now That Federation's Here

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## The dynamics of desire

This paper is about the strong ties—and dynamics of desire—that joined progressive Australians and Americans at the end of the nineteenth and into the beginning of the twentieth century. They are fresh on my mind after recent travels on the trail of Frank Lloyd Wright's architecture that took me to the breathtaking 'Falling Water' in Pennsylvania, as well as his home and studio in Chicago, where it is believed Marion Mahony and Walter Burley Griffin, the designers of the city of Canberra, first met. It was for good reason Andrew Inglis Clark sent his son Conway to study architecture in the United States; architects were making their modernist mark in Chicago, New York and Boston—and skyscrapers were soaring.

From Boston, Conway wrote to tell his father that he had attended a series of lectures presented by the Boston Architectural Club on 'Modern Office Buildings'. In 1905 he worked on a Court House Competition in Chicago and the Hancock building in Boston, 'built entirely on the steel frame system' as he noted proudly.<sup>1</sup> Fittingly, Conway would return to the new Commonwealth of Australia—as Dave Headon has found—to work as secretary to the panel that judged the entries in the design competition for the national capital, that Marion Mahony and Walter Burley Griffin would win with their modernist vision matching the 'bold radical steps in politics and economics' that they, along with other progressive Americans, admired in the new nation.<sup>2</sup>

In 1901, the year of the founding of the Commonwealth of Australia, whose Constitution he helped draft, Andrew Inglis Clark, republican and nationalist, wrote to his friend Oliver Wendell Holmes Jr, who had just returned from a visit to London (and to his aristocratic mistress) of how he longed to be in Boston. Holmes' correspondence at the same time detailed his longing to be with his lover across the Atlantic: 'I am nigh insane with the question of coming to England'.<sup>3</sup> Clark wrote to Holmes about his desire to cross the Pacific:

I suppose that you had a good time in England. I often wish that Australia was as near to California as Massachusetts is to England. I should then see Boston every three or four years, and would probably be preparing now for a journey there early next year. But I must bow to the geographical configuration of the earth and all its consequences and wait in patience until my time to cross the Pacific Ocean again arrives.<sup>4</sup>

This rich and extensive correspondence, held in the Harvard Law School Library, illuminates different kinds of longing, desire, yearning, fantasy and the mix of personal and political that informs these

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- 1 Conway Clark to Andrew Inglis Clark, 26 August 1905, A.I. Clark papers, University of Tasmania Library—Special and Rare Collections, C4/C4 (hereafter referenced as Clark papers).
  - 2 Walter Burley Griffin quoted in Nicholas Brown, 'Canberra 1913', in Michelle Hetherington, *Glorious Days: Australia 1913*, National Museum of Australia Press, Canberra, 2013, p. 73.
  - 3 Holmes to Lady Clare Castletown, 9 June 1898, Mark DeWolfe Howe research materials relating to the life of Oliver Wendell Holmes Jr 1858–1968 (hereafter referenced as Holmes papers), Harvard Law School Library, HOLLIS 12642017, 19-8, seq. 34.
  - 4 Clark to Holmes, 26 October 1901, Clark papers, C4/C211 (1).

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states.<sup>5</sup> Diminutive Clark was Chief Justice of the Supreme Court of the colony of Tasmania, described by Alfred Deakin as '[s]mall, spare, nervous, active, jealous and suspicious in disposition, and somewhat awkward in manner and ungraceful in speech, he was nevertheless a sound lawyer, keen, logical and acute'.<sup>6</sup> Holmes was strikingly tall and handsome, a thrice-wounded hero of the Civil War, former Professor in Law at Harvard and Chief Justice of the Supreme Court of Massachusetts, soon to be appointed to the United States Supreme Court.

