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THE UNIVERSITY OF NOTRE DAME, AUSTRALIA

'On the side of the saints'

A history of the Sydney Catholic pro-life
organisation Family Life International
with reference to identity formation

Jocelyn Hedley

**Supervised by A/Prof. Steven Lovell-Jones, Dr Christine de Matos
and Dr Michael Casey**

**PhD
Arts and Sciences
2017**

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Abstract

Histories of the pro-life movement are surprisingly absent from both historical and social scientific research, something that is remarkable given the movement's often contentious and sometimes decisive role in contemporary politics. Certainly, there is an enormous body of work engaging with arguments for and against the pro-life position and attendant issues, but as far as histories of the movement are concerned there seems to be a distinct absence of literature. Indeed, until recently, anything like an extended and scholarly engagement with the pro-life movement has been markedly absent throughout the English-speaking world, though this lack has begun to be addressed, notably in the United States. Even so, the number of these works is scant in comparison to other topics in the study of contemporary history.

The present thesis addresses this deficiency in that it sets itself to present a history of one part of the contemporary pro-life movement in Sydney: Family Life International. While not claiming to be an exhaustive history of Family Life International, the present thesis is nonetheless unique in that – to the best of the researcher's knowledge – it would appear that there is no other extended academic study detailing the history (which one might refer to as a microhistory) of the Catholic pro-life movement in Sydney, or, indeed, in Australia.

It might be thought that the history of the pro-life movement would be informed and shaped by forces external to the churches, not least because the greater amount of voices in the pro-life movement come from religious circles, usually Christian circles, and more specifically Catholic circles. But what this thesis aims to answer is the question as to what is the greater influence on the formation of the identity of the Sydney Catholic pro-life movement, particularly Family Life International: is it forces external to the pro-life movement in general and to the Catholic Church in particular, or is it forces internal?

Declaration of authorship

This thesis is the candidate's own work and contains no material which has been accepted for the award of any degree or diploma in any other institution.

To the best of the candidate's knowledge, the thesis contains no material previously published or written by another person, except where due reference is made in the text of the thesis.

Candidate's Name:

Date: 18 May 2016

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Abbreviations

ACBC	Australian Catholic Bishops Conference
ACPLA	Australian Catholics/'s Pro-Life Association
ACT	Australian Capital Territory
AFA	Australian Family Alliance
AFRLA	Australian Federation of Right to Life Associations; also 'the Fed'
ALP	Australian Labor Party
AMA	Australian Medical Association
ANF	Australian Nursing Federation
CDF	Congregation for the Doctrine of the Faith
C-Fam	Catholic Family and Human Rights Institute
CUF	Catholics United for the Faith
DOTUC	Day of the Unborn Child
EV	<i>Evangelium Vitae</i>
FLI	Family Life International
FPA	Family Planning Association
GIFT	Gamete Intra Fallopian Transfer
HLI	Human Life International
HLPS	Human Life Protection Society
HLRF	Human Life Research Foundation
HREC	Human Research Ethics Committee
HV	<i>Humanae Vitae</i>
IPPF	International Planned Parenthood Foundation
IUD	Intrauterine Device
IVF	<i>in vitro</i> fertilisation
KSCA	The Order of the Knights of the Southern Cross Australia
MIMS	Monthly Index of Medical Specialties
MLA	Member of the Legislative Assembly
MLC	Member of the Legislative Council
MP	Member of Parliament
NAACP	National Association for the Advancement of Colored People

NFP	Natural Family Planning
NRLA	National Right to Life Association
OP	Order of Preachers
PLV	Pro-Life Victoria
PRI	Population Research Institute
RTL	Right to Life
RTLA	Right to Life Australia
RTLACT	Right to Life Australian Capital Territory
RTLNSW	Right to Life New South Wales
RTLV	Right to Life Victoria
SJ	Society of Jesus (Jesuits)
SPUC	Society for the Protection of Unborn Children
TFP	The American Society for the Defence of Tradition, Family and Property

The thesis title in context

The quote in the title of the present thesis – ‘on the side of the saints’ – is made by key informer Gail Instance and is contextualised as follows:

Father Minton said to me one day, he rang me up and he said thank you for getting me involved in the pro-life thing because he said I think if I hadn't I would have gone to hell. Well, I think the same about me. I think it has saved, hopefully will save all our souls. You start out because this has got to be done. Oh, this is a terrible thing; we've got to do something about it. But then you realise that you've got to do something about you, because that's the way the world is made up, of the saints and the wicked demons, you know. You're either on the side of the saints and that means you've got to improve ... Bob Bergin said this to me in the '60s: there's no such thing as standing still in the spiritual life. You're either going backwards or you're going forwards. There's not a plateau. Father Wong said it the other day on the Divine Mercy: there's no such thing as a plateau in the spiritual life. If you're not improving yourself you're going backwards. So that's what I have found, with all of us within the pro-life movement, within the whole spectrum. It's not just an organisation we're part of and we go to meetings and we do this and we do that. It's a life.¹

¹ Gail Instance, "Recollections," 31-32.

Introduction

One of the more neglected areas of both historical and social scientific research is that which has to do with the pro-life movement, something that is very surprising given the movement's often contentious and sometimes decisive role in contemporary politics. The present thesis addresses this deficiency in that it sets itself to present a history of one part of the contemporary pro-life movement in Australia, Family Life International. It might be thought that the history of the pro-life movement would be informed and shaped by forces external to the churches, not least because the greater amount of voices in the pro-life movement come from religious circles, usually Christian circles, and more specifically Catholic circles. But what the present thesis aims to answer is the question as to what is the greater influence on the formation of the Sydney Catholic pro-life movement, particularly Family Life International: is it forces external or forces internal to the pro-life movement in general and to the Catholic Church in particular?



The present thesis, while not claiming to be an exhaustive history of Family Life International (hereafter 'FLI' or 'the Association'), is nonetheless unique in that – to the best of the researcher's knowledge – it would appear that there is no other extended academic study detailing the history of the Catholic pro-life movement in Sydney, or, indeed, in Australia.¹ Certainly, there is an enormous body of work engaging with arguments for and against the pro-life position and attendant issues, but as far as histories of the movement are concerned there seems to be a distinct

¹ As the history of the formation of FLI is one marked by a process of separation and distinction from other groups and personalities within the pro-life movement, and given that the title FLI did not come into play until a later stage of this history, the term 'the Association' will primarily be used to refer to FLI and its earlier designations.

absence of literature.² Indeed, until recently, anything like an extended and scholarly engagement with the pro-life movement has been markedly absent throughout the English-speaking world, though this lack has begun to be addressed, notably in the United States. Even so, the number of these works is scant in comparison to other topics in the study of contemporary history.

The present thesis has thus required much in the way of original and, therefore, foundational scholarship, primarily in respect of the creation of an archive of oral history interviews with participants – particularly Sydney participants – in the Australian pro-life movement. This in turn means that the present thesis goes some way towards redressing the US-centric nature of the literature emerging in respect of the pro-life movement. Further, it has involved the examination of the extant documents and paraphernalia in the hope of discovering pieces, however small, that could contribute to the writing of this history. The tracing of these secondary sources has been especially difficult in that often they have been marginal sources – reports, pamphlets, ephemera and the like – which are neither digitised nor collated. This in itself represents a growing problem for historians as libraries move more and more towards digitising only those documents deemed significant, and rendering the rest to storage barns.

To write about the pro-life movement is to court controversy not only within the wider society but also within the Catholic Church. This might come as a surprise to some given that, in its teachings, the Church is opposed to abortion and, indeed, to contraception.³ However, although such an opposition is central to Church teaching in respect of life and attendant issues, the manner in which this teaching has been passed down at pastoral and diocesan levels has itself been a focus of controversy:

² In her discussion of the harnessing of the ‘powerful currency’ of the backyard abortionist in pro-abortion and feminist literature, Barbara Baird notes that: “the image is not usually one that is publicly contested,” attributing this to the fact that “[a]nti-abortionists are generally not interested in a history of abortion nor, for obvious reasons, in the finer points of present-day service provision.” Though an engagement with the history of abortion by pro-lifers can be different from an engagement with the history of the pro-life movement by pro-lifers, they could also be continuous one with the other, thus adding to Baird’s point in respect of the lack of interest in history shown by anti-abortionists. Baird, “‘The Incompetent, Barbarous Old Lady Round the Corner’: The Image of the Backyard Abortionist in Pro-abortion Politics,” *Hecate* 22, no. 1 (1996): 7.

³ When the word ‘Church’ appears capitalised as it does here, and without any qualifier (e.g. Anglican Church), it denotes the Catholic Church. Abortion and contraception are very much paired within the Australian Catholic pro-life movement, as indeed they are within the Catholic pro-life movement elsewhere; they are seen to be continuous one with the other. As Janet E. Smith writes: “the lifestyles and attitudes that contraception fosters create an alleged “need” for abortion.” Smith, “The Connection between Contraception and Abortion,” *Good Morals*, 1993, <http://www.goodmorals.org/smith4.htm>.

many involved in the pro-life movement and otherwise have given voice to disappointment at the lack of rigour and consistency with which these teachings have been communicated.⁴

Yet this perceived lack of rigour and consistency are the very things that work to give to the pro-life movement a distinct and certain style. In reacting to this lack, the character of the Catholic pro-life movement is being shaped; its identity is being formed. There is no question but that the identity of the pro-life movement is, on a fundamental level, constructed by an opposition to ‘the world’: plainly, the pro-life movement would not exist but for the general acceptance of abortion and the various pieces of legislation and interpretations of the law which have made it – or which have effectively made it – available on demand. But further to this, and operating on a highly complex and intricate level, the character and identity – indeed, the history – of the Catholic pro-life movement has been formed in respect of tensions *internal* to the Church. As the present thesis hopes to demonstrate, the consideration of the primary identity-defining determinant as that which exists *outside* of the Church is simplistic if not naïve. Rather, one must consider the internal factors when engaging with issues pertaining to identity construction. For this reason, the movement can be seen to be doubly marginal: it is on the margins both of the world and of Church. It is pertinent, then, that the current thesis takes the form of an oral history for, as we will see, oral histories since the 1960s have frequently taken as their subjects marginal groups. In this, the marginal status of the group mirrors what has in the past been the marginal status of oral histories.

Theories pertaining to identity construction become of major importance when attempting to delineate context, when attempting to trace the line between what is relevant to the history and what is not. But it is exactly here in the deployment of theory that a major problem confronts the one who is writing a foundational history of a contemporary movement, inasmuch as the history being written can become little more than an addendum to the theory employed. That which is marginal is subsumed into already existing categories working to obscure what it is that set apart the object of study in the first place. Pierre Bourdieu opened his work on method in the social sciences (which, as we will see, is relevant to the discussion of oral history) thus: ‘The practical privilege in which all scientific activity arises nevermore

⁴ The term ‘life issues’ pertains to such areas as contraception, abortion, IVF, fetal stem cell research and the like.

subtly governs that activity (insofar as science presupposes not only an epistemological but also a *social* separation) than when, unrecognised as privilege, it leads to an implicit theory of practice, which is the corollary of neglect of the social conditions in which science is possible'.⁵ This will be to the detriment of researcher and researched in that it will compromise the method of research and its object.

We will return to this point below in our discussion of which method is most appropriate to the writing of an oral history. For the moment, suffice it to say in respect of the formation of the identity of the movement being studied that the accent of the present thesis is on the world *internal* to the Church. It needs to be stressed that this is not a history of abortion or a history of the debates over abortion.⁶ That is not to say that the world external to the Church, with its varying pressures and influences, is of no importance to the pro-life movement, and hence to this history. Clearly, it is—and some of these elements will be touched upon. But in terms of enunciating those factors that most influence the formation of the *identity* of the pro-life movement, it is considered that those *within* the Church are of the greater significance. As has already been noted, much of the opposition to the pro-life movement comes from within the Church, comes, at times, from within the pro-life movement itself. As such, this internal world presents as a factor of great significance in respect of the formation of the identity of the movement, and of the identity of FLI in particular. The focus here, rather than being upon creating an exhaustive history, is upon the manner in which, following on from certain splits in the movement, a distinctly Catholic movement developed, from which ultimately formed FLI.

⁵ Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 2013), 1. See too chapter one of Bourdieu, *Language and Symbolic Power* (Cambridge: Polity Press, 1991), 61-63.

⁶ For an overview of this history see John Fleming, “The Context and Recent History of the Abortion Debate in Australia,” in *Common Ground?: Seeking an Australian Consensus on Abortion and Sex Education*, ed. John Fleming and Nicholas Tonti-Filippini (Strathfield, NSW: St Pauls Publications, 2007). See too the recent work of Marian Quartly and Judith Smart, *Respectable Radicals: The History of the National Council of Women in Australia 1896-2006* (Clayton, Victoria: Monash University Publishing, 2015): on abortion, see 179-183, 375-377.

Literature review

There has been very little written concerning the history of the Catholic pro-life movement, whether in Sydney or elsewhere in the English-speaking world. The very absence of anything like an extensive literature review that speaks specifically to the subject underlines the controversial nature of the topic at hand. As a consequence this literature review is brief.

Most of what little research has been done in this area has been done in the United States. Two recent publications engage with the history of the twentieth century pro-life movement. Monica Migliorino Miller's *Abandoned: the untold story of the abortion wars* focuses on the author's involvement in the Chicago pro-life movement from the late 1970s, and traces the actions undertaken and strategies utilised by Miller and other activists.⁷ A focus of the book is upon the retrieval by Miller and her companions of numerous aborted babies from dumpsters, and the activists' efforts to secure for these babies appropriate Catholic burials. Photographs taken by Miller and her companions of many of these babies are used to this day in pro-life literature, posters and similar media.

John and Barbara Willke's *Abortion and the Pro-Life Movement: an inside view* begins with a chapter entitled 'Ancient Abortion History', before outlining the history of abortion in the nineteenth and early twentieth centuries.⁸ The book's history of the pro-life movement proper commences in Chapter Four, in which events

⁷ Monica Migliorino Miller, *Abandoned: The Untold Story of the Abortion Wars* (Charlotte, NC: St Benedict Press, 2012). See too the potted histories given in Sheldon Ekland-Olson, *Who Lives, Who Dies, Who Decides?: Abortion, Neonatal Care, Assisted Dying and Capital Punishment* (New York: Routledge, 2015). On eugenics, see 15-67 and for a potted history of the anti-abortion movement in America, see 127-179. See too Johanna Schoen, *Abortion After Roe* (Chapel Hill: The University of North Carolina Press, 2015). More recent times have seen the publication by the *U.S. Catholic Historian* 34, no. 1 (Winter, 2016) of a number of pertinent articles: Ralph Frasca, "Abortion in the Early American Press: Secular and Catholic Approaches to the Pre-born Child," 27-52; Alexander Pavuk, "Catholic Birth Control?: Father John O'Brien, Rhythm, and Progressive American Catholicism in 1930s Discourse," 53-76; Daniel Williams, "From Anti-Contraceptive Campaigns to Fetal Rights: The Pro-Life Movement's Attempt to Separate Itself from the Politics of Birth Control," 77-102; and Robert N. Karrer, "Abortion Politics: The Context of the Cuomo-O'Connor Debate, 1980-1984," 103-124. See too Paul Saurette, and Kelly Gordon, *The Changing Voice of the Anti-Abortion Movement: The Rise of 'Pro-Woman' Rhetoric in Canada and the United States* (Toronto: The University of Toronto Press, 2016).

⁸ John Willke, Barbara Willke and Marie Willke Meyers, *Abortion and the Pro-Life Movement: An Inside View* (West Conshohocken, PA: Infinity Publishing, 2014). Since the time of writing proper, two more recent histories have come to my attention: Mary Ziegler, *After Roe: The Lost History of the Abortion Debate* (Cambridge, Massachusetts: Harvard University Press, 2015); and Daniel K. Williams, *Defenders of the Unborn: The Pro-Life Movement Before Roe v. Wade* (New York, NY: Oxford University Press, 2016).

are noted – both pro-abortion and anti-abortion, and with a distinctly US focus – occurring between 1960 and 1964; the following chapter continues with 1965 to 1969. From Chapter Six onwards, each chapter is dedicated to a single chronological year. Historical events are included in a comprehensive timeline, and the Willkes’ own involvement in the pro-life movement is detailed, the latter forming the substantial narrative component of the work. Thus, the work acts both as a comprehensive timeline spanning fifty years – that is, from 1960 to 2010 – and as a personal account of a prominent husband and wife team operating within the pro-life movement.

Both of these books examine to greater and lesser degrees aspects of twentieth century pro-life history, and have as their focus a personal engagement with the US movement. They differ from the approach taken in the present thesis in that their accent is not so much upon internal tensions, though such tensions are at times referenced.

Certain other texts pertinent to this study engage with similar subjects, but utilise different emphases or methods. For George Grant, the focus of *Third Time Around* is embedded in his thesis that the pro-life movement did not begin in response to *Roe v. Wade* in the United States in 1973, but that it had its roots with the very beginnings of Christianity: ‘Caring for the helpless, the deprived, and the unwanted is not simply what we *do*. It is what we *are*. Always has been. Always will be.’⁹ As such, Grant presents a more expansive view of the movement in terms of years examined, covering a lot of ground with a spare efficiency. He charts the history from the fourth century via Basil of Caesarea and his actions against both the guild abortionists – the *sagae* – and the practice of exposure of unwanted newborns; through Byzantine Emperor Justinian’s efforts in the sixth century to enforce pro-life legislation; through the undercover operations of St Vincent de Paul in the seventeenth century to infiltrate covert meetings of abortionists, and his provision for those infants who survived abortions; and to the protests and rescue operations undertaken by the modern-day activist of the twentieth century. This is thus a broad overview of the pro-life laws and activities throughout history rather than a sustained focus upon a particular group.

⁹ George Grant, *Third Time Around: A History of the Pro-Life Movement From the First Century to the Present* (Brentwood, TN: Wolgemuth & Hyatt, 1991), 2.

Though essentially presenting as sociological and anthropological works, Ziad W. Munson's *The Making of Pro-Life Activists* and Carol J. C. Maxwell's *Pro-Life Activists in America* necessarily engage with an historical component.¹⁰ Both authors rely on recorded interviews with their participants, and while these interviews do not claim to be oral histories as such, they do nonetheless engage with or touch upon historical events within the pro-life movement. When that is not *per se* the case, the voices of the movement's participants give much insight into the workings of the pro-life movement such that, for the historian – in addition to the sociological and anthropological offerings – they present as a significant primary source. Note that, as with the Miller and Willke texts above, the presence of the personal component is to be found within these texts, though here it belongs to the subjects rather than to the authors.

More specifically does Joshua C. Wilson's *The Street Politics of Abortion* operate in this way.¹¹ Wilson closely examines three legal cases – *Planned Parenthood Shasta-Diablo v. Williams*; *Schenck v. Pro-Choice Network of Western New York*; and *Hill v. Colorado* – as well as referencing numerous others. In addition to data sourced from interviews, Wilson utilises, among other archives, court materials, both printed and audio recorded. The result is a text which presents as political and sociological in nature, while at the same time being rich in historical fact and analysis.

Gideon Haigh's *The Racket: how abortion became legal in Australia* gives an insight into the world of the illegal abortion industry in Melbourne in the period leading up to the Menhennitt ruling.¹² It does not claim to be a scholarly work and so provides no references for its extensive use of primary source material; it does, however, include a comprehensive index. Although it touches only briefly upon pro-life figures and pro-life movement activity, it is an interesting work for its depiction of the period by means of Court and Police Service Records and Inquests, which in turn provide insights into the world against which the pro-life movement was pitting itself. Notable in this work is the employment of transcribed interviews and

¹⁰ Ziad Munson, *The Making of Pro-Life Activists: How Social Movement Mobilization Works* (Chicago: University of Chicago Press, 2002); Carol J. C. Maxwell, *Pro-Life Activists in America: Meaning, Motivation and Direct Action* (Cambridge: Cambridge University Press, 2002).

¹¹ Joshua C. Wilson, *The Street Politics of Abortion: Speech, Politics and America's Culture Wars* (Stanford: Stanford University Press, 2013).

¹² Gideon Haigh, *The Racket: How Abortion Became Legal in Australia* (Carlton, VIC: Melbourne University Press, 2008).

conversations, which function not only to portray historical information, but to draw the reader in more deeply to the history via the voices of the participants.

Judy McVey's article 'The Right to Life Offensive Since 1969' offers one of the few published glimpses into the history of the pro-life movement in Australia.¹³ Published in 1983 in the feminist journal *Hecate*, McVey scans the early years of the Victorian branch of the National Right to Life Association (NRLA) – the NSW branch being that from which the focus group of the present thesis was to break away three years later – engaging with its funding, its operating strategies and its political alliances. McVey notes the tensions between the NRLA headquarters and its Victorian branch which, according to the *Bulletin*, were pertaining to 'tactics that have embarrassed the otherwise conservative right-to-lifers'.¹⁴ The article covers the Victorian branch's eventual break from NRLA to form Right to Life Australia (RTLTA); and it covers, too, the NRLA's re-formation into the Australian Federation of Right to Life Associations (AFRLA). The argument offered by the author is that, with some exception on the part of RTLTA, the 'Right to Life Offensive' had gained very little ground in respect of restricting or eradicating abortion. The article is of interest here in that not only does it describe in brief an aspect of the history which the present thesis will examine, it also references the tensions attendant upon the internal workings of an organisation and notes that these tensions led to a split. Although the present thesis will be taking as its focus the formation of FLI, it does nonetheless engage to a certain degree with issues to do with the history of RTLTA and NRLA.

Michael Cuneo's *The Smoke of Satan* traces the philosophies of a number of pro-life organisations in the United States, frequently presenting the primary source material as direct quotes from interview subjects.¹⁵ Cuneo engages with Father Paul Marx, founder of Human Life International (HLI) – of which the Association would later become an Australian branch – and discusses the importance of the 'contraceptive-mentality thesis' to his vision and mission.¹⁶ In addition to engaging with ideas pertaining to the oppositional identity formation of a number of groups in the United States, Cuneo highlights the manner in which these groups are not

¹³ Judy McVey, "The Right to Life Offensive Since 1969," *Hecate* 9, no. 1&2 (1983): 35-43.

¹⁴ Quoted in McVey, "The Right to Life Offensive Since 1969," 36.

¹⁵ Michael W. Cuneo, *The Smoke of Satan: Conservative and Traditionalist Dissent in Contemporary American Catholicism* (New York: Oxford University Press, 1997).

¹⁶ *Ibid.*, 61-65.

infrequently beset by internal tensions, which tensions in turn work to further inform and shape their identity.

Kathryn Slattery's PhD thesis, *Building a "World Coalition for Life": abortion, population control and transnational pro-life networks, 1960-1990*, aims to engage with a fuller understanding of the idea of the global community or communities, specifically in respect of the use of the global community by pro-life organisations as a means by which to establish a transnational presence. Slattery does this by way of analysis of the life and work of Father Marx; and although she deems his engagement with things transnational as participating in the "dark side" (her quotation marks) of globalisation, the work nonetheless offers a scholarly engagement with a figure of significance for the Association.¹⁷

Perhaps the text most immediately relevant to the present thesis is Wanda Skowronska's *Roadside Contemplatives: the Helpers of God's Precious Infants* for it is at once a history of this group as formed by Monsignor Philip Reilly in New York in 1989, and a reflection upon and an engagement with the spirituality of this movement. In Australia, the Association (and its antecedent) had been praying outside of abortion facilities in the manner of the Helpers of God's Precious Infants (the Helpers) for a number of years before they met or even heard of Monsignor Reilly and his approach, and only later affiliated this apostolate with the Helpers. Skowronska's work, in an effort primarily to make plain that the Helpers is not about politics or protesting, details Reilly's background in the pro-life movement prior to conceiving of the work of the Helpers; and engages with various religious figures – Juan Diego, Mother Catherine Aurelia, Eileen O'Connor and others – to describe the spirituality of the Helpers and how this spirituality is in continuity with the teachings of the Church.¹⁸ She goes on to speak of the 'spreading branches' of the work in respect of reactions, turnarounds and post-abortion grief. Further, Skowronska's is an important work because its author is a member of the Association and prays with the Helpers; and she has, on different occasions, spent time with the founder of the Helpers of God's Precious Infants and been privy to his understanding and insight

¹⁷ Kathryn Slattery, "Building a "World Coalition for Life"": Abortion, Population Control and Transnational Pro-Life Networks, 1960-1990" (PhD thesis, University of New South Wales, 2010).

¹⁸ "And this is the big mistake that is made, that people keep saying, that the Helpers are a protest movement, because so many other pro-life movements are. How many times does one have to explain, no, it is not a protest. That's why I ended up writing the book, because after a hundred times of being questioned, I got very frustrated, and I thought, I have to just write it down, you know, for once and for all." Wanda Skowronska, "Interview Transcript," interview with the author, October 22, 2012, Sydney, NSW.

into the meaning behind the work the Helpers do. Though not containing the verbatim voices of participants in terms of transcripts of interviews, *Roadside Contemplatives* draws upon those experiences of different Helpers as told to the author, along with the experiences of the author herself, and uses them to build the narrative.

As noted earlier, there is little else in the way of scholarly secondary sources relevant to the topic at hand. It might be said, then, that the paucity of such material presents one of the major hurdles that the present thesis must overcome: for not only is one having to write a foundational history of an important contemporary cultural and political movement, but one is also confronted by the need to address the question of the relevant method to employ. Further, as there is little in the way of written primary sources by the movement itself on its own history, then to begin to write this history it is necessary to rely on the oral accounts of the historical agents themselves—with all the problems (and benefits) that this involves.

Of course, to reach beyond the history of the pro-life movement proper, a range of other areas are opened up, including the history of pro-choice politics. It is not within the scope of this thesis to give anything like an overview of the feminist pro-choice movement's literature. However, it is pertinent to note that there are, at times, concerns which are shared with the pro-life movement, such that can prove an embarrassment of sorts to pro-choice feminism. This crossover is seen particularly in the area of global politics which, as one feminist author put it, is considered the domain of 'reproductive liberalism': that is, the positioning of 'Malthusian'-informed ideologies alongside developing technologies with the aim of justifying a form of neo-colonial deployment of contraceptive technology and abortion in place of economic and social justice; and the deployment, too, of reproductive technology in racial- and class-informed eugenics.¹⁹ On this, see Rickie Solinger's *Reproductive Politics: What Everyone Needs to Know* and, for a more critical discussion, her *Pregnancy and Power: A Short History of Reproductive Politics in America*. (For more on this area, see Chapter Two of the present thesis.) This is of interest, too, in light of the fact – as we will see in Chapter Four – that the Association came to

¹⁹ Rickie Solinger's *Reproductive Politics: What Everyone Needs to Know* (Oxford: Oxford University Press, 2013); *Pregnancy and Power: A Short History of Reproductive Politics in America* (New York: New York University Press, 2005): on how reproductive politics was seen as working towards solving social problems, 4; in respect of African American women and breeding and the use of birth control, 5-6; on reproductive technology and the intermingling of public and private, 15-16.

position itself within a global political context. Solinger notes that the term 'Reproductive Politics' was coined by 'Second Wave feminists ... to describe late twentieth-century struggles over contraception and abortion, race and sterilization, class and adoption, women and sexuality, and other, related subjects'.²⁰ She states that there is 'no single history' of reproductive technology, noting that one of the different histories pertains to why 'women of colour' might have different views from 'white women' on issues like sterilization.²¹

Further, Faye Ginsburg and Rayma Rapp, editors of *Conceiving the New World Order: The Global Politics of Reproduction*, discuss the idea of making reproduction central to social theory.²² A study of this volume would show that it is not simply a case of pro-life versus pro-choice, but that both camps express similar concerns in respect of the violence often attending so called reproductive freedom as an expression of social control.²³ In respect of reproductive freedoms, it is important to note, too, Betsy Hartman's *Reproductive Rights and Wrongs*.²⁴ Hartmann discusses the use of contraception in place of providing economic or social justice, stating that, because of this, 'I have sometimes been accused of playing into the hands of the anti-abortion movement'.²⁵ For the issue of globalisation and reproductive rights, see Lara Knudsen's *Reproductive Rights in a Global Context* and Janice Raymond's, *Women as Wombs: Reproductive Technologies and the Battle over Women's Freedom*.²⁶

²⁰ Solinger, *Pregnancy and Power*, 2.

²¹ *Ibid.*, 17, 23.

²² Faye Ginsburg and Rayma Rapp (eds.), *Conceiving the New World Order: The Global Politics of Reproduction* (Berkeley: University of California Press, 1995), 1. For a discussion on the influence of the 'multiple vectors' on questions of reproduction (though no mention is made of the pro-life movement), see their introduction, 1-18; on the idea of 'euphemized violence', 3; on how the availability of new technologies for birth control is embedded in systems of control, 13.

²³ For more on this see Ann Anagnost's chapter "A Surfeit of Bodies: Population and the Rationality of the State in Post-Mao China" 22-41; Gertrude Fraser's "Modern Bodies, Modern Minds: Midwifery and Reproductive Change in an African American Community" 42-58; and John O'Neil and Patricia Kaufert's "Irniktakpunga!: Sex Determination and the Inuit Struggle for Birthing Rights in Northern Canada" 59-74.

²⁴ Betsy Hartman, *Reproductive Rights and Wrongs: The Global Politics of Population Control* (Boston: South End Press, 1995).

²⁵ *Ibid.*, xviii. For her discussion contra Malthusian notions that rapid population growth is the cause of development problems in the Third World, xx; on the 'myth of overpopulation', 4; contra 'Malthusian Orthodoxy', 13-40.

²⁶ Lara Knudsen, *Reproductive Rights in a Global Context* (Nashville: Vanderbilt University Press, 2006). Janice Raymond's, *Women as Wombs: Reproductive Technologies and the Battle over Women's Freedom* (North Melbourne: Spinifex Press, 1993). Contra the idea that technology necessarily gives reproductive choice, vii; contra surrogacy, that it undermines women's reproductive rights, xi; in respect of a criticism of 'Reproductive Liberalism', 76-107.

On oral history and historical narrative

As noted above, a history of the Association in Sydney requires the creation of a primary source collection of oral testimonies from participants in associated events. Thus, the present thesis employs an oral history method in the gathering of historical evidence. When considering the discipline of oral history,²⁷ it is important to note the manner in which it has given a ‘voice to the voiceless’,²⁸ to the ‘outsider’,²⁹ to those who had previously been excluded from what was considered history proper;³⁰ it has the potential to ‘enable people to tell stories that had been silenced because they did not match the dominant cultural memory’.³¹ As Alistair Thomson notes, the British oral history pioneers chose to engage with ‘the fellows who cut the hay’; ‘[t]he lived experience of working class, women’s or black history was undocumented or ill-recorded and oral history was an essential source for the “history from below” fostered by politically-committed social historians in Britain and around the world from the 1960s onwards’.³² Yet, in the past, oral history has found its critics, particularly, notes Thomson, among ‘traditional documentary historians of a conservative political persuasion’.³³ Lynn Abrams states that ‘[h]istorians were wary

²⁷ Valerie Janesick notes that a contemporary definition of an oral history is “the recorded reminiscences of a person who has firsthand knowledge of any number of experiences,” adding that she has in fact “discovered seventy definitions of oral history, many of which are overlapping.” Janesick, “Oral History as Social Justice Project: Issues for the Qualitative Researcher,” *The Qualitative Report* 12, no. 1 (March, 2007): 111. Further, Janesick notes that “there is a significant variability and/or confusion in defining oral history” 116.

²⁸ Rebecca Sharpless, “The History of Oral History,” in *History of Oral History*, ed. Thomas L. Charlton, Lois E. Myers, and Rebecca Sharpless (Lanham, MD: Altamira Press, 2007), 24; Kathryn Haynes, “Other Lives in Accounting: Critical Reflections on Oral History Methodology in Action” (working paper, Department of Management Studies, University of York, York, 2006), 9. This same phrase, ‘a voice to the voiceless’, is used by those within the pro-life movement in reference to the unborn.

²⁹ “[T]hose fields which capture the story of outsiders, whether from a gender, race, or class perspective, are the fields where social justice projects may emerge more fully.” Janesick, “Oral History as Social Justice Project,” 115.

³⁰ Sherna Gluck, leader of the Feminist Oral History Project, in 1977 wrote: “Refusing to be rendered historically any longer, women are creating a new history—using our own voices and experiences. We are challenging the traditional concepts of history, of what is ‘historically important,’ and we are affirming that our everyday lives *are* history”: in Sharpless, “The History of Oral History”, 28. Gary Okihiro is of the mind that “the historian must shed intellectual arrogance which presumes that s/he knows better than the historical actors themselves or that non-literate peoples have no conception of history”: Okihiro, “Oral History and the Writing of Ethnic History: A Reconnaissance into Method and Theory,” *Oral History Review* 9 (1981): 29.

