HENRY PARKES ORATION 2007

Whatever Happened to Australian Radicalism?

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Abstract

Like all great speeches Henry Parkes' Tenterfield Oration was a call to action. In making the case for a national system of government that embodied the principles of freedom he drew heavily on the theories, insights and arguments of the British radical tradition, albeit modified by his experience of hard-edged parliamentary politics. This was the tradition of parliamentary and electoral reform, freedom of association and expression, national self-determination and social equality. From within its ranks emerged the case for popular sovereignty, democracy and the republic. At a deeper level the radicals recognized that good political systems weren't just means to an end but ends-in-themselves.

Many of those responsible for political and social reform in the colonies – and the creation of the Australian nation with its new Parliament, Government and High Court – may have been self-taught but they were good philosophers who were unafraid to think in terms of first principles and ideals as they confronted the challenge of constitutional design and implementation.

These radical ideas and ways of thinking helped make the Australian colonies and the new nation from the 1850s to the First World War one of the most advanced and envied democracies in the World. The Commonwealth of Australia may not have been a republic and, as we know only too well, it excluded the indigenous population, but the franchise did include women and the federation itself was created through a series of democratic acts. The requirement for a referendum if the Constitution was to be changed preserved this popular element into the future.

Whilst radicalism had clearly played a role in the reform movement and the creation of the nation, many radicals were disappointed with the final result. Full constitutional independence from Britain was not achieved and concern was expressed at the inclusion of many elements designed to thwart of the "tyranny of the majority". From within the labour movement there emerged the case for a strong and centralized form of government to facilitate national development and full employment with social justice. These attitudes were reinforced later in the century as the nation faced the twin challenges of the Great Depression and the Second World War.

Even though achievements were made at state level, the lack of one-vote one-value, the gerrymandering of electorates and propertied franchises for the Upper Houses rendered some of the states tough territory for social and economic reformers. Indeed for many radicals keen to build a nation from a continent, the states were seen as barren ground. If change was to come it would have to be led by the Commonwealth.

Add to this the growing belief in radical circles in the 1930's and beyond that the Constitution was an obstacle to reform. The Lang Labor Government was sacked in 1932 by a Governor using the reserve powers, the Victorian Legislative Council blocked supply from the Cain Labor government in 1947 and the High Court blocked attempts to nationalise the banks.

It was from this background that we can understand Gough Whitlam's centralist and majoritarian version of radical politics. His mix of social democracy, nationalism and the new issues from the social and political movements of the 1960's was backed up by an activist view of the Commonwealth's political and constitutional position. However, more than anything else it was his dismissal in 1975 that was to prove most controversial. It put the focus back, not only on the Constitution, but on the Whitlam strategy itself.

Ironically, while the Whitlamite majoritarian and centralizing version of radicalism was stealing the limelight, a new radicalism was emerging at the state level. Don Dunstan was the pioneer of reform and his example was followed by other state governments. Malapportionment and gerrymandering were abolished, proportional representation established for Upper Houses and new agencies of accountability introduced to protect the public interest. Dunstan had shown that reform from below was a real possibility and as a result the traditional liberal argument for checks and balances was released from its conservative straitjacket to become an important weapon in the radical armoury.

Whilst all of this was happening the left of Australian politics was moving away from its protectionist past and embracing market economics, particularly at the federal level. This focus on market economies was coupled with a more conservative and less populist political disposition, illustrated by the opposition to a directly elected president in the republic debates in the 1990's. However, this move did open Labor's ranks to arguments about choice in politics, diversity in society and innovation in public policy – all small "l" liberal values. Increasingly public policy in its many forms rather than a more narrowly based ideology became the basis for thought and action.

At the same time the right was becoming more aggressive and centralist, regarding the checks and balances created at the federation, even the democratically elected state governments, as impediments to the will of the people. The left's old dream of centralised national government has been taken over by the right in the interests of electoral pork barreling, unchecked economic rationalism and populist cultural politics. John Howard has called it "aspirational nationalism".

Too often in this new environment progressives have been locked into a bureaucratic and centralising view of Australia's future and have been unable to think in clear and decisive ways when it comes to non-economic issues. Progressive "once-radicals" have lost the intellectual ascendancy. We need to get it back by noting the space that now exists for a new and more liberal and participatory version of politics that supports social diversity and civil society.