As historian John Reynolds pointed out many decades ago, and John Williams more recently, in *Makers of Miracles*, Clark was a devoted admirer of the United States and its republican political history and legal culture.<sup>7</sup> 'It was hero worship as well as admiration of intellect', wrote Reynolds in a letter to Holmes' biographer, Mark DeWolfe Howe, in 1947, a letter also to be found in the Holmes papers.<sup>8</sup> Williams quoted Patrick Glynn as noting of Clark at the time of federation: 'He feels the significance of the sense of independence, and the feeling, in the case of the American citizen, that his nationality has been created or won, not acquired'.<sup>9</sup> But as another of Clark's heroes, George Higinbotham, reminded Clark in 1891, Australian colonists were not yet, it seemed, 'prepared to assume the burden of independence'.<sup>10</sup>

Still some liberal colonists nevertheless liked to fantasise the possibility and Clark was more dedicated to the cause than most.<sup>11</sup> Like Alfred Deakin, and H.B. Higgins after him, Clark found intellectual sustenance and stimulation in the United States example of independence as well as in manly American writings, fiction and non-fiction.<sup>12</sup> Clark was a particular admirer of Holmes' classic text *The Common Law*—it supplied 'an annual course of instruction in first principles' and was the basis of lectures to law students in Tasmania.<sup>13</sup>

Holmes also recommended contemporary American sociological works to Clark, in particular the publications of Lester Ward and E.A. Ross' *Social Controls*, 'a mighty sharp little popular work'.<sup>14</sup> Ross was the originator of the theory of 'race suicide' and was sacked by Stanford University because of his anti-Chinese and anti-Japanese views.<sup>15</sup> Ward was a Progressive and founder of the discipline of sociology, believing that its primary function was to improve society. The subject of Ward's most important book, *Dynamic Sociology* (1883) was education. In 1903, he published *Pure Sociology*: Holmes recommended 'all that he writes' to Clark.<sup>16</sup>

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5 Clark's letters to Holmes held in this collection have been copied and also placed in the Clark papers at the University of Tasmania Library—Special and Rare Collections.

6 Alfred Deakin, *The Federal Story: The Inner History of the Federal Cause, 1880–1900*, Melbourne University Press, Parkville, Vic., 1963, p. 32.

7 John Reynolds, 'A.I. Clark's American sympathies and his influence on Australian federation', *Australian Law Journal*, vol. 32, July 1958, pp. 62–75; John Williams, 'Andrew Inglis Clark: the republican of Tasmania', in David Headon and John Williams (eds), *Makers of Miracles: The Cast of the Federation Story*, Melbourne University Press, Melbourne, 2000, pp. 44–55.

8 John Reynolds to Howe, 10 March 1947, Holmes papers, HOLLIS 12642017, 14-4, seq. 13–15.

9 Williams, 'Andrew Inglis Clark', p. 55.

10 George Higinbotham to Clark, 8 March 1891, Clark papers, C4/C206.

11 As did Alfred Deakin, intermittently. See Marilyn Lake, '“The brightness of eyes and quiet assurance which seem to say American”: Alfred Deakin's identification with republican manhood', *Australian Historical Studies*, vol. 38, no. 129, April 2007.

12 Marilyn Lake, '“This great America”: H.B. Higgins and Transnational Progressivism', *Australian Historical Studies*, vol. 44, no.2, June 2013.

13 Clark to Holmes, 20 January 1892, Clark papers, C4/211 (5).

14 Holmes to Clark (undated), Clark papers, C4/C210.

15 Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality*, Melbourne University Press, Melbourne, 2008, pp. 99, 171, 313.

16 Holmes to Clark (undated), Clark papers, C4/C210.

In 1897, on his second visit to the United States, Clark carried with him a letter of introduction, designed for new acquaintances, from the American consul general in Sydney recommending Clark as ‘a great admirer of the splendid manhood of our dear America’.<sup>17</sup> Manhood was a key value. To be independent was to realise the full potential of manhood; to live life as a ‘dependent’ was to remain in a compromised, feminine, condition. When the Chinese imperial government wished to put the Australian colonists in their place, its representatives routinely referred to the colonies, correctly, as ‘dependencies of the British Crown’.<sup>18</sup> To which studied slight, nationalist liberals such as Deakin, Higinbotham and Clark retorted that they were, to the contrary, ‘self-governing communities’, with a recognised right to run their own affairs.