³¹ Alistair Thomson, “Four Paradigm Transformations in Oral History,” *The Oral History Review* 34, no. 1 (2007): 56.

³² *Ibid.*, 51-52. See also Charlton, Myers and Sharpless, *History of Oral History*; Okihiro, “Oral History and the Writing of Ethnic History,” 45.

³³ Thomson, “Four Paradigm Transformations,” 53; Sharpless, “The History of Oral History,” 20. Sharpless notes that oral history “fell into disfavour in the scientific movement of the late nineteenth

of [oral history] practitioners, many of whom were located outside the academy or whose political stance – often sympathetic to the left and working within social, labour history and later feminist history³⁴ – made them uncomfortable bedfellows with the discipline’s gatekeepers’, such that oral history was consigned ‘to a place on the edge of political practice’.³⁵ In a similar way has narrative, believed as it is to be the stuff of popular history and journalism, frequently fallen outside of the accepted parameters of history.³⁶ It is interesting to consider, then, that narrative finds itself very much at the heart of oral history.³⁷

When an individual participates in an oral history interview, the manner in which they respond to the promptings of the interviewer is typically via storytelling (by which means oral history ‘may also be considered an art form’), that is, via narrative.³⁸ Haynes notes that ‘[w]e all tell stories about our lives, both to ourselves and to others; and it is through such stories that we make sense of ourselves, of the world, and of our relationships to others.’³⁹ Narrative enables people to read meaning *out of* and/or *into* the events in which they have participated; it offers coherence and significance to what might otherwise be a mass of incoherent data; and it works to establish a sense of identity in those who tell the story, which story frequently takes its defining shape in the course of the oral history project. As Paul Thompson states, ‘facts and events are reported in a way which gives them social meaning’.⁴⁰ What we find is that an oral history can be much more than the mere record of a history: it can

century, and there arose a prejudice against oral history that remained strong for more than fifty years.”

³⁴ Haynes notes that feminist historians “draw from oral history and autobiographical sources to substantiate arguments about marginalised histories inaccessible through conventional documentary sources, with moves towards empowerment by giving voice to individual experience of oppression” Haynes, *Other Lives in Accounting*, 9.

³⁵ Lynn Abrams, *Oral History Theory* (London: Routledge, 2010), 5.

³⁶ “But if journalism is a kind of instant history, what is history itself, other than journalism delayed and interpreted?” Mark Feldstein, “Kissing Cousins: Journalism and Oral History,” *The Oral History Review* 31, no. 1 (2004): 4. For the similarities and differences between oral history and journalism, see Feldstein, 4. In 1939, W.T. Couch of the University of Northern Carolina Press published a selection of interviews with ‘ordinary Americans’, one of the aims of which was “to get life histories which are readable”: in Sharpless, *History of Oral History*, 20. Sharpless notes, too, that Allan Nevins, who led the way in oral history during the twentieth century, had earlier been a ‘newspaperman’, 21.

³⁷ Abrams notes that, since the 1980s, oral history has “become the methodology of choice” among twentieth century academics working to give a voice “to a number of groups who had traditionally been disregarded by conventional histories: women, gays and lesbians, minority ethnic groups and the physically and learning disabled to name the most prominent.” Abrams, *Oral History Theory*, 4.

³⁸ “Oral history may also be considered an art form in terms of the art of storytelling.” Janesick, “Oral History as Social Justice Project,” 115.

³⁹ Haynes, *Other Lives in Accounting*, 2.

⁴⁰ Paul Thompson, in Kenneth Kirby, “Phenomenology and the Problems of Oral History,” *The Oral History Review* 35, no. 1 (2008): 25.

also be the means by which history *is fashioned*, something which is achieved by the formation of a sense of historical identity – and thereby a sense of historical agency – especially in those who previously had been excluded from traditional historical projects. Working as it does to empower the interviewees by means of providing them with this sense of identity and agency, the oral history project becomes a part of the shaping of history.⁴¹ For this reason, oral history and narrative can be said to be the means by which a people in fact *make* history.⁴²

It is important to note that such a description pertains also to the workings of identity formation. Karen Cerulo notes that, from the 1960s, the research concerning identity formation has had a focus on the same ‘outsider’ issues as that of oral history.⁴³ Furthermore, ‘identity politics creates “new social movements,” collective initiatives that are self-reflexive and sharply focused on the expressive actions of collective members’, and which includes ‘a conscious sense of group as agent’.⁴⁴ Fundamental to identity is the sense of coherence over time, which coherence is imparted by way of narrative, and which narrative arises out of oral history. Margaret R. Somers notes that ‘[n]arratives are, above all, constellations of relationships (connected parts) embedded in time and space’, the constitution of which she refers to as ‘causal emplotment’.⁴⁵ Somers proposes ‘linking the concepts of *narrative* and *identity* to generate a historically constituted approach to theories of social action, agency, and identity’.⁴⁶ Somers’s suggestion can be taken further, can be deepened, in the linking not just of narrative and identity, but of oral history as well: for the very process of oral history can itself be a means to identity formation because it can be a means to the formation of a coherent narrative.

⁴¹ Sharpless notes that “[w]ith community history came attempts to “give back” history to the people” and that “helping people record their local history would give those people efficacy in their lives, or empower them.” Sharpless, *History of Oral History*, 29.

⁴² Haynes notes that “[f]eminist advocates of oral history argue that this methodology can be used as a vehicle for change.” Haynes, *Other Lives in Accounting*, 9. Sharpless cites Paul Thompson’s 1978 work, *The Voice of the Past: Oral History*, as “demonstrating how oral evidence can change the standard historical narrative.” ‘The History of Oral History’, 33.

⁴³ “Social and nationalist movements of the past three decades have shifted scholarly attention to issues of group agency and political action. As a result, identity studies have been relocated to the site of the collective, with gender/sexuality, race/ethnicity, and class forming the “holy trinity” of the discursive field.” Karen Cerulo, “Identity Construction: New Issues, New Directions,” *Annual Review of Sociology* 23 (August 1997): 386.

⁴⁴ Cerulo, “Identity Construction,” 393.

⁴⁵ Margaret R. Somers, *Narrativity*, “Narrative Identity and Social Action: Rethinking English Working-class Formation” (CRSO Working Paper #484, Department of Sociology, University of Michigan, Ann Arbor, June 1992), 12. Emphasis in original.

⁴⁶ Margaret R. Somers, “The Narrative Constitution of Identity: A Relational and Network Approach,” *Theory and Society* 23, no. 5 (October 1994): 612-3.

Further to this, in presenting an oral history, it is important to answer to questions pertaining to potential bias on the part of the researcher/interviewer. Donald A. Ritchie addresses this, noting that ‘an individual researcher usually approaches an interview with a thesis to prove’, but that the ‘best information to emerge from an oral history is often completely unexpected’.⁴⁷ Indeed, an example of this is to be seen in the present thesis in that the researcher had originally elected to trace out the tensions operating between the focus group and certain important external factors. In the course of the project, however, it became apparent that one of the key components of identity formation for the focus group had to do with *internal* tensions. It was these internal tensions that proved of the greater significance in respect of the formation of a distinct identity, and so the focus of the present thesis shifted accordingly. Further issues pertaining to the placement of the researcher/interviewer will be discussed shortly.

It is likewise important to answer to the question of the subjectivity/objectivity of the interviewee. Kirby describes Husserl’s epistemology in this respect as stating that ‘the phenomena given to consciousness, when reflected upon intentionally by the conscious subject, can give knowledge that is appropriately described as “absolute,” even though it remains subjective and even imprecise’.⁴⁸ Husserl gives as an example the perception of the natural world by the ancient Greeks: ‘the historical environing world of the Greeks is not the objective historical world in our sense; rather it is their ‘representation of the world,’ i.e., their own subjective evaluation, with all the realities therein that were valid for them, for example the gods, the daemons, etc.’⁴⁹ Such a point is of importance in the present thesis: while sources (where available) other than oral ones have been engaged with in order to clarify, support and authenticate information, the reality of the stories as recounted by the interviewees establishes their ‘representation of the world’. Any subjectivity or imprecision contained within these stories is, in a sense, immaterial: it is the interviewees’ own understanding of the world – it is their ‘absolute knowledge’ – that informs any decisions made or actions carried out; and it is these decisions made or actions carried out which inform – indeed, which create – their history.⁵⁰

⁴⁷ Ritchie, in Kirby, “Phenomenology and the Problems of Oral History,” 24.

⁴⁸ Kirby, “Phenomenology and the Problems of Oral History,” 28.

⁴⁹ Husserl, in Kirby, “Phenomenology and the Problems of Oral History,” 28.

⁵⁰ Karen Coleman illustrates something similar in her description of Australian pro-life activists in the 1980s: “That the world they believe is being lost (due to the destructive efforts mainly of feminists) is

Significant in the greater majority of the aforementioned texts within the literature review is the use by way of narrative of the personal experience – whether that of the author or that of their subject – in order to obtain primary source material. Though the final product may not be an oral history *per se* – some, of course, are sociological texts – they do rely heavily on the voices of those involved in a given experience or movement.⁵¹ The present thesis takes a similar approach in that it engages with the actual participants in the pro-life movement by means of audio-recorded and transcribed interviews. In respect of historical method, then, this history finds its foundational narratives in the voices of the protagonists. Indeed, it takes as a lead this focus upon narrative, and so, as a whole, rests greatly upon storytelling. Contrary to a recent thought that ‘[r]eal events simply do not hang together in a narrative way, and if we treat them as if they did we are being *untrue* to life’, Carr notes that ‘[n]arrative is not merely a possibly successful way of describing events; its structure inheres in the events themselves. Far from being a formal distortion of the events it relates a narrative account is an extension of one of their primary features.’⁵²

Although the primary source material, especially when detailing the history of the Association itself, is drawn from interviews with major participants in the movement, at times other sources have been utilised; for, as Abrams notes, ‘[t]he infighting and criticisms of oral history’s validity and reliability, and concerns about the representativeness of interview subjects, are still to be heard today.’⁵³ Hence, the researcher engaged with supporting documentation from the Association, chiefly for purposes of clarification and supplementation. Additionally, due to a range of relevant material being published solely on the internet, websites are also accessed.

and always was mythical, is beside the point. For them, a chaos born of promiscuity, selfishness and irresponsibility is replacing the certainties of family, community and authority, and the security of dependence.” Coleman, “The Politics of Abortion in Australia: Freedom, Church and the State,” *Feminist Review*, no. 29 (1988): 88.

⁵¹ Haynes notes that “[t]he use of narrative and biographical methods in social science research is growing” and that “narrative methods render lives intelligible both by linking together disparate elements of the individual life, and by connecting individual lives to broader aspects of humanity.” Haynes, *Other Lives in Accounting*, 2.

⁵² David Carr, “Narrative and the Real World,” in *The History and Narrative Reader*, ed. Geoffrey Roberts (London: Routledge, 2001), 143.

⁵³ Abrams, *Oral History Theory*, 6. Alistair Thomson notes that Alessandro Portelli challenges this criticism by arguing that “the peculiarities of oral history”—orality, narrative form, subjectivity, the “different credibility” of memory, and the relationship between interviewer and interviewee—should be considered as strengths rather than as weaknesses, a resource rather than a problem.” Thomson, “Four Paradigm Transformations,” 55.

In Chapter One, oral history quotes are few, with much of the information pertaining to Australian reactions to Pope Paul VI's 1968 encyclical *Humanae Vitae* deriving from newspaper articles of the time. *The Sydney Morning Herald* represents a valuable source; as well as being located within the same geographical bounds as the Association will later be, it locates itself within the heart of the Catholic contraception debate. Furthermore, the nature of the reportage with its descriptions of events and contemporaneous quotes from varying participants is such as to extend involvement in the narrational historical method employed by the present thesis. Newspaper articles are likewise utilised in respect of the chapter on the Osborne Bill, both as an information source and to foster the narrative style, which style is continuous with that used by the interviewees throughout the work.

Particularly when engaging with a subject that has not been dealt with in mainstream histories, the contemporary oral historian must have recourse to journalistic reports. The use of such reports can be problematic for the reason that the media reports can be incomplete and can distort information. However, when balanced by oral history and other sources as the present thesis is, the journalistic reportage is an indispensable source given that it is reacting to the circumstances of the day.

Additionally, the media itself becomes a part of the history of the movement itself in that it is utilised by certain participants in the story, both in the chapter on *Humanae Vitae*, and later in the chapter on the Osborne Bill. In telling the tale of the Australian response to the 1968 encyclical, the narrative focusses on the four young priests who send a letter of dissent to *The Canberra Times*; and on the Wahroonga Thirteen, who likewise dissent in a letter sent to *The Sydney Morning Herald*.

With its emphasis upon oral history, often by way of long block quotations, the present thesis represents an archive of the transcribed voices of key participants in the formation of the Association; and represents, too, an archive of the voices of other participants who in some way interacted with the Association, or who in some way have been connected with the pro-life movement. These voices are presented in a manner such that they are allowed, as it were, to speak for themselves, with the overarching framing of the work, that is, the *meta* – the selection of the interviewees, the editing of the interviews, the collating of the information, the ordering of the chapters – forming an intrinsic analysis. Taking as it does the stories of the Association as told by its participants, the present thesis focusses on moments which

are both important historically and which illustrate further the identity formation of the group. Even so, the narrative emerging from the oral history suggests a shared framing by participants of key historical events within the life of the group. (On the method employed, see ‘the place of theory’ section below.)

The discussion of oppositional identity formation can give rise to questions of schism: as one traces out existing tensions, one begins to see how these tensions generate reactions, which reactions shape the movement in significant ways.⁵⁴ One of the results of this is that existing on the margins of the marginal group are those who would tend towards schism, pitting themselves against the very institution which they had hoped to serve. The focus of the present thesis, though, does not fall upon those who have left the Church, but rather upon those who have remained within it, albeit at times in a somewhat oppositional position. In a sense it is this balancing act that is essential to understanding not only the history of the movement but also the way in which it has gained for itself a distinct identity.

Ethics

As a work which takes as its primary source a series of interviews with those who have been major players in the formation of the Catholic pro-life movement in Sydney and beyond, the present thesis, as we have seen, can be said to be an oral history. It is possible, though, that such a term can be misleading inasmuch as it can imply that the work is little more than a compilation of transcribed interviews, or that it is subject to an immediacy which may be detrimental to scholarship. While there are indeed many sections of direct transcription, these sections – of varying lengths – are situated in the work as canvases in frames. These canvases have been prepared by the researcher from the preliminary stage on, using such tools as the process of selection of protagonists to be interviewed, of the consideration of the questions to be asked, of the determination of the quotations to be used.

Additionally, an appraisal of the interview process, which process conformed to the protocols of the University of Notre Dame, Australia, Human Research Ethics Committee (HREC), further highlights just how little immediacy was involved.

⁵⁴ For a fascinating discussion of this, see Cuneo, *The Smoke of Satan*.

Interviews were conducted face to face with twenty participants, which participants are referred to by the HREC as ‘informers’. A further interview was conducted in writing with Mr Michael Baker as this was the participant’s preferred method of communication. The researcher emailed to Mr Baker a list of questions and he responded via the same means. All other interviews were audio recorded and transcribed by the researcher without the aid of transcription software. In accordance with HREC’s specifications, each transcript was then sent to the interviewee for their perusal; the interviewees were free to make amendments in order to clarify or to add more information. Additionally, participants were free to strike out sections of the text which they did not want used in the final work. Moreover, it was highlighted that if at any time a participant wished to withdraw from the project, they were free to do so, confident that any unprocessed, identifiable information would likewise be withdrawn.⁵⁵

Occasionally, interviewees did make use of these options (although no participants withdrew from the project), choosing to rewrite or even to completely remove sections of the transcript. Very occasionally, interviewees expressed reluctance to place certain information on record, and one protagonist declined to be interviewed at all.⁵⁶ In such situations, there was at times the sense of letting sleeping dogs lie: one participant accompanied her deletion of information with the statement: ‘For all we know, he may have repented’. Other situations arose: during the course of one interview, a certain fragility of mind and discourse presented itself on the part of

⁵⁵ It should be mentioned that there were problems due to the perceived ‘controversial’ nature of the topic, which serves to highlight the fact that the issue of academic freedom and ethics committees is currently a very vexed one: Pat Sikes, and Heather Piper eds., *Ethics and Academic Freedom in Educational Research* (London: Routledge, 2011); Magda Lewis, “New Strategies of Control: Academic Freedom and Research Ethics Boards,” *Qualitative Inquiry* 14, no. 5 (July 2008): 684-699; Ian Richards, “Uneasy Bedfellows: Ethics Committees and Journalism Research,” *Australian Journalism Review* 31, no. 2 (December 2009): 35-46; Jack Katz, “Toward a Natural History of Ethical Censorship,” *Law & Society Review* 41, no. 4 (December 2007): 797-810. See also Susan Webster and Meredith Temple-Smith’s “The Red-Tape Waltz: Where Multi-Centre Ethical and Research Governance Review Can Step on the Toes of Good Research Practice,” *Monash Bioethics Review* 31, no 1 (2013): 77-98. Webster and Temple-Smith note that “[e]thical and research governance review processes have conjured up diverse images in the academic literature: the Byzantine labyrinth, the lion’s den, the black hole, the Tower of Babel”: Webster and Temple Smith, “The Red-Tape Waltz,” 79. See too the numerous references to other academic papers in Webster and Temple Smith’s paper. Robert Dingwall argues that ethics committees can even damage democratic society: “The Ethical Case Against Ethical Regulation in Humanities and Social Science Research,” *Journal of the Academy of Social Sciences* 3, no. 1 (2008): 1-12. See the Bibliography for a full list of interviewees.

⁵⁶ Former RTLNSW President and longstanding member The Honourable Greg Smith apologised for his inability to be interviewed, citing his ministerial and parliamentary commitments. (He was, at the time, Attorney-General of NSW.)

the (very elderly) interviewee such that, out of respect for the participant, the interview was stopped partway through and not transcribed; in the case of another protagonist – and sadly – death came and took them just four days after preliminary contact had been made with their organisation.⁵⁷ Such occurrences further underscore the urgency and therefore the importance of the creation of the present thesis; and such occurrences, too, make plain the limitations of the present thesis. That these absences are delineated is important for the sake of any possible future research to be done in the area. What is not possible to delineate – and this is the case with all histories – is the extent and significance of these absences.

One last point relevant to this section. An issue that can attend an oral history is that the responses given by the interviewees are inevitably shaped by the researcher, or the presence of the researcher, inasmuch as the researcher provides an opportunity for an interviewee to perform, as it were, their perspective on the circumstances and debates in question. In an attempt to obviate this – or, at least, to lessen its effect – efforts have been made to interview a range of participants in the movement. In the preliminary stages of research and throughout the interview process, certain events were presented by a number of participants as significant to the history and identity formation, and so these have acted as a guide to the researcher.

On Method: the place of theory and the placement of the researcher

As mentioned above, most of the literature engaging with the pro-life movement does so by way of arguments for and against the pro-life position and attendant issues. The present thesis references these issues but it does so in the context of the movement's history, and in respect of the formation of its identity. As has been noted, the decision has been made to work from those methods associated with oral history projects; and although reference is made to Identity Theory, it is made in a very qualified way. There are, of course, as many different views on what constitutes Identity Theory proper as there are areas in which it is employed. The problem is that the, at times, highly theoretical – and often abstract – nature of Identity Theory can

⁵⁷ First ACPLA President Mr Bede McDougall; and longstanding RTLNSW member and Secretary Mrs Kath Harrigan.

be inimical to allowing the oral history respondents' own understanding of their history to be heard. It might be said that although Identity Theory affects to address the issue of identity formation, the two are not mere synonyms. If they are treated as such then the history of an identity as it forms – be it of an individual, of a group, or of both – can end up being shaped by the dictates of theory.

Although the present thesis is not *per se* concerning historical method, it inevitably raises questions concerning such. This is so by reason that this work represents a foundational text for future study on the history of the pro-life movement in Australia, and as such it is felt that it has a duty to communicate its limitations. This transparency, it is hoped, will aid future scholars to identify lacunae and, in turn, to identify areas of additional research. The waters traversed in the present thesis are, as it were, uncharted, and the responsibility in writing is effectively one of creating a map of sorts, such that future scholars might more confidently navigate the area.

With the foregoing in mind it is necessary to answer to that concern which characterises method within contemporary history: namely, the place of the researcher. Although something of a caricature, it has been claimed that in the past historians have taken a supposed scientific and thus objective, even God-like approach to their topic, as though they could be completely free of subjective bias. Whether or not this is a justified critique the trend in more recent years is that the historian identifies their location in order that any future researcher might be alerted to possible areas of bias. This, of course, applies in like manner to other disciplines; within journalism it is utilised and made into a tool for deeper research: hence, 'immersive journalism'. In much the same way that a journalist forgoes claims to complete detachment in order to immerse themselves in the life of those they are studying all the more, so within the discipline of history does the researcher relinquish similar claims for similar purposes: hence, the embedded historian. Citing Paulo Freire's *Pedagogy of the Oppressed*, Kajsa Ekis Ekman notes that an academic researcher must live with the people s/he is studying.⁵⁸

If we turn to Freire's work itself, the relevance to the approach of this thesis becomes more pronounced. Although Freire's concerns have to do with education, they are applicable to the kind of education an oral history represents. Freire writes

⁵⁸ Kajsa Ekis Ekman, *Being and Being Bought: Prostitution, Surrogacy and the Split Self*, trans. Suzanne Martin Cheadle (North Melbourne, VIC: Spinifex Press, 2013), 120.

that the education process is a dialogical one of cooperation, wherein the distinction between teacher and student dissolves.⁵⁹ We might say that, in the case of oral history, it is the distinction between researcher and researched that dissolves. Freire's aim was one that he termed 'conscientização', wherein a critical consciousness develops in the 'students' such that they 'enter the historical process as responsible Subjects'.⁶⁰ It is in this process of critical reflection that they 'think about and face the world', such that 'their generative themes may be found' and they become true agents.⁶¹ Freire goes on to say that '[f]or precisely this reason, the methodology proposed requires that the investigators and the people (who would normally be considered objects of that investigation) should act as co-investigators'.⁶² The pertinence of this to the oral history project should be obvious.

Although not in total agreement with the above, it is nevertheless pertinent here to note the advice of Pierre Bourdieu, one of the foremost social science and political theorists in the last fifty or so years. In his most famous work, 'The Field of Cultural Production, or: the Economic World Reversed', he warns against social scientists imposing their own presupposed 'operational definition' on the 'agents' being studied.⁶³ Rather is the researcher 'to describe a state ... of these struggles and therefore of the frontier delimiting the territory held by the competing agents'.⁶⁴ The argument is that the understanding of the identity of those being studied must arise from a close and sympathetic engagement with them if the resulting study is not to be simply an exercise in preconceived theory: that is, a theory that instantiates the dominant forms of cultural power. In what is perhaps Bourdieu's most important work on method, *The Logic of Practice*, Bourdieu opposes a qualified structuralist approach, one that he characterises as 'relational' to a more 'substantialist mode' of research.⁶⁵ What is important for us is that in his work Bourdieu argues for a process of critical reflection which necessarily takes place within the very situation one is working within and studying. 'What is at stake is how far the objectifier is willing to

⁵⁹ Paulo Freire, *Pedagogy of the Oppressed*, (New York: Bloomsbury, 2000) (1970), 72-74, 167-168.

⁶⁰ Freire, *Pedagogy*, 36.

⁶¹ *Ibid.*, 106.

⁶² *Ibid.*

⁶³ Pierre Bourdieu, "The Field of Cultural Production, or: the Economic World Reversed," in *The Field of Cultural Production: Essays on Art and Literature*, ed. Randal Johnson (Cambridge, UK: Polity Press, 1993).

⁶⁴ *Ibid.*, 42-3.

⁶⁵ Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1990) (1980), 4.

be caught up in his work of objectification.’⁶⁶ There is a ‘practical learning’ where one is, it could be said, immersed in the ‘system of strategies generated by the habitus’, which is to say the ‘symbolic capital’ of those who are being studied.⁶⁷ It is exactly here that one finds oneself in a ‘generative habitus’ where valid findings are made.⁶⁸ As we will see below, it is this ‘generative’ model of theory from its situatedness within that which is studied that is pertinent for oral history.⁶⁹

It is in Bourdieu’s work *On Television* that he enunciates, almost by way of an aside, how this is practically to be done: ‘In the interviews that my research team conducts it has become clear that it is very important to signal our agreement and interest; otherwise the interviewees get discouraged and gradually stop talking. They’re waiting for little signs – a ‘yes, that’s right,’ a nod that they’ve been heard and understood.’⁷⁰ We might argue that the more immersed one is the more open will be ones respondents and, thereby, the more faithful the history will be.

Not surprisingly, issues pertaining to objectivity emerge in association with the concept of the embedded historian, which issues are heightened when the approach taken involves oral history. And they are further heightened when the history – as is the case in the present thesis – engages with a marginal group whose identity has been formed by way of tensions internal to the larger group of which they are a part. Such a position not infrequently results in the formation of members who tend to be dedicated, sincere and, at times – despite themselves – vulnerable, a combination which can, at times, elicit sympathy from the researcher. Nevertheless, the process of writing has been such as to factor in such possibilities and, so far as is possible by use of competing voices or material, to not only check the statements made by those being interviewed, but to check the sympathies of the researcher.

But we need not only appeal to the more ‘radical’ theorists such as Freire and Bourdieu; similar sentiments can be found from more ‘conservative’ quarters, as we see in the work of Karl Popper. Popper argues in *The Poverty of Historicism* for what he refers to as a ‘piecemeal’ scientific approach both to the natural sciences and

⁶⁶ Bourdieu, *Logic*, 19.

⁶⁷ *Ibid.*, 14, 16.

⁶⁸ *Ibid.*, 9.

⁶⁹ For Bourdieu’s theory and method of habitus, see Rogers Brubaker, ‘Social Theory as Habitus’, in C. Calhoun, E. Lipuma, H. Postone eds., *Bourdieu: Critical Perspectives* (Chicago: Chicago University Press, 1993), 212-234, especially 212-214. See also Richard Jenkins, *Pierre Bourdieu* (New York: Routledge, 2002), 80-85.

⁷⁰ Pierre Bourdieu, *On Television*, trans. Priscilla Parkhurst Ferguson (Cambridge, UK: Polity Press, 2011), 32.

social sciences – including history – contra more historicist and utopian histories which tend towards the doctrinaire and theoretical. He notes that though one does look to find a theory that answers to the ‘*logic of situations*’, such a theory needs to be based upon a ‘methodological individualism’ that respects the uniqueness of what is being studied.⁷¹ In other words, Popper’s is an attempt to balance the requirements of theory with the integrity of the topic at hand. His recommendation is along the lines that while ‘undoubtedly there can be no history without a point of view’, this cannot be helped; a history must be ‘selective unless it is to be choked by a flood of poor and unrelated material’.⁷² So is a history always fundamentally skewed? Popper writes that ‘[t]he only way out of this difficulty is, I believe, consciously to introduce a *preconceived selective point of view* into one’s history: that is, to write *that history which interests us*.’ He notes, however, that ‘[t]his does not mean that we may twist the facts until they fit into a framework of preconceived ideas, or that we may neglect the facts that do not fit’. But alongside this he observes that ‘classical historians are liable to fall into a different error. Aiming at objectivity, they feel bound to avoid any selective point of view; but since this is impossible, they usually adopt points of view without being aware of them’.⁷³ It would seem, then, that the historian is at an impasse—what to do? Popper’s conclusion can be summed up thus: that ‘[t]he way out of this dilemma ... is to be clear about the necessity of adopting a point of view; to state this point of view plainly, and always to remain conscious that it is one among many’.⁷⁴ It is this advice that the researcher follows.⁷⁵

It is in the spirit of the foregoing that I wish to make plain that I am involved in the pro-life movement and agree with its position; and, too, that I am involved with members of the Association via participation in a work originally founded by, and now supported by, the Association. However, it is to be underscored that the present

⁷¹ Karl Popper, *The Poverty of Historicism* (London: Routledge, 2002), 138.

⁷² Ibid.

⁷³ Ibid., 139-40.

⁷⁴ Ibid., 140.

⁷⁵ For a more recent adaptation of Popper’s approach see John Lewis Gaddis, *Landscape of History: How Historians Map the Past* (Oxford: Oxford University Press, 2002). Like Popper, Gaddis contrasts the natural science approach to that often taken by social scientists. Social science, he argues, by relying on equations, graphs, matrices and formal modelling (51), evidences the idea that “you can best understand reality by breaking it up into various parts” 54. Later, Gaddis remarks that, although theory is ‘ultimately generalization’, this does not exclude it from being firmly embedded in the particular events being recorded and studied. He puts it thus: we need to “*embed our generalizations within our narratives*” but the problem with the social sciences is that they “*embed narratives within generalizations*” 62. Emphasis in original.

thesis is not an argument for the pro-life position; nor is it the purpose of this work to present these arguments except where they are necessary to the understanding of the tensions in operation between the Catholic pro-life movement and those in the wider pro-life movement.⁷⁶

A question of style

It is appropriate to mention that, in more recent times, a discussion has emerged in respect of historical methodology, which discussion pertains to the place of the narrative in history.⁷⁷ The goal of the researcher is not to revisit this debate but simply to state that the use of narrative is an important component in the building of a history. Whether acknowledged or not, the use of narrative is present in all histories. As with earlier comments pertaining to embedded and immersive researchers, the view taken in the present thesis is that scholarship is best served when there is as much transparency as possible concerning the approach of the researcher. Such transparency is especially of value in foundational histories such as this one; any future researcher will be more aware of the structure employed herein and hence be more able to identify any attendant problems. Additionally, as has been noted, the source material for oral histories is predominantly supplied by means of narrative via the stories of the interviewees. It is perhaps one of the more important points to be made in respect of method that *the narrative structure of this work reflects the narrative structure within which the protagonists operate*.

Too often the complaint is that academic discourse operates through what might be called a language of obfuscation (although this simply may be an unavoidable result of the theory employed). Often this takes the form of a highly technical language that serves at times not to clarify but rather to confuse—or so it can seem to those not familiar with the language used. So rarefied can the language of a scholarly study become that the resulting work can reflect not so much the character and identity of the movement being studied as the demands of academic

⁷⁶ It is to be noted that the limits of the assistance offered to the researcher in respect of the present thesis came in the form of oral history interviews and access to archival material.

⁷⁷ For an overview of this debate, see Geoffrey Roberts, “Introduction: The History and Narrative Debate, 1960-2000,” in *The History and Narrative Reader*, ed. G. Roberts (London: Routledge, 2001).

discourse.⁷⁸ For this reason also, the style employed by the present thesis is that of the narrative, which narrative can at times appear journalistic in character. However, not only does such a style do justice to the data, it works also to aid in clarity of communication and comprehension. As the present thesis aims to provide a foundational history of one area of the Australian pro-life movement – and to do so arguing that tensions internal to the Church and the movement itself are just as important in terms of identity formation, if not more so, than forces external – then there is an obligation on the part of the researcher to make the arguments clear. Not only does such a clarity aid future scholars in identifying any significant lacunae, it also reflects the manner in which oral histories form and are communicated. Nevertheless, it should always be borne in mind that this work is not a work on historical method, but rather a work on a history of a particular movement through a particular organisation, and it is in the course of the work that any theory proper to this movement ought to be allowed to appear. This position is akin to that which informs the fundamental principle of ‘Grounded Theory’: that is, following Bourdieu, that theory must be generated from the subject being studied.⁷⁹ In other

⁷⁸ Perhaps the most famous work on this subject is George Orwell’s 1946 essay “Politics and the English Language” in *The Collected Essays, Journalism and Letters of George Orwell*, vol. 4, ed. Sonia Orwell and Ian Angus (New York: Brace Javanovich, 1968), 127-40. Orwell writes that the “decline of a language must ultimately have political and economic causes,” and that this decline is first and foremost seen in what we could call academic writing: 127. There is, Orwell notes, a “pretentious diction” especially present in “scientific, political and sociological writers” 131. Jan Armstrong, in her paper “Political Economy of Academic Writing Practices,” *Journal of Thought* (Spring-Summer 2010): 55-70, argues that, among other things, the use of theory laden jargon in academic studies often works to support an elitist status quo that excludes those who do not feel able to use that language. She notes that “[c]hanging the political economy of academic writing practices will require a willingness to learn from others and to take a hard look at our own narrow minded, and potentially exclusionary and elitist professional practices” 66. But it also should be noted that there are others, such as Henry Giroux, who argue that the accent on clarity as opposed to theory is a move that likewise is informed by political considerations, not least by what we might call the demands to dumb down the curriculum so as to make education more marketable. See Giroux, “Language, Difference, and Curriculum Theory: Beyond the Politics of Clarity,” *Theory into Practice*, 31, no. 3 (1992): 219-227. Nevertheless, Giroux is not blind to the abuse of theory, and although he writes approvingly of more theoretical developments in the social sciences and history in respect of things feminist, post-structural and postmodern, he still sees how these have been abused. Together with Peter McLaren in their paper “Writings from the Margins: Geographies of Identity, Pedagogy, and Power,” *Journal of Education* 174, no. 1 (1992): 7-30, it is noted that “all too often these discourses collapse into a dehistoricizing and self-congratulatory emphasis on articulating the specifics of ethnographic methodologies and the ideological virtues of asserting the importance of naming one’s location as a complex discursive site” 8.