The concept of "balance" is critical.

We need a new radicalism that moves away from majoritarianism and centralism to one that emphasizes the balance between individual rights and state and federal power.

To guarantee individual rights, I believe progressives should once again push for the enshrining of a national Charter of Rights (along the lines of those established in the A.C.T. and Victoria) to constrain any government from using various pretexts to slowly and unnecessarily chip away at our freedoms. We need a more sophisticated and proactive approach to whole issue of rights protection that requires questions to be asked from the earliest to the later stages in the decision-making process.

To build a modern Australian economy and society, we need a new commitment to federal-state cooperation. Instead of 'aspirational nationalism' we need 'cooperative federalism'. The proof of what can be achieved through cooperative federalism is already before us. Over the last two to three years the Labor state governments led by Victoria have worked together to create a new federal agenda that shares financial and policy responsibilities for economic reform; human capital investment; infrastructure development; sorting out the hospital, health, dental and aged care systems; and addressing sustainability. This agenda is designed to work without undermining the subsidiarity principle and the multiple centres of power required to promote innovation.

And, finally, to symbolize this new era of reform, we need a new movement to establish an Australian republic – one which demonstrates that reformers once again trust the people by providing for our head of state to be directly elected and with clearly enumerated powers. Australia not just as a republic, but as a pluralist, federal, progressive republic under popular sovereignty. In other words we should aspire to a system that embodies the highest ideals of our liberal and democratic inheritance.

1. Australia's Radical Inheritance
2. The New Nation
3. A Twentieth-Century Radical Tradition
4. Change from Below
5. Left and Right
6. Updating our Radicalism

It's a great honour to be invited to give a speech named after the giver of arguably the most significant speech in Australian history – the Tenterfield Oration.

Like all great speeches it is a call to action, a call to the Australian people to achieve by peace what the Americans had achieved by war. The time had come, he said, to have "an uprising in this fair land of a goodly fabric of free government" with "all great national questions of magnitude affecting the welfare of the colonies" disposed of by "a distinct executive and a distinct parliamentary power". [1]

In saying these things Parkes was pointing to the need not just for any national system of government but one that embodied freedom. He was drawing upon the theories, insights and arguments of the British radical tradition, albeit modified by his experience of hard-edged parliamentary politics. This is the tradition of parliamentary and electoral reform, freedom of association and expression, national self-determination and social equality. From this tradition also emerged the argument for popular sovereignty, democracy and republic. At a deeper level the radicals recognized that good political systems weren't just important as means to an end but were ends-in-themselves. To put it in contemporary terms they saw people as "citizens" rather than as "customers" or "consumers". It would seem most appropriate, then, that my lecture today should deal with this subject of radicalism and more particularly with the question: "whatever happened to Australian radicalism?"

Australia's Radical Inheritance

We know where radicalism came from: people like Sir Henry Parkes and John Dunmore Lang – two of our most important intellectual founding fathers, who laid the base on which men like Barton, Deakin and Reid later built the nation.

Funny that, because when we think of founding fathers we think of grey haired, conservative old men who believe that the old ways are always best. Little do most Australians realize, though, that our founding fathers were followers of and sometimes proselytizers for ideas that many of their contemporaries considered to be positively dangerous.

Take Parkes, especially in his early years, and the even more radical figure, Lang. More than half a century before Federation, they were calling for, among other things, the following:

- an end to transportation and the creation of a free society;
- federation;
- responsible parliamentary government, with a bicameral legislature, equality of electoral districts and short, regular parliamentary terms;

[1] The Tenterfield Oration was delivered on 24 October 1889 and reported in the Sydney Morning Herald on the next day. For the report see http://en.wikipedia.org/wiki/Tenterfield_Oration

- universal manhood suffrage;
- a society without either a privileged aristocracy or an impoverished, starving working class;
- public education for all;
- and, at various times, an Australian Republic.

Now, I want to ask you: does this sound familiar? It should, because with the addition of votes for women, it's the Australia we gained in 1901, and still live in today – enhanced, of course, by innovative social legislation and occasionally radical interpretations of the Constitution by the High Court.