The republic of the United States was conceptualised as an expression of masculine power: embodying strength, virility, ruggedness, and the proven capacity for complete self-government. It called up masculine desire. When Clark’s favourite English historian, the leading Anglo-Saxonist, and Regius Professor at Oxford, E.A. Freeman, visited the United States, in the early 1880s, and addressed the graduate seminar at Johns Hopkins, whose library featured his famous motto on its walls—‘History is past politics and politics are present history’—he expressed his admiration for the New World republic in a series of lectures and essays that cast Washington as ‘the expander of England’ and Anglo-Saxonism as a story of progress from ‘Old England [the Teutonic forests of Germany] to Middle England [England itself] to New England [Boston]’.<sup>19</sup>

Freeman was one of the most cited authorities in the Australian constitutional debates—and often quoted by heart. His writings were especially influential in the New World societies of Australia and America, where audiences were receptive to his coupling of democracy and race, his elucidation of the Anglo-Saxon origins of self-government and insistence that racial exclusion was the precondition of a self-governing democracy. Anglo-Saxonism was not a species of racial science, but a theory of history, a history of linguistic and political continuity and Clark, like many other liberals, including Irish Patrick Glynn and Jewish Isaac Isaacs, was an ardent subscriber. Clark’s copies of Freeman’s books were donated to the University of Tasmania Library—as David Mitchell’s copies of Freeman were among the founding collection of the Mitchell Library in Sydney.

Anglo-Saxonism represented an alternative to, not a synonym for, Britishness as a founding identity.<sup>20</sup> Anglo-Saxonism encouraged, rather, a strong identification with the republic of the United States. ‘One of the pleasing results of the war between the United States and Spain’, wrote naval officer George Dewey to Clark in 1898, ‘is the strengthening of the bonds that bind the Anglo-Saxon peoples’.<sup>21</sup> Holmes wrote similarly to his ‘dear Hibernia’: ‘I am glad that this war should draw our countries nearer together ... if there is to be a world row then I hope with all my heart that we should back you and you us—to bring out the English-speaking race on top’.<sup>22</sup>

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17 George Bell, letter of introduction, 15 March 1897, Clark papers C4/C391 (12).

18 Marilyn Lake, ‘The Chinese empire encounters the British Empire and its “colonial dependencies”’: Melbourne, 1887’, *Journal of Chinese Overseas*, vol. 9, no. 2, 2013, pp. 176–92.

19 Marilyn Lake, ‘“Essentially Teutonic”: E.A. Freeman, liberal race historian: a transnational perspective’, in Catherine Hall and Keith McLelland (eds), *Race, Nation and Empire: Making Histories, 1750 to the Present*, Manchester University Press, Manchester, 2010.

20 Marilyn Lake, ‘British World or New World? Anglo-Saxonism and Australian engagement with America’, *History*, vol. 10, no. 3, 2013.

21 Dewey to Clark, 29 July 1898, Clark papers, C4/C46.

22 Holmes to ‘Hibernia’ [Lady Clare Castletown], 10 May 1898, Holmes papers, HOLLIS 12642017, 19-8, seq. 22–23.

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Paul Kramer has documented the depth of this sentiment of Anglo-Saxon solidarity in his book *The Blood of Government*.<sup>23</sup> Yet, asked another of Clark's correspondents, Charles Stockton, what would become of the Malays who predominated in the Philippines? 'We cannot make them Anglo-Saxons'.<sup>24</sup> Like other not-white peoples, they would be governed by others. For the United States it was a 'novel ... colonial experiment'.<sup>25</sup> White men were deemed not just especially endowed with a genius for self-government, but also with the special attributes required to govern others.

In the United States, especially in New England, historian E.A. Freeman found—so he thought—the fullest expression of Anglo-Saxon democracy, self-government and liberty. Freeman also had occasion to deplore, in letters home, the political condition of Canada, that 'poor dependent land on the other side': 'Fancy being a province and having governors sent, when it might be a state and choose its own'.<sup>26</sup> This was a sentiment with which Clark would have agreed.