⁷⁹ The founding text of this approach is Barney Glaser and Anselm Strauss, *The Discovery of Grounded Theory: Strategies for Qualitative Research* (London: Aldine Transaction, 2008) (1967). “We have taken”, the authors write, “the position that the adequacy of a theory for sociology today cannot be divorced from the process by which it is generated” 5. “Generating a theory from data means that most hypotheses and concepts not only come from the data, but are systematically worked out in relation to the data during the course of research” 6.

words, the theory, like the researcher, must also be ‘embedded’. As is appropriate, then, we will return to the issue of theory in our final conclusion.



As we have seen, the present thesis is at once a history of the pro-life organisation Family Life International with frequent recourse to the words of the protagonists themselves by way of transcribed oral history interviews; and it is a glimpse at the organisation in respect of identity formation, which identity can be considered oppositional in nature. As such, the researcher aims to:

- Help fill the gap in knowledge about the history of the pro-life movement in Australia;
- More specifically, write a history (indeed, a microhistory) of FLI/the Association in Sydney;
- Help redress the US-centric nature of the literature which has emerged in recent times on the pro-life movement;
- Create an archive of transcripts of oral history interviews with participants – particularly Sydney participants – in the Australian pro-life movement, accessible via the University of Notre Dame, Australia;
- Ask questions about the external and internal influences on the creation of FLI and its development and practices;
- Link the above to understanding the creation of a distinct identity for FLI.

In approaching these aims, it is first to be noted that the Association defines itself in reference to a ‘total approach’ to life issues: that is, that abortion is one of a number of ills, all of which are continuous one with the other, and which include graphic sex education in schools, contraception, IVF, homosexual acts and euthanasia; and it defines itself, too, in reference to faithfulness to the teachings of the Catholic

Church. In order, then, to contextualise the Association, the history commences proper in Chapter Two with a very brief review of the history of eugenics since the end of the 18th century and its connection with the contraceptive pill. The Association's view of the history of the formation of modern European, US and Australian identity revolves around those issues they oppose, which issues are often subsumed into the category of eugenics. It might be said, then, that the Association sees itself as opposed to that which they view as constituting the identity of modern Western culture. In this they are certainly not alone, for as Frank Dikötter writes: 'Eugenics was a fundamental aspect of some of the most important cultural and social movements of the twentieth century, intimately linked to ideologies of 'race', nation, and sex, inextricably meshed with population control, social hygiene, state hospitals, and the welfare state'. Further, 'eugenics belonged to the political vocabulary of virtually every significant modernising force between the two world wars'.⁸⁰ Chapter Two, then, contextualises the history that is to come, tracing out the societal framework which would later prompt the emergence of the Association and against which the Association would pit itself. Furthermore, it provides a conceptual context via ideas pertaining to continuity, which ideas are important to a full understanding of the Association's philosophical landscape and, hence, to their identity.

The thesis touches then on the story of the papal encyclical *Humanae Vitae* – which reiterated Church teaching in respect of the regulation of birth and contraception, and which is of profound significance to the Association – and the ensuing dissent; and it looks also at certain Australian responses to the encyclical. The chapter's engagement with these elements further works to describe the ecclesial climate into which the Association would later be born. With such dissension by members of the Catholic Church, both lay and religious, from the Church's teaching – specifically, here, from *Humanae Vitae* – the Association's adherence to *Humanae Vitae* as a matter of Constitutional action was an immediate entry into the Church's political arena, and hence an immediate engagement with the formation of their identity in respect to opposition within the Church.

The burgeoning issue of abortion spawned the National Right to Life Association (NRLA), and identity politics emerged as an early defining factor. In

⁸⁰ Frank Dikötter, "Race Culture: Recent Perspectives on the History of Eugenics," *The American Historical Review* 103, no. 2 (April 1998): 467.

light of the fact that FLI is a breakaway from NRLA's New South Wales branch, a glimpse of NRLA is given in Chapter Three, which glimpse includes the earlier breakaway of its Victorian branch. This situation was one of deep importance within the Australian pro-life movement and involved one of the country's most prominent pro-life activists, Margaret Tighe. Her story has a significant impact on the pro-life movement across Australia and is important both to a full understanding of the context from which the Association emerged and to the shape of the movement to this day. This chapter shows the manner in which certain aspects of the pro-life movement in Australia began to assemble, and examines tensions within the movement in respect of contraception with a specifically Sydney focus. Thus it works not only to show the early days of the pro-life movement in Australia, but to exemplify, too, the early outworking of internal dynamics in respect to the formation of the movement's identity.

From Chapter Four, the narrative moves to the mid-1980s and to the formation of the group upon which the present thesis will focus, which group originally took as its name the Australian Catholics' Pro-Life Association and which is a significant – if not the most significant – Catholic pro-life organisation in Australia. Chapter Four describes the early development of the group and of its distinctly Catholic identity by means of its engagement with Catholic practices and continued adherence to Church teaching. It shows also the development of the prayer vigils held by the Association outside of abortion facilities, the introduction to spiritual mentor Monsignor Philip Reilly and the ensuing sophistication of approaches. The chapter also tracks the relationship between the Association and Father Paul Marx, founder of the US-based international pro-life organisation Human Life International (HLI). Through this, the chapter shows the manner in which the Association's identity is further strengthened and delineated, and is so in opposition to those within the pro-life camp.

The present thesis surveys certain issues and events that have emerged for the pro-life movement in Sydney (and beyond) – and for the Australian Church in general – in recent decades, and engages with them via the Association's involvement. Chapter Five examines the move by the Association away from the traditionally Catholic connection with the Labor Party. The chapter shows the Association's efforts in this regard by means of alerting Australian citizens, via the publication of large newspaper advertisements prior to the 1996 federal election, to

the Labor Party's abortion policy. Further, it shows how, in its highlighting of pro-life issues, the Association both signalled and performed the role of active agent of a social and political change in Catholic identity, most noticeably expressed in party allegiance.

Chapter Six traces out the response by the Association to legislation introduced in the Australian Capital Territory (ACT) by pro-lifers. The chapter looks at issues for the pro-life movement in Australia in respect of this legislation and the interpretation of Catholic Church teaching, and looks too at how these issues split the pro-life movement and, in turn, contributed to the increasingly distinct identity of the Association. The discussion begins with an overview of the 1996 legislation introduced in Western Australia (WA), before engaging with that introduced in the ACT and with the responses ensuing from it, which responses included debates over the interpretation of Church documents. This event in the history of the Association represents a bringing together of theory and practice such that the identity of the Association was influenced in respect of the manner in which that identity was forming within the Church.

Chapter Seven follows Association members as they sought to work with others towards what they viewed as being the abuse of the Third Rite of Reconciliation, such that the high-water mark of an identity informed by an opposition to others within the camp was reached. Though not an Association undertaking, various Association members contributed information which is thought – by both those within and without the camp – to have been engaged with by Pope John Paul II in the preparation of the document entitled the *Statement of Conclusions*. This document, among other things, called for the cessation of the incorrect use of the Third Rite of Reconciliation. The bulk of the material heretofore available in respect of the *Statement of Conclusions* expresses dissatisfaction with the document and with the manner in which information was collected and provided to Rome. As such, this chapter represents the filling of a large gap in scholarship in that it is one of the very few works, and as far as I am aware the only scholarly work, to represent this period in Australian ecclesial history from the perspective of those involved in the collection of information.

These chapters note the manner in which these issues and events have contributed to the formation of the identity of the Association, specifically in respect

of tensions operating within the Church. Further, and most importantly, they provide a foundational, scholarly history of one part of the pro-life movement in Sydney.

As we saw in the section on method, the present thesis is both an oral history and an attempt to reflect upon the methods relevant to that discipline. Above all, in the telling of the history, history is itself formed and shaped, in that the telling both expresses and shapes the identity of the group concerned. This is especially so in respect of those groups existing at the margins of the dominant culture's discourse – as the Association certainly is – and especially so when they are at the margins by reason that they define themselves against the 'world' in which they live. But, as has been argued above, the tensions that express themselves in and through the Association's history are tensions not just in the 'world' but increasingly in the movement itself.



The history of the international pro-life movement is yet to be written, but that it emerges largely in response to the rise of eugenics and concomitant matters such as the legalisation and liberalisation of contraception and then abortion is well established. As the majority of the work in the history of the pro-life movement has to do with the United States, there exists something of an US-centric character to discussions in the history of the pro-life movement. One of the outcomes of this thesis will be the correction of this imbalance in some way by the tracing out of the history of the Catholic pro-life movement in Australia, which history finds its locus in Sydney.

Nevertheless, it must be acknowledged that the influence of the US pro-life movement in Australia is significant. Not only that, but there are similarities in trajectory within both countries in that much the same developments confront the movements in Australia as in the US. Both, it can be seen, react to and are informed by developments in the Catholic Church, not least in respect to the reception of Pope Paul VI's encyclical *Humanae Vitae* [HV], and to the papacy of John Paul II.

To the question of the gathering of the history of the pro-life movement, Michael W. Cuneo notes that '[t]he pro-life movement is a phenomenon of enormous and sometimes bewildering complexity, and chronicling it exhaustively would

require several full-length volumes'.⁸¹ Cuneo is speaking here purely in respect of the US pro-life movement; how much more so, then, does this apply to the international movement. Within his history of the US pro-life movement, Cuneo identifies a number of distinct developments, the first of which is the shift from what he calls a 'reformist' approach to one that is (in certain quarters, at least) more activist and systematic in its approach.⁸² Such a development – and it is a development that can likewise be seen in the Australian experience – is expressed in the rejection of any compromised position that would exclude the issue of contraception. It is pertinent, too, that this development corresponds with the first years of the papacy of John Paul II. The papacy of John Paul II represented a profound turn in politics generally. Indeed, Jo Renee Formicola noted in her essay 'The Political Legacy of Pope John Paul II' that '[a]s a result of John Paul's papacy, the Vatican has become a major actor in the geopolitical arena by working for moral change in the world'.⁸³

It is not within the purview of this thesis to examine the conservative turn in Western politics in the 1980s, but nonetheless it should be noted that the effect of the papacy of John Paul II on the pro-life movement generally cannot be overstated. His influence on US Catholicism in terms of encouraging more conservative and thereby more pro-life attitudes in the Church has been commented upon.⁸⁴ If, as Mark Massa argues, the sixties 'changed the Church forever', then it is also true that the pontificate of John Paul II qualified that change forever.⁸⁵

⁸¹ Michael W. Cuneo. "Life Battles: The Rise of Catholic Militancy within the American Pro-Life Movement." In Mary Jo Weaver and R. Scott Appleby, *Being Right: Conservative Catholics in America*. Bloomington: Indiana University Press, 1995: 271-272.

⁸² Cuneo identifies particularly Operation Rescue and Mary's Lambs for Jesus: "Life Battles", 272.

⁸³ Jo Renee Formicola. "The Political Legacy of Pope John Paul II." *Journal of Church and State* 47, no. 2 (Spring 2005): 241. See too Ugo Colombo Sacco's book *John Paul II and World Politics: Twenty Years of a Search for a New Approach, 1978-1998*. Leuven: Peeters Publishers, 1999: especially 59-66.

⁸⁴ (The term 'conservative' here references those whose sympathies can be aligned with the pro-life movement.) For more on this, see David Wiley's "Cafeteria Catholics and the Consumer Society" in his book *God's Politician: John Paul at the Vatican*. London: Faber & Faber, 1992; contra the 'American spirit' of individualism, etc., Richard John Neuhaus. *Catholic Matters*. New York: Basic Books, 2006: 88; on American Catholicism, Kenneth Mulligan. "Pope John Paul II and Catholic Opinion toward the Death Penalty and Abortion." *Social Science Quarterly* 87, no. 3 (September 2006): 739-753; George Weigel. *Witness to Hope*. New York: HarperCollins, 1999, especially chapters 8, 9, 17, and the epilogue, "The Third Millennium"; on the culture of dissent, George Weigel. *The Courage to Be Catholic*. New York: Basic Books, 2002, especially 71-89.

⁸⁵ Mark S. Massa, *The American Catholic Revolution: How the '60s Changed the Church Forever*. New York: Oxford University Press, 2010. For a detailing of the critique of liberal modernity, see Carson Holloway. *The Way of Life: John Paul II and the Challenge of Liberal Modernity*. Waco: Baylor University Press, 2008; Mannion, Gerard. "'Defending the Faith': The Changing Landscape of

One of the effects of the influences under John Paul II was an increasing polarisation in attitudes to abortion, both within the Catholic Church and between Christian denominations.⁸⁶ Catholics, notes John H. Evans, ‘seem to be a decreasingly receptive group for mobilization to the antiabortion cause. While their mean attitude has remained constant, the ability to mobilize Catholics as a group has decreased due to the growth of internal polarization within the tradition’.⁸⁷ Increasingly, it is in this period that an international focus begins to form among certain parties in the pro-life movement. It could even be said that it has come into its own in the last two decades. This refers to the perceived need to address the ways in which international law and treaties are attempted to be appropriated by various national agencies and non-government organisations to promote contraception and abortion as a means of so-called reproductive rights of women, as well as of population control. This dimension is not one that this thesis looks into, however, not least because the distinct identity of those pro-life groups involved in this area – C-Fam, for example – tends to be different from more local and national movements.⁸⁸

Core Beliefs

As noted above, what Cuneo outlines in his work on the pro-life movement in the United States is what we see also in the pro-life movement in Australia: that is, that those activist groups who come to the forefront of the movement are those who define themselves by way of a consistent and coherent system. This becomes clear in reference to contraception—but as we will be discussing this in some detail in chapter two, we will not here go into it in any depth. Suffice it to say that an increase

Church Teaching Authority and Catholic Theology.” In *The Vision of John Paul II: Assessing His Thought and Influence*, edited by Gerard Mannion, 78-106. Collegeville, Minnesota: Liturgical Press, 2008.

⁸⁶ ‘Yet there has been no comprehensive study of polarization in abortion attitudes between and within religious traditions’: John H. Evans. “Polarization in Abortion Attitudes in U.S. Religious Traditions, 1972-1998.” *Sociological Forum* 17, no. 3 (September 2002): 397.

⁸⁷ Evans. “Polarization in Abortion Attitudes.” 417. While it is true to say that external political factors play an important role in shaping Catholic views on, and willingness to engage with, pro-life issues, the focus here is on the more overt internal matters.

⁸⁸ For an overview and discussion on this aspect, see Richard Wilkins and Jacob Reynolds.

“International Law and the Right to Life.” *Ave Maria Law Review* 4, no. 1 (Winter 2006): 123-170. On the vast body of pliable norms that create ‘soft law’ which when applied to nations becomes ‘hard law’: 127. The term ‘forced’ or ‘enforced pregnancy ... was designed to create a world-wide right to abortion on demand’: 139.

in activism is tied to a systematic interpretation of moral theology which in turn is tied to an increasing visibility of a specifically Catholic devotional spirituality, one that finds its focus in the figure of Mary. In short, as Cuneo notes, the movement becomes increasingly defined in ‘manifestly supernatural terms’.⁸⁹

It is in respect of its belief system that the pro-life movement in general and the Association in particular look to certain key papal documents: to *Humanae Vitae*, of course, and to John Paul II’s encyclical *Evangelium Vitae*. In brief, the system is one that sees a logical, even spiritual, progression from eugenics, through contraception, to abortion, with related issues such as IVF and fetal and embryonic stem cell research. John Paul II makes this connection plain when he remarks that ‘contraception and abortion are often closely connected, as fruits of the same tree’; and notes that the ‘negative values inherent in the “contraceptive mentality” ... strengthen this temptation [to procure an abortion] when an unwanted life is conceived’. Furthermore, he states that:

The close connection which exists, in mentality, between the practice of contraception and that of abortion ... is being demonstrated in an alarming way by the development of chemical products, intrauterine devices and vaccines which, distributed with the same ease as contraceptives, really act as abortifacients in the very early stages of the development of the life of the new human being.⁹⁰

He argues that what he terms this ‘culture of death’ emanates from ‘a perverse idea of freedom’, which freedom eradicates ‘even the most obvious evidence of an objective and universal truth’ such that ‘the person ends up by no longer taking [this objective and universal truth] as the sole and indisputable point of reference for his own choices the truth about good and evil, but [rather takes] only his subjective and changeable opinion or, indeed, his selfish interest and whim’.⁹¹ Thus, the scope of the culture of death traverses contraception, abortion and attendant beginning of life

⁸⁹ Cuneo, Michael W. “Life Battles.” 294. For a different but related perspective, see James D. Unnever, John P. Bartkowski and Francis T. Cullen. “God Imagery and Opposition to Abortion and Capital Punishment: A Partial Test of Religious Support for the Consistent Life Ethic.” *Sociology of Religion* 71, no. 3(Fall 2010): 307-322. On ‘consistent life ethic’: ‘Our study clearly indicates that simultaneous opposition to abortion and the death penalty can be traced to individuals reporting a close relationship with a loving God’, and that this ‘cognitive schema’ is part of a ‘life-affirming moral belief system’, and not associated only with judgmental images of God: 318, 319.

⁹⁰ John Paul II. *Evangelium Vitae*. Encyclical Letter. Vatican Website. March 25, 1995, § 13. http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.

⁹¹ John Paul II. *Evangelium Vitae*. §12, 18, 19.

issues, and emanates into end of life issues as well, incorporating euthanasia into its reach. For the Association, given that the ‘objective and universal truth’ is to be found within the Magisterium, that is, in the teachings of the Church, we will see the manner in which faithfulness to the Church’s teaching – theologically and liturgically – is privileged as an area of profound importance.

The focus of this thesis comes to rest on one part of the pro-life movement, Family Life International in Sydney—but not before we have traversed varying situations, complexities and fracturings. As we narrow our focus onto the ‘local’, the hope is that the lessons we take from the particular will illuminate something of the whole. Such a history, as Charles Joyner notes, indeed such a microhistory represents a ‘search for answers to large questions in small places’.⁹²

⁹² Charles Joyner, in Sigurður Gylfi Magnússon and István M. Szigárt. *What is Microhistory? Theory and Practice*. Abingdon: Routledge, 2013, 5.

**From eugenics to *Humanae Vitae* the battle lines are drawn:
the Australian response**

[T]here was a big time lapse between 1960 and the pill's available, and 1968 when *Humanae Vitae* was published: July 1968. That's a long time. And a lot of people had been told in the meantime, look, it's probably okay to take the pill. Because we don't know what he's going to say.¹

Everybody would be happy. The whole world would be a happy, happy place on the pill.²

Although the Association proper did not commence until 1986, it is important to explain something of the wider context which precipitated its founding. This chapter aims to provide an historical context via a brief engagement with the rise of eugenics, as well as via reactions to Pope Paul VI's encyclical *Humanae Vitae*; and it aims to provide, too, a conceptual context via ideas of continuity. Although the Association would come to define itself – and to be defined by others – by way of an oppositional identity, it nevertheless would do so by arguing that its opposition was a necessary expression of its being in continuity with the teachings of the Church. Located within such continuity, the Association would come to express itself by way of opposition to others – not just to those external, but, paradoxically, to those within the camp, as it were – who were viewed as being destructive to this continuity. As we will see in this chapter by reference to *Humanae Vitae* and in Chapter Seven by reference to the Third Rite of Reconciliation (two of the major issues that for many clergy and laity

¹ Instance, "Recollections," 45.

² *Ibid.*, 37.

marked out the Association as being on the fringes of the Church), that which was held by the Association as being destructive of the continuity of the Church, and hence of its proper identity, were ideas said to be informed by a compromise with the more ‘liberal’ world outside of the Church. This world was itself characterised by a continuity, but a continuity expressed in the relationship between eugenics, contraception, abortion, euthanasia, and more recently what has been referred to under the term ‘gender ideology’.

It is important to understand the manner in which the issue of continuity both within the Church and within the world outside the Church has informed the increasingly oppositional identity construction of the Association, if not of all the Catholic pro-life movement world-wide. Catholic pro-life discourse has been marked by an insistence upon the logical and historical continuity between eugenics, contraception and abortion. Where others can see an historical relationship, they might exhibit a reluctance to take this further and to claim a logical relationship such that each will necessarily include the other; hence, the reason for the separation of the Association from those pro-life groups that refused to treat of the issue of contraception. For the Association this logical and historical continuity is neatly summed up in John Paul II’s phrase ‘the culture of death’.

Of singular importance in writing a history of the Catholic pro-life movement in Sydney is this notion of continuity. For some decades now, Catholic pro-life discourse has been cognisant of both a logical and historical continuity between eugenics, contraception and abortion. Sharon M. Leon writes that ‘[s]ince both eugenic sterilization and contraception involved the limitation of the generative faculties, Catholic theologians tended to discuss them in similar terms’.³ Janet Smith notes that ‘the lifestyles and attitudes that contraception fosters create an alleged “need” for abortion’, a concept shared by key informer Gail Instance: ‘It was *logical* that that would be a stepping stone, that you would be more likely to have an abortion if you were using a contraceptive.’⁴ As we will see in future chapters, it is this notion of continuity that has been fundamental to the development and identity formation of the Catholic pro-life movement in Sydney as we know it today.

³ Sharon M. Leon, ““A Human Being, and Not a Mere Social Factor”: Catholic Strategies for Dealing With Sterilization Statutes in the 1920s.” *Church History* 73, no. 2 (June 2004): 389.

⁴ Smith, “The Connection between Contraception and Abortion.” Instance, “Recollections,” 2. For the continuity between eugenics and contraception, see Leon, “A Human Being and Not a Mere Social Factor,” 383-411.

It will be helpful to begin with a brief survey of the history of eugenics. Tensions between the Catholic Church and modernity have often revolved around the issues of reproductive politics, notably pertaining to contraception and abortion and the associated ideology of population control.⁵ Although questions concerning the purity of race began to come into their own in the eighteenth century, notably in respect of what came to be known as ‘The Jewish Question’, it can be said that eugenics became widespread and mainstream following the work of English clergyman Thomas Malthus.⁶ Indeed, the move towards societal acceptance of contraception – and hence to abortion – in modern times can be traced back via eugenic ideas to the late eighteenth century, and notably to Malthus’s essays on the nature of poverty and attendant socioeconomic issues. His earlier essay, *An Essay on the Principle of Population*, published in 1798, shaped the thinking of the father of modern liberalism Jeremy Bentham. Malthus reworked and supplemented this essay into a work four times the size of the earlier essay, and saw it published in 1803. It is difficult to overestimate the effects of the work on liberal thinking in matters cultural, economic and political. On the basis of his work, he was appointed to the East India Company Staff College as the Chair of Political Economy.⁷

Malthus called for population control of the poor by means of the workhouse, abstinence and late marriage, his work providing a foundation upon which a number of scientists and thinkers would build. One of these was Francis Galton, the man who coined the term ‘eugenics’ and who suggested that, as Edwin Black puts it, ‘a bountiful breeding of the best people would evolve mankind into a superlative species of grace and quality’.⁸ Galton’s eugenic ideas would come to define much of subsequent political theory on what we might call the left, right and middle ground; indeed, they would come to inform progressivist liberal politics and economics.⁹

⁵ Of course, questions and criticisms regarding eugenics and reproductive politics and the economy are not concerns only of the pro-life movement. Most famously, there is Michel Foucault’s argument regarding the rise of neo-liberalism. See Foucault, *The Birth of Biopolitics: Lectures Collège de France 1978 – 79*, ed. M. Senellart (New York: Palgrave Macmillan, 2010).

⁶ Thomas Malthus, 1766-1834. See Stefan Arvidsson, “Aryan Mythology as Science and Ideology,” *Journal of the American Academy of Religion* 67, no. 2 (June 1989): 327-354; Jonathan Hess, *Germans, Jews and the Claims of Modernity*, (New Haven, CT: Yale University Press, 2002).

⁷ Justin Wintle, ed., *Makers of Nineteenth Century Culture* (London: Routledge & Kegan Paul, 1982), 392.

⁸ Edwin Black, *War Against the Weak: Eugenics and America’s Campaign to Create a Master Race* (New York: Four Walls Eight Windows, 2003), 15.

⁹ Michael Freedon, *Liberal Languages: Ideological Imagination and Twentieth-Century Progressive Thought* (Princeton, NJ: Princeton University Press, 2005), 144-172; Thomas Leonard, *Illiberal Reformers: Race, Eugenics, and American Economics in the Progressive Era* (Princeton, NJ:

At the same time that Galton was writing, Gregor Mendel in Germany was tracking the features of pea plants, and analysing through such the workings of heredity. Paul Lombardo claims that ‘Mendel’s theory of inheritance, Francis Galton’s family study methods, and the general passion to eradicate social problems came together in an American institution dedicated to the study of eugenics’: Charles Davenport’s Eugenics Record Office (ERO), established in 1910.¹⁰ Galton’s ideas, writes Black, ‘would become nothing less than a worldwide eugenic crusade to abolish all human inferiority’.¹¹

This ‘eugenic crusade’ attracted many of the establishment. It was funded by bodies such as the Rockefeller Foundation and the Carnegie Institute, and though this may have been done at different times under varying banners – under the banners of psychiatry, anthropology, genetics or race hygiene – nonetheless ‘American funding was still consciously promoting eugenic research’.¹² Others have argued that the interwar period coming into the modern was marked by a Western attempt to impose eugenics through population control on what used to be called third world nations.¹³

Princeton University Press, 2016). On how the Nazi eugenics policies reflected prior progressive liberal ideas, see Roger Griffin, *Modernism and Fascism: The Sense of a Beginning Under Mussolini and Hitler* (New York: Palgrave Macmillan, 2007). Griffin writes that Auschwitz represented a modernist purity, a “vast biopolitical sewage works, a technocratic installation where human waste products were disposed of” 333. See also Richard Weikart, *From Darwin to Hitler: Evolutionary Ethics, Eugenics, and Racism in Germany* (New York: Palgrave Macmillan, 2004).

¹⁰ Paul A. Lombardo, *Three Generations, No Imbeciles: Eugenics, the Supreme Court and Buck v. Bell* (Baltimore, MD: The Johns Hopkins University Press, 2008), 30.

¹¹ Black, *War Against the Weak*, 19. These ideas would soon become a staple of English elite opinion. See Desmond King and Randall Hansen, “Experts at Work: State Autonomy, Social Learning and Eugenic Sterilization in 1930s Britain,” *British Journal of Political Science* 29, no. 1 (January 1999): 77-107.

¹² Black, *War Against the Weak*, 296. See also Ian Dowbiggin, *Keeping America Sane: Psychiatry and Eugenics in the United States and Canada, 1880 – 1940* (New York: Cornell University Press, 1997); and Thomas Gossett, *Race: The History of an Idea in America* (New York: Oxford University Press, 1997).

¹³ Mark Mazower, in his book *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton, NJ: Princeton University Press, 2009), traces out the racist undergirding of post-war (here, WWI) liberal idealism which was informed by eugenic and Malthusian concerns (48). It was this liberal idealism that took the notion of empire, white dominated, for granted (61). It tried to shape the UN accordingly, until challenged by Nehru (169). See, too, on these and related matters, Matthew Connelly, *Fatal Misconception: The Struggle to Control World Population* (Cambridge, MA: The Belknap Press of Harvard University Press, 2008); and Duncan Ivison, *Postcolonial Liberalism* (Cambridge: Cambridge University Press, 2002). For a critique of this liberal imperialism from a pro-life perspective, see the essays in Michael Cook, ed., *The New Imperialism: World Population and Cairo Conference* (Crows Nest, NSW: Little Hills Press, 1994); and Jacqueline Kasun, *The War Against Population: The Economics and Ideology of World Population Control* (San Francisco: Ignatius Press, 1999). In his sympathetic history of the 1960s-70s sexual revolution, David Allyn, *Make Love Not War: The Sexual Revolution, an Unfettered History* (Boston: Little, Brown, 2000), notes how in his 4 January 1965 State of Union address, President Lyndon Johnson promoted birth control for foreign countries to stop what he said was an “explosion in world population and [a] growing scarcity in world resources” 30. Allyn also notes how the

Perhaps the person best known among pro-life activists as being associated with the promotion of contraception and abortion, and that entwined with eugenics, is the American activist Margaret Sanger, founder of the global foundation Planned Parenthood (to this day a principle target of attack by the American pro-life movement).¹⁴ Edwin Black notes that, ‘Like other staunch eugenicists, Sanger vigorously opposed charitable efforts to uplift the downtrodden and deprived, and argued extensively that it was better that the cold and hungry be left without help, so that eugenically superior strains could multiply without competition from “the unfit”’.¹⁵ She repeatedly referred to the lower classes and the unfit as ‘human waste’ not worthy of assistance, and she quoted with pride the extreme eugenic view that human ‘weeds’ should be ‘exterminated’.¹⁶ ‘Moreover,’ Black notes, ‘for both political and genuine ideological reasons, Sanger associated closely with some of America’s most fanatical eugenic racists. Both through her publication, *Birth Control Review*, and her public oratory, Sanger helped legitimize and widen the appeal of eugenic pseudoscience.’¹⁷ Indeed, to many, birth control was just another form of eugenics.’¹⁸

National Association for the Advancement of Colored People (NAACP) in 1965 saw a racial agenda behind Planned Parenthood and argued it was attempting to “help Negroes commit racial suicide” 40.

¹⁴ For biographical details regarding Margaret Sanger, see Black, *War Against the Weak*, 127ff; George Grant, *Killer Angel: A Biography of Planned Parenthood’s Founder Margaret Sanger* (Franklin, TN: Human Life International, 1995); and David Kennedy, *Birth Control in America: The Career of Margaret Sanger* (New Haven, CT: Yale University Press, 1970). For the history of Planned Parenthood, see Vicky Claeys, “Brave and Angry: The Creation and Development of International Planned Parenthood Federation (IPPF),” *The European Journal of Contraception and Reproductive Health Care* 15, no. 2 (December 2010): 67-76; C. P. Blacker, “The International Planned Parenthood Federation: Aspects of its History,” *The Eugenics Review* 56 no. 3 (October 1964): 135-142.

¹⁵ Black, *War Against the Weak*, 127.

¹⁶ *Ibid.*

¹⁷ Edwin Black’s argument is not one informed by religious polemics, but is more political, which is to say on the Left. It is not uncommon among such circles to refer to eugenics as a ‘pseudoscience’. The pejorative connotations are obvious. In a personal note to the researcher, he makes his feelings clear, writing across the title page of *War Against the Weak*, ‘The science was a scam’.

¹⁸ Black, *War Against the Weak*, 127. For what one could say are rather obvious reasons due to National Socialist policies of eugenics in respect of the Holocaust, eugenics as a discipline had a lower profile than it had prior to the war. Although it was not spoken of as clearly as it once had been, this does not mean that eugenic policies came to a halt. However, whatever embarrassment that attended eugenics began to lift from the 1990s onwards, not least with the advent of the Genome Project and advances in genetic technology. See Eklund-Olson, *Who Lives, Who Dies, Who Decides?*; the essays in Gunnar Broberg and Nils Roll-Hansen, eds., *Eugenics and the Welfare State: Sterilization Policy in Denmark, Sweden, Norway and Finland*, rev. ed. (East Lansing: Michigan State University Press, 2005); the literature overview given in Dikötter, “Race Culture: Recent Perspectives on the History of Eugenics,” 467-478; and Troy Duster, *Back Door to Eugenics* (New York: Routledge, 2003). Today, the term ‘eugenics’ has been largely replaced by the less historically fraught term of ‘bioengineering’. See Michael Bess, *Our Grandchildren Redesigned: Life in the Bioengineered Society of the Near Future* (Boston: Beacon Press, 2015). Notwithstanding the change

Birth control at this time was not only an issue for the Catholic Church. Other churches – notably the Church of England – likewise were against it, reflecting a view that was still predominant in society.¹⁹ However, at the 1930 Lambeth Conference, the Church of England ruled in favour of the use of contraception under certain circumstances, provided that those involved were guided by ‘Christian principles’.²⁰ As the decades passed, and as mainstream society’s view on contraception liberalised, the Church of England’s stance likewise liberalised—as did that of most other Protestant churches.²¹ By 1958, Lambeth’s Resolution 115 indicated a complete secularisation of this issue, appealing as it did to conscience ‘and to the varying population needs and problems of society and the claims of future generations’.²² At the following conference, held in 1968, a response is made to Pope Paul VI’s *Humanae Vitae*, promulgated this same year: ‘[The] Conference finds itself unable to agree with the Pope’s conclusion that all methods of conception

in terminology, eugenics is something of a commonplace, being entwined with population demographics and industry as well as abortion, not least by reference to IVF and the use of ‘surplus’ embryos for research purposes, and the consequences and status of testing for Down Syndrome. See Deirdre Therese Little, “The Return of Eugenics in Australia,” *Quadrant* 54, no. 5 (May 2010): 46-52.