It's important to remind ourselves that the time in which the radical social, political and constitutional demands were being formed – the 1840s and early 1850s – was a time of European revolution and political ferment in England. Parkes, Lang and others got their ideas from their own egalitarian interpretations of the Bible, to writings of the American revolutionaries, radical liberals like Jeremy Bentham and, most remarkably of all, from the British radicals and Chartists - whose ideas conservatives considered nothing short of seditious and revolutionary, and for the supporting of which men were often transported to the colonies.

Obviously, there were many other important intellectual, social and economic influences on the establishment of Australian democracy, but here's my first key point today, one which Australians too often overlook: the founding principles of our democracy were laid in a time of European revolution by men soaked in radical political ideas.

Of course, while sharing many constitutional principles, men like Lang and Parkes were chalk and cheese when it came to their visions of the future. Lang wanted a radical revolution. Parkes, at least in his later years, wanted radical reform to head off even more radical revolution. But the practical effect of their agitation was the same: the establishment of a liberal democracy in the former colony of New South Wales.

Ideas, though, come and go. What seems radical at one time can seem conservative at another, and vice versa. This alerts us to the fact that radicalism is more than a set of ideas; it's a way of thinking that puts the thinker at a critical angle to society.

And this brings me to my second major point for today: many of the people who founded Australian democracy may have been self-taught, but they were good philosophers who were unafraid to think in terms of first principles and ideals as they confronted the challenges of creating a nation in a time of change. We, by contrast, have allowed ourselves to become utilitarians and technocrats, dominated to the exclusion of almost all else by economics and accountancy.

2. The New Nation

These radical ideas and ways of thinking made the Australian colonies and nation from the 1850s to the First World War perhaps the most advanced and envied democracy in the world. Before we turn our minds to how we can improve it, make it more relevant to the challenges we face, and gain that envied status once again, let's examine what these ideas gave us.

Firstly, they gave us nationhood.

Now it's true they never gave us a republic in the form in which most now conceive it – with an Australian head of state. But republicanism had a number of connotations in the in the nineteenth century. For many, the establishment of an independent democratic nation, free from tyranny and the control of an overbearing aristocracy, constituted a republic – "a republic in disguise", as the historian Mark McKenna has called us. [2] In fact the title which Parkes first dreamt up for our nation – the *Commonwealth* of Australia – was an early modern translation of the Latin term *res publica*.

Secondly, our founding ideas gave us popular sovereignty.

The significance of this achievement isn't always fully appreciated. At the time of federation, never mind the 1850s, responsible government elected through universal suffrage was far from the norm. Universal manhood suffrage wasn't fully achieved in Britain until 1918 and unrestricted female suffrage wasn't passed until 1928. In Germany, the government was responsible not to the parliament but to the Kaiser. Responsible government there came only after World War One. Russia was still an autocracy. Of course while in 1901 we included women in the franchise, we omitted our original inhabitants, so the term 'universal' must be highly qualified.

We also added the concept of the referendum. Our federation itself had been created through a series of democratic acts that had been drawn up by the elected federal convention and accepted by a popular referendum. And of course one of our first great national controversies – the conscription issue – was settled by not just one, but two plebiscites. Try imagining today a national government putting such a contentious issue relating to matters of war, peace and foreign alliances to the people. It's almost inconceivable.

Radicals had a significant influence over this quite remarkable achievement of nationhood, and it's not surprising that many chose to work within the contours of the newly established system. This allowed them to achieve many important reforms, some sooner than others, which have never quite been accepted by conservatives and are still being fought over today:

- conciliation and arbitration;
- a comprehensive opportunity and welfare state;
- and recognition of aboriginals, followed by land rights.

This was despite the serious reservations some radicals had about the limitations of the 1901 constitutional settlement. Many radicals had wanted full constitutional independence from Britain – which they later attained through the Balfour Declaration (1926), the Statute of Westminster (1931) and, much later, the Australia Act (1986).

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[2] See Mark McKenna, The Traditions of Australian Republicanism, Parliament of Australia, Parliament Library, Research Paper 31 (1995-1996)

3. A Twentieth-Century Radical Tradition

It is to the broader question of the limitations of the 1901 Constitutional settlement that I would now like to turn, particularly for those on the left of the political spectrum who believed in the need for comprehensive social and economic change.

Not surprisingly they opposed many of the liberal elements designed to prevent "the tyranny of the majority". Some too resented the monarchical elements which tied the system together and kept alive the reserve powers of the Crown. From within the Labour movement there emerged a critique of the federal system itself and all those elements which constrained the will of the majority as expressed in the composition of the lower houses of parliament.