New England, on the other hand, especially its capital, Boston, and its pre-eminent university, Harvard, were magnets for liberals and republican-sympathisers from England and the Australian colonies: Goldwin Smith, James Bryce whose tome *The American Commonwealth* would inspire the name of the Australian Commonwealth, Charles Pearson, Alfred Deakin, Andrew Clark, and H.B. Higgins among them. All of them would have concurred with Deakin's observation that Boston was a fine and remarkable city of 'many historic memories'. These were the shared memories of nineteenth-century liberal democrats. Deakin had been mentored at the University of Melbourne by Charles Pearson, former lecturer in History at King's College, London and Cambridge, who had journeyed to Boston from England in the late 1860s.

One of a number of Oxford-educated liberals who travelled to the US, in part, to express solidarity with the cause of the Union in the Civil War, Pearson recalled:

My ten days in Boston will always remain in my memory as among the pleasantest incidents of my life. Acland had told me that the society he met in Boston could not, he thought, be surpassed anywhere in the world, and I had listened incredulously; but I am bound to say I came over to his opinion.

When I was there, Ticknor, Longfellow, Agassiz, Lowell, Wendell Holmes, Charles Norton, Wendell Phillips, Bowen Fields and Shattuck were among the ordinary society of Boston and Cambridge; and Emerson was a frequent visitor.<sup>27</sup>

Emerson, the prophet of American literary independence, died in 1882. Pearson wrote a review of his work, while Deakin undertook a pilgrimage to the site of his grave in Concord in 1885.

Pearson would use his observations of developments in the United States, gleaned on two separate visits—of white men being 'cramped for land' and the global spread of Chinese migration—in his future magnum opus, *National Life and Character: A Forecast*, which Oliver Wendell Holmes in Boston and Theodore Roosevelt and his circle in Washington read and exclaimed over in the year of its publication, 1893.

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23 Paul Kramer, *The Blood of Government: Race, Empire, the United States and the Philippines*, University of North Carolina Press, Chapel Hill, N.C., 2006.

24 Charles H. Stockton to Clark, 26 October 1901, Clark papers, C4/C268.

25 *ibid.*

26 Lake, '“Essentially Teutonic”', *op. cit.*, p. 65.

27 Charles Henry Pearson, 'The Story of my Life', in William Stebbing (ed.), *Charles Henry Pearson, Fellow of Oriel and Education Minister in Victoria: Memorials by Himself, His Wife, and His Friends*, Longman and Green, London, 1900.

## Anglo-Saxonism and America

Clark first visited the United States in 1890. He initially sought a letter of introduction to Holmes from his good friend, the Unitarian preacher, Moncure Conway, but Conway regretted that he didn't know Holmes Junior, only his father, the celebrated poet, Wendell Holmes Senior.<sup>28</sup> Clark then asked Conway to write to him instead, but as it happened he meanwhile met J.H. Allen of the New York Bar, who agreed to write the letter that led Clark to meet Holmes Junior.<sup>29</sup> On that first trip he met Alfred Deakin's good friend, Josiah Royce, whom Deakin had met two years before in Melbourne, and who lived in Irving Street, Cambridge, where Clark's son, Conway would take rooms. He also met the economist, F.W. Taussig and the Harvard historian, Albert Bushnell Hart, who taught a course on comparative constitutional law and federal political systems. Hart became a grateful recipient of Clark's copies of Australian convention debates, which he deposited in the Widener library. 'The friends of good government throughout the world', Hart assured Clark in 1900, 'are rejoiced at the final accomplishment of your long task'.<sup>30</sup>