¹⁹ The views of the Church of England hierarchy in respect of contraception can be traced via documents emanating from its Lambeth Conferences. Resolution 41 of the 1908 Conference stated that it regarded “with alarm the growing practice of the artificial restriction of the family, and earnestly calls upon all Christian people to discountenance the use of all artificial means of restriction as demoralising to character and hostile to national welfare.” This was reiterated and expanded upon at the following Conference of 1920 in Resolution 68: “We utter an emphatic warning against the use of unnatural means for the avoidance of conception, together with the grave dangers - physical, moral and religious - thereby incurred, and against the evils with which the extension of such use threatens the race. In opposition to the teaching which, under the name of science and religion, encourages married people in the deliberate cultivation of sexual union as an end in itself, we steadfastly uphold what must always be regarded as the governing considerations of Christian marriage. One is the primary purpose for which marriage exists, namely the continuation of the race through the gift and heritage of children; the other is the paramount importance in married life of deliberate and thoughtful self-control” <http://www.anglicancommunion.org/resources/document-library.aspx>.

²⁰ “Where there is clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles. The Conference records its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience” Lambeth Conference, 1930. Resolution 15: The Life and Witness of the Christian Community – Marriage and Sex. <http://www.anglicancommunion.org/resources/document-library.aspx>.

²¹ Dennis P. Hollinger notes that “[w]ithin a matter of decades most of Protestantism followed the Lambeth trajectory,” and that “[w]ith the arrival of the Pill in 1960 the shift became complete.” Hollinger, “The Ethics of Contraception: A Theological Assessment,” *Journal of the Evangelical Theological Society* 56, no. 4 (December 2013): 683.

²² Lambeth Conference, 1958. Resolution 115: The Family in Contemporary Society – Marriage. <http://www.anglicancommunion.org/resources/document-library.aspx>.

control other than abstinence from sexual intercourse or its confinement to periods of infecundity are contrary to the ‘order established by God.’²³

By this stage the contraceptive pill was readily available. It was made so in Australia in 1961;²⁴ and, in Sydney, one of the places that women were able to access it was the Family Planning Association, an association that followed the model of Margaret Sanger and others in terms of the promulgation of sex education, birth control and eugenic principles.²⁵ The Family Planning Association, though founded in 1926, had been using this name for only two years. Initially, they had been known as the Racial Improvement Society, and then as the Racial Hygiene Association.²⁶ In the *Annual Report*, 1939-1940, founder and association secretary Mrs Lillie Goodisson lamented that they had not organised themselves differently in the early days: ‘Birth Control is almost inevitable, and the necessary corollary of Racial Hygiene, though in England and America these two Branches of Health Work are always under different management. Quite right too, if we could only have foreseen the future, or what has now happened!’²⁷

Mrs Goodison is referring, presumably, to the implementation of eugenic ideas in Germany during the Second World War, which war was well underway at

²³ Lambeth Conference, 1968. Resolution 22: Responsible Parenthood, accessed October 17, 2015, <http://www.anglicancommunion.org/resources/document-library.aspx>. Though what has been called ‘elite British groups’ comprising influential politicians, scientists and cultural commentators were in significant numbers enthusiastic for eugenics, there were still a few notable voices of dissension, prominent among them being Catholic critics such as the one-time and then Catholic convert G. K. Chesterton. See Chesterton *Eugenics and Other Evils: An Argument Against the Scientifically Organized Society*, ed. Michael W. Perry (Seattle: Inkling Books, 2000). On eugenics in Britain, see Desmond King and Randall Hansen, “Experts at Work: State Autonomy, Social Learning and Eugenic Sterilization in 1930s Britain,” *British Journal of Political Science* 29, no. 1 (January 1999): 77-107. See too G. R. Searle, *Eugenics and Politics in Britain 1900 – 1914* (Leyden: Noordoff International Publishing, 1976).

²⁴ Eugenic links with Australia are long established see Ross L. Jones, “Eugenics in Australia: the Secret of Melbourne’s Elite,” *The Conversation*, 21 September 2011. <http://theconversation.edu.au/eugenics-in-australia-the-secret-of-melbournes-elite-3350>. Chesterton noted that, in 1922, Bertrand Russell delivered a lecture at eugenicist Marie Stopes’s Society for Constructive Birth Control and Radical Progress, in which he is reported to have described the Japanese and “their persistent efforts to emigrate to Australia, and the equally persistent resolution to keep them out, but the almost impossibility of continuing to isolate a large portion of the world and to say that the coloured races shall not settle there ... “I do not see how we can hope permanently to be strong enough to keep the coloured races out; sooner or later they are bound to overflow, so the best we can do is to hope that those nations will see the wisdom of Birth Control.”” Bertrand Russell in Chesterton, *Eugenics and Other Evils*, 162-3.

²⁵ In her thesis which takes as its focus the Family Planning Association, Diana Wyndham notes that “a history of family planning requires an examination of its eugenic underpinnings” Wyndham, “Striving for National Fitness: Eugenics in Australia, 1910s to 1930s” (PhD thesis, University of Sydney, 1996), viii.

²⁶ *Ibid.*, 144.

²⁷ Goodisson, *Annual Report*, Racial Hygiene Association of New South Wales, Sydney, 1939-1940, 2.

the time of the publication of the Racial Hygiene Association's report. The general public could not now be said to be in sympathy with such ideas, and it would be some time before the association once again gathered momentum. The availability in 1960 of the oral hormonal contraceptive pill would provide that momentum—and would open up a debate which would generate outworkings for decades to come.



‘The recent history of American Catholicism, then, can only be understood by taking birth control into account.’²⁸ So wrote Leslie Woodcock Tentler of the situation in the United States, but much the same can be said of Australian Catholicism, for when the pill was made available, the first question amongst Catholics was, ‘Will the Church approve it?’ There was much discussion on the issue, and, indeed, much confusion: ‘[T]here were priests around who were saying it’s possible,’ Gail Instance recalls. ‘[O]ne priest I heard said, well, it depends what it does, whether it regularises a natural function, or whether it prohibits a natural function. And at that time, there was a lot of uncertainty. Nobody knew exactly how this thing worked.’²⁹

In 1963, 37 days before his death, Pope John XXIII set up the Papal Commission for the Study of Problems of the Family, Population and Birth Rate, a commission that continued under the papacy of Paul VI until 1966.³⁰ John Horgan notes that the Commission flowed from a series of colloquia which had their starting point in 1958 in Louvain, and in which theologians, doctors and scientists were engaged in discussion on the Church’s traditional teaching on birth control. He insists that this was not the beginning of a revolution, but rather an effort to

²⁸ Tentler, *Catholics and Contraception: An American History* (Ithaca, NY: Cornell University Press, 2004), 4. Tentler notes that, from the 1960s onwards, the Catholic Church “ceased to speak with a single distinctive voice,” and for this reason the American conversation about sex “was decisively altered” 5. Of relevance to the present thesis is that Tentler uses oral history to provide “a more nuanced understanding to the documentary evidence” 13.

²⁹ Instance, “Recollections,” 36.

³⁰ This commencement date, April 27, 1963, is noted by Germain Grisez in his brief biography of John C. Ford SJ. Grisez, “About John C. Ford, S.J.,” *The Way of the Lord Jesus*, accessed March 18, 2013, www.twotlj.org/Ford.html. Robert McClory locates the birth of the new Commission at March 1963, and the first meeting – at ‘a scenic hotel near Louvain’ – at 12-13 October 1963: McClory *Turning Point: The Inside Story of the Papal Birth Control Commission, and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad, 1995), 40-41. Pope John XXIII died on 3 June 1963. He was succeeded by Pope Paul VI on 21 June 1963.

‘elaborate a framework within which the Church’s teaching would become more humanly attractive and physically bearable’.³¹

By mid-1962 the debate had made its way into the popular press via renewed conversations about the anovulant pill, which, five years earlier, Pope Pius XII had condemned. In his 1958 address to haematologists, the Pope had said: ‘But one causes a direct sterilization, and therefore an illicit one, whenever one stops ovulation in order to preserve the uterus and the organism from the consequences of pregnancy which they are not able to stand. Certain moralists pretend that it is permitted to take drugs for this purpose, but this is a mistake.’³²

In Australia, the *Sydney Morning Herald* reiterated this fact – indeed, it cited this very same address – in an article entitled ‘Roman Catholic View On Oral Contraceptives’, published 22 June 1962.³³ It noted that a spokesman for the Catholic Church had said the previous day in Sydney that ‘a false impression had been formed in the minds of many people, including some non-Catholic doctors who had to treat Catholic patients, that the Catholic Church had made no official pronouncement regarding the morality of the use of oral contraceptives’. The unnamed spokesman stated that ‘[t]his impression has been created perhaps quite innocently by statements made publicly on television, by Dr G. I. M. Swyer’. The article states that Dr Swyer – ‘an English expert in oral contraceptives’ – ‘had said that as far as he was aware the Church had made no official announcement’.³⁴

This represents one of the newspaper’s earliest articles on the debate in Australia since oral contraceptives had become available. When, in 1964, the approach taken – notably by Canon L. Janssens, professor of moral theology at Louvain, and Dr John Rock, a Catholic who had been actively engaged in the development of the progesterone pill – shifted from the subject of sterilisation and

³¹ John Horgan, “The History of the Debate,” in *On Human Life: An Examination of ‘Humanae Vitae*, ed. Peter Harris et al. (London: Burns & Oates, 1968), 8.

³² Pope Pius XII, “Address to Haematologists, 1958,” in John Horgan, “The History of the Debate,” in Peter Harris et al., *On Human Life: an examination of ‘Humanae Vitae*, (London: Burns & Oates, 1968), 8.

³³ “Roman Catholic View On Oral Contraceptives,” *The Sydney Morning Herald*, June 22, 1962, 18. The *Herald* continued to report on the issue in the lead-up to Pope Paul’s pronouncement by way of the papal encyclical, *Humanae Vitae*, and beyond. Indeed, the entire text of *Humanae Vitae* was published on pages 19 and 20 of *The Sydney Morning Herald*, on July 31, 1968. In commenting generally upon the press coverage of the Commission and the ensuing encyclical, Sydney Archdiocesan spokesman Dr W. E. Murray is quoted as stating that he believed it to be “reasonably fair to both sides,” and that it provided an opportunity to “clarify the issues involved.” Our Church Roundman, “Questions Follow Lectures on Pill,” *The Sydney Morning Herald*, September 21, 1968, 13.

³⁴ “Roman Catholic View On Oral Contraceptives.” 18.

appealed instead to ideas of ‘the integrity of the structure of the marriage act’ (an approach, Horgan notes, that would be echoed in the following years within the Commission itself) the *Sydney Morning Herald* responded with the front page article ‘Scientist Predicts New Contraceptive’, which contraceptive ‘would fit in with the Roman Catholic Church’s “rhythm method” of birth control’.³⁵ Moral theologian John J. Lynch SJ (a priest of the Jesuit order) commented on an article published by Rock describing the work as ‘illustrat[ing] the sort of specious reasoning, unreasoning emotionalism, half-truths and fallacies to which the faithful are being exposed on this elemental question of oral contraceptives’.³⁶ ‘Once it became clear that the pill was not going to be accepted as a miracle solution’, Horgan notes that ‘people began to speak, for the first time, about their own experience of marriage as they tried to live it out within the context of their Christian faith’.³⁷

Horgan writes of ‘burgeoning concern and incipient controversy’ as being, then, the backdrop of the establishment of the Commission, and he notes that, initially at least, the brief was ‘to provide some sort of guidance for the Holy See in which a situation in which the threat of a population explosion had assumed a much more concrete form, at least in certain countries, than had been implied in the Malthusian nightmares of over a century before’.³⁸ Germain Grisez – who was to work closely with Commission member Father John C. Ford SJ on Commission documents – writes that the specific purpose of the Commission was to prepare for a conference sponsored by the World Health Organisation and the United Nations.³⁹

³⁵ Horgan, “The History of the Debate,” 9. See also P. H. G. Tak, “The Contraceptive Pill: A Summary of Recent Theological Discussion,” *The Tablet* 218, no. 6467 (May 2, 1964): 5-7. Janet E. Smith, too, refers to Dr John Rock’s participation in the debate in Smith, *Humanae Vitae: A Generation Later* (Washington, DC: Catholic University of America Press, 1991), 7. See also “Scientist Predicts New Contraceptive,” *Sydney Morning Herald*, February 22, 1964, 1.

³⁶ John J. Lynch, in Smith, *Humanae Vitae: A Generation Later*, 7.

³⁷ Horgan, “The History of the Debate,” 9.

³⁸ *Ibid.*, 8.

³⁹ In 2011, Grisez published online certain official documents from the Commission. The accompanying text states that the documents “are published here without permission under the limitation of copyright called *fair use*, inasmuch as the documents on which Ford and Grisez collaborated could not be accurately understood and fairly evaluated without the otherwise unavailable Commission documents to which they were responding.” He goes on to say that, by the year of publication, he “judged that he was no longer bound to keep these documents secret for two reasons: (1) he never undertook to keep them secret; and (2) after more than forty-four years, the publication of these documents is hardly likely to harm the Church and may well benefit her.” Grisez, *The Way of the Lord Jesus*, accessed August 21, 2013, www.twotlj.org/BCCommission.html. There is a heavy reliance in this section upon Grisez’s interviews which attended his release of the Commission documents. This is for the reason that these interviews provide – in the voice of one involved – a new source of information and, therefore, of insight into the workings of the Commission which, at the time of writing and to the best of the researcher’s knowledge, had not been collated

Robert McClory, too, cites the 1964 WHO/UN conference to be held in New Delhi, India, as being the reason for the Commission's establishment.⁴⁰ Janet Smith notes that '[i]t is not possible to find a published statement that makes clear the purpose of this commission'. She goes on to say that it was by no means apparent that the purpose of the Commission was to discern the viability of the Church's condemnation of contraception: 'Its original purpose seemed to have been a rather broad study of the Church's teaching on marriage but came to focus on the question of contraception'. She notes, too, that it seemed possible that 'Paul VI never really questioned the prohibition against contraception but that he did have doubts about the status of the pill and wanted a more updated defense of the Church's teaching in light of contemporary problems, such as population'.⁴¹

The important element to note here about the Commission was that the work done within it would ultimately contribute to the content of the encyclical *Humanae Vitae* and the furthering of the Church's teaching on contraception. In whatever manner it began, the Commission became an occasion for great drama that would not only take some time to play out, but would contribute to the rise of the Australian pro-life movement.



The work of the Commission was to be strictly confidential – 'The Pill: Vatican Call for Secrecy', the *Sydney Morning Herald* reports; and, 'Papal Talks go on in Secret' – and its reporting on the proceedings to be purely advisory; 'it was not', writes Janet Smith, 'to be definitive or authoritative in any way'.⁴² By the later meetings, the Commission comprised more than sixty participants and included clerics, married couples and professionals.

It had only been a little more than three decades since Pope Pius XI had reaffirmed the teachings of the Church regarding contraception in the encyclical

within a scholarly work. Grisez, "About John C. Ford, S.J." Grisez credits William P. Fischer with having provided or verified information by way of his PhD dissertation, "John C. Ford, S.J.: a mid-century reformer revisited, 1937-1969," The Catholic University of America, 2004.

⁴⁰ McClory, *Turning Point*, 41.

⁴¹ Smith, *Humanae Vitae: A Generation Later*, 13.

⁴² *The Sydney Morning Herald*, March 19, 1965, 3; March 27, 1965, 3. Smith, *Humanae Vitae: A Generation Later*, 12.

Casti Connubii.⁴³ Nonetheless, according to Grisez, Paul VI had ‘been persuaded that use of the birth control pill might not be contraception’. As such, the Pope believed that ‘a thorough study was needed to ensure that the Church would not ask more of faithful Catholic married couples than God did’.⁴⁴ He was encouraged, then, to broaden the brief of the Commission, such that it might engage with questions pertaining particularly to the morality of the use of the oral hormonal contraceptive pill. In an interview with Grisez conducted in 2011, reporter Benjamin Mann noted that ‘the Pope, rather than ignoring the pro-contraception arguments, was legitimately interested in considering the questions raised by new methods’; and, quoting Grisez, wrote: ‘He was perfectly happy to have a lot of people on the commission who thought that change was possible. He wanted to see what kind of case they could make for that view.’⁴⁵

American Protestant couple Patrick and Patty Crowley were participants in the Commission. Founders of the Catholic Family Movement, they presented testimonies from Catholic women ‘worn out by multiple pregnancies, medical problems, and the financial burdens of raising large families’.⁴⁶ Grisez refers to these testimonies as ‘anecdotal data ... gathered by methodologically questionable surveys’; but Paul VI, it seems, was generous with the time allowed for the Crowleys to put forward their case.⁴⁷ He did, it would appear, truly want to hear and understand the arguments.

There was within the Commission a major predisposition for change. Of the sixteen voting members whose duty it was to deliver their findings and advice to the Pope, only a minority of four were still opposed to the idea that the Church’s teaching on contraception could change. ‘Almost nobody, in the end, was arguing that the pill was anything different [from contraception],’ recalls Grisez. ‘In

⁴³ This encyclical letter was promulgated by Pope Pius XI in 1930 and reaffirmed the sanctity of marriage while condemning birth control and eugenics: Pius XI, *Casti Connubii*, Encyclical Letter, Vatican Website, December 31, 1930. https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html.

⁴⁴ Grisez, “About John C. Ford, S.J.”

⁴⁵ Benjamin Mann, Germain Grisez, “New Documents Reveal Inner Workings of Papal Birth Control Commission,” *Catholic News Agency*, March 16, 2011. <http://www.catholicnewsagency.com/news/new-documents-reveal-inner-workings-of-papal-birth-control-commission/>.

⁴⁶ Frances Kissling, “How the Vatican Almost Embraced Birth Control: A Secret History of the Papal Commission that Endorsed Birth Control,” *Mother Jones*, May/June 2010 (62). <http://www.motherjones.com/politics/2010/05/catholic-church-vatican-bishops-birth-control>. See also McClory, *Turning Point*.

⁴⁷ Grisez, “About John C. Ford, S.J.”

the commission documents, you wouldn't find much of a case anywhere for that – although that was the starting point for the whole thing.⁴⁸ Janet Smith writes that

No longer was the central question, Is the Church's prohibition of contraception justifiable in terms of the traditional principles of moral reasoning? Rather the question came to be, Are the traditional principles of moral reasoning that the Church has used to condemn contraception true? Again the debate was no longer about the single issue of contraception or about the proper application of agreed-on principles. The debate now was about fundamental principles to be used in moral reasoning⁴⁹

—something that would come into play in the Church in respect of abortion.

Such questioning within the Commission gained for contraception much ground, to the degree that even some members who had opposed a change in Church teaching were now working towards it. At the time that the Commission began, Grisez notes, 'hardly any Catholics publicly defended contraception. By the end of that year, however, three European theologians had published articles challenging the received teaching'.⁵⁰

In Australia and unaware of what was going on inside the Vatican walls, conversation continued regarding what the Pontiff's decision, when it finally came, would be. Gail Instance recalls:

[M]y mother said to me one day in 1965, if the Pope allows the pill, I'm leaving the Church. Because she said all those women in the past who have been told by their doctors don't have any more babies it will kill you, and they go ahead and have children because they're not going to say no to their husbands, they're not going to be bad wives and bad mothers, and they've *died* because of it, that means all they did, they did all that for nothing. So she said it's all a nonsense. If he allows them now to take the pill and use birth control, then it's all been a nonsense and I'm leaving the Church. And I remember standing in the kitchen, well, because I was ignorant, and I just said, well if he says it's okay then it's okay. Of course I discovered some years after that that he *couldn't* say it was okay. It would have gone right against all of the [earlier teachings of the Church] which by that time made it an infallible teaching, because it had been so from the

⁴⁸ Mann, "New documents."

⁴⁹ Smith, *Humanae Vitae: A Generation Later*, 10.

⁵⁰ Grisez, "About John C. Ford, S.J."

beginning. And he can't turn around and change something that has been infallibly taught for centuries.'⁵¹

This issue of infallibility was one that was being very much considered by those within the Commission by reference to whether or not the teaching of the Church on contraception was reformable. By arguing that the teaching was not infallible, space was being created within the Church in which ideas contrary to the traditional teaching could exist. The issue of infallibility would continue to be an issue once the Pope's pronouncement had been made.⁵²

By now, pro-contraception sentiment was growing stronger amongst the Catholic laity as well. In America – Gail Instance refers particularly to Father Charles Curran SJ – priests and theologians were 'doing the rounds':

The academics, I suppose, they had been strongly urging people, you know, the pill is okay, it's perfectly okay for Catholic women to take this thing. It'll do wonders for—you know, the usual arguments: It'll do wonders for marriage; people can space their children; health problems—they don't have to have children; their husbands will be happy because the wives won't be getting headaches, you know, the old excuse, oh, not tonight, dear, I have a headache. That wouldn't happen. Everybody would be happy. The whole world would be a happy, happy place on the pill.⁵³

With this shift in sentiment, together with what was perceived as being the Church's continued silence on the matter, developed more and more the certainty that the Pope's pronouncement, when it came, would be in the affirmative: '[B]y that time, *Casti Connubii* was forgotten', Gail Instance recalls. '[T]he priests couldn't explain except to say, no, the Church forbids it; or in many cases well, it's an open question and, you know, we're waiting for the Pope to decide and, you know, if you really think that it's alright for you then go ahead. Some priests were saying that. I don't know how many. But I'd say a significant number were saying it.'⁵⁴ Dr Joe

⁵¹ Instance, "Recollections," 36. Smith notes the argument of Ford and Grisez "that the condemnation of contraception was already an infallible teaching by virtue of the way it had been taught through the ordinary magisterium." Smith, *Humanae Vitae: A Generation Later*, 156. See Ford and Grisez's article "Contraception and the Infallibility of the Ordinary Magisterium," *Theological Studies* 39, no. 2 (June 1978): 258-312.

⁵² Smith notes that, "[s]ince the earliest moments of its promulgation, many theologians have justified dissent from *Humanae Vitae* by arguing that the document and its teaching are not infallible." Smith, *Humanae Vitae: A Generation Later*, 155.

⁵³ Instance, "Recollections," 37.

⁵⁴ *Ibid.*, 48.

Santamaria remarked that ‘many priests in the confessional were telling people that the matter was still subjudice and they should follow their own consciences until the question was resolved’.⁵⁵ *The Sydney Morning Herald* quoted Father Stanley Hosie writing in Melbourne’s *Catholic Worker*: ‘It would seem that confessors are becoming increasingly uneasy about refusing absolution to couples practising forbidden forms of contraception, taking their presence at confession as sufficient evidence of their good will, to enable absolution to be given’.⁵⁶

The papal Commission’s final report was presented to Pope Paul in June 1966. In October of the same year, a convention in Washington DC was being organised which would involve voting members of the papal Commission. There was more and more a confidence that the teaching of the Church on contraception was about to change. Grisez claimed, ‘The word was that the organizers planned to publicize the outcome of the Commission’s work so as to prepare people for a coming papal statement along the lines of the *Schema Documenti*’—that is, along the lines of what has come to be known as the ‘Majority Report’.⁵⁷

Upon hearing of this, the Pope addressed the Italian Society of Obstetrics and Gynaecology on 29 October and stated that the Commission’s findings ‘cannot be considered definitive, because they have serious implications with respect to not a few weighty questions—questions of a doctrinal, pastoral and social order—which cannot be isolated and put to the side, but require a logical consideration in the context of the issues under study’.⁵⁸ In the end, the presentation at the Washington convention was so circumspect as to attract very little attention.

Six months later, in the northern spring of 1967, a number of documents prepared by the Commission were leaked to the press and published in the *Tablet* and the *National Catholic Reporter*.⁵⁹ Certain of these leaked documents were pro-

⁵⁵ Joe Santamaria, in Tess Livingstone, *The Billings Enigma* (Ballan, VIC: Connor Court Publishing, 2013), 62.

⁵⁶ Father Stanley Hosie, in ““Good” People Who Are Doing This “Bad” Thing,” *The Sydney Morning Herald*, May 30, 1964, 2.

⁵⁷ Grisez, “About John C. Ford, S.J.” The complete title of this document is *Schema Documenti de Responsabili Paternitate*, that is, the “Draft of a Document concerning Responsible Parenthood.”

⁵⁸ Paul VI, in Grisez, “About John C. Ford, S.J.”

⁵⁹ Smith states that three documents were leaked: Smith, *Humanae Vitae: A Generation Later*, 12. Grisez states that four were leaked: Grisez “About John C. Ford, S.J.” Grisez refers to the *Schema Documenti* but does not name the other three. Smith states that only one part of the leaked documents – the aforementioned *Schema Documenti*, or ‘Majority Report’ – was part of the body of the final report voted on by the members; the other two parts were appendices. The documents were translated into both English and French; Grisez states that they were leaked to the French press as well Grisez, “About John C. Ford, S.J.”

contraception, and as such gave the impression that a liberalisation of Church teaching would shortly be forthcoming: ‘The Vatican is expected to approve the use of certain birth-control pills’, *The Sydney Morning Herald* reported in May 1967. Citing ‘an American priest stationed at the Vatican’, the Reverend Thomas C. Stransky, a member of the Vatican Secretariat for Christian Unity, the brief article notes that it was considered unlikely that the ‘long-awaited’ statement on contraception by Pope Paul VI ‘is going to rule out all pills’.⁶⁰

As mentioned earlier, however, the Commission was advisory in nature; any report that emanated from it was by no means authoritative or definitive. According to Grisez, Pope Paul VI ‘expected the Commission’s results to be for his eyes alone, and so he expected to be able to set aside anything not consistent with the teaching of the Church’.⁶¹ ‘He was not at all imagining that he could delegate to a committee, the power to decide what the Church’s teaching is going to be’.⁶²

But the foundation for dissent had been laid. When the Pope promulgated the encyclical letter *Humanae Vitae* on 25 July 1968 – to be formally presented by Monsignor Ferdinando Lambruschini on 29 July – it was not well received.⁶³ ‘Priests oppose order on Pill’, reported *The Sydney Morning Herald* four days later.⁶⁴ ‘Pope reaffirms ban on birth-control Pill: Church threatened by major crisis’, claimed the front page on 30 July; and ‘Long history of opposition’ announced page twelve.⁶⁵ The following day, page one declared that there was a ‘World dispute over birth-control ban’. The article which followed reported the Pope’s ruling to be ‘another barrier to Christian unity’ and a ‘blow’.⁶⁶ On 31 July, there were seven articles dedicated to the encyclical, with titles such as: ‘Tragic situation, says member of Vatican group’; ‘Deaths will increase professor warns’; and, ‘Pope’s ban on pill

⁶⁰ ‘Pill decision,’ *The Sydney Morning Herald*, May 2, 1967, 3.

⁶¹ Grisez in Christine Dhanagom, ‘Grisez Interview: New documents give the real story behind Paul VI Birth Control Commission,’ February 24, 2011. <https://www.lifesitenews.com/news/newly-released-documents-disclose-the-real-story-behind-paul-vi-birth-contr>.

⁶² Grisez in Mann, ‘New documents.’

⁶³ Joseph Parkinson, ‘*Humanae Vitae* 1: Pope Paul VI in Pastoral Mode,’ *The Australian Catholic Record* 90, no. 2 (April 2013): 187. B. A. Santamaria notes that the document was signed on 25 July, ‘released on 27 July, and presented to the media in Rome on 29 July.’ Santamaria, ‘‘*Humanae Vitae*’ Twenty Years After,’ *AD2000* 1, no. 4 (July 1988): 3.

⁶⁴ ‘Priests Oppose Order on Pill,’ *The Sydney Morning Herald*, July 29, 1968, 3.

⁶⁵ ‘Pope Reaffirms Ban on Birth-Control Pill,’ *The Sydney Morning Herald*, July 30, 1968, 1. ‘Long History of Opposition,’ *The Sydney Morning Herald*, July 30, 1968, 12.

⁶⁶ ‘World Dispute Over Birth-Control Ban,’ *The Sydney Morning Herald*, July 31, 1968, 1.

attacked from within and without the Church'.⁶⁷ Of the seven articles, two are located on page one, five on page four, with a representation of three letters on page two. Most interestingly, *The Sydney Morning Herald* printed across two pages the full text of Paul VI's encyclical, under the headings, 'The duties of husband and wife' and 'Pope Paul appeals for loyalty'.⁶⁸

Linda Greenhouse and Reva B. Segal note that 'The day after its release, 87 Roman Catholic theologians issued a statement, published in the *New York Times*, dissenting from the encyclical. Married couples, the theologians stated, "may responsibly decide according to their conscience that artificial contraception in some circumstances is permissible and indeed necessary to preserve and foster the values and sacredness of marriage."' ⁶⁹ In time, more than 600 theologians would join their names to this statement. Gail Instance recalls:

The dissent was widespread. There were pages taken out in the *New York Times*, taken out by bishops and nuns and priests, and all their names were listed, all *refusing* to obey *Humanae Vitae*. In the West. We didn't hear what was going on in the East because the East was shut off with Communism. So they wouldn't have even known about *Humanae Vitae*. They wouldn't have had access to any of this. So they were preserved in a way from all the wickedness that's come on the world since then. The ringleaders, of course, was Father Curran and his friends, the McCormacs and the—you know. The clever men who cooked up this thing. We didn't know for some years how they did it.⁷⁰

Fathers Charles E. Curran and Robert E. Hunt *et al* described the publication of the encyclical as follows:

Vatican officials had released and offered interpretations of the Encyclical at a press conference in Rome at 4:30 A.M. Washington time. At approximately 5:00 P.M. the group of theologians, who had obtained copies of the full English text of the Encyclical from the Family Life Bureau of the United States Catholic Conference, met in Caldwell Hall on the campus [of the Catholic University] to read, analyse, discuss and evaluate

⁶⁷ "Tragic Situation, Says Member of Vatican Group," *The Sydney Morning Herald*, July 31, 1968, 4. "Deaths Will Increase Professor Warns," *The Sydney Morning Herald*, July 31, 1968, 4. "Pope's Ban on Pill Attacked From Within and Without the Church," *The Sydney Morning Herald*, July 31, 1968, 4.

⁶⁸ Paul VI in "The Duties of Husband and Wife," *The Sydney Morning Herald*, July 31, 1968, 19. Paul VI in "Pope Paul Appeals for Loyalty," *The Sydney Morning Herald*, July 31, 1968, 20.

⁶⁹ Linda Greenhouse, and Reva B. Segal, eds., *Before Roe v. Wade: Voices That Shaped the Abortion Debate Before the Supreme Court's Ruling* (New Haven, CT: Yale Law School, 2012), 77.

⁷⁰ Gail Instance, "Interview Transcript," interview with the author, April 22, May 8, 2013, Sydney, NSW.

the papal Letter ... Before and during the discussion, the members of the group had been in contact with other theologians throughout the country. It was finally agreed that a statement would be made and released to the press the next day ... The draftsmen agreed on a first draft by 9:00 P.M. and then contacted other theologians throughout the country by telephone to learn whether they would be willing to subscribe to the Statement which would be made public at a press conference the next morning. After a long night of telephoning, reading the statement, and explaining its public release, eighty-seven American theologians agreed to endorse the proposed Statement publicly. On July 30, at a 10:00 A.M. press conference, the Statement by Catholic Theologians was released to the press by Professor Curran in the name of the original eighty-seven subscribers ... About ten of the signers were present to explain and elucidate the Statement and answer questions posed by the press.⁷¹

Curran and his associates go on to state that ‘[t]he individual theologians repeatedly emphasized that the Statement of dissent was not a rebellion or a revolution but a loyal act of theological interpretation by loyal Roman Catholics who accept the Petrine office of the Church’.⁷² This, however, is not how things were viewed by other Catholics at the time. Gail Instance recalls:

[The theologians] read the document, realised that the Holy Father was saying no, absolutely not, so they had to figure out a way around it. And they came up with the idea: it’s not an infallible document. The Pope didn’t sit on the chair of St Peter and declare it infallibly, you know, as head of the Church with his triple tiara on and his staff in his hand, and declare it as he had when he had declared things like the dogma of the Immaculate Conception, and the dogma of the Assumption...⁷³

For those who supported the Pope and his decision, the words of *Lumen Gentium* – a significant document emanating from the Second Vatican Council and promulgated by Pope Paul VI in November 1964 – were of much importance, particularly §25 which noted that ‘religious submission of mind and will must be shown in a special way to the authentic magisterium of the Roman Pontiff, even when he is not speaking *ex cathedra*’. It notes too that this religious submission ‘must be shown in such a way that [the Roman Pontiff’s] supreme magisterium is acknowledged with reverence, the judgments made by him are sincerely adhered to, according to his

⁷¹ Charles E. Curran et al., *Dissent In and For the Church: Theologians and Humanae Vitae* (New York: Sheed & Ward, 1969), 5-6.

