

HISTORYMATTERS

attain independence.

The method they chose to achieve this was a near 500-page petition filled with maps, arguments and the democratically expressed will of the people. The idea was to deliver this to the British Parliament which, they supposed, would pass a bill granting them independence. A delegation led by Keith Watson, chairman of the secessionist Dominion League, left

It was Western Australia's loyalty to Britain and its Empire that derailed its move towards independence

Perth for London with much fanfare and everyone expected things would proceed smoothly.

The petition was presented to both Houses of Parliament in December 1934 and a joint committee was formed to examine it. But the committee's task was not to judge the merits of the case for secession; its task was to determine whether or not the British Parliament had any right to receive the petition. This is where the secessionists mis-judged Britain's attitude to its Empire.

The 1926 Imperial Conference had resulted in the Balfour Declaration (which led to the 1931 Statute of Westminster). The declaration carried one important passage; it declared Britain and its Dominions:

Autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.

Britain had effectively given up any control over the Dominions. They were on their own and Britain would no longer interfere. The joint committee therefore rejected the Western Australian petition on the grounds that it had no authority to receive it. Western Australia would have to negotiate with the parliament in Canberra, which was not inclined to listen.

'History will record this as the greatest and most despicable abdication of all time', was Keith Watson's response to the joint committee's report. Even

the anti-secessionist state premier Philip Collier claimed it was not the end of the matter and predicted that if major constitutional change did not come, the Australian Commonwealth would not last ten years.

The Dominion League did not immediately accept the joint committee's report. It continued to lobby and pushed for a debate in parliament. Questions were even put to Prime Minister Ramsay MacDonald, who was noncommittal in response. The British authorities stalled and nothing happened.

A dispirited Watson and his delegation returned to Australia and vowed to continue the struggle, but the mood in Western Australia had shifted.

An economic recovery had begun and popular opinion blamed the incompetence of Watson's delegation for the failure to deliver independence. Thus, just as life in Western Australia began to look brighter, the reputation of the secessionists was dented.

In 1935 the Dominion League introduced a bill into the Western Australian parliament calling for unilateral separation, but interest was waning. The same year the *Sunday Times* saw a change of ownership, editor and opinion. Without this mouthpiece the secession movement dwindled to nothing.

It was Western Australia's loyalty to Britain and the Empire that derailed its move towards independence. Had the Dominion League taken a stronger stance, perhaps issuing a unilateral declaration of independence in 1933, the outcome might well have been different.

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Alternative Histories by Rob Murray



Power and the People

The relationship between sovereignty and the law is relatively straightforward. When it comes to politics, however, things are much more complicated.

Richard Bourke

THE IDEA OF taking back 'control' has come to dominate political debate in Britain. Much of the discussion has centred on the relationship between the United Kingdom and the European Union (EU). Indeed, the aim of achieving control substantially shaped the referendum on Britain's membership of the EU. For the victorious Leave campaign, the promise of this kind of power resides in the restoration of sovereignty. Yet the analysis is based on a misunderstanding. While the future of Britain outside the EU is obviously hard to determine, one thing is certain: the possession of sovereignty does not guarantee the exercise of control.

The modern debate about sovereignty began with the French thinker Jean Bodin (1530-96). Having joined the Carmelite brotherhood as a monk in his early manhood, Bodin was released from his vows in 1549 and then opted to study law at the University of Toulouse. Much of his education involved attention to Roman law and included the humanistic study of classical texts in political and legal philosophy. It was out of these materials that Bodin developed his conception of supreme power.

In his most famous work, the *Six Books of the Commonwealth*, which originally appeared in French in 1576, Bodin presented a definition of sovereignty. He claimed that it was 'the absolute and perpetual power of a commonwealth, which the Latins call *maiestas* [majesty]'. Later in his text, Bodin made clear that the Romans had yet other terms for sovereignty, *summum imperium* (ultimate authority) being conspicuous among them. Yet, while the Romans, like the Greeks and the Hebrews, had a con-

Under control:
Jean Bodin,
unknown artist,
1580.



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ception of supreme authority, Bodin believed that they had not fully understood its implications. Above all, he insisted, they had failed to grasp that the highest power of command was indivisible. It could not be shared among competing powers in the commonwealth.

This meant in effect that, while a state might possess a mixed system of government, it could not be based on a system of ‘shared’ sovereignty. This insight has proved confusing to posterity, above all to admirers of the American constitution: since the United States can be seen as a mixed regime, surely its sovereignty is divided among the different organs of state? This thought was later used to characterise the European Union, too, which is similarly taken to exemplify the ‘pooling’ of sovereignty.

The idea that sovereignty could be shared was not only denied by Bodin; it was also refuted by subsequent theorists of the state. The English political philosopher Thomas Hobbes (1588–1679) presented one of the most powerful refutations of the idea that sovereignty could be held by more than one power. Hobbes thought of authority in terms of a right of ultimate legal determination.

A final decision had to be precisely that: a judgement that could not be contradicted by a rival authority. Contradiction entailed conflict, which imperilled the stability of the state, opening up the prospect of a collision between powers.

The idea of sovereignty had been invented to forestall this eventuality. After completing his legal studies at Toulouse in the 1550s, Bodin worked as an advocate in the Parlement of Paris. For the bulk of his tenure as a public official, Bodin operated against the background of the Wars of Religion, which afflicted France between 1562 and 1598. Aristocratic houses competed for power in the name of religion, undermining, as Bodin saw it, the majesty of the monarchy. Sovereignty was a recipe for overcoming this descent into factionalism, by subjecting divergent powers in the commonwealth to a single jurisdiction.

Confronting the emergence of competition between the English Parliament and Crown in the late 1630s, Hobbes similarly resorted to sovereignty as a bulwark against faction. All sovereignty, he believed, had to be based on the people’s will, yet it did not have to reside directly in their hands. Supreme authority, in fact, might legitimately be the property of a monarchy, an aristocracy

or a democracy. It was this conclusion that was challenged most cogently by the Swiss philosopher Jean-Jacques Rousseau (1712–78), who limited legitimate sovereignty to the democratic form of state. He thought that the social compact underlying any valid political association gave rise to a collective body composed of the totality of the citizen body. This amounted to arguing that the general will alone – and not the will of some part of the community – should determine the common good of all.

Rousseau’s model of direct popular sovereignty, according to which the people themselves should act as the source of the fundamental laws of the community, has had a complex impact on political debate since the publication of his work *The Social Contract* in 1762. On the one hand, the idea of direct popular ratification has increased its appeal since the middle of the 18th century. On the other hand, the fate of popular participation has been a mixed affair, sometimes resulting in the abuse of power. This suggests that popular sovereignty should be sharply distinguished from popular control. An ultimate right of ratification or final plebiscitary authority is very remote from substantial political power.

In many ways this outcome tells us something about the nature of sovereignty itself. The idea of a supreme juridical will is a very effective tool for understanding a legal bureaucracy, but it is altogether more questionable as a means of unravelling daily politics. In a court system, based on a hierarchy of judgements, the highest jurisdiction has the final say. However, in political life ultimate authority depends on popular compliance. Sovereignty, in this case, does not mean control; it cannot bridle the forces of opinion or determine the course of events. Bodin introduced an essential concept into our political vocabulary, one which clarifies much about the legal basis of public life, yet it is hardly adequate as a theory of political power in general.

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