In 1897, Clark became a subscriber to the *Harvard Law Review*, the journal for which H.B. Higgins, a later convert to 'this great America' would write his commissioned article on 'A New Province for Law and Order' in 1915. Higgins' justification of a legal minimum wage would later be quoted at length by Holmes in his celebrated dissent in *Adkins v. Children's Hospital* in 1923. Holmes sent Clark copies of the *Harvard Law Review* containing his articles on 'Agency' and a copy of his collected *Speeches*. Clark replied with characteristic enthusiasm:

The perusal of the speeches has given me very much pleasure and has vividly revived the memory of the very delightful time I spent in your company in Boston. Whether that short period of personal intercourse warrants one or not in regarding myself as included in the 'few friends' for whom those 'chance utterances of faith and doubt' were printed, I shall always have a place among those 'who will care to keep them'.<sup>31</sup>

In the correspondence between Clark and Holmes, Clark often detailed the cases in which he was involved on the Tasmanian Supreme Court and he sought Holmes' advice. In November 1899, Clark wrote with characteristic longing:

I often wish that you were much nearer to me than you are so that I might discuss a point of law with you. A short time ago, I differed from my colleagues on a question relating to the distribution of the assets of a deceased insolvent ... I found several American decisions in support of my opinion, but could not discover any English authority directly on the point. If at any time you deliver a judgment on a point of law in which you think I would be interested I shall be glad to receive a copy of it.<sup>32</sup>

Convinced by the American example and the challenges posed by the need for uniformity between the Australian colonies, as well as the writings of Anglo-Saxonists such as Freeman, whose text *The History of Federal Government* was a key text for delegates to the constitutional conventions, Clark became an

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28 Many accounts of Clark's first meeting with Holmes have assumed incorrectly that his introduction was enabled by Moncure Conway.  
29 Clark to Holmes, 4 October 1890, Clark papers, C4/C211(6).  
30 Hart to Clark, 14 April 1900, Clark papers, C4/C198.  
31 Clark to Holmes, 20 January 1892, Clark papers, C4/C211 (4).  
32 Clark to Holmes, 3 November 1899, Clark papers, C4/C211 (4).



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ardent supporter of the move towards federation. He represented Tasmania at the Federal Council meetings in 1888 and 1889, at the Federation Conference in Melbourne in 1890 and at the federal convention in 1891, but he missed the later convention because he was on his way to the United States. 'I am very sorry that you will not be at the Federal Convention', Sir Samuel Griffith wrote to Clark. 'I hope that your trip to America will do you good'.<sup>33</sup>

Clark followed Freeman in believing that Anglo-Saxons had a special genius for self-government and it followed logically for them that those descended from peoples who had not inherited this capacity must be excluded from Anglo-Saxon communities. Freeman's racism intensified during his visit to the United States where blacks had been enfranchised after the Civil War; 'I am sure 'twas a mistake making them citizens'.<sup>34</sup> Plantation societies rested on and produced a caste system; democracies enshrined equality of political status. Many white liberals including Freeman and Clark found the prospect of racial equality difficult to contemplate.

In the racial violence that followed emancipation, the United States provided 'history lessons' that Australian nationalists—Clark, Deakin, Higgins, Isaacs—would take to heart.<sup>35</sup> Lynchings in the United States reached a peak in Australia's federal decade. Talk of the necessity of deporting blacks to Africa was widespread. Increasingly a multi-racial democracy came to seem an impossibility. Chinese 'fixedness of character', as Clark would write, meant that they could never assimilate into the Australian 'homogeneous community'.<sup>36</sup>

In the United States, Chinese exclusion had been enacted through legislation in 1882. In 1888 Clark wrote a 'Memorandum on Chinese Immigration' in the context of the Sydney discussions that followed the visit of the Chinese Imperial Commissioners in 1887 and the 'Afghan crisis' in 1888. His 'Memorandum' was reprinted in *The Sydney Morning Herald* at the time of the intercolonial meeting there on Chinese immigration restriction and pointed to the limits of Australian self-government.