⁷² *Ibid.*, 6.

⁷³ Instance, “Recollections,” 37.

manifest mind and will. His mind and will in the matter may be known either from the character of the documents, from his frequent repetition of the same doctrine, or from his manner of speaking'.⁷⁴

But the dissident voices had struck a chord with many and, within four months, *Time Magazine* was reporting that 'July 29, 1968, may prove to be a major landmark in the long history of the Roman Catholic Church—as significant, perhaps, as the moment when Martin Luther decided to post his thesis on indulgences at Wittenberg Castle Church'.⁷⁵ The article goes on to speak about the concerns amongst the hierarchy, and recounts a 'dramatic illustration' of such that had occurred just the week before:

At their regular semiannual conference, the 235 Catholic bishops of the U.S. found themselves the target of a bizarre series of demonstrations by dissident priests and laymen. On the day before the bishops met, 3,500 laymen rallied at the Mayflower hotel in support of 41 local priests who had been disciplined by Patrick Cardinal O'Boyle for criticizing *Humanae Vitae*. The keynote speaker was one of the nation's best-known Catholic laymen, Senator Eugene McCarthy, a onetime novice in a Benedictine monastery.

Later, 130 priests burst into the lobby of the Washington Hilton hotel, where the bishops met, to stage a sit-in in support of the censured clerics. On another night, 120 laymen demonstrated in the Hilton lobby for two hours. They sang the Battle Hymn of the Republic and Impossible Dream, prayed for the disciplined priests to be granted due process and for "the proper use of authority in the church."⁷⁶

The National Conference of Catholic Bishops in the United States issued a preliminary statement on 26 August 1968, in which they wrote that they 'unite with [the Holy Father] in calling upon our priests and people to receive with sincerity what

⁷⁴ Paul VI, *Lumen Gentium*, Dogmatic Constitution, Vatican Website, November 21, 1964. http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html. See also Ford and Grisez, "Contraception and the Infallibility of the Ordinary Magisterium," 258-312; John C. Ford, S.J. et al., *The Teaching of Humanae Vitae: A Defense* (San Francisco: Ignatius Press, 1988); and chapter five of Dietrich von Hildebrand's *The Encyclical Humanae Vitae: A Sign of Contradiction* (Chicago: Franciscan Herald Press, 1969), 63-84.

⁷⁵ "Catholic Freedom v. Authority," *Time Magazine* 92 no. 21 (November 22, 1968). <http://content.time.com/time/magazine/article/0,9171,841458,00.html>; also http://www.remnantnewspaper.com/Archives/Paul%20VI-a_blast_from_the_past.htm.

⁷⁶ *Ibid.*

he has taught, to study it carefully, and to form their consciences in its light'.⁷⁷ A month later, this was clarified by Bishop Bernardin in a statement published in *The Catholic Mind*, in which he cited *Lumen Gentium* §25, and noted that '[i]t is true that people must form their consciences, but it is equally true that they have the responsibility to form a correct conscience. In doing so, however, the Holy Father's teaching is to be accepted in the way envisioned by the Second Vatican Council'.⁷⁸

In November 1968, the American Bishops issued a further statement. While urging faithfulness to the Pope, it went on to say that '[w]ith pastoral solicitude we urge those who have resorted to artificial contraception never to lose heart but to continue to take full advantage of the strength which comes from the Sacrament of Penance and the grace, healing, and peace in the Eucharist'.⁷⁹ Other hierarchies made similar statements, but did not, as *Time* reported, 'go nearly so far as the declaration last week by the bishops of France who emphasized more strongly that couples who conscientiously feel the need to practice birth control should do so; they choose the "lesser evil" in disobeying the Pope's decrees.'⁸⁰ On 18 January 1969, the Dutch Pastoral Council passed a resolution stating that, 'The assembly considers that the encyclical's total rejection of contraceptive methods is not convincing on the basis of the arguments put forward'.⁸¹ And the issue of infallibility was raised again in the statement from the Austrian conference of bishops, published 21 September 1968, in which it was noted that 'the encyclical does not contain an infallible dogma'.⁸²



In Australia, the bishops immediately, under the headship of Cardinal Gilroy, welcomed *Humanae Vitae*. Their statement was released on 5 August 1968, and referenced the ongoing argument pertaining to infallibility: 'Although the Holy Father did not choose to use his teaching authority to its full extent by a solemn definition, the doctrine of the Encyclical is authentic and authoritative. Accordingly

⁷⁷ John Horgan, ed., *Humanae Vitae and the Bishops: The Encyclical and Statements of the National Hierarchies*, Shannon: Irish University Press, 1972, 262.

⁷⁸ *Ibid.*, 262-263.

⁷⁹ Greenhouse and Segal, *Before Roe v. Wade*, 78.

⁸⁰ "Catholic Freedom v. Authority,". For more on the French response, see "French clergy voice disappointment," *Sydney Morning Herald*, July 30, 1968, 12; Horgan, *Humanae Vitae and the Bishops*, 119-129, 364-365.

⁸¹ Horgan, *Humanae Vitae and the Bishops*, 192.

⁸² *Ibid.*, 61.

every member of the Church must be considered bound to accept the decision given by the Pope. To refuse to do so would be a great act of disobedience.’⁸³

The bishops addressed, too, the notion of conscience in respect of the embracing of the encyclical, stating that:

Conscience is indeed the ultimate guide of the morality of our actions. However, the Second Vatican Council teaches in its *Declaration on Religious Freedom* (No. 14) that Christians in the formation of their consciences must be guided by the doctrine of the Church. “It is the Church’s duty to give utterance to and authoritatively to teach that Truth which is Christ himself and also to declare and confirm by her authority those principles of the moral order which have their origin in human nature itself.”⁸⁴

The bishops also stated that ‘[t]hose who find it difficult to accept the decision of the Holy Father are asked in the name of Christ our Divine Master to give deep consideration in prayer to the words of his Vicar on earth. They may thus hope to receive enlightenment from the Holy Spirit to see the law of God as interpreted by the Holy Father and the grace to observe it faithfully.’⁸⁵

Two days before the bishops’ statement was released, on Saturday 3 August 1968, *The Canberra Times* published a letter dissenting from the encyclical that was signed by four priests of the Canberra-Goulburn diocese. Fathers Michael Fallon, John Hanrahan, Brian Hingerty and Barry Brundell were all priests of the Missionaries of the Sacred Heart (MSC) order and argued ‘that a judgment made by a Catholic, in good conscience, to use contraceptives does not involve sin’.⁸⁶ They wrote:

it is conceivable that there will be times when our search could lead us to a conclusion which contradicts a judgment which is the sincere expression of a Christian who is in a most important position to inform us, but a judgment which, in the present instance, is

⁸³ Nicholas Kerr, ed., *Australian Catholic Bishops’ Statements Since Vatican II* (Homebush, NSW: St Paul Publications, 1985), 148.

⁸⁴ *Ibid.*, 148-149.

⁸⁵ *Ibid.*, 149.

⁸⁶ “Encyclical on Pill Not Binding, Say Priests,” *The Canberra Times*, August 3, 1968, 1. Note that this is an advertisement on the front page for the letter on the following page. The title does not head a page one article.

not infallibly expressing the faith of the Church. Should a person reach such a conclusion and act accordingly, there can be no question of sin.⁸⁷

The letter – advertised on page one and published on page two of the newspaper – received a brief flurry of media attention: ‘quite a kerfuffle’ is how Pro-Life Victoria president Denise Cameron put it.⁸⁸ ‘The press loved us’, one of its signatories, John Hanrahan, was later to write.⁸⁹ Two days after the publication of the letter, *The Canberra Times* ran a story on page one entitled ‘The Pill: No loopholes for Catholics, says Archbishop’, in which it reported on an address given to the Catholic Women’s Guild by Archbishop Thomas Cahill of the Canberra-Goulburn diocese. ‘You can’t say you belong to the Church if you refuse to obey the Pope’, the Archbishop is quoted as saying. ‘I stand by the Pope and teach what the Pope teaches’; and, ‘No-one in this diocese has any authority to teach other than what the Pope and I teach’.⁹⁰ The report notes too that a public reply was read in all Catholic churches the day before – Sunday 4 August 1968 – in which Archbishop Cahill referred specifically to the four priests mentioned above:

The personal opinions are not in conformity with the teaching authority of the Church and, expressed publicly, can only result in detriment to souls.

No individual in the Church has any office or authority to teach on faith and morals except in conformity with the teaching authority of the Church, the Pope and the bishops united with him, as localised in and through the bishop of the place.⁹¹

The article went on to report the travels between Sydney and Canberra of the provincial of the Missionaries of the Sacred Heart, Father John McMahon, and to mention also that Father Hanrahan’s absence from teaching duties indicated not that his activities had been suspended, but rather that he was sick in bed with influenza.

The next day – Tuesday 6 August 1968 – in a front page article entitled ‘Stand of priests ‘diocese matter’’, *The Canberra Times* reported that while three of

⁸⁷ M. Fallon, J. Hanrahan, B. Hingerty and B. Brundell, “Contraception and Sin,” letters to the editor, *The Canberra Times*, August 3, 1968, 2.

⁸⁸ Denise Cameron, “Interview Transcript,” interview with the author, May 16, 17, 2013, Albury, NSW.

⁸⁹ John Hanrahan, *From Eternity to Here: Memoirs of an Angry Priest* (Northcote, VIC: Bystander Press, 2002), 190.

⁹⁰ “The Pill: No Loopholes for Catholics Says Archbishop,” *The Canberra Times*, August 5, 1968, 1.

⁹¹ *Ibid.*

the four priests resumed their teaching roles at Daramalan Secondary College, they were still under instructions to refrain from discussing the issue at hand.⁹² Readers were then encouraged to follow reports of similar responses to the encyclical in the United States by turning to page five where they read that, in New York, Professor William Dantonio, Chairman of the Sociology Department at Notre Dame University, was quoted as saying: ‘The Pope’s birth control encyclical is but another in this year’s list of unbelievable events. It cannot be forced upon our consciences’.⁹³ The article went on to state that Cardinal O’Boyle ‘urged people to obey the Pope and not listen to protesting theologians’. His sermon, it says, came after the number of ‘American Catholic theologians opposing the encyclical had reached 222’.⁹⁴

On Wednesday 7 August, another article appeared referencing the four priests, this time on page three. It was reported that Father McMahon had ‘travelled to Canberra yesterday for the second time in four days’. The writer believed the visit ‘to be related to the publication of a letter signed by four priests from the order’. Church officials ‘declined to comment’.⁹⁵ Five pages later, an article entitled ‘Papal Ban: 24 parish priests back birth control’ reports further on the growing dissent from the encyclical in the United States.⁹⁶

The Canberra Times did not report again on the four dissenting priests until close to the year’s end. On Monday 2 December 1968, an article entitled ‘Transfers for 3 ‘rebel’ priests’ informs of the movements of three of the four signatories. The article states that ‘Father Fallon said last night he was not able to make any statement as to whether he was being transferred because of the letter’, but that ‘he had a feeling it was coming’. Hanrahan is quoted as saying that his transfer was ‘clearly not unconnected’ with the dissenting letter published earlier in the year, though the principal of Daramalan College where each of the priests were teaching at the time is quoted as saying that ‘the transfers were part of a normal pattern for this time of the year’. The article notes that ‘between 40 and 50 priests throughout Australia were being moved’. It notes, too, that Father Hanrahan ‘was happy with his transfer in that he probably would be able to attend university in Sydney’.⁹⁷

⁹² “Stand of Priests ‘Diocese Matter’,” *The Canberra Times*, August 6, 1968, 1.

⁹³ “US Committee in Revolt,” *The Canberra Times*, August 6, 1968, 5.

⁹⁴ Ibid.

⁹⁵ “Second Visit by Fr McMahon,” *The Canberra Times*, August 7, 1968, 3.

⁹⁶ “Papal Ban: 24 Parish Priests Back Birth Control,” *The Canberra Times*, August 7, 1968, 6.

⁹⁷ “Transfers for 3 ‘Rebel’ Priests,” *The Canberra Times*, December 2, 1968, 1.

Eight days later, an advertisement appeared on page one of *The Canberra Times* entitled ‘A priest with a conscience’, accompanied by a photograph of Father Hanrahan in three-quarter profile with a pipe suspended from the corner of his mouth, and the promise of an upcoming article.⁹⁸ The following day – on Wednesday 11 December 1968 – page fourteen of *The Canberra Times* bore the headline: ‘A rebel and his conscience: Bruce Juddery talks with a priest at odds with authority’.⁹⁹ In the early part of this article, Juddery refers to Hanrahan as being a ‘conscience man’, and ‘something of a disciple of Cardinal Newman’. He reports that ‘a principle of Newman’s included in the philosophy notes that Father Hanrahan distributes to his students, provides something of a personal creed’; and he quotes Hanrahan as saying that ‘Conscience is a personal guide and I use it because I must use myself; I am as little able to think by any mind, but my own as to breathe with another’s lungs’.¹⁰⁰

In respect of *Humanae Vitae*, Father Hanrahan is quoted as saying: ‘The reports we had from a priest just back from a sort of fact-finding tour in Europe and the US suggested that either the Pope wouldn’t issue any statement at all or would issue a generalised statement that left the issue up to the individual’. When the encyclical was released, its contents had come as ‘a shock’. After talking ‘into the early hours’ with Father Fallon, the discussion continued with Fathers Brundell and Hingerty, with the view to writing a letter to the newspaper. The article reports that a fifth priest was also involved at this early stage, but shortly dissociated himself from the proceedings.¹⁰¹ Further discussions were then had with other priests as to the prudence of such a letter. ‘Eventually,’ writes Juddery, ‘it became clear that the letter, like the issues it treated, was a matter of conscience: for John Hanrahan that probably decided it’.¹⁰²

On the day of the publication of the letter in *The Canberra Times*, Father Hanrahan ‘went down with pneumonia’. The weight he lost during this sickness, Juddery writes, had not been regained four months later, indicating the manner in which the stress of the letter and its repercussions told upon him. Juddery noted that

⁹⁸ “A Priest With a Conscience,” *The Canberra Times*, December 10, 1968, 1.

⁹⁹ Bruce Juddery, “A Rebel and His Conscience: Bruce Juddery Talks With a Priest at Odds With Authority,” *The Canberra Times*, December 11, 1968, 14-15.

¹⁰⁰ *Ibid.*, 14.

¹⁰¹ Juddery, “A Rebel and His Conscience,” 15.

¹⁰² *Ibid.*

Father Hanrahan's friends had said that he had become more withdrawn; the young priest attributed this to the 'pressure of work'.¹⁰³

In discussing the move from Canberra to Sydney, Father Hanrahan said that he and his co-signatories had been treated with leniency by their superiors: 'Given their position, in the sense both of the views they hold and the positions of authority they have, and without brushing over the differences I have with them, particularly so far as my own superiors are concerned, I have been treated with every consideration. The impression is that we could be considered martyrs and this is very mistaken'.¹⁰⁴ The article expresses the fear on the part of Father Hanrahan's friends that the priest 'may join the exodus from the Church', but Juddery reports that Father Hanrahan 'gives no indication that he intends to do so'. 'At a guess', he writes, 'he had decided to continue as a sort of reforming zealot with a sense of perspective. He admits: "I've no idea what the figures are, but I do think the Catholics urging reform do exaggerate the degree of support in the Church"'.¹⁰⁵

Later, Hanrahan wrote an account of this time in his autobiography, *From Eternity to Here*, which was published posthumously.¹⁰⁶ While Bruce Juddery's article accords with Hanrahan's account, the latter brings to the story something more. Hanrahan writes: 'We were the first priests in Australia to speak out against the encyclical on the pill. This was not because we were men [of] daring, insight or foresight. Just ignorant and naïve'.¹⁰⁷ He refers to 4 August 1968, the day after the dissenting letter was published in *The Canberra Times*, as being 'Armageddon': 'To say that we were surprised is a bit like saying that the dead Lazarus walked from his tomb a bit surprised. Only we were being miracled into the tomb'.¹⁰⁸ He refers to Archbishop Cahill, in issuing a document to be read out by priests to the faithful, as 'behaving like a medieval prince-bishop who had been thrown from a disobedient horse', and states too that the 'document condemned us in terms that suggested that the bishop's ambition had long been to emulate a transcript from the Inquisition'.¹⁰⁹ 'In many churches', he tells us, 'some members of the congregation got up and walked out during the proclamation of this diatribe'. Hanrahan goes on to say that

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Hanrahan, *From Eternity to Here*, 187-195.

¹⁰⁷ Ibid., 188.

¹⁰⁸ Ibid., 189.

¹⁰⁹ Ibid.

‘the demand that all members give ‘internal obedience’, intellectual assent to a decision that they consider wrong or misguided or stupid, is anti-human, and intellectual and psychological nonsense’. He writes: ‘I had long been practising ‘internal disobedience’ in private, the beginning of my ‘long good bye’ to the Church. I have Thomas Cahill to thank for speeding up that goodbye’.¹¹⁰

He also claims that the Archbishop had threatened to expel the Missionaries of the Sacred Heart from the Canberra-Goulburn diocese, and to close down the order’s school, convinced that they were ‘destroying the Church’.¹¹¹ His decision not to expel them was conditional on the agreement by the priests not to preach on *Humanae Vitae* from the pulpit. ‘Even then I recognised that the threat was as empty as Saint Paul’s sounding brass and tinkling cymbals. Cahill was not going to close down the most prestigious college he had in his diocese. But he scared [MSC provincial] Father McMahon. And the deal was that, having abased ourselves, we had to be out of the diocese by the end of the year’.¹¹²

In *From Eternity to Here*, Hanrahan also mentions Bruce Juddery’s article published *The Canberra Times*. Although he states that he had agreed to be the subject of this profile because he ‘wanted to set the record straight about [his] faith in the Church and about how well [he] had been treated by my superiors’, he writes that, effectively, it was ‘an ego-trip that blew up’.¹¹³ He writes, too, that the heading used to advertise the article – ‘A Priest with a Conscience’ – implied that such priests were rare. In respect of his ‘devotion to the works of Cardinal Newman and his teaching on the individual conscience’, Hanrahan states that what had been omitted from the article was the ‘point that my reading of Newman had been very minimal until August, 1968, when I had been combing Newman and many other theologians and grabbing every quotation I could find that appealed to the individual conscience’.¹¹⁴

On Thursday 12 December 1968, the day after Bruce Juddery’s article, a letter appeared from a correspondent named Colin Jarrett of Red Hill, entitled ‘A priest’s conscience’. Jarrett refers to the use by the newspaper of the terms ‘Priest with a conscience’ and ‘rebel with a conscience’ as ‘limp attempts at sensationalism

¹¹⁰ Ibid., 189.

¹¹¹ Ibid., 190.

¹¹² Ibid.

¹¹³ Ibid., 191.

¹¹⁴ Ibid., 192.

[that] can only be regarded as extremely poor journalism'. He states that he considers the first responsibility of a priest as being 'loyalty to his faith, his Church and his people', and that any 'personal intellectual difficulties on any matter of theological moment can and should be thrashed out to the full in the proper arena of theological journals, not in the daily paper where their only effects can be disruptive and disturbing to people who already experience difficulties of faith or morals in the birth control sphere'. And he ends his letter with the exhortation: 'Do your priestly work, Fr John'.¹¹⁵

On the final day of the December 1968 annual seven day retreat for priests, Hanrahan writes that he was 'dozing a little at the back of the chapel' during retreat leader Father Eugene Cuskelly's talk. 'I was surprised to hear Father Cuskelly end his talk with 'go back to your priestly work, Father John'', and it was only later that he realised that the retreat leader had in fact read aloud Colin Jarrett of Red Hill's entire letter verbatim from *The Canberra Times*.¹¹⁶

In June 1969, Hanrahan 'preached a sermon that had [his] faculties as a priest removed', though he does not elaborate on what he said, where and to whom. In 1970, he 'officially decided to give up the priesthood'.¹¹⁷ Denise Cameron was family friends with the Hanrahans, and her memories conclude this story:

John eventually went on and became increasingly dissident within the MSCs, left the priesthood, married and had some children, one of whom had a severe disability ... And sadly became fairly embittered. And was buried eventually at Montsalvat in Melbourne. I did once bump into him. He was pipe smoking in the tally room after an election in Melbourne and I was there, of course, to see that we were ousting probably Tony Lamb who moved the abortion bill. And John was there and I think he may have commented to me, but very bitterly and very sourly, about the politics.¹¹⁸

This is, of course, Cameron's reading of Hanrahan's comment. For Hanrahan himself, this may have been an expression of what he felt was justified anger.



¹¹⁵ Colin Jarrett, "A Priest's Conscience," *The Canberra Times*, December 12, 1968, 2.

¹¹⁶ Hanrahan, *From Eternity to Here*, 193.

¹¹⁷ *Ibid.*, 193, 195.

¹¹⁸ Cameron, "Interview Transcript."

Sydney, meanwhile, was home to a few dissenters of its own: the Wahroonga Thirteen is how we shall refer to them. On Tuesday 6 August 1968, *The Sydney Morning Herald* published a letter on page two which it entitled ‘Catholic Protest’, and which was signed by thirteen members of the laity, headed up by Jeremy and Venetia Nelson. Eight of these listed Wahroonga as being their suburb of residence; the others listed the nearby suburbs of Warrawee, Turramurra and Greenwich.

In their letter, they disagreed with Auxiliary Bishop of Sydney Thomas Muldoon ‘that this encyclical states divine law’: ‘[t]o give assent to a document that we disagree with and that manifestly fails to bear any mark of divine origin is to deny the dignity and freedom of man. We reject that view of the Church which finds it obligatory to give assent to a statement simply because it issues from the visible centre of power.’¹¹⁹ What is indeed ‘at stake ... is not birth-control itself’ but rather ‘the possible consequences of contraception in opening the way to a too easy, materialistic sexuality’. They claim that the clergy ‘regard sex either as something beautifully mystical or as an indulgence of faintly culpable pleasure’, and that it is ‘a point of exquisite absurdity that some of the celibate clergy, ignorant of married life, should presume to dictate to married people laws and regulations that bear so little relation to reality’. The writers describe such attitudes as ‘arrogant’; and they write their letter ‘with an earnest desire that the Christian Church be liberated from such attitudes’.¹²⁰

The following day, again on page two, *The Sydney Morning Herald* published a letter entitled ‘Priest protests’, signed by Father Thomas P. Fitzgerald of Wahroonga. He begins his letter: ‘Sir—As parish priest of Wahroonga, I protest at the letter (August 6) over the signatures of a small group of people, several of whom are my parishioners’. He continues:

I protest against their inaccuracy (perhaps they did not read carefully enough the encyclical, n. 18) in attributing solely to Bishop Muldoon what was in fact said by Pope Paul VI—viz., that the encyclical is a statement of divine law.

¹¹⁹ Jeremy Nelson et al., “Catholic Protest,” letters to the editor, *The Sydney Morning Herald*, August 6, 1968, 2. The signatories as they appear after the letter are as follows: Jeremy and Venetia Nelson, Warrawee; Eileen McErlain, Greenwich; Aileen and Gerard Wake, Turramurra; John and Jill Bolliger, Wahroonga; John and Camilla Wollaston, Wahroonga; Max and Imogen Kelly, Wahroonga; Jack and Jean Callaghan, Wahroonga.

¹²⁰ *Ibid.*, 2.

I protest against the faulty logic of their tired old argument that celibate clergymen are “ignorant of married life” and are therefore incapable of being realistic about its problems.

I protest against their rudeness in attributing to those clergymen both arrogance and dishonesty.

I protest, finally, against people – even and especially university people, who should be more consistent – calling themselves Catholics and, no doubt, expecting to be treated as such, while publicly rejecting the teaching and ruling authority of the Pope which, as Catholics, they surely believe Christ to have conferred upon St. Peter and his successors.¹²¹

Two days later, a further letter appears in the sequence, this time under the heading ‘Catholic Controversy’ and signed by Dr Colin Burns. Dr Burns begins by congratulating Father Fitzgerald on his letter, declaring it ‘a breath of fresh air after the emotionalism during the past week’. He says that he wonders at ‘the motives behind the letter of the former Wahroonga parishioners’, claiming that in ‘their combined wisdom, they have decided to divorce themselves from the Church’. The only reaction that the majority of Catholics will have will be ‘to feel sorry for them’. He questions their decision to publicise their position, wondering if they thought ‘to alter the mind of the Church by their action’, or whether they sought to ‘justify their decision by taking others out of the Church with them’. He ends his correspondence by stating what he considers to be ‘a very straightforward proposition’: that either the signatories ‘do not belong to the Church or abide by the laws of the Church’. ‘It is inherent in membership of the Catholic Church’, he writes, ‘to accept papal authority in matters of faith and morals, whether the Pope speaks *ex cathedra* or not’.¹²²

Three other letters appear under this heading, each of which, at the least, question Pope Paul’s affirmation of Church teaching on birth control. One of these, signed by Patricia Darton of Lindfield, another suburb in the vicinity of Wahroonga, states that ‘as a once devout and practising Catholic, who now in good conscience

¹²¹ Thomas P. Fitzgerald, “Priest Protests,” letter to the editor, *The Sydney Morning Herald*, August 7, 1968, 2.

¹²² Colin Burns, “Catholic Controversy,” letter to the editor, *The Sydney Morning Herald*, August 9, 1968, 2.

practises birth control other than by the rhythm method’, she would ‘like to add [her] protest to that of Jeremy & Venetia Nelson and friends’.¹²³

Two days later, on 11 August 1968, *The Sydney Morning Herald* published an article on page seven, written by Peter Manning and entitled ‘Bishop calls on pill rebels to recant’. Manning makes mention of the existence of dissenting diocesan priests – estimating that they make up 30 per cent of Sydney’s clergy – but does not name any of them. Nor does he name the bishop who has called on all dissenters to ‘do public penance’ by recanting on television and radio, and in the press. He speaks of Pope Paul VI’s directive to priests to give both internal and external assent to *Humanae Vitae*, and reports that another Sydney newspaper, *The Sun-Herald*, ‘revealed last week that many dissenting priests in Sydney intended to “lie low” on the issue’.¹²⁴

Manning writes that ‘[a]t least one Sydney priest last Sunday preached from his pulpit that the Pope had made a mistake in his ban on the Pill for Catholics’, and that, in doing so, ‘referred his flock to the opinions of theologians and bishops overseas who last week also dissented from the ruling’. ‘Lay Catholics’, though, he wrote, ‘who have publicly opposed the Pope’s ruling have greater freedom to buck the bishop’s call for a medieval-type “public penance”’, and he cited a meeting organised for that very evening, a Sunday, in the Wallace lecture theatre at Sydney University. The article concludes with reference to one of the organisers of the meeting, Mr G. J. Woodburne, in which Mr Woodburne is quoted as stating that the purpose of the meeting was to determine ‘people’s feelings on the matter’.¹²⁵

The meeting is written up in full the following day, on page one and continuing on page six. The meeting had been convened by fourteen lay people and, according to the report, attended by about 500. A series of motions were put forward, including one that stated: ‘We cannot accept the Pope’s statement on birth control’; this motion was carried 196 to 117.¹²⁶ Other motions moved were: ‘We believe that a Catholic, in the formation of his conscience on this matter, is not bound by this statement’; and, ‘We ask Catholics to discuss the issues of marriage and the proper

¹²³ Patricia Darton, “Catholic Controversy,” letter to the editor, *The Sydney Morning Herald*, August 9, 1968, 2.

¹²⁴ Peter Manning, “Bishop Calls on Pill Rebels to Recant,” *The Sydney Morning Herald*, August 11, 1968, 7.

¹²⁵ *Ibid.*

¹²⁶ Such figures would indicate that only 313 of the estimated 500 attendees voted. If the report’s estimate of attendees is to be considered correct, this would indicate that as many as 187 abstained from voting.

exercise of authority in the Church and to express their views in writing to their bishop'. 'Three other motions', the article states, 'were proposed from the floor of the meeting during two hours of debate'. It mentions, too, that prior to the commencement of the meeting, 'young women, who said they represented "a group of Catholic university students," distributed a pamphlet stating that Catholics who did not go along with the Pope's encyclical would be cutting themselves off from the Church'. The pamphlet bore the name of Father Eugene Stockton who 'later spoke at the meeting, describing himself as a university chaplain'.¹²⁷

The article notes that the principle speaker for the convenors, 'who had declared themselves as non-supporters of the views expressed in the encyclical', was Mr John Ryan, chairman of the editorial board of the Melbourne paper *The Catholic Worker*, lecturer in mathematics at Melbourne University and a past president of the University Catholic Federation of Australia. Mr Ryan, the article reported, said the encyclical was fallible, and said that 'what made him wonder about the Pope's decision was the black and white division into anti-contraception and other methods of avoiding conception':

A woman with five or six children and a drunken husband who did not provide for them would be regarded as disobeying natural law if she used a contraceptive to avoid having other children.

But an affluent couple who used the rhythm method to limit their family to two children were not automatically disobeying the natural law.

"Which of these two women will stand higher in the sight of God?" Mr Ryan asked.

"Do we want people to live Christian lives by putting them in a straitjacket and telling them what to do and telling them so long as they obey the rules in blind obedience this is Christian living? It would be too easy."¹²⁸

The article notes that 'a slim, softly spoken mother of five children', Mrs Helen Scanlon, married to an industrial chemist and residing in Northbridge, spoke about 'the significance of love in marriage', stating that 'the clergy just cannot comprehend [it] if we do not try to convey it to them. We are of the Church and it is important

¹²⁷ "Papal Edict Challenged," *The Sydney Morning Herald*, August 12, 1968, 1.

¹²⁸ *Ibid.*, 6.

that, in a matter which is of practical concern in the lives of married people, we give witness of our living experience as Christians'. '[L]oud and sustained applause' followed Mrs Scanlon's address, which applause 'appeared to come from a bigger majority of the audience than was reflected in the voting later in the night'.¹²⁹

Father Stockton, who 'was constantly subjected to noisy interjection', expressed his objection to the fact that the meeting had been held at the University, a locale that deterred 'ordinary Catholics'. He objected, too, to the fact that none of the three official speakers for the night were in favour of the encyclical, a statement that earned him a round of applause. His pro-encyclical stance was supported by the final speaker from the floor, a young priest identified only as Father King, who stated that 'the infallible office of teaching in the Church was not restricted to ex-Cathedra statements', and that it 'was unacceptable that Christ's Vicar on earth should teach as he had in the encyclical and not teach the truth'.¹³⁰

A week later, on 19 August, the headline of a leading article on page one reads, 'Priest's threat: No Communion for church rebels'. The story reports that a Dominican priest referred to as Dr R. J. Batten – 'not the parish priest at Wahroonga' but rather 'former Professor of Moral Theology in the Dominican Order, a former Chaplain of the University of Armidale, a Bachelor of Arts and a Bachelor of Laws' – had spoken at the Wahroonga Catholic Church the night before. It is likely that this is referring to the homily given during Sunday evening Mass, as the article also reports that Father Fitzgerald, the parish priest, was 'in bed ill'; and we learn also from a subsequent article that Dr Batten had spoken from the pulpit. Dr Batten, the article states, included in his prohibition 'people who had publicly expressed defiance by writing to newspapers', and mentions in particular 'a group of Wahroonga Catholics who recently wrote to "The Sydney Morning Herald" protesting against the Pope's encyclical on birth-control'. The article notes that 'priests who had advised against the Church's teaching on birth-control were betraying their priestly duty'.¹³¹

The following day, Tuesday 20 August 1968, a small column appears on page ten of *The Sydney Morning Herald* entitled 'Priest guided by own opinions'. The article reports that Dr Batten had said the night before that 'he had acted according to

¹²⁹ Ibid.

¹³⁰ Ibid., 6.