Radicalism stayed alive as a critique of the constitution and for some as a movement for an Australian republic with a strong and centralized national government. The concept of national development and full employment with social justice featured prominently in the thinking of Labor leaders John Curtin, Ben Chifley and Dr Evatt. Their attitudes were also influenced by the economic impotence of state governments in the face of the Great Depression and the need for national economic direction during and after the Second World War.

As far as State Governments were concerned there were many achievements but generally radicals baulked at the lack of one-vote one-value, the gerrymandering of electoral boundaries and property franchises for second chambers. For those radicals keen to build a nation from a continent, the states were seen as barren ground. If change was to come it would have to be led by the Commonwealth.

Add to this the growing belief in radical circles in the 1930's and beyond that the Constitution was being used opportunistically by reactionaries to block mandated reform:

- The sacking of the Lang Labor Government by New South Wales Governor Sir Philip Game in 1932 convinced many that the continued existence of the reserve powers of state and commonwealth governors and governors-general pointed to the need for a republic.
- The obstructionism of state upper houses elected with a restrictive property franchise – such as the blocking of supply by the Victorian Legislative Council, which led to the defeat of the government of John Cain Senior in 1947 – convinced radicals that upper houses themselves were the problem and that electoral reform was needed. In some states it was Labor policy to abolish upper houses altogether.
- The blocking of attempts to control and nationalize banking in the late 1940s by the High Court and the Privy Council, using sometimes contentious legal reasoning, convinced others that judicial reform was also needed and that new constitutional ways had to be found to facilitate a new era of national development.

Undoubtedly the greatest Australian radical of the twentieth Century, Gough Whitlam, gave a particularly modern flavour to his mix of democratic socialism and nationalism by adding many of the issues associated with the social and political movements of the 1960s. He took an activist view of the Commonwealth's constitutional and political position. Whitlam's radical constitutional innovation was to find new constitutional means to extend

Commonwealth involvement in social and economic development – mainly through his use of tied grants to the states under section 96 of the Constitution and the creation of new bodies like Medibank and the Schools Commission to raise and disperse funds and lead national policy.

However, it was the circumstances of Whitlam's dismissal and defeat in 1975 that was to be most controversial. The combination of State and Senate obstruction and the exercise of reserve powers put the focus back onto the Constitution and what it meant for those seeking reform. It also raised a question mark against the Whitlam strategy and the assumptions behind it.

4. Change From Below

Ironically, while the Whitlamite majoritarian and centralizing version of radicalism was stealing the limelight, a new radicalism was being created, slowly and without fanfare, at the state level.

The governments of Don Dunstan in particular (1967-68 and 1970-79) demonstrated what could be done by using the powers available to a state government. As the Labor Party's premier historian Ross McMullin has written:

> …after being renowned during the Playford era for its conservatism, South Australia became an enlightened pace setter under Dunstan in many spheres, including electoral fairness, community welfare, consumer protection, planning and environment, education, equal opportunities, Aboriginal affairs, public administration and the arts. [3]

Dunstan was truly a pioneer and similar changes were to follow in other states, mainly but not wholly from the efforts of modernizing Labor administrations. Indeed, in more recent times this tradition has been further developed with innovations in democratic engagement and human rights protection coming from State Labor. These governments have proved that significant state-based progress could be made even under federal governments with more conservative priorities.

Perhaps more enduringly, through ambitious democratic experimentation, the states set out to solve one of the problems the radicals of the 1850s and federation hadn't been able to adequately address – the capacity of state institutions to frustrate radical social reforms. One-by-one the systems of state constitutional checks and balances were rid of their conservative biases:

- Gerrymanders were negated;
- Upper houses were given new proportional representation electoral systems; and
- Anti-corruption commissions and other monitoring agencies were set up to make state institutions more accountable.

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[3] Ross McMullin, *Light on the Hill: The Australian Labor Party 1891-1991* (Oxford, 1991), p.393.

The end result is that it's much rarer these days to hear state Labor governments making serious complaints about the in-built, *Yes Minister* conservative biases of the public service and the judiciary. In fact, the complaints about these bodies are more likely to come from conservatives, who claim they are dominated by radical elites. The result is that purposeful but practical reform has allowed Labor to dominate the last decade at the state level, even with one of the most right wing federal governments the country has ever known.