Clark wrote:

Our Australian kinsmen, having done as much as they believed they could within the powers granted to them by the Imperial Legislature to restrict and repress the tide of Chinese immigration, now declare that these powers are insufficient for the purpose, and are crying aloud for the aid of the British Government to enable those Anglo-Saxon communities flourishing under the Southern Cross to preserve their 'type of nationality,' and to save them from the misfortune of having in their midst a large number of a race which could not mix with them socially or politically; and the question of the day is how, and to what extent, can this aid be best rendered ... the United States and Australia are seeking to raise the barriers between the Chinese and the rest of the world ...<sup>37</sup>

The comparison, of course, highlighted the difference: the United States was a sovereign republic able to enact international treaties and its own laws. The extent of the Australian colonies' powers as self-governing communities had been tested in the Victorian Supreme Court case of *Ab Toy v. Musgrove*

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33 Griffith to Clark, 26 February 1897, Clark papers, C4/C187.

34 Lake, '“Essentially Teutonic”', op. cit., p. 65.

35 Lake and Reynolds, *Drawing the Global Colour Line*, op. cit., pp. 138–43.

36 Richard Ely (ed.), *A Living Force: Andrew Inglis Clark and the Ideal of Commonwealth*, Centre for Tasmanian Historical Studies, University of Tasmania, Hobart, 2001, pp. 78–9.

37 *ibid.*, p.71.

and on appeal to the Privy Council. Radical nationalists such as writers for the *Age* newspaper threatened separation.<sup>38</sup> In the end, as we know, the British Government submitted to Australian demands for race-based immigration restriction and the inauguration of the new Commonwealth as ‘White Australia’. This was the cost for keeping the empire intact.

But still Clark worried about the ‘race problem’. In September 1903 he received a letter from Chris Watson, the leader of the Labor Party, who was responding to a newspaper article Clark had sent him arguing the necessity of the deportation of African Americans:

Many thanks for your letter and kindness in forwarding copy of American paper. I think it especially significant to find deportation put forward as the only solution to the race problem in the States. I was interested too to notice the reference to the opinion of Lincoln as to the impossibility of the negroes living side by side with the whites. I had not encountered the reference before but he evidently had the gift of prophecy in this connection.<sup>39</sup>

In his essay on Clark’s ‘Memorandum on Chinese Immigration’, Richard Ely asked whether Clark’s essay on democracy and his views on Chinese exclusion represented a contradiction: were there two Andrew Inglis Clarks?<sup>40</sup>

I would suggest, rather, that an understanding of Clark’s Anglo-Saxonism and the racialised nature of the discourse on self-government and democratic equality in the late nineteenth century led precisely to the policies of exclusion favoured by Clark and his fellow white men in the New World democracies of Australia and the United States. His son Conway reflected this understanding when he wrote from Boston, in 1905, deploring the advertisements he saw calling for ‘Tenders for the supply of 5000 Chinamen for 5 years’ to build the Panama Canal. ‘[A]lmost as bad as South Africa eh!’ he commented, referring to the controversy over the importation of Chinese indentured labour to work the Rand mines. Drawing the colour line was clearly a global challenge. Conway also reported to his father on the debate over Theodore Roosevelt’s efforts to exclude or segregate Japanese immigrants. ‘The Americans have long ceased to worship the “little Brown Angels of the East”’, he wrote,

In the Harvard University graduation classes of last year there were 2 Chinese and 4 Japs. The Chows beat the Japs out of sight. I am still to be convinced about the angelic qualities of the little Brown Man.<sup>41</sup>

His father would have agreed with his son’s sentiments, but might not have dismissed Japanese capacity so easily. That year the Japanese defeat of Russia—a European power—sent shock waves around the world. In the last two years of his life, Andrew Inglis Clark witnessed some signs that the old racial order—the rule of white men—might be about to change.

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38 Lake, ‘The Chinese empire encounters the British Empire and its “colonial dependencies”’, op. cit., p. 187.

39 Watson to Clark, 28 September 1903, Clark papers, C4/C312.

40 Ely, op. cit., p. 83.

41 Conway Clark to A.I. Clark, 16 September 1905, Clark papers, C4/C6.