¹³¹ "Priest's Threat: No Communion for Church Rebels," *The Sydney Morning Herald*, August 19, 1968, 1.

his own conscience’ in stating that he would refuse Communion to those who had publicly dissented from the authority of the Pope: ‘[h]e had made no prior contact with the church hierarchy, or with the superior of his order, about making his announcement on Sunday’. The thirteen Catholics ‘apparently had gone elsewhere for Mass’; Dr Batten ‘hoped they had acted in good faith’ but stated that ‘their public defiance had created a scandal around the church’. The article includes comments by the official spokesman for the Sydney archdiocese, Dr Murray, who said that ‘the dissenters probably could go unrecognised to the altar rails of every other church in the archdiocese’, but that ‘[t]rue Catholicity and disavowal of Papal authority are contradictions in terms’. The article concludes with a quote from Dr Murray: ‘I don’t contemplate that any further action will be taken, but if those who deny the authority of the Pope are as intelligent as they say, they would realise they cannot remain members of the Catholic Church – the next step will be up to them’.¹³²



Although dissension within Australia was not expressed in the same dramatic fashion as exhibited elsewhere in the world – ‘Our Church Roundsman’ describes it as ‘tame’ – it was more than apparent that the teaching of *Humanae Vitae* had not been accepted.¹³³ Gail Instance recalls:

[T]here was such opposition. There was a big time lapse between 1960 and the pill’s available, and 1968 when *Humanae Vitae* was published, July 1968. That’s a long time. And a lot of people had been told in the meantime, look, it’s probably okay to take the pill. Because we don’t know what [the Pope is] going to say. So there’s uncertainty. So there were plenty of Catholics who just accepted what Father said was okay: well, if you really think that it’s okay well I can’t tell you not to because the Church hasn’t said anything. The Church has been screaming it since Genesis, with the sin of Onan.¹³⁴

Father Gerald Gleeson, writing 44 years after the promulgation of *HV*, states that ‘[b]y and large, the Catholic faithful have not accepted the teaching that

¹³² “Priest Guided by Own Opinions,” *The Sydney Morning Herald*, August 20, 1968, 10.

¹³³ Our Church Roundsman, “Questions Follow Lectures on Pill,” *The Sydney Morning Herald*, September 21, 1968, 13.

¹³⁴ Instance, “Recollections,” 45. The sin of Onan is recorded in Genesis 38:1-10, and tells of a man struck down by God for preventing conception by spilling his semen onto the ground.

contraception is incompatible with Christian marriage'.¹³⁵ He goes on to say that '[t]he subsequent rejection or qualification of [*Humanae Vitae*], in practice by a majority of Catholic couples, in principle by most theologians, and magisterially by a number of Episcopal conferences, has shaped the life of the Church for the last forty years, albeit mainly in silent ways'.¹³⁶ Gail Instance describes the situation as follows:

But the West was going downhill very fast. [The pill] was like the straw that broke the camel's back. Because it came at a time, well, it ushered in the sexual revolution, the pill did. And of course with the Church's hands tied behind its back because the so many bishops and priests and nuns absolutely refused to agree to it, the Church was in many ways just, it was almost like put to sleep, and allowed these errors to go unchecked, as it did here and America, and Canada, and Europe. ... Of course the Vietnam war was all on and the Flower Power and the, you know, make love not war and – it all hinged on contraception. Women getting out into the workforce, all the childcare centres opened up, the cut in the birth rate. And of course it was only, you know, two minutes after *Humanae Vitae* was silenced that abortion was ushered into the west. It had been around, it had been legalised in a couple of little places, but it was just, the floodgates just opened. Because if you've got people practicing contraception ... you're going to have to have abortion to follow it up. And that was demonstrated without any help from us.¹³⁷

John Horgan notes that 'nearly all' of the national hierarchies presented as part of their statements on *Humanae Vitae* a 'resume' on the central positive themes contained therein.¹³⁸ He notes in particular those published by the hierarchies of Scandinavia, Belgium, the United States and Ireland:

All the others, while several of them draw attention to the positive thrust of the encyclical, concentrate their attention on [the encyclical's] prohibition of certain forms of birth control, seeing this either in simple terms as a directive to be put into effect, or as a directive which also poses problems. Thus, they are mainly concerned with assessing the authority of papal encyclicals, the rights and obligations of conscience, the role of various categories of people with regard to the problems of marriage morality, the relationship between sexual problems and the Christian life, the role of the State both

¹³⁵ Gerald Gleeson, "Vatican II, *Humanae Vitae* and the Renewal of Moral Theology," *Australian eJournal of Theology* 19, no. 2 (August 2012): 125.

¹³⁶ *Ibid.*, 127.

¹³⁷ Instance, "Recollections," 41-42.

¹³⁸ Horgan, *Humanae Vitae and the Bishops*, 354.

with regard to the problem of birth control itself and to the related problems of housing and social assistance.¹³⁹

He stresses that it is important to recall that the statements are primarily pastoral in nature, a fact which, he says, ‘may help to explain what at first sight seems to be an anomaly – that while none of them rejects *Humanae Vitae*, some of them offer an interpretation of it which is at variance with the letter of the encyclical’.¹⁴⁰

In Australia, in August 1972, four years after their original response to the encyclical, secretary of the Australian Episcopal Conference, Archbishop Cahill, issued a news release which began:

From time to time the press has reported a number of interpretations of the Pope’s Encyclical *Humanae Vitae*, on the regulation of birth, allegedly given by some other Episcopal Conferences, which are at variance with the interpretation given by the Australian Bishops in their statement on August 5, 1968. Recently a group of theologians requested the Australian bishops to clarify the matter.¹⁴¹

As such, the bishops sought the counsel of the Pope, and received a reply, which they published in full, from His Eminence Jean-Marie Cardinal Villot, Prefect of the Council for Public Affairs of the Church, and dated 7 July 1972. The issue was with ‘the number of interpretations of *Humanae Vitae* by Episcopal Conferences offering the faithful a less difficult course in situations where duties and obligations clash than would seem to be provided for by the Encyclical’. Cardinal Villot said that ‘His Holiness assures the bishops that no change should be made in their statement ... in which they declared their full adherence to the Encyclical’. He wrote that ‘The Holy Father has full confidence in the Australian hierarchy’, to which he applied the principle of *Lumen Gentium* §25: ‘Bishops teaching in communion with the Roman Pontiff are to be respected by all as witnesses to divine and Catholic truth’.¹⁴²

‘But a few years later,’ recounts Gail Instance, ‘the 1974 statement ... That was an absolute, absolute scandal, and hasn’t been corrected.’¹⁴³ She was referring to the fact that, in September of that year, the bishops of Australia released a pastoral

¹³⁹ Ibid., 355.

¹⁴⁰ Ibid., 356.

¹⁴¹ Kerr, *Statements Since Vatican II*, 149.

¹⁴² Kerr, *Statements Since Vatican II*, 150; *Lumen Gentium* §25, in Kerr, 150.

¹⁴³ Instance, “Recollections,” 33.

letter to their priests. The letter – referred to by Gleeson as a ‘considered response’, and described by Michael Allsopp as ‘the culmination of six years of research’ – reaffirmed the encyclical, but contained portions which would later be found by the Association to be ambiguous.¹⁴⁴ Gleeson shows that a number of preparatory documents were provided to the bishops to aid them in the writing of this letter, one of which was ‘the extensive submission’ prepared by the staff of Banyo seminary. ‘Significantly’, he writes, ‘the focus of the Banyo submission was not the truth of the teaching in [*Humanae Vitae*], but its authority and the kind of response due it’.¹⁴⁵

The 1974 letter, after stating that the encyclical on human life was an ‘authentic and authoritative document of the Church’, demanding of ‘religious submission of will and of mind’, went on to say the following:

It is not impossible, however, that an individual may fully accept the teaching authority of the Pope in general, may be aware of his teaching in this matter, and yet reach a position after honest study and prayer that is at variance with papal teaching. Such a person could be without blame; he would certainly not have cut himself off from the Church; and in acting in accordance with his conscience he could be without subjective fault.¹⁴⁶

As Gleeson comments:

The 1974 Letter taught that those who accept the truth of the teaching, but find they cannot live up to it, and those who accept the church’s teaching authority in general, but in good conscience find they cannot accept this particular teaching, should not necessarily be refused admission to the Eucharist, but should be encouraged to remain open to full reception of the Church’s teaching.¹⁴⁷

Gleeson adds that, ‘Although this was an accurate application of traditional pastoral practice, for some critics it suggested that conscience was replacing Church teaching. They took their case to Rome’.¹⁴⁸

The nature of the pastoral letter was such that, according to lawyer and member of the Australian Catholic Advocacy Centre, Michael Baker, the

¹⁴⁴ Gleeson, “Vatican II, *Humanae Vitae* and the Renewal of Moral Theology,” 128. Michael Allsopp in Gleeson, 128.

¹⁴⁵ Gleeson, “Vatican II, *Humanae Vitae* and the Renewal of Moral Theology,” 128.

¹⁴⁶ Kerr, *Statements Since Vatican II*, 153.

¹⁴⁷ Gleeson, “Vatican II, *Humanae Vitae* and the Renewal of Moral Theology,” 128.

¹⁴⁸ *Ibid.*

Congregation for the Doctrine of the Faith requested a ‘retraction’.¹⁴⁹ Gail Instance recalls that:

we learnt later from priests that the 1974 statement had been sent off to Rome for approval – because it was officially from our bishops – and it was not accepted. It was *never* published in *L’Osservatore Romano* where it normally would be published if a bishops’ ... conference comes up with a statement on a moral issue; they normally, you know, would get published. This was not published. It was sent back for re-evaluation or, you know, rewriting.¹⁵⁰

Gleeson writes that two years later, on 4 September 1976, ‘a further statement’ was issued from the Bishops’ conference.¹⁵¹ This statement was addressed to Natural Family Planning centres and read – in its entirety – as follows:

The Episcopal Conference informs the Directors of Catholic Family Planning Centres and Priests connected with this work, that the authentic teaching of the Catholic Church contained in *Humanae Vitae* that “every action which either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible” is “intrinsically evil” and to be absolutely excluded, binds the consciences of all without ambiguity and excludes the possibility of a probable opinion opposed to this teaching.¹⁵²

Gail Instance recalls that, ‘in 1976, there would have been only the Billings doing Natural Family Planning.¹⁵³ There would have been the centre in St Vincent’s [Hospital], the centre in Melbourne, and I don’t know how many others. But, even if there was a centre in each capital city, it only went to the directors of those. It didn’t go to the Catholic papers to get published. It didn’t go to every priest in the [dioceses]. So, nobody knew about it.’¹⁵⁴

¹⁴⁹ Michael Baker, “Australia’s Catholic Bishops—Catholic Education and Moral Matters,” *Super Flumina*, accessed March 14, 2013, http://www.superflumina.org/acb_duty-6.html.

¹⁵⁰ Instance, “Recollections,” 39.

¹⁵¹ Gleeson, “Vatican II, *Humanae Vitae* and the Renewal of Moral Theology,” 128.

¹⁵² Statement from the Australian Episcopal Conference to the Directors of Catholic Family Planning Centres. Correspondence. The statement was accompanied by a covering letter signed by Rev Fr Patrick Dougherty, Acting Secretary of the Conference. See also *Life-Lines* 8, no. 1 (June/July 1994): 11.

¹⁵³ Australian physicians John and Evelyn Billings were pioneers of the natural method of fertility management known today as the Billings Ovulation Method. See Livingstone, *The Billings Enigma*.

¹⁵⁴ Instance, “Recollections,” 40.

‘The retraction’, writes Baker, ‘was given little publicity and the 1974 statement continues to be cited by dissident priests and theologians throughout Australia—and they are never corrected. The false doctrine of the supremacy of conscience over the Church’s moral teaching is touted frequently. It is never contradicted and the terms of the 1976 directive are never repeated—by any bishop.’¹⁵⁵ In *Australian Catholic Bishops’ Statements Since Vatican II* the 1976 letter is not included with the 1968, 1972 and 1974 statements under the heading ‘The regulation of birth: ‘*Humanae Vitae*’’, nor is it included elsewhere in this publication.¹⁵⁶ It should be noted, however, that this compilation is the work not of the bishops themselves, but of an independent editor; Nicholas Kerr states in his introduction to the publication that ‘unless this collection of statements is kept in proper perspective, it could do a dis-service to the bishops’.¹⁵⁷

Instance cites as further evidence to the quietness of the dissemination of the 1976 statement another document, which document she refers to as ‘the 1978 letter’:

The 1978 letter was part of the page that we’ve got, is part of a letter that would have gone around to parish priests from the bishop, giving the various things that had been discussed like a bit of a ... synopsis, I suppose, of what had been discussed ... at the bishops’ meeting. And it was just as a little one, one of the little paragraphs. A number of items on this page that had been agreed on ... And one of the things was, oh, we’re sending this to the directors of Natural Family Planning clinics. I don’t think it would have been seen by anybody reading it at the time as a statement by the Catholic bishops. It was just: this is going to be sent to the directors of Natural Family Planning clinics.¹⁵⁸

Gail Instance reports that in January 2008, Bede McDougall of Family Life International ‘wrote a letter to each of the diocesan bishops around the place’ asking them to reverse the 1974 statement.¹⁵⁹ ‘And he got back some replies. And one bishop in particular just strongly opposed any, any removal of the 1974. “I

¹⁵⁵ Michael Baker, “Australia’s Catholic Bishops—Catholic Education and Moral Matters,” *Super Flumina*, accessed March 14, 2013, http://www.superflumina.org/acb_duty-6.html

¹⁵⁶ Kerr, *Statements Since Vatican II*, 148-155.

¹⁵⁷ *Ibid.*, 11.

¹⁵⁸ Instance, “Recollections,” 40.

¹⁵⁹ McDougall writes: “The only thing that remains to be done if we want our schools and our community to be really Catholic, is to reverse the Australian Catholic Bishops’ statement on *Humanae Vitae*, issued in 1974.” Bede McDougall letter to Bishops, 21 January 2008.

strenuously oppose any move to replace that statement.” He was adamant about it that that statement stayed put.¹⁶⁰ And, further:

As one priest said to me, it’s not safe *yet* to go to a bishops’ conference and ask for a restatement because there were still too many crooks on the bishops’ conference, they wouldn’t agree to it. So the best we can hope for is that individual bishops in each diocese start promoting *Humanae Vitae* forty-two years later. Better late than never. You know. The Jews wandered the desert for forty years, Jesus Christ was in the desert for ... forty days, Lent’s just forty days. Forty Days for Life. This forty is important. And we were all hoping that come the fortieth anniversary of *Humanae Vitae* something would happen to turn it around. Well, some of the bishops are turning it around. Not fast enough of course, but. But at least now we have— There are a lot of improvements. There are a lot of good seminarians, and a lot of good young priests who know the truth and who— Many of them are coming out of the pro-life movement. It’s a source of vocations for many, thank heavens. So, and the Pope was putting into place some very good bishops, and strong bishops.

So, things will change, and like I say with the grace of God there’ll be another Pentecost one day maybe, and a lot of the fog will be lifted hopefully.¹⁶¹

There were – and are – a number of other Catholic organisations which likewise believed in the authority and infallibility of the teaching of *Humanae Vitae*. Bern and Anne Sadler recall that the organisation Tradition, Family, Property took out a full-page advertisement in the *Sydney Morning Herald* in support of the encyclical.¹⁶² And Gail Instance makes mention of the fact that she joined Catholics United for the Faith (CUF) in the early 1980s specifically because one of its foundational purposes was to defend *Humanae Vitae*.¹⁶³ These and other groups worked tirelessly towards this goal, one on which they believed so very much hinged. Longstanding Sydney Catholic pro-lifer Joseph Cudmore sums up the cause: ‘I think that *Humanae Vitae* must be taught extensively by the hierarchy and the priests. And it must be stressed

¹⁶⁰ Instance, “Recollections,” 41.

¹⁶¹ *Ibid.*, 33.

¹⁶² Bern Sadler, Bern and Anne Sadler, “Interview Transcript,” interview with the author, August 27, 2012, Sydney, NSW. The official website of the American Society for the Defence of Tradition, Family and Property (TFP) describes the society as “an organization of lay Catholic Americans concerned about the moral crisis shaking the remnants of Christian civilization.” It notes that “TFP is on the front lines of the Culture War, peacefully defending the values of tradition, family and private ownership.” American Society for the Defence of Tradition, Family and Property, “The Counter-Revolution,” accessed January 22, 2016, <http://www.tfp.org/who-we-are/the-counter-revolution.html>.

¹⁶³ Instance, “Recollections,” 34; Instance, “Interview Transcript.”

often, as often as possible. I mean, once the rank and file Catholic starts to accept *Humanae Vitae* truly and honestly, then that's the time we'll get change. Until that, we won't. Because it's the rejection of the *Humanae Vitae* by the Catholic community that is stopping us from progressing as quickly as we should be.'¹⁶⁴

Although we can say that, by and large, the Catholic Church in Australia by way of its adherence to Church teaching was united in its early opposition to eugenics, a discipline that included contraception and abortion in its brief, this unity began to be compromised in the 1960s, a fact expressed by the circumstances attending the release of *Humanae Vitae* and the debate that has been extensively explored in this chapter. It is in the resultant tensions within the Church over contraception that the Catholic pro-life movement began to take on a definite shape and identity, and this often by way of opposition to members of the clergy. The next chapter will begin to investigate these developments within the Sydney context.

¹⁶⁴ Joseph Cudmore, "Interview Transcript," interview with the author, November 7, 2012, Sydney, NSW.

Tensions within the camp: forming a distinct identity

And now, at this moment, we're great friends with *all* the breakaway groups, but at different times that has not been so.¹

Our Lady might have sent all those young people that participate now if we had have been saying the Rosary. But there weren't that many Rosary-praying young people around then in those early days. That's just changed now, thank God.²

When the Association was formed in 1986, the pro-life movement had been in existence in Australia in varying states of formality since the middle to late 1960s. Prominent in the movement from these early days was Mrs Margaret Tighe. Her story, though based primarily in Melbourne, bears out in significant ways across the country, and is important both to a full understanding of the context from which the Association emerged and to the shape of the movement to this day. Though a complete detailing of events is beyond the scope of this chapter, nonetheless a broad survey of the narrative offers valuable insights to the subject at hand. Further, this chapter will show the manner in which certain aspects of the pro-life movement in Australia began to assemble, and will examine tensions within the movement in respect of contraception with a specifically Sydney focus.

The seeds of Margaret Tighe's opposition to abortion were sown when she was a young student of pharmacy. While traveling one day with her mother on the

¹ Long-time member of RTLNSW, "Interview Transcript," interview with the author, May 5, 2014, Sydney, NSW.

² Sue Russell, "Interview Transcript," interview with the author, April 27, 2015, Sydney, NSW.

bus, her mother told her ‘that sometimes people might come into a pharmacy and ask for something to bring on the period. And, she said, you must never give them something like that’.³ Tighe’s mother went on to tell of the day that their neighbour Mrs Smith had announced that she was expecting her third child.⁴ Mrs Smith had recounted how another neighbour, upon hearing the news of the pregnancy and the fact that Mr Smith was not happy about it, had said, ‘Oh, why don’t you go home and take a good dose of salts and get rid of it’:

And so she told me that story, and then she said, and wouldn’t it have been terrible if the little girl had been gotten rid of. Well, she said, you know how fond her father is of her. You know, little blond girl sitting on her father’s knee. And she said, that’s really, you know, what it is: it’s getting rid of somebody. Of course it’s true! It’s getting rid of somebody. And, so, that stuck in my mind, ’cause we didn’t talk about abortion in those days. Heavens above! When you think what the kids at school know today. And, so, I never forgot that, and that’s when my mother said: and sometimes a person might come into a pharmacy and ask for something like that, and you must never give them anything like that.⁵

When the UK Abortion Act was passed in 1967, Tighe became interested. A friend of hers, Ellenora Connors, called together a number of women to discuss the Act.⁶ It was at around this time, too, Tighe recalls, that the media – she names particularly the Melbourne newspaper *The Age* – were agitating for a relaxation of abortion laws in Australia in cases of rape, deformities and the life of the mother: ‘And so, as a result of that, we organised the first, I think, known campaign against the legalisation of abortion [in Australia]. And we took up petitions, and we did it on an electorate basis, State electorate basis. Sent out from my dining room table with Ellenora’s aunt on a typewriter. And that was the first activity.’⁷

Tighe gradually connected with others of like mind. She began telephoning a Jesuit priest, Father John Philips SJ, whose anti-abortion letters were published in *The Age*: ‘He wouldn’t get them published today, poor man, if he was

³ Margaret Tighe, “Interview Transcript,” interview with the author, June 20, 2013, Sydney NSW.

⁴ Margaret Tighe herself uses this pseudonym for her neighbour.

⁵ Tighe, “Interview Transcript.”

⁶ Ellenora Connors was working as a solicitor at the time and would later become a barrister. Tighe, “Interview Transcript.”

⁷ Tighe, “Interview Transcript.”

still alive'.⁸ She later met Father Philips in the company of another Jesuit, 'a Father Norrie'.⁹ Both of these men were of great help and encouragement to Tighe, and introduced her in turn to others with whom she could continue the political engagement. Meanwhile, she had joined the Society for the Protection of Unborn Children (SPUC), an organisation based in the United Kingdom, and, in time, was invited to meet with members of the Knights of the Southern Cross to consider creating a not dissimilar organisation in Australia:¹⁰

And there was this guy who lived in our area also. He was a solicitor. He and his wife, they were both solicitors. And they sort of thought they knew the right things to do. And because he was involved with the Knights of the Southern Cross, he had the ear of the Archbishop [of Melbourne], who at the time was Archbishop Knox; he became Cardinal Knox. And, anyway, then they set up an organisation. We were invited to some meeting at the Archbishop's house and that. But, I'm trying to remember now, their approach was – you wouldn't believe it – their approach was to say nothing and wait until if there's legislation goes through then fight it! Oho! Goodness me! How I laugh at that today.¹¹

Tighe's own vision for an organisation dedicated to protecting the unborn began to take shape. 'Not religious; it may be comprised of a lot of religious people. But it's a human rights issue, really. Killing somebody, you know?'¹² Eventually, Tighe and three others – Ellenora Connors, her doctor husband, and another woman, a secondary school teacher – made their own appointment to see the Archbishop:

And I don't know why we thought we'd need the, an imprimatur of the Archbishop for that. I don't know why, but I suppose we thought, well, we'd get more help, you know ... And, I'll never forget. He was a nice man, but he told us that you needed people who

⁸ Ibid.

⁹ Tighe, "Interview Transcript." Rev Harold Norrie SJ, d. June 18, 1970. The Official Directory of the Catholic Church in Australia, "Deceased Clergy in Australia, 1788-2017," accessed May 12, 2017, <http://www.catholicdirectory.com.au/deceasedclergy/list/name>.

¹⁰ The website of the Order of the Knights of the Southern Cross (KSCA) describes the order as "a national organisation of Catholic laymen who operate with the support of the Australian Bishops." It notes that the order is "guided by the Catholic faith and the cardinal and chivalrous virtues of prudence, faith, justice, fortitude and temperance in all its charitable works," and that it "strives to serve the wider community and support those in need." Order of the Kings of the Southern Cross, "Knights of the Southern Cross Australia," accessed January 22, 2016, <http://www.kzca.org.au>. For and oral/archival history and overview of the organisation, see Cliff Baxter's *Reach for the Stars: 1919-2009, NSW Knights of the Southern Cross*, Redland Bay: Connor Court, 2009.

¹¹ Tighe, "Interview Transcript."

¹² Ibid.

had special expertise dealing with this matter. Oh, goodness me. When I think about that. In other words, pat on the head, go home and leave it to the experts. Anyway. So, that was, you know, it threw cold water on us.¹³

Still, though, Tighe's interest in fighting abortion remained, and she joined 'a heavier body with a very prestigious-sounding name', the Human Life Research Foundation (HLRF), established by Doctors Billings and Joe Santamaria, the latter a surgeon and prominent bioethicist.¹⁴ These were important days for ecumenism within the pro-life movement and beyond, and the Catholic founding doctors 'quite famously' invited Dr Daniel Overduin, a Lutheran pastor from Adelaide, to participate.¹⁵ Tighe was asked to join the committee and, by the early 1970s, had become one of the foundation's public speakers on 'the anti-abortion circuit'.¹⁶

Meanwhile, Denise Cameron, a young woman from country New South Wales who would become a significant figure in the movement, had likewise begun to be primed for a life of anti-abortion activism. Traveling to England as a midwife after having completed her studies with the Mercy Sisters at St Margaret's Hospital in Sydney, she came across a petition put out by SPUC in the lead-up to the UK Abortion Act of 1967:

I didn't really understand it for the human rights abuse issue that it was. It was purely because I was a Catholic, and somewhere in the mists of time I understood that the Catholic Church opposed abortion and that it was a very serious sin to have an abortion, and a very, very serious matter. So it was initially simply because I had been brought up as a Catholic, and I had a very good Catholic education—my first school I ever went to was St Francis Xavier's, and I was nurtured on the story of St Francis Xavier walking in the garden with St Ignatius Loyola of an evening when he was considering what his future was to be, and Ignatius Loyola said to him – I think the words come out of the Scriptures – "What does it profit a man if he gain the whole world and suffer the loss of his soul?" I'd also been brought up on Hamlet and the nuns had taught us the speech of Polonius to his son Laertes in which he said, "To thine own self be true, and it must follow, as the night the day, thou canst not be false to any man." So I knew then, very early in 1967, and when I returned to Australia in 1973, that, uncomfortable as it was, I had an obligation to speak out against abortion.¹⁷

¹³ Ibid.

¹⁴ Cameron, "Interview Transcript."

¹⁵ Ibid.

¹⁶ Tighe, "Interview Transcript."

¹⁷ Cameron, "Interview Transcript."

Cameron recalls the shock of her first brush with abortion back in Australia. Working in the labour ward of the Queen Victoria Hospital in Melbourne, there was on this occasion a great commotion as a baby of twenty-eight weeks gestation ‘had been delivered by hysterotomy’.¹⁸

The mother had severe toxemia, and the father – I remember they were Egyptian – was impatient about his wife having to stay in bed and rest for the toxemia, and asked the doctor to terminate the pregnancy. The pregnancy was terminated, but the baby had survived, and it had just been left to lie in a cold kidney dish until the staff got worried and embarrassed because it didn’t die. So there’s a big flurry. We had to put the insulcot on and warm it up and bring that little baby—I still remember its name to this day. And it was twenty-eight weeks and it weighed less than two pound. And I was pretty shocked. I thought, oh, this is what they’re talking about: this is abortion.¹⁹

Just a few years earlier, the Queen Victoria Hospital had been made the teaching base of the Monash University Medical School under the leadership of Dr Carl Wood. ‘And that’, says Cameron, ‘was when the rot set in’.²⁰ Dr Wood later became known as the father of IVF and was considered a pioneer in the field of obstetrics and gynaecology.²¹ Pro-lifers did not view him in quite the same way. When, in 1973, Denise Cameron and some friends went to their first pro-life meeting in Gore Street, Fitzroy, she recalls that ‘it was like the ‘Relief of Mafeking’. They were so delighted to see us. And we just sort of walked in, sort of wide-eyed about it all. But [the meeting organisers] felt that they’d really cracked something, because here were the nurses from the Queen Victoria Hospital which was ‘Enemy Number One’, which was where it had all started’.²²

It was at this meeting that Cameron met Joan Doyle and Rob Pardy, young students who ‘described themselves as agnostics in those days’.²³ Together with their parish curate Father Eugene Ahern, they began a campaign against the introduction

¹⁸ Cameron, “Interview Transcript.” An abortion by hysterotomy differs from a caesarean primarily in that the child is either left to die or is killed before being removed from the uterus.

¹⁹ Ibid. In later correspondence with the researcher, Cameron noted that the baby – a boy – survived the abortion and went home with his parents. Cameron, email message to author, May 6, 2015.

²⁰ Ibid.

²¹ Jared Owens, “‘Brilliant and Vague,’ Father of IVF Dies,” *The Australian*, September 27, 2011, www.theaustralian.com.au/news/nation/brilliant-and-vague-father-of-ivf-dies/story-e6frg6nf-1226147398627.

²² Cameron, “Interview Transcript.”

²³ Ibid.

of the Federal government's Medical Practice Clarification Bill of 1973 in the Australian Capital Territory [ACT], moved and seconded in the lower house by, respectively, Labor backbenchers David McKenzie and Tony Lamb. The bill 'would have legalised abortion in the Australian Capital Territory, but not in any of the states, for any extension of the Bill to include the states would be *ultra vires* under Section 51 of the Australian Constitution.'²⁴ Margaret Tighe notes that 'in those days, the Federal Government, Federal Parliament had control over the Territories. They don't have as much control now, 'cause they've got their own legislatures, you see, Northern Territory and the ACT.'²⁵ Clause 7 of the bill – which came to be known as the McKenzie Lamb Bill – specified 'that a qualified medical practitioner could terminate a pregnancy of not more than 12 weeks so long as the woman had been properly advised of the alternatives, and the practitioner had acted at her request and exercised professional care during the operation'.²⁶ Additionally, the bill provided for the medical doctor to exercise conscientious objection to performing an abortion. Denise Cameron recalls the beginning of the pro-life campaign in Victoria against the bill:

And my understanding of it then was that a man called Ron Gane, I think he worked in insurance, had a big interest in the later years in the Blue Army.²⁷ He lived at Bendigo, and my understanding was that, particularly the Human Life Research Foundation, they were sitting around talking very seriously and very intellectually, but others were getting impatient and thought 'we've got to do something'. And I always tell the story that Ron Gane came down from Bendigo and unfurled a map of the Federal electorates of Victoria – of which there would have been about thirty-nine – and said, 'This is the way we do it: we set up councils in each one of these electorates and we lobby the politicians.' And so, with that, I understand the Right to Life was born. And we started off with very frenetic activity in those months.²⁸

²⁴ Ainsley Symons, "Anti-abortion Campaigning and the Political Process," *Recorder* (Australian Society for the Study of Labor History, Melbourne Branch), No. 279, (March 2014): 2.

²⁵ Tighe, "Interview Transcript."

²⁶ Ian Hancock, *John Gorton: He Did it His Way*, (Sydney, NSW: Hatchett Press, 2002), 368.

²⁷ Formerly known as the Blue Army of Our Lady, the World Apostolate of Fatima is a Public International Association of the Faithful under the Pontifical Council of the Laity. The organisation promotes "the authentic teaching of the Catholic Church in strict adherence to the tenets in the Gospel," and encourages a "[p]ersonal adherence to the Message of Fatima." World Apostolate of Fatima Aust Inc, "Purpose," National Office For Evangelisation, accessed January 23, 2016, <http://www.evangeliseaustralia.com/directory/world-apostolate-of-fatima-aust-inc.html>; World Apostolate of Fatima, USA – Our Lady's Blue Army, "About the Apostolate," accessed January 23, 2016, <http://wafusa.org/the-apostolate/>.

²⁸ Cameron, "Interview Transcript." Cameron notes that 'Queensland would tell you that theirs was the earliest movement, but that would just simply be a matter of months or so'.

The ‘young guns’ – Ahern, Doyle and Pardy – ‘did a lot of good in organising a campaign against the McKenzie Lamb bill. And, because he was so innovative, Eugene Ahern had a *very* good head for politics, he really did. And I think the greatest thrust against that legislation came from Victoria, really’.²⁹ Ian Hancock notes that in ‘the lead-up to the second reading debate on 10 May all members of the parliament were deluged with material for and against the bill, with the bulk of it emanating from the opponents and, notably, from the National Right to Life Association.’³⁰ Her youngest child still in a pram, Tighe recalls: ‘I joined in the campaign and used to push the pram around with anti-abortion information and taking it around to churches and that in my electorate. And they worked on an electorate basis, which of course you need to do.’³¹ Denise Cameron adds:

So they were very frenetic days, and I was asked as a nurse—I was much sought after because of this; there weren’t a lot of nurses involved, although there was a young nurse called Marita O’Leary. And she rallied a few nurses together, and we ultimately went on plane to Canberra on the tenth of May, with a big banner and some of the nurses came from the Queen Victoria Hospital. We had a big banner and we went to the old Parliament House. There was a big rally outside Parliament House.³²

The following day, *The Canberra Times* published a story on the front page entitled ‘Rival Groups Outside Parliament House’:

Pro-abortion supporters gathered around the “Women’s Embassy” and those opposed to the Bill grouped on the opposite side where a red and white striped refreshment tent had been erected ... By the time a vote on the Bill and an amendment seeking a Royal commission instead was taken in the House the anti-abortion crowd outside far outnumbered those in favour of the Bill.³³

²⁹ Cameron, “Interview Transcript.” Tighe, “Interview Transcript.”

³⁰ Hancock, *John Gorton*, 368.

³¹ Tighe, “Interview Transcript.”

³² Cameron, “Interview Transcript.”

³³ “Rival Groups Outside Parliament House,” *The Canberra Times*, May 11, 1973, 1. The amendment was defeated 80 to 42; Warhurst and Merrill note that “After numerous parliamentary manoeuvres, the debate which surrounded this bill was to lead to the setting up of the Royal Commission into Human Relationships in August 1974.” Warhurst and Merrill “The Abortion Issue in Australia: Pressure Politics and Policy,” *The Australian Quarterly* 54, no. 2 (1982): 124.