Proportional representation and the rise of stronger third parties like the Greens have likewise reduced the likelihood that the Senate and other Upper Houses will be able to frustrate radical reform in the future. Despite the setbacks of the 2001 and 2004 Senate races, the Upper House is still more likely to be a defender of existing rights and a generator of pressure for more radical reform than the reverse.

In my view, the idea of a centralized national system as the necessary basis for radical change in Australia only made sense if there was electoral malapportionment and inbuilt conservative constitutional and institutional biases at the state level. So there's my third key point for today: radical progressives should embrace democratic checks and balances as the means to further their agenda. This means a more positive embrace of the American elements of our Constitution such as federalism and divided power more generally considered.

5. Left and Right

While these radical constitutional reforms were occurring at the state level, other changes were occurring in Australian politics.

One of the most remarkable features of contemporary Australian politics has been the Left's embrace of market economics and economic rationalism generally, particularly at the federal level. This focus on market economics has been coupled with a more conservative and less populist political disposition. This was clearly demonstrated during the debate over the republic in the 1990's when the left failed to support a direct election model for the election of an Australian head-of-state. Ultimately Australia's leading republicans just couldn't contemplate sharing power with the people.

However, at the same time it opened Labor's ranks to arguments about choice in politics, diversity in society and innovation in public policy – all small "l" liberal values. It was an era of substantial revisionism, not just in respect of means but also in respect of the ends of power. Increasingly evidence-based public policy rather than a more narrowly–based ideology became the basis for thought and action.

At the same time, the Right has become radical in the social and economic spheres. The Right now regards the checks and balances created at federation – like the Senate, the delineated responsibilities of the States, and the idea of balance on the High Court – as impediments to the will of the people expressed through elections to the House of Representatives, and as standing in the way of its radical right-wing reforming ambitions. Take the following statements on state-federal relations by Prime Minister John Howard in keynote speeches in April 2005 and August 2007, outlining his vision of 'aspirational nationalism':

> "…fears of centralism rest on a complete misunderstanding of the government's thinking and reform direction. Where we seek a change in the federal-state balance, our goal is to expand individual choice, freedom and opportunity, not to expand the reach of central government."
>
> "I am, first and last, an Australian nationalist. When I think about all this country is and everything it can become, I have little time for state parochialism."
>
> "Sometimes [aspirational nationalism] will involve leaving things entirely to the states. Sometimes it will involve cooperative federalism. On other occasions it will require the Commonwealth *bypassing the states altogether* and dealing directly with local communities." [4]

He's re-writing the constitution through political fiat. You don't have to read between the lines to get the Prime Minister's vibe: that centralization isn't just the most direct way to maximise the electoral benefit of pork barreling, it's the best way to remove the impediments to his version of our national values and the free market posed by the Australian constitutional and political inheritance.

So here's my fourth major point for today: the radicals' old dream of centralized national governmental power has been taken over by the Right in the interests of electoral pork barreling, unchecked economic rationalism and populist cultural politics.

6. Updating Our Radicalism

I mentioned earlier how radicalism is as much a way of thinking as a program for government. One of the problems for Australian progressives over the years is that they have been too locked into a centralizing bureaucratic view of Australia's future and are too often unable to think in clear and decisive ways when it comes to non-economic issues. Progressive 'once-radicals' have lost the intellectual ascendancy. We need to get it back by noting the space that now exists for a new and more liberal and participatory version of politics that supports social diversity and civil society.

First a warning. Regaining the ascendancy won't be achieved through a risky lunge to the left, forgetting economics and responsible government and joining doomed crusades like the anti-globalization movement.

Perhaps the answer lies in the example of the people I discussed at the start of my lecture – in recapturing the radical democratic potential of federation and federalism.

Huge challenges face us today, just as they faced Henry Parkes and John Dunmore Lang. For them the challenges were national development, organizing national defence and freeing interstate trade. (As well, of course, of implementing a White Australia policy). For us, the challenges are to become environmentally sustainable, develop our human capital

[4] See John Howard "Reflections on Australian Federalism", Address to the Menzies Research Centre, 11 April 20054 and Address to the Millenium Forum, Sydney, 20 August 2007

and succeed in a globalised world economy without sacrificing the concept of equality. Addressing these issues gives progressives the opportunity to revive our sense of purpose and to reassert ourselves as a major intellectual and practical force for radical change. Pragmatism is a necessary and usually honorable reality of politics, but to regain the ascendancy, movements need more – they need a sense of purpose and direction. How do we conquer these challenges through an appeal to our federal past? The concept of 'balance' provides a compelling answer.