The McKenzie Lamb legislation was ‘overwhelmingly defeated’ 98 votes to 23— ‘[a]nd it was simply because of the campaign’, states Tighe.³⁴ Symons notes that ‘Right to Life (RTL) campaigners lobbied every member of federal parliament, and their campaigning was very effective’.³⁵ *The Canberra Times* reports that the campaign mounted by the Right to Life Association was ‘one of the largest political campaigns seen in recent years against a particular piece of legislation’.³⁶ On the day of the debate, it was reported that ‘[t]he House of Representatives Tables Office has handled a total of 407 petitions opposing changes in the law on abortion, 145 up to May 5, 57 from then to May 8 and another 205 yesterday – the most tabled in one day. This would total several thousand signatures and more petitions are expected to be tabled today.’³⁷

The campaign against the Medical Practice Clarification Bill very much galvanised pro-lifers around the country. Where there had been pro-life organisations established and operating in the different states, the campaign of 1973 represented the first combined, interstate effort of the organisation that became known as the National Right to Life Association. Denise Cameron recalls that this ‘was made up of the affiliates from the states. And it had the authority to speak as the National Right to Life Association. It didn’t have a *physical* address. It was something that met regularly and to which the delegates flew from the other states.’³⁸ She further recalls:

I remember, after that time, going to Canberra and meeting a Greg O’Dwyer, and he came from Queensland. So, Queensland would tell you that theirs was the earliest movement, but that would just simply be a matter of months ... But certainly Greg O’Dwyer was a very early figure, and that was perhaps why Victoria didn’t necessarily have the control of the movement, because Right to Life was also established in Queensland.³⁹

Margaret Tighe adds:

Well, they had established one in Sydney. And there was one in South Australia. There wasn’t anything in Western Australia and I’m trying to think about Tasmania. I think

³⁴ Tighe, “Interview Transcript.”

³⁵ Symons, “Anti-Abortion Campaigning and the Political Process,” 2.

³⁶ David Solomon, “Liberals Plan New Bill on Abortion,” *The Canberra Times*, May 11, 1973, 1.

³⁷ “Abortion Issue to be Decided Today,” *The Canberra Times*, May 10, 1973, 1.

³⁸ Cameron, “Interview Transcript.”

³⁹ *Ibid.*

there was there. ... It was a *national* organisation, and there was this man named Greg O'Dwyer, who lived in Brisbane. And he was the national secretary of it. And it was sort of copying the National Right to Life Committee in the United States.⁴⁰

Denise Cameron comments further:

One of the early, very early Right to Lifers in South Australia and an excellent debater was a Ted Cleary. And he brought in a Dr Anderson, an obstetrician from over there as well. And there was Daniel Overduin. Now these people used to attend from South Australia the National Right to Life, and Winifred Egan would attend from Queensland along with Dr Arthur Crawford and a Dr John Simpson who were early presidents and vice-presidents. And Dr Arthur Crawford's claim to fame was that he was not a Catholic. So they were keen to put these people to head the movement!⁴¹

An early NRLA publication dated April 1973 notes the existence of state RTL groups in Queensland, New South Wales, Tasmania, South Australia, Western Australia, and Victoria. It includes in its listing affiliated organisations Human Life Research Foundation (which notes a Victorian contact address) and the Society for the Protection of the Unborn Child (SPUC) located in New Zealand.⁴²

In Victoria, Dr Michael Somerville – ‘a Catholic obstetrician, a very busy obstetrician: he had eight children of his own’ – was the first elected President of Right to Life, with Margaret Tighe as Vice-President and Joan Doyle as Secretary.⁴³ A year later, Somerville resigned because of work commitments. Tighe recalls that ‘they made me acting president until they found someone better. And [*laughing*] when I think how long I've been involved! And, I think they were looking around for some other doctor or somebody – I don't know. And it went on for some time, and finally they said, oh, you'd better be the president. So. That's what happened. Well, that was 1974 by then.’⁴⁴

Joan Doyle, meanwhile, had stood down, and Margaret Tighe asked Denise Cameron to join the committee as Secretary. Cameron's lack of administrative

⁴⁰ Tighe, “Interview Transcript.” Denise Cameron states: “I don't recall much in Tasmania.” Cameron, “Interview Transcript.”

⁴¹ Cameron, “Interview Transcript.”

⁴² *Life*, National Right to Life Association, Brisbane, April 1973. SPUC is a New Zealand organisation of the same name as SPUC in the UK, founded in 1970.

⁴³ Cameron, “Interview Transcript.” Dr Somerville was on staff at the Mercy Maternity Hospital, Melbourne, in the Department of Obstetrics and Gynaecology.

⁴⁴ Tighe, “Interview Transcript.”

experience made her uncertain, and so she discussed the situation with Joan Doyle and Rob Pardy. Doyle, she recalls, was ‘not happy, not happy about it at all’:

And she kept telling me, don’t take them on, don’t take them on. Don’t do it, don’t do it. Well, I think that she just found everyone was not satisfactory enough. And so I was taken a bit back when she encouraged me *not* to be secretary, but she was standing down herself, and I don’t know what she wanted to bring about. Complete collapse of it or not. But I agreed to be secretary at Margaret’s request. But Joan had stood down. However, I assumed that Joan would continue working, Joan and Rob, and I actually kept asking them to accompany me. And they came on one occasion, I think to a school or to some sort of a public meeting, and I just assumed that they’d keep on working. But I understand that they really only came once, and that was pretty well the end of Joan’s involvement ... [I]t was a mystery to me that she never really became involved any more in the movement. And it was all fairly tragic, because they had this great love of the unborn child, both she and Rob. They produced the first very good document, and I dare say Eugene was part of it too. It was a black and white document, booklet, called *Abortion and Social Justice*. That was the first manifesto that was put out. They were definitely always very interested in the poor and in social justice, economic social justice as well as the life issues.⁴⁵

Meanwhile, the affiliates from around the country continued to meet on a regular basis as members of the National Right to Life Association, but tensions began to become apparent. Tighe recalls:

But, you know what happens. Interstate rivalry ... [T]hey started squabbling. People in New South Wales were squabbling with the people in Queensland. The people in Queensland resented us because we were the most active. Et cetera, et cetera ... For example, with us, we would still be sending letters to members of Federal Parliament, for example, but we were doing it as the Right to Life Association of Victoria. And they would resent that ... And then the people in Sydney, New South Wales, they were resentful of the people in Queensland. They resented the Constitution. They were always talking about the Constitution. And they weren’t very active.⁴⁶

In interviews with members of Right to Life New South Wales, the picture painted of the Sydney-based affiliate diverges from that painted by Tighe. Carmel Jeffreys recalls that they were involved with ‘[l]obbying and meetings and branches’, that

⁴⁵ Cameron, “Interview Transcript.”

⁴⁶ Tighe, “Interview Transcript.”

they ‘had branches all over New South Wales’, and that they ‘were going out to the branches getting new members’. The branch with which Jeffreys was personally involved, the Liverpool branch, ‘had a committee of about ten, and about forty or fifty members’; she recalls that ‘it was quite an active branch, really’.⁴⁷ There were rallies and social events, and help for women via crisis pregnancy centres. Less mention is made of political lobbying, an activity preferred by the Victorian affiliate.

In 1978, Right to Life Victoria brought out Henry Hyde from the United States, the congressman who introduced the legislation to prohibit the Federal funding of abortions:⁴⁸

It was famous. It was really a great achievement for the [pro-life] movement in the United States. They used to say it was the light at the end of the tunnel ... And I remember talking to him and talking to him about the lack of political activity in general over the abortion issue. And he says, well, he says, you’ve got to try and get the others to do it, and if they won’t do it, you’ve got to do it yourself. I haven’t forgotten that. And that’s exactly what we did do, and created a lot of resentment.⁴⁹

It was not long after this that the role of President of National Right to Life Association became available.⁵⁰ Denise Cameron recalls:

And Margaret saw it as the opportunity to become President of the national body, which was basically a secretariat with representatives from the states, but would speak on behalf of all the states. You could always speak as president of Right to Life Victoria, but you couldn’t speak as the National President of the National Right to Life. So that was the importance, you see, of being the head of the national body, so that you could speak in their name and ultimately have influence on what they were doing back home in the states. So she thought that was a very important position.

...

And we lined up for the vote which was a secret ballot, and I as a representative from Victoria most certainly voted for Mrs Margaret Tighe. Most certainly. Even though I was temporarily distressed at the tensions, and even if I did prefer somebody else, which

⁴⁷ Carmel Jeffreys, “Interview Transcript,” interview with the author, May 22, 2014, Sydney, NSW.

⁴⁸ See also Coleman, “The Politics of Abortion in Australia,” 89.

⁴⁹ Tighe, “Interview Transcript.” Coleman puts this date at 1978: “The Politics of Abortion in Australia,” 89.

⁵⁰ Denise Cameron notes: “That must have been round about ’78, ’77 or ’78, because it wasn’t terribly long after that that relations deteriorated between us, mainly with [Margaret Tighe] and [Father] Eugene [Ahern]. And I must have resigned from Right to Life in 1978 I think.” Cameron, “Interview Transcript.” In email correspondence between Denise Cameron and the researcher, Cameron notes that she and a friend “believe it to have been 1977.” Cameron, email message to author, July 23, 2015.

I didn't – I didn't see anyone who would have been more competent, but I was a bit concerned that Margaret appeared to be getting offside with them all, and I thought it might have been better to take it a bit quieter and win over the support. But she obviously was very keen at that stage, and I certainly voted for her. To this day I suspect that she probably thinks that I didn't. And I'd like her one day to be confronted with the fact that I *did*! No way of proving it to her because it was a secret ballot!⁵¹

The vote, however, did not go in Tighe's favour. Cameron recalls: 'And we went back to Melbourne, and I think that she always felt, and I agreed with her, that it was an opportunity lost. Or she felt that it was an opportunity lost that was never going to be regained.'⁵²

Then, in 1979, the representatives from Queensland 'dropped a bombshell'. Tighe recalls that '[t]hey moved at our meeting that was here in our premises which we owned then on Brunswick Road ... to do away with the national organisation. They said, there's no need to have it because we just each work in our own states. It's mainly a state issue'.⁵³ Tighe highlights a conversation with Professor John Noonan, a Federal Court Judge from the United States, who had been invited to visit Australia by Right to Life Victoria in 1979.⁵⁴ She recalls: 'He said, look, you know, you can only encourage the others to do it. You've got to be politically active. You've got to have a national organisation also, speaking with a national voice, you know, about certain issues.'⁵⁵ In the wake of the disbanding of the national body, the decision was made to form a new organisation, Right to Life Australia (RTLA), headed by Tighe, which, she recalls, 'was just to be a political, essentially political lobby group, be able to work in Federal Parliament as well as elsewhere. Well, World War III was declared! Honestly, you've got no idea. Oh, it was terrible.'⁵⁶

⁵¹ Cameron, "Interview Transcript."

⁵² Ibid.

⁵³ Tighe, "Interview Transcript."

⁵⁴ John T. Noonan Jr, author of *The Scholastic Analysis of Usury* (Cambridge, MA: Harvard University Press, 1957), went on to write what would become a 'famous' monograph arguing for a change of the Church's stance on contraception by reason, he argued, that it had changed its stance on usury: see "Tokos and Atokian: An Examination of Natural Law Reasoning Against Usury and Against Contraception; note," *Natural Law Forum*, paper 109, 1965, accessed March 14, 2016, scholarship.law.nd.edu/nd_naturallaw_forum/109. For Noonan on usury, marriage, slavery and religious freedom, see "Development in Moral Doctrine," *Theological Studies* 54 (1993): 662-677. For a critique on Noonan's argument on usury, see Brian McCall, *The Church and the Usurers: Unprofitable Lending for the Modern Economy* (Ave Maria, FL: Sapientia Press of Ave Maria University, 2013).

⁵⁵ Tighe, "Interview Transcript."

⁵⁶ Ibid.

At the time, Richard Grant was on the Right to Life Victoria Executive Committee as Political Action Chairman, in addition to which he was Trustee of the organisation:

But it was early 1980 I noticed some material in the hallway of the Right to Life [Victoria] Office which indicated that a new organisation, Right to Life Australia, was being established, and that appeal letters were being sent out for funds. And as I had no prior knowledge of any such thing occurring, I asked questions to people like Margaret Tighe, who was President of Right to Life Victoria, what it was all about. And she told me then that, yes, in fact a new organisation was being established. So, and then I investigated into it further and then I decided that there were a lot of objections to the establishment of this organisation. Quite a few.⁵⁷

Grant's objections were that 'it appeared the body had office bearers common to Right to Life (Vic.), that it was independent of Right to Life (Vic.) and that Right to Life (Vic.)'s resources had been used to help establish the body'.⁵⁸ Additionally, Grant's concerns involved 'the potential for conflict in the situation where Margaret Tighe might make statements in her capacity as Director, Right to Life Australia, (e.g. re: in-vitro fertilization) which the State Council of Right to Life Association (Vic.) did not agree with'. Further, he had concerns in respect of 'the absolute control which Right to Life Australia had over the use of Right to Life Association (Vic.) staff and resources by virtue of the common office bearers even though State Committee decided to approve a working relationship between the two bodies'.⁵⁹

In a 'Special Letter' addressed to 'Fellow pro-lifers' on Right to Life Association Victoria letterhead and dated 3 July 1980, Tighe states that 'Right to Life Victoria is not funding Right to Life Australia. We have a separate phone, we have separate P.O. boxes, we have our representative (Helen Culliver) in Canberra, we have a separate account at the printers. Good, loyal and truly dedicated Victorian pro-lifers have willingly helped us in this work'.⁶⁰

⁵⁷ Richard Grant, "Interview Transcript," interview with the author, June 19, 2013, Melbourne, VIC.

⁵⁸ Richard Grant, "Background Paper: Personal Observations by Richard Grant on Formation of Right to Life Australia," n.d., 1.

⁵⁹ *Ibid.*, 2.

⁶⁰ Margaret Tighe, "Special Letter from Margaret Tighe," Margaret Tighe to "Fellow pro-lifers," correspondence, July 3, 1980, 3. Emphasis in original.

For many years, now, several of us have seen the need for a strong national organisation. Fr. Ahern made a special study of the work of American organisations in his time in Washington, and wrote over constantly and often, urging the establishment of a new group which will work specifically for the election of pro-life legislators at a Federal level. This work is simply not being done in Australia, except in Victoria.⁶¹

Another issue was the use of the name ‘Right to Life Australia’. There were concerns that there would be confusion, not just for members of the varying states and their branches, but for politicians as well. Richard Grant commented that:

the other states were totally opposed to the use of the name Right to Life in the name of this body, which seemed to be cutting across the activities of all the state bodies, see. And it caused great confusion if they used the name Right to Life Australia. Right to Life Victoria back in 1980 at State Council did say that they would support the establishment of Right to Life Australia at a vote at the State Council meeting. But at the same meeting, the motion that I put up, which was that they should not use the name Right to Life, was agreed to, my motion, but the Right to Life Australia organisation totally ignored that. Because, they said, well, it’s nothing to do with Right to Life what name we call it ... [T]hey said it’s up to them to decide what name to call it. So, that was just ignored.⁶²

‘Well, our response to that was that we were the ones who made the name prominent in Australia’, Margaret Tighe remarked.

And, so, we thought, well, why shouldn’t we use that name? Because, as I say, we had done that sort of work that the others weren’t doing. They did not run campaigns against pro-abortion politicians, and then they criticised us for doing so. And—oh, dear, I could tell you some stories! Anyway, you would have been, you would have been told that, I’m sure you would have been. Saying, they shouldn’t have used that name, and that was the problem. It wouldn’t have mattered if we’d called it Pro-Life Australia—oh! It would have been the same. Would have been the same reaction: they didn’t want us doing it full stop.⁶³

⁶¹ Tighe, “Special Letter,” 2. John and Barbara Willkes make mention of Fr Ahern in respect of his time in the USA: the body of an aborted baby girl – named by pro-lifers Mary Elizabeth Peace – was buried at Washington’s Mt Olivet Catholic Cemetery after a graveside Mass at which Fr Ahern celebrated: *Abortion and the Pro-Life Movement: An Inside View*, 176.

⁶² Grant, “Interview Transcript.”

⁶³ Tighe, “Interview Transcript.”

Right to Life Australia commenced operations in spite of opposition. Though attempts were made to restrict them purely to education, the new organisation persevered with political activity. The *Bulletin* noted that a significant contributor to what was termed by some as a ‘split’ was the ‘tactics that have embarrassed the otherwise conservative right-to-lifers’.⁶⁴ Coleman writes that ‘[t]here has been a good deal of animosity between the two associations since, the original RTL branches always being quick to publicly distance themselves from Tighe’s militancy, preferring to rely on more moderate strategies, particularly lobbying for legislative change, and peaceful demonstrations’.⁶⁵ One pro-life participant recalls that Right to Life Tasmania had changed its name to the Human Life Protection Society some years earlier, in order ‘to dissociate themselves from the aggressive action of some of the pro-life groups on the mainland, as Tasmanians call the rest of Australia’. This participant notes that ‘they didn’t want to be associated with the confrontational tactics that were being used, like praying outside abortion clinics, or carrying placards against abortion’.⁶⁶

Meanwhile, the state-based RTL organisations had formed themselves into the Australian Federation of Right to Life Associations (AFRLA, or ‘the Fed’). According to Tighe, ‘the Fed was promoted as THE voice of RTL in Australia and was essentially set up to counter us’.⁶⁷ Denise Cameron suggests that the NRLA disbanded only briefly in order to restructure, and that this was the intention prior to the formation of RTLA.⁶⁸ There was a concerted effort on the part of certain of the Federation states to make it plain where their allegiances lay. Cameron notes that ‘a lot of the other states, constantly, New South Wales and Right to Life Queensland and even the ACT in all the newsletters, newspapers, they would put in, ‘We are a member of the Australian Federation of Right to Life Associations. We are not affiliated with Right to Life Australia.’ And I considered that very, very poor.’⁶⁹ Ultimately, Queensland would disassociate itself completely from any immediate

⁶⁴ Quoted in McVey, “The Right to Life Offensive Since 1969,” 36.

⁶⁵ Coleman, “The Politics of Abortion in Australia,” 89.

⁶⁶ The name change is put at “about 1973.” Pro-life participant, “Interview Transcript,” interview with the author, January 6, 2014, Sydney, NSW. This interviewee did not wish to be referred to by their name, but rather according to ‘other means’, as per the HREC Informed Consent Form.

⁶⁷ Margaret Tighe, “The History of Denise’s Involvement in Right to Life Australia,” n.d., 2.

⁶⁸ Cameron, “Interview Transcript.”

⁶⁹ *Ibid.*

connection with Right to Life – ‘without any mandate from their membership, so I’m told’ – by choosing instead to identify itself as Cherish Life.⁷⁰

Cameron, upset by ‘the tensions with the National body’, resigned from RTL in 1978.⁷¹ In 1982, another new organisation – Pro-Life Victoria (PLV) – was formed, this time ‘because of the tensions in Right to Life and with Margaret in particular’.⁷² Cameron joined PLV, and spent some time on the committee before becoming Secretary in 1985:

I saw it as an opportunity to continue working for the movement. I was unhappy with, *very* unhappy with its running between ’82 and ’85. I thought they were naïve; I didn’t like the boastfulness that they were going to take over Right to Life. All this sort of thing. They had all sorts of problems with Right to Life themselves, and it was an organisation for the disenchanted to join.⁷³

Indeed, Tighe herself writes that the press conference at which the formation of the new organisation was announced ‘was given maximum publicity because the stated aim was to take over RTL in Victoria ... The press was delighted.’⁷⁴ Cameron recalls that the period between 1982 and 1985 ‘was like a powder keg’; her efforts were spent keeping members of Right to Life NSW ‘from publicly criticising Margaret Tighe, and my own organisation doing the same’.⁷⁵ When, in 1985, Denise Cameron took over as Secretary of Pro-Life Victoria, she was determined that such criticisms be further restricted. ‘And so the first thing I said, ‘Right, from now on, there’s not going to be any public comment between Pro-Life Victoria and Right to Life. There’ll be nothing, nothing, while I’m Secretary.’⁷⁶ According to Cameron, certain members of Right to Life NSW were ‘very, very hostile and very, very jealous of Margaret Tighe’.⁷⁷ Pro-Life Victoria was, for a time, a member of the Federation of

⁷⁰ Cameron, “Interview Transcript.” At the time of writing, the Cherish Life website states that they are “still connected with some Right to Life groups in other States of Australia and overseas,” and that they are “a separate organisation from Right to Life Australia (Victoria).” Cherish Life, “History of Cherish Life,” accessed July 11, 2015, <http://www.cherishlife.org.au/about-us/History>.

⁷¹ Cameron, “Interview Transcript.”

⁷² *Ibid.* The founding of PLV has been only very lightly touched upon here, and is an area for possible future research.

⁷³ Cameron, “Interview Transcript.”

⁷⁴ Tighe, “The History of Denise’s Involvement,” 2.

⁷⁵ Cameron, “Interview Transcript.”

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

Right to Life Associations but eventually withdrew, for reasons, says Cameron, pertaining to the treatment by the Federation of Tighe.

‘We’ve had so many splits,’ recalls one long-time member of Right to Life New South Wales. This member notes that, although Right to Life Australia began ‘in quite a hostile way’, they insist that Right to Life New South Wales is ‘great friends with them currently. And now, at this moment, we’re great friends with *all* the breakaway groups, but at different times that has not been so. There’s been hostility between the groups at different times, especially immediately after a breakaway, because often the breakaway has been hostile. But currently we’re great friends with them all.’⁷⁸

The story of the beginnings of Right to Life Australia is an important element in understanding the history of the pro-life movement in this country. It is important, too, in respect of the themes of the present thesis, inasmuch as it exemplifies the manner in which internal tensions bear upon identity construction. Further, this narrative sets the stage for the next act in the history of the pro-life movement, which act takes place against the backdrop of Right to Life New South Wales in Sydney.



Gail Instance names 1983 as the year in which she became an active member of Sydney’s Southern Districts branch of RTLNSW. Having grown up a practical Catholic in Brisbane, Queensland, she studied education at Kelvin Grove Teachers’ Training College, Brisbane, before travelling to England and teaching Infants school for two years in Luton. She was there when the Abortion Act of 1967 saw abortion made legal to twenty-eight weeks: ‘that woke me up to what abortion was all about and how they did it and that shocked me’.⁷⁹ In 1970, she was living in Sydney’s eastern suburbs and, as a member of the Rose Bay parish, she was invited to attend a meeting in Bondi Junction to discuss setting up a pro-life organisation—‘Probably

⁷⁸ Long-time member of RTLNSW, “Interview Transcript.” This interviewee did not wish to be referred to by their name, but rather according to ‘other means’, as per the HREC Informed Consent Form.

⁷⁹ Instance, “Recollections,” 16. For details on the Abortion Act 1967 (UK), <http://www.legislation.gov.uk/ukpga/1967/87/contents>, accessed November 17, 2014.

because in South Australia, at the end of 1969, abortion had been legalised ... up to 24 or 28 weeks or something. And it was on the radar. People could see it coming'.⁸⁰

The issue of abortion was indeed gaining momentum. It was in 1971 that Justice Levine made his ruling in the case of *R v. Wald* in New South Wales, expanding upon and further liberalising that made by Justice Menhennitt in the case of *R v. Davidson* in Victoria two years earlier.

Menhennitt J explicitly invoked the general legal defence of necessity and instructed the jury that acting with intent to procure a miscarriage would only be lawful if the accused held an honest belief on reasonable grounds that the abortion was both 'necessary' and 'proportionate'. The onus lay upon the Crown to establish unlawfulness by proving the absence of either necessity or proportion. 'Necessary' in this context meant the abortion was necessary to preserve the pregnant woman from a serious danger to her life or to her physical or mental health, beyond the normal dangers of pregnancy and childbirth, that would result if the pregnancy continued. 'Proportionate' meant the abortion was in the circumstances not out of proportion to the danger to be averted.

...

[The Levine ruling] established that an abortion would be lawful in that State if there was 'any economic, social or medical ground or reason' upon which a doctor could base an honest and reasonable belief that an abortion was required to avoid a 'serious danger to the pregnant woman's life or to her physical or mental health.' That danger might arise at any time during the pregnancy. The Levine ruling was based on the statement of the law in Victoria in the Menhennitt ruling, but was in the result somewhat more liberal. Like the Menhennitt ruling, the Levine ruling apparently permit[s] an abortion at any stage of pregnancy. Unlike the Menhennitt ruling, however, the Levine ruling seems to impose a requirement that an abortion be performed by a medical practitioner in order to be lawful.⁸¹

Such rulings galvanised concerned citizens, drew them together. At the preliminary pro-life meeting in Bondi Junction, two delegates were present from each of the

⁸⁰ "Might have been '71." Instance, "Recollections," 16. Natasha Cica notes that in South Australia "legislation was enacted in 1969 that clarified and generally liberalised the abortion law in that State. Under that legislation an abortion cannot be performed late in pregnancy-possibly from around 22-23 weeks of pregnancy, and certainly from 28 weeks of pregnancy-unless the abortion is performed in good faith solely to preserve the life of the pregnant woman. Earlier in pregnancy, however, an abortion can be performed whenever either the 'maternal health ground' or the 'foetal disability' ground is satisfied." Cica, *Abortion Law in Australia*, Laws and Bills Digest Group, August 31, 1998. http://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9899/99rp0. Interestingly, Symons notes that "[t]here are significantly less Roman Catholics in South Australia than in any other state, and this made passage of such legislation easier." Symons, "Anti-Abortion Campaigning and the Political Process," 2-3.

⁸¹ Cica, *Abortion Law in Australia*.

parishes in the eastern area of Sydney—approximately ‘twenty or thirty’ in total.⁸² Instance attended as a representative of Rose Bay.

A major thrust of the meeting was in respect of fundraising, with the intent of approaching potential donors in order to establish an office. Instance recalls that ‘they wanted everybody there to find two friends who could each contribute a hundred dollars. Now mind you this was 1970 or ’71. I think I was earning at the time maybe fifty dollars a week. Forty to fifty a week, can’t remember exactly. So, a hundred dollars was a couple of weeks’ wages, and I didn’t know anybody who had money’.⁸³

But even more challenging to Instance was the nature of the thinking behind this new organisation in respect of religion:

So this meeting, I think unwisely – but that’s easy to say with hindsight: but at the time I doubted – unwisely, I believe, decided *not* to have a Catholic as the head of this organisation. To try and bypass all those accusations that it was only these old men in Rome in dresses telling women what to do with their bodies. So in an attempt to dodge that kind of accusation, they wanted a non-Catholic person as the head of this organisation ... Yes, it wasn’t going to be a Catholic thing: keep religion out of it. Trying to stop their accusations that it was a religious issue. Because it was decided then that this was a human rights issue and that was the way it was going to be fought. That was 1971. And at the time—because again I’d only just come down from Brisbane. I wasn’t anybody. I didn’t know anybody. But at the time I thought, it’s not right. You can’t keep religion out of it.⁸⁴

Instance did not continue with this group, and is uncertain where it went from this point. It is possible that it represented a precursor to Right to Life New South Wales, an idea based on the fact that the first leader elected was Anglican Patricia Judge.⁸⁵ Sue Russell – along with approximately 200 other pro-lifers: ‘That was a pretty packed meeting’ – attended a public meeting in Anzac House, College Street, Sydney, early in 1973, to establish Right to Life in New South Wales, and cites as its first president Patricia Judge.⁸⁶ The element pertinent to this narrative was the

⁸² Gail Instance, telephone conversation with author, July 10, 2015.

⁸³ Instance, “Recollections,” 17.

⁸⁴ Ibid.

⁸⁵ Ibid., 16.

⁸⁶ Sue Russell, “Interview Transcript,” interview with the author, April 27, 2015, Sydney, NSW. There appears to be no clear consensus as to the date of the establishment of Right to Life New South Wales. Michael Baker states that the organisation “was established by Vince Nesbitt in 1970” Baker,

philosophy driving the meetings, and that in respect of the humanitarian – rather than religious – underpinnings of its formation.

‘[S]omewhere in the early ’70s’, Gail Instance joined Right to Life New South Wales.⁸⁷ Her early involvement in the organisation was as a financial member, in addition to which she ‘wrote a few letters and stuff through the ’70s, after it was set up’.⁸⁸ But it was in 1983, having viewed ‘a graphic film strip’ of a saline abortion, that Instance’s involvement in the organisation significantly increased. ‘And the picture of that child – red raw from being burnt from this saline – just stayed in my head for days. I would walk around the house and think: I’ve got to do something. Something’s got to be done about this.’⁸⁹ With the permission of her parish priest, she organised a screening of the film, an event which was attended by about a dozen people:

[RTLNSW Southern Districts branch president] Bede [McDougall] and [vice president] Frank O’Neill came and they showed the film. And of course at the end of it, Bede, who never let the grass grow under his feet, said to me, Will you come on our committee? So I remember coming home and saying to Michael, Oh, surely I could go to one meeting a month. Paul was only one or two at that time. I said, we can get the kids to bed and I can go to an eight o’clock meeting. Yes, fine. Once a month.

Well, that’s the joke of the century, because it was never once a month with Bede. He would have us every Sunday. We would go to a different parish in the area, the southern districts area. There were about twenty-two parishes. And we would either do a petition,

“Paul Brazier,” Super Flumina, http://www.superflumina.org/brazier_tribute.html#_ftnref1. Nesbitt is named as co-founder of RTL NSW, though no date is given. Vince Nesbitt, “Contraception and The Right to Life,” *Right to Life Association (N.S.W.)*, n.d., 4. (Though the clipping is not ascribed a date in reference to the publication, the article itself is dated September 17, 1986). In her tribute to Vince Nesbitt upon his death, The Honourable Elaine Nile stated that “[i]n 1972 Vince Nesbitt, together with Vince Davis, founded the New South Wales Right to Life Association, where he worked as the research officer and office manager,” Elaine Nile, Vincent Michael Nesbitt Tribute, NSW Legislative Council, *Hansard*, 3 May 2000, 5096-7. In a telephone conversation between the author and Tom Coleman, executive officer of RTL NSW at the time of writing, Coleman noted that the earliest date of extant minutes is 1978, though there is certainty that the organisation itself had been established some years before this. McVey claims that 1969 is RTL’s formation year (35), but does not differentiate between states. Long-time member states that RTL NSW was established “definitely during the sixties” and “probably” during the early sixties: Long-time member of RTLNSW, “Interview Transcript.” Early RTLNSW president and former Attorney-General The Honourable Greg Smith did not wish to be interviewed.

⁸⁷ Instance, “Recollections,” 18.

⁸⁸ *Ibid.*, 17.

⁸⁹ *Ibid.*, 1.

or have a talk or a table with literature and handouts and – almost every week. My kids grew up going from parish to parish waiting for Mum.⁹⁰

The willingness of parishes to be associated with or host such activities would very quickly diminish.

In time, Instance began accompanying other RTLNSW members on school educational visits. They were frequently asked about contraception. The fact that the organisation did not have a policy on the issue was never something about which she was completely happy:

[We] were always asked questions about contraception. And the answer, the official answer from Right to Life was always, ‘We don’t have a policy on contraception. That’s a Catholic issue, and there are members of this organisation that are not Catholics and don’t share this view.’ And on one occasion I remember someone saying, ‘There would be as many different opinions about contraception as there are people in this room. So we don’t take a stand on it; that’s an open question for us. We are only interested in the single issue: abortion, euthanasia. Those, you know.’ And I remember thinking at the time, ‘I don’t quite agree with that’—but I was an obedient member of Right to Life, and I thought, I’m the newcomer, so they must know. It never sat properly.⁹¹

It was a comment from a fellow parishioner that provided a prompt for more serious investigation. When asked by Instance to help to distribute Right to Life materials, the parishioner politely refused, stating that she didn’t support Right to Life because of their policy on contraception. Instance recalls: ‘And I said, but we haven’t got a policy on contraception. And she said, that’s the problem. You should have. She said, my priest brother says there should be a Catholic pro-life group. And I thought at the time, yeah, yeah, well, that’s probably true but, you know, that hasn’t happened and I didn’t see it ever happening. Well, not that I could do anything about it.’⁹²

Instance began discussing such issues with Bede McDougall – a profoundly charismatic and well-loved leader – and the idea that began to take shape for them was that contraception was a stepping stone to abortion. Instance recalls that ‘straight, simple reasoning told us that if somebody’s using a contraceptive, anybody,

⁹⁰ Instance, “Recollections,” 1.

⁹¹ Ibid.