I believe the dramatic decline in the Howard Government's popularity over the last twelve months doesn't represent a rejection of strong leadership, but a rejection of arrogant, centralized power. It's a rejection of the trampling of state power; the over-riding of checks and balances; and the abuse of the resources of the state. People want continuing economic reform, but not at the price of social progress and environmental irresponsibility. They don't want a swing to the left; they want balance.

Before you object that calling for balance is hardly radical, let me repeat what I said earlier: ideas that at one time seem conservative can at other times seem radical. In the mid nineteenth-century and at federation, the idea of individual rights, popular sovereignty and a balanced federal constitution were radical democratic beliefs. They can be again today.

So here's my fifth and final main point for today: we need a new radicalism that moves away from majoritarianism and centralism to one that emphasizes the balance between individual rights and state and federal power.

To guarantee individual rights, I believe progressives should once again push for the enshrining of a national Charter of Rights to constrain any government from using various pretexts to slowly and unnecessarily chip away at our freedoms. We need a more sophisticated and proactive approach to whole issue of rights protection that requires questions to be asked from the earliest to the last stages in the decision-making process. The fact that it has proved all too easy to change the electoral laws to intentionally keep young or itinerant voters off the electoral rolls because they're likely to vote for another party, to deport citizens like Vivian Solon because they're unable to speak up for themselves, or to take away a person's right to bargain collectively with an employer should be a cause for concern. The Charters established by the A.C.T. and Victorian Governments show the way forward. As the Hon Justice Michael Kirby said of such Charters earlier this month:

> In effect, it provides a stimulus to the democratic process, it encourages us to think in terms respectful of the basic rights of one another. It promotes a culture of mutual respect of basic rights. But it leaves the last word to elected parliaments, whilst rendering them and their processes transparent and promoting vigorous debate on such matters. [5]

[5] Hon Justice Michael Kirby, "Consent and Dissent in Australia", 10th Annual Hawke Lecture, Adelaide Town Hall, 10 October 2007.

To build a modern Australian economy and society, we need a new commitment to federal-state cooperation. Instead of 'aspirational nationalism' we need 'cooperative federalism'. The proof of what can be achieved through cooperative federalism is already before us. Over the last two to three years the Labor state governments led by Victoria have worked together to create a new federal agenda that encompasses economic reform; human capital investment; infrastructure development; sorting out the hospital, health, dental and aged care systems; and addressing sustainability. This agenda is designed to work without undermining the subsidiarity principle and the multiple centres of power required to promote innovation. Indeed, the *Third Wave of National Reform* is a worthy successor to similar initiatives from the past and like them will succeed or fail depending on the level and depth of Commonwealth/State co-operation and appropriate mechanisms for sharing the costs of reform.

And, finally, to symbolize this new era of reform, we need a new movement to establish an Australian republic – one which demonstrates that reformers once again trust the people by providing for our head of state to be directly elected and with clearly enumerated powers. Australia not just as a republic, but as a pluralist, federal, progressive republic under popular sovereignty. In other words we should aspire to a system that embodies the highest ideals of our liberal and democratic inheritance.

Conclusion

What I've tried to demonstrate today is that, contrary to the prevailing view, radicalism has played and should continue to play a big role in the Australian story.

It's true that Australia is incredibly fortunate and prosperous, for most of our people at least. But we didn't get here by taking the easy way out, relying on utilitarianism and pragmatism alone. And we didn't get there by focusing on economics alone and ignoring the insights of political philosophy into the relationship between citizenship, community-building and economic progress.

So my challenge to you is not to reject involvement in mainstream electoral politics – as many disillusioned radicals have done in the past – but to recognise the radical reforming potentialities that still exist within our federal system of government. It's a bit like our personal computers – we're only using a fraction of their potential. As reformers past and present have found, we can find new ways of bringing about quite radical change within the open boundaries set for us by the founding fathers, who truly did take their political philosophy seriously.