⁹² Ibid., 2.

married or not, and you get pregnant: (a) you could have a husband who's travelling or in the navy or something and he's away and you've had an affair with the neighbour or somebody and you're pregnant, he knows it's not his child, what are you going to do about it? You're more likely to be tempted to abort.⁹³ It was 'logical'; a 'no-brainer'. 'And then we looked at *Humanae Vitae*. And of course that was addressed to all men of good will. Not just the Catholic Church. To all people of good will.'⁹⁴

Present, too, to these conversations about contraception were the potential abortifacient – that is, abortion-causing – capacities of the oral hormonal contraceptive pill. Although RTL did not have a policy on contraception, it did oppose abortifacients, including IUDs and, later, RU486.⁹⁵ At the State Conference of RTLNSW in 1985, McDougall moved a motion, seconded by Frank O'Neill, 'that the contraceptive pill be investigated in regard to abortifacient properties'.⁹⁶ Although one long-time member's memory is that RTLNSW 'definitely did' have a policy against contraception and that they 'always knew' about the abortifacient properties of the oral hormonal contraceptive pill, the fact that the motion passed and a research committee was formed to undertake investigation would seem to indicate that it was felt that more was needed, and that a policy proper was not in place.⁹⁷

Carmel Jeffreys recalls:

I don't know that there's anything to this day in the constitution of Right to Life New South Wales about contraception, IVF and all those things. But, they're still against it. But ... they concentrate on the abortion / euthanasia issue ... The others are very Catholic issues, I think. I mean, it's hard enough to get Catholics who are against abortion [*laughs*], let alone Catholics who are against contraception. I mean, the majority of them are using it. And IVF the same.⁹⁸

The issue of *in vitro* fertilisation (IVF) by this stage was stimulating much discussion within the organisation. Meetings were held across the state, and Instance attended

⁹³ Instance, "Recollections," 2.

⁹⁴ Ibid.

⁹⁵ Known also as mifepristone, RU486 is used with misoprostol to cause an abortion. It was developed by the French company Roussel Uclaf in 1980, and was first placed on the market in France in 1988. For the history of this drug, see Renate Klein and Janice G. Raymond, *RU486: Misconceptions, Myths and Morals* (North Melbourne, VIC: Spinifex Press, 1991).

⁹⁶ Bede McDougall, "A Short History of the founding of the Australian Catholics' Pro-Life Association in relation to St Bernadette's parish, Carlton," n. d, 1.

⁹⁷ Long-time member of RTLNSW, "Interview Transcript."

⁹⁸ Jeffreys, "Interview Transcript."

one at the RTLNSW head office in the city. It was here that she received the impression from President Robert McInerney that ‘he wasn’t really happy to have a policy opposing IVF’.⁹⁹

Appointed in 1951 to the staff of St Vincent’s hospital, Sydney, as Assistant Gynaecologist, ‘Dr McInerney was responsible for the management of acute complicated obstetric cases that found their way to the hospital’.¹⁰⁰ He practised at both St Vincent’s and St Margaret’s hospitals, and soon became ‘Sydney’s most fashionable obstetrician’.¹⁰¹ Denise Cameron recalls he and his wife, Betty, ‘were socialites, very much socialites’, and that ‘they were good and decent people, and he was a good and decent doctor. And he was the chief doctor for all the Catholic hospitals and so forth. He was very Catholic’.¹⁰² McInerney’s work expanded and, after visiting the ‘Father of Fetology’, Dr William Liley, in New Zealand, he became, in 1964, the first Australian obstetrician to successfully perform a blood transfusion on an unborn patient.¹⁰³ By the time of the RTL State Conference, his work had further expanded: one long-time member of RTLNSW recalls that ‘he worked on GIFT [Gamete Intra Fallopian Transfer] until the Pope said you weren’t to do that. Because he thought that was an acceptable form of ... assisted reproduction’.¹⁰⁴ It was work, Instance believes, that created for McInerney a tension, such that ‘he was *hesitant* to actually endorse a policy opposing IVF’.¹⁰⁵

We’d had a talk at one of the conferences by [Catholic bioethicist and academic Dr] Nick Tonti-Filippini who had investigated IVF and found it wanting. He said it’s like a production line. You order your baby and you get what you want, you know. And many are lost. There’s a huge wastage of life. All the little embryos ... they’re all stored and frozen and many of them are left to die and many of them are destroyed because they’re

⁹⁹ Instance, “Recollections,” 3.

¹⁰⁰ “Vale Dr McInerney,” *Clinic Cable: The Newsletter of the St Vincent’s Clinic Community*, no. 2 (2014): 2. <http://exwwwsvh.stvincents.com.au/assets/files/pdf/D/Alumni/2014/2014%20-%20june%20-%20winter%20edition%20of%20clinic%20cable.pdf>.

¹⁰¹ Long-time member of RTLNSW, “Interview Transcript.” This member notes also that “one of my sisters-in-law utilised his services, and he was known to his patients as ‘Bobsy’”.

¹⁰² Cameron, “Interview Transcript.”

¹⁰³ Cameron recalls: “I was on duty, but only in the sluice room, the day they attempted the first one in Australia. The intrauterine blood transfusion” Cameron, “Interview Transcript.” For further information on fetal surgery, and on Dr William Liley, see Monica Casper, *The Making of the Unborn Patient: A Social Anatomy of Fetal Surgery*, (New Brunswick, NJ: Rutgers University Press, 1998).

¹⁰⁴ Long-time member of RTLNSW, “Interview Transcript.” The Congregation for the Doctrine of the Faith’s document *Donum Vitae*, which pronounces the illicitness of reproductive technology, was promulgated in 1987, the year after these events had taken place.

¹⁰⁵ Instance, “Recollections,” 4.

not wanted. He said it's a *huge* waste of life and it's a production line. It just makes babies a product.¹⁰⁶

A questionnaire had been sent out to all branches in order to ascertain the views of members throughout the state. When these were returned and the information collated, Instance recalls that 'nobody in *any* of the branches did not oppose IVF'; 'there wasn't a single branch that supported IVF. Everybody was against it. But nothing happened'.¹⁰⁷

Meanwhile, it was assumed that the research committee formed to investigate the abortifacient capacity of the oral hormonal contraceptive pill was actively engaging with the task at hand. However, 'subsequent questioning revealed that nothing was actually being done'.¹⁰⁸ Instance and McDougall themselves began to examine the manner in which the contraceptive pill worked and so obtained a copy of 'the pharmaceutical bible', the Monthly Index of Medical Specialties (MIMS).¹⁰⁹ They discovered that different pills had different modes of action, but that every one of them worked to impede nidation, that is, to prevent the fertilised egg from implanting in the lining of the uterus, such that it dies.¹¹⁰

It was this discovery that McDougall and Instance considered would bear weight with their organisation. Though they were aware that the contraceptive pill did not always work to impede nidation, the fact that it had the potential to operate in this manner was sufficient grounds for them to bring their discovery to the attention of RTLNSW in the hope of strengthening and formalising the organisation's stance against the contraceptive pill. In advance of the 1986 State Conference of RTLNSW, the Southern Districts' Branch 'confidently' submitted two motions: '(i) that the

¹⁰⁶ Instance, "Recollections," 3.

¹⁰⁷ *Ibid.*, 3-4.

¹⁰⁸ McDougall, "A Short History," 1.

¹⁰⁹ Instance, "Recollections," 2.

¹¹⁰ The Dictionary of Obstetrics and Gynecology describes the hormonal contraceptive as follows: "**contraception, hormonal:** form of contraception introduced in 1960, based on the regular ingestion of preparations containing estrogen/gestagen or pure gestagen preparations in accordance with a specific schedule and also their parenteral administration. The mode of action of the steroid* hormones used is based not only on the inhibition of ovulation through gonadotropin inhibition, but also, depending upon the type of hormone and the dosage, upon changes in the cervical mucus (which makes the migratory ascent of the sperm cells difficult or impossible), changes in the endometrium (which impedes or prevents the nidation of a fertilized ovum), and the inhibition of tube motility" Christoph, Zink ed., *Dictionary of Obstetrics and Gynecology* (Berlin: Walter de Gruyter, 2011), 54-55.

Association adopt a policy opposing all forms of contraception and (ii) that the Association adopt a policy opposing IVF.’¹¹¹

Shortly thereafter, however, the Southern Districts’ Branch received two visitors: Kath Harrigan, Secretary of Right to Life; and Sue Bastick, ‘who was a councillor, high up, well liked, well respected’.¹¹² The Southern Districts’ Branch was asked to withdraw the motions. Instance recalls: ‘And we said no. Ah, this is important and the association *should* have policies opposing these things: they’re anti-life.’¹¹³ In the debate between Bastick and Instance that ensued, Instance recalls that Bastick ‘almost won the branch over because she was a good debater’:

She almost won everybody over by: this is a single issue, we can’t branch out into every policy under the sun, we have to stick to what we were set up to do and that is oppose abortion and euthanasia. And I could see around the table that she was winning some people, you know, they were sitting and nodding. And in fact she did win some of them over. But, because I spoke last I had the advantage I think because I’d already heard what she’d said. And, I quoted Bob Santamaria, about the lemmings going over the hill, you know, that ... anyone going the opposite direction would have seemed to have been quite stupid, but they were the ones that didn’t and the rest of them went over the cliff, so. Didn’t know at the time that Sue had grown up through the university as [a member of] one of the clubs that ... Bob had set up. And she was a real devotee, and we all were of Bob: he was brainy. Anyway. I won the debate. We had a vote and I didn’t win by much because the branch was almost split down the middle, but we did have a bit of a majority.’¹¹⁴

The motions remained. Sue Russell was Secretary of the State Council at the time and recalls that ‘there was great expectation about what would happen at that meeting, how the vote would go. ... [I]t was a motion on notice so we all knew about it and it was obvious there were [members] for and against.’¹¹⁵ Instance recalls:

[Dr Robert] McInerney was present as the president because just prior to the conference, a report had been prepared, a president’s report, that was sent around to all the branches to have a look at, and he had commented on our motions, and he had said contradictory things, which surprised all of us. He said, ‘We can’t have a policy opposing

¹¹¹ Instance, “Recollections,” 3. McDougall, “A Short History,” 1.

¹¹² Instance, “Recollections,” 4.

¹¹³ *Ibid.* 4.

¹¹⁴ *Ibid.*, 5.

¹¹⁵ Russell, “Interview Transcript.”

contraception because that's a Catholic issue and we're not a Catholic organisation.' And then the IVF issue: 'We can't have a policy on IVF because the Catholic bishops haven't spoken yet.' We're not a Catholic organisation but the Catholic bishops haven't spoken yet. So it was before *Donum Vitae*. So we thought, well this is very odd.¹¹⁶

When, shortly thereafter, the motions were formally moved by the Southern Districts' Branch at the State Conference, the ensuing discussion revealed the general sentiment of the members present: supporters of the motions 'were put down seriously':

There was a Protestant in the audience, I don't know how many others there were but there was certainly one man who was definitely identified as a Protestant, because [he was] asked for his opinion on these issues and he stood up and he said, I have asked my pastor about contraception and he said there's nothing wrong with it. In fact, he said, my wife is on the pill, and I am scheduled for a vasectomy next week. And he was applauded. That shocked me.¹¹⁷

Sue Russell recalls that the discussion, 'as any controversial issue is at a meeting ... was very upsetting and very stressful'; 'I'm ashamed to say now that I was against [the motion] because in hindsight I believe that the people who wanted that as part of the Right to Life policy were right. But because we weren't a Catholic organisation, *only* because we weren't a Catholic organisation, I felt that we couldn't do it.'¹¹⁸

McDougall writes that the 'overwhelming majority' of those present at the State Conference were Catholic: 'RTL argued wrongly that contraception was a 'Catholic' issue and as it was a non-denominational organization, it could not have a 'Catholic' policy'.¹¹⁹ Key points presented by Sue Bastick at the Southern Districts' Branch debate and generally adhered to within the organisation were reiterated here: that it was vital that the organisation retain a 'single issue' focus by concentrating, as it had been set up to do, on abortion and euthanasia alone; and that these issues be

¹¹⁶ Instance, "Recollections," 5.

¹¹⁷ Ibid. McDougall's account states that the wife was "having her tubes tied" the following week, rather than the husband having a vasectomy. McDougall "A Short History," 1. For those in favour of the motion, the point remained.

¹¹⁸ Russell, "Interview Transcript."

¹¹⁹ McDougall, "A Short History," 1. Symons notes that "[i]n recent years evangelical Protestants such as Uniting Church minister Rev. Fred Nile in New South Wales and Pastor Danny Nalliah of Catch the Fire Ministries in Victoria have resulted in large numbers of non-Catholics joining the anti-abortion cause in big numbers, but in the early years of RTL activity in the cause was overwhelmingly Catholic." Symons, "Anti-Abortion Campaigning and the Political Process," 2.

argued from a human rights point of view, rather than from a religious one. When finally the motions came to the vote, they were both defeated ‘resoundingly’: ‘[i]t wasn’t anything like a cliff hanger. It was about seven or nine of us voting for those motions and the rest dead against it.’¹²⁰ Out of ‘something like fifty plus delegates at this conference’, McDougall notes that ‘only nine delegates [voted] in our favour’.¹²¹

Later that year, when Vince Nesbitt wrote his article ‘Contraception and The Right to Life’, he noted that, prior to becoming a Federation in 1979, NRLA had adopted a policy which condemned abortifacient forms of contraception (and which, interestingly, was not referenced by any of the interviewees, regardless of their position on the issue). While this condemnation was pronounced ‘in general terms’, it fell short of the absolute condemnation of contraception in all of its forms for which Instance and McDougall had argued at the 1986 State Conference. Answering to such a position, Nesbitt stated that the organisation did not ‘confuse a right to life with a right to be conceived’; he stated, too, that their concerns were ‘post-conceptive concerns’, ‘non-denominational’ and pursued ‘publicly within secular dimensions’.¹²² Ultimately, the philosophy held to by the NRLA and that held to by Instance and McDougall and others were worlds apart.

The failure of the motions to pass in the State Conference of 1986 represented a key moment in the lives of Instance, McDougall and others from the Southern Districts’ branch of RTLNSW, as well as a key moment in the history of the pro-life movement in Sydney. Instance recalls: ‘I remember walking out of the conference, and as we were going down the road, we thought, well, what can we do? We can’t stay in this organisation any more. We’ll have to do something. We’ll resign.’¹²³ And resign they did.

According to Carmel Jeffreys, a member who remained within RTLNSW, the resignation came as a result of ‘a clash of personalities’:

At that stage Kath Harrigan was in the office and working voluntarily five days a week, and was a driving force behind Right to Life. She got a lot of volunteers working for them and, you know, it was doing well. Gail and Bede wanted it very much to be

¹²⁰ Instance, “Recollections,” 5. On the previous page, Instance states that there were nine members who voted in favour of the motions.

¹²¹ Ibid., 4. McDougall, “A Short History,” 1.

¹²² Nesbitt, “Contraception and The Right to Life,” *Right to Life Association (N.S.W.)*, c. September 1986, 4.

¹²³ Instance, “Recollections,” 5.

Catholic. I can see why, but I can also see why the Right to Life didn't want to be known as Catholic, because they have a lot of non-Catholic members for a start, and they thought that the abortion issue and the euthanasia issue was enough to concentrate on. Whereas [McDougall and Instance and others] wanted to go on to other things: they wanted to go on to homosexuality, for example, and other things. And although Right to Life was against those sorts of things, they didn't feel as an organisation that they should take it on. And I think that's where the split came.¹²⁴

One long-time member of RTLNSW comments:

[T]he reason as far as I recall, the reason that that group split off was that they wished our organisation to be more religious. And we wanted Right to Life to remain secular, and human rights based. Because in the Declaration of the Rights of the Child it says the child, because of its vulnerability, deserves special attention – I can't remember what the exact wording is – special care, both before and after birth, you see, which is of course obviously against abortion, isn't it. And so we wanted it to remain human rights based, and of course right to life itself is a human right—see? And we have kept to that, but these people that broke off wanted it to be more religious.¹²⁵

Vince Nesbitt likewise reflected upon the debate and the ensuing split, penning the following words:

RTLANSW has many Catholic members who are required by their church's teaching to avoid and oppose artificial methods of birth control. Its members include adherents of other faiths, or perhaps of no faith, who hold the same principles. We are not asking them to abandon any of their principles, but merely to exercise on behalf of the Association only those pertinent to its work and shared by all its members. This does not mean that we oppose or deprecate other principles they hold.

To satisfy the remainder of their principles in the social order, they may work privately to this end or join (or if necessary form) another organisation working in an appropriate field, that may or may not be a pro-life body. Short of doing this, one ventures to suggest that their resignation from [RTLNSW] because it applies only some of their principles is to deprive it of support it badly needs, as well as deprive themselves of a structure and experience of great value in their pro-life effort. To work to impose on [RTLNSW] as policy total opposition to contraception would serve only to alienate those who do not conscientiously share these principles, to split and destroy what it has taken years to

¹²⁴ Jeffreys, "Interview Transcript."

¹²⁵ Long-time member of RTLNSW, "Interview Transcript."

establish, to impede the urgently necessary work of protecting human life from its beginning to its natural end.¹²⁶

McDougall stated that RTLNSW president Dr Robert McInerney later ‘admitted that sometimes the pill did act as an abortifacient. However, as [RTLNSW] was beginning to attract a few Protestants at the time, they denied the truth. As a result, they lost some good Catholics who were the backbone of the Southern Districts’ Branch, the largest branch they had.’¹²⁷ Recalls Sue Russell: ‘[I]t’s just brought it all back to me, just talking about it, just how sad it all was when you look back’.¹²⁸ ‘I suppose I can only speak for myself because nothing was really voiced that I can remember about what people thought. I mean, obviously there was disappointment. But I, yeah, I guess, I just thought it was a shame.’¹²⁹ Further, she notes that: ‘It’s a shame really that Right to Life wasn’t a Catholic organisation then we would have probably done a lot more, because having a few non-Catholic members didn’t really help us do anything.’¹³⁰

Instance referenced a letter received from a fellow member in which they were asked to ‘please reconsider’:

They didn’t really want to lose us. Didn’t care about me, but they didn’t want to lose Bede. Because he had probably the most active branch in the state. It was a strong, good, healthy branch, and he would have been a big loss. And I’d been going into schools, because I’ve got a gift of the gab, so I would have been slightly missed but easily replaced. But Bede wasn’t easily replaced. You don’t [often] get a president that’s got people following them every day of the week.¹³¹

But the break had been made; a new trajectory had been taken and a new era begun in the Australian Catholic pro-life movement. It could, in fact, be argued that this was the beginning of the Catholic pro-life movement proper in Sydney, inasmuch as that which followed was to be, for the first time, distinctly Catholic in nature and identity. In time, one of the things that begins to become apparent is that the number

¹²⁶ Nesbitt, “Contraception and The Right to Life,” *Right to Life Association (N.S.W.)*, September, 1986, 4.

¹²⁷ McDougall, “A Short History,” 1.

¹²⁸ Russell, “Interview Transcript.”

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ Instance, “Recollections,” 10.

of clerics involved is not as great as might have been expected, especially in view of this distinct Catholic character. It could be said, then, that the pro-life effort becomes more and more identified as a lay movement within the Church.

We have seen in this chapter the manner in which early aspects of the pro-life movement in Australia began to assemble, and the manner, too, in which they began to split. Of particular interest is the way in which internal tensions regarding Church teaching on contraception and IVF influenced members of the movement such that a new, pro-life lay organisation was formed. The following chapter will trace out further the manner in which this group, which we can now refer to as the Association, strengthened its Catholic identity and character, and this by means of distinctly Catholic activity.

From the 'secular' to the avowedly religious: a clear and Catholic identity

It had been Gail's dream for a *very* long time to have an actually Catholic pro-life association, because she felt that only that way could all of the issues be addressed.¹

Our pro-life work is not just beginning. Rather it is continuing, but continuing with a significant difference. A new dimension has been added.²

The inaugural meeting of the new organisation – that is, of the Association – was held beneath St Peter's Catholic Church, Surry Hills, in the Marian Centre, the headquarters for the Servants of Mary, Help of Christians, in October of 1986. The president of the Servants of Mary, Brian Burgess, had been speaking to Instance and McDougall about the need for a specifically Catholic pro-life group, one which could 'tackle pro-life issues from a Catholic perspective'.³ Instance and McDougall had agreed: 'we could see quite clearly that an organisation that was a nondenominational organisation was not going to promote what the Catholic Church was teaching on these issues, even though they were teaching natural law. And that's binding on everybody.'⁴ This chapter aims to show the early development of the Association and of its distinctly Catholic identity by means of its engagement with

¹ Lee Kendrick, "Interview Transcript," interview with the author, March 2, 2013, Sydney, NSW.

² "Editorial," *ACPLA Newsletter*, March/April, 1987, 2.

³ The Servants of Mary, Help of Christians, is a lay Catholic organisation founded in Sydney in 1976 to promote devotion to the Blessed Mother. Servants of Mary, "Our Story", accessed January 26, 2016, <http://servantsofmary.wix.com/servants-of-mary#!apostles-of-mary/c1kqw>. Instance, "Recollections," 6.

⁴ Instance, "Recollections," 6.

Catholic practices and continued adherence to Church teaching. It will show the development of the prayer vigils held by the Association outside of abortion facilities, the introduction to spiritual mentor Monsignor Philip Reilly and the ensuing sophistication of approaches. The chapter will trace out the relationship between the Association and Father Paul Marx, founder of the US-based international pro-life organisation Human Life International (HLI). Through this will be shown the manner in which the Association's identity is further strengthened and delineated, and is so in opposition to those within the pro-life camp.

Lee Kendrick recalls that '[i]t had been Gail's dream for a *very* long time to have an actually Catholic pro-life association, because she felt that only that way could all of the issues be addressed':

[b]ecause the other pro-life associations – Right to Life New South Wales, particularly, but not only Right to Life New South Wales – were very concerned that if an organisation professed itself to be Catholic it would alienate the Protestants and any other people of good will, even though the membership of all of the pro-life associations was always *overwhelmingly* Catholic. There were very, very few non-Catholics involved. But they just really didn't want: one, to be seen as being Catholic; and, more specifically, they didn't want to touch contraception. Must have been too much of a hot potato, perhaps. Maybe they thought they would alienate people if they actually had a policy against contraception.⁵

For those forming this new group, it was no accident that the date chosen for the meeting was that following the Feast of Our Lady of the Rosary, which feast was instituted by Pope Pius V subsequent to the defeat of the Turkish Muslims by the united naval forces of Venice, Spain and the Holy See on 7 October 1571. Pius V had entrusted the Christian fleet to the protection of the Blessed Virgin, and had asked 'the entire Christian world to unite in saying the prayers of the rosary'. Skowronska recounts: 'In the battle, at a critical moment when it seemed the Christian forces, who carried the banner of Our Lady of Guadalupe, would lose, an unexpected wind arose and caused the Turkish navy to fall into total disarray.'⁶ Mitchell notes that a 'fateful link was thereby forged between the political and

⁵ Kendrick, "Interview Transcript."

⁶ Wanda Skowronska, *Roadside Contemplatives* (Sydney, NSW: FLI, 2007), 23.

military fortunes of Christian armies and Mary's powerful intercession.⁷ With the Turkish fleet thus defeated, Pius V honoured the Blessed Virgin for her help in gaining victory over the enemy, freeing 12,000 galley slaves and securing the safety of Europe—and he did so by establishing the Feast of Our Lady of Victory. Two years later, Gregory XIII renamed it the Feast of Our Lady of the Rosary.

Further, because she is portrayed as pregnant, the image of Our Lady of Guadalupe beneath which the Christian naval forces sailed into battle is known also as the Patroness of the Unborn.⁸ The commencement date, then, of the new organisation – 8 October 1986 – came laden with significance, especially in respect of the fact that the rosary was to be chief of its 'spiritual weapons'.⁹ From the beginning, the Association placed themselves beneath the patronage both of Our Lady, Help of Christians, and of St Joseph of the Holy Family, and prior to the commencement of formal proceedings, members recited a decade of the rosary before the Blessed Sacrament.¹⁰ This focus on prayer was to be the key component of the Association. All things considered, everything was done to identify the Association as specifically and clearly Catholic. But if the new organisation identified itself by way of clear distinction from Right to Life and more Protestant elements, it would soon end up doing something similar within the larger Catholic community as well.

At that first meeting, Brian Burgess presented attendees with a preliminary Constitution, and there was general discussion as to an appropriate name for the new association. Though 'Mary Help of Christians Pro-Life Apostolate' was the title generally agreed upon, by the following minuted meeting, 19 January 1987, the name 'Australian Catholics Pro-Life Association' (ACPLA) was firmly in use. The word 'Catholics' was chosen over 'Catholic' because the group could not 'claim to be an official Catholic organisation ... We were Catholics: it was our organisation:

⁷ Nathan D. Mitchell, *The Mystery of the Rosary: Marian devotion and the Reinvention of Catholicism* (New York: New York University Press, 2009), 22. Mitchell explores the significance of the rosary post-Trent in respect of the Church's emergence as no longer "defensively preoccupied by a 'Counter Reformation' but as a proactive community of renewal ready to reinvent itself" 2.

⁸ For a detailed account and analysis of the revelation of Our Lady of Guadalupe to Juan Diego in 1531, see Eduardo Chávez, *Our Lady of Guadalupe and Saint Juan Diego: The Historical Evidence*, trans. C. Treviño and V. Montañó (Lanham, MD: Rowman and Littlefield, 2006); also chapters six and seven of John Martin's *Roses, Fountains and Gold: The Virgin Mary in History, Art and Apparition* (San Francisco: Ignatius Press, 1998). For an exploration of the connection between the Battle of Lepanto and Our Lady of Guadalupe, see chapter three of Skowronska, *Roadside Contemplatives*.

⁹ Instance, "Recollections," 32.

¹⁰ *ACPLA Minutes*, October 1986-October 1987, October 8, 1986.

Catholics' Pro-Life Association—with an apostrophe. So we thought at the time, oh, we'll think of a better name than that because it was such a mouthful, but we never did.'¹¹

After formalising the new organisation, one of the Association's first jobs was to gather supporters. Their break from Right to Life New South Wales had left them without a mailing list and hence without support. Burgess – 'God bless him and God rest his soul' – invited them to send out their first appeal to people on the mailing list of the Servants of Mary.¹² 'So those on his mailing list who got our first newsletter and responded – I think we had a subscription of about ten dollars a year or something – they became our first supporters.'¹³ By April 1987, six months after their foundation, there were members in every state except for Tasmania and the Northern Territory. Two months later, their 145 members included two bishops and ten priests. Membership drives proved more and more successful, such that, by September of the same year, the committee felt that the printing of 10,000 membership brochures was warranted.¹⁴

The focus of the group, from the beginning, was prayer and faithfulness to the Magisterium, the official teaching of the Catholic Church. They were seeking a 'spiritual means to an end'—'that was our aim. To do what the other groups weren't doing. We kind of left all the politics to them. We would get involved in a political campaign if there was, you know, one going. Our members also would take a part in the letter writing or the petitions or whatever. But we concentrated on what they *weren't* doing.'¹⁵ The editorial in their first published newsletter highlighted this: 'While we believe that picketing and marching and letter writing have their place and are important because they keep the issues before the people's minds, without the power of prayer all these actions are totally inadequate. ... Our pro-life work is not just beginning. Rather it is continuing, but continuing with a significant difference. A new dimension has been added.'¹⁶

This 'new dimension' included a focus upon personal holiness: 'For our part, we must remain faithful. We must redouble our efforts. Our lives must, individually

¹¹ Instance, "Recollections," 6. There is little consistent use of the apostrophe in the early writings, and documents frequently bore the title without it. Although it was used in McDougall's *Short History*, it was dropped from the earliest of the newsletters.

¹² *Ibid.*, 7.

¹³ *Ibid.*

¹⁴ *ACPLA Minutes*, October 1986–1987, September 14, 1987.

¹⁵ Instance, "Recollections," 13, 8.

¹⁶ "Editorial," *ACPLA Newsletter* 1, March/April, 1987, 2.

and collectively, be lives of prayer and penance. Our loyalty to the teaching authority of the Church must never be in doubt. Our promotion of that teaching must be courageous and unceasing.’¹⁷ Accordingly, they encouraged their members to participate in *distinctly* Catholic activities. The first newsletter drew attention to the Perpetual Adoration before the Blessed Eucharist at St Joseph’s Church, Neutral Bay, and encouraged the participation of members, asking that they pray specifically for the pro-life cause.¹⁸ Mention is made, too, of the parish prayer vigils – ‘for the unborn and the closure of abortion clinics’ – held in a different church each month, at which members and friends of the Association spent several hours of a Friday night in prayer and adoration.¹⁹

Notable is the manner in which the new organisation referred to their work: ‘When we united our efforts under the Patronage of Our Lady Help of Christians and her most chaste spouse St. Joseph, our work became God’s work in a very real way’.²⁰ It is surely significant that this formative step in the life of the movement is defined not only as being distinctly Catholic – in that it was formed to distinguish it from more Protestant sensitive groups – but as being *God’s* work.



Prior to the formation of the Association, Bede McDougall had begun to organise prayer vigils outside of an abortion facility in the suburb of Arncliffe. Although not an official RTLNSW activity, many of the participants in the vigil were members of the Southern Districts’ branch. The group – sometimes numbering more than a hundred – would meet in a nearby park, process with a police escort to the exterior of the facility, then arrange themselves on the footpath and begin to pray.²¹ Gail Instance recalls: ‘There was no violence, no fighting, no chanting slogans, no nothing. We would just stand on that corner and say rosaries and sing hymns. We didn’t even talk to anybody. And if somebody drove in or out we would stand back

¹⁷ Ibid.

¹⁸ “Perpetual Adoration Before the Blessed Sacrament,” *ACPLA Newsletter* 1, March/April, 1987, 11.

¹⁹ “Prayer Vigils in Our Churches,” *ACPLA Newsletter* 1, March/April, 1987, 4.

²⁰ “Editorial,” *ACPLA Newsletter* 1, March/April, 1987, 2.

²¹ Instance, “Recollections,” 12.

and let them in or out. No attempt to stop anybody. Now that was early eighties. So Bede was miles ahead of everybody I reckon.’²² Lee Kendrick recalls:

I remember hearing about an abortion clinic just in the next suburb, and of knowing that people were going to pray outside it. My mother and my sister-in-law were going to pray outside it. And on a Saturday morning, I started leaving the children with my husband just for half an hour or an hour, and just walking the little distance to the abortion clinic and praying outside it for a little while. ... [I]t was on Forest Road, which is a very busy main road. It was on a corner. There were a lot of people coming to pray. People, I think, in our parish and local parishes were quite shocked that something like that was on their doorstep. And so I remember quite large numbers of people – I’m not sure how many: thirty, forty, fifty, maybe even more – being gathered together, standing on the street outside, and praying the Rosary. That’s my memory of it.²³

McDougall and others began to actively support a member of Rockdale Council, Tom Hanratty, who was likewise working to close down the facility. Instance recalls:

So, the council got the *clear* message there were a lot of people who want that place shut. And it did shut ... So we gave great thanks to God for the closure of that clinic. That was about 1981 or ’82. And I said to Bede after we had set up ACPLA that the only clinic that I was aware of in Sydney that had shut, had shut because there were prayers outside and people going and, you know, praying about it. So I said we ought to do that as ACPLA. That’s one of the works we should do.²⁴

The decision was made, then, to pray outside of ‘Contraceptive Services’, the abortion facility operated by Dr Neville Marinko on Macquarie Street, opposite Parliament House, in a building which contained a number of specialist medical services. The experience of praying with just a few people in the middle of the city was quite unlike that of praying with ‘a hundred plus people’ on a suburban corner, even one on a very busy road.²⁵ ‘And I must admit that the first time we stood in the street, just this little group, and blessed ourselves and started saying the Rosary, was

²² Ibid., 60.

²³ Lee Kendrick, “Interview Transcript.”

²⁴ Instance, “Recollections,” 12. Reference is made in *Hansard* by Jim Cameron, Liberal member for Northcott, to the ‘close associations’ between the Attorney-General and the company which owned the land on which this abortion facility was located, which reference the Attorney General refers to as “despicable.” Jim Cameron and Frank Walker, Ceil Services Pty Ltd, Legislative Assembly, NSW, *Hansard*, 25 November 1981, 812-814. See also *The Sydney Morning Herald*, November 26, 1981, 8.

²⁵ Instance, “Recollections,” 12.

very embarrassing. ... This was in the middle of town and on a Monday. We chose Monday. Monday lunchtime. A lot of people coming and going.²⁶ The small group prayed for an hour, then walked to nearby St Mary's Cathedral for Mass.

In these early days, it was the policy of the Association not to carry banners or anti-abortion signs: 'We take with us a Crucifix and our Rosary Beads', read the newsletter.²⁷ Instance recalls:

We certainly didn't have the posters and things that we use now. Perhaps in those days, we were still following the Right to Life line. It took us a while to un-think a lot of that stuff. Because you get conditioned. When you're in one organisation you get used to the way they do things. And they weren't keen on abortion pictures. ... Don't show the pictures and don't bring religion into it. And they were pretty well rules set up by the opposition. And it took us a while to realise that.²⁸

In time, this policy began to shift: 'We eventually made ourselves just a little cardboard sign that just said 'Pray the Rosary to end abortion.'²⁹

By publication of the July/August 1987 issue of their newsletter, members of the Association were present in prayerful vigil outside of five abortion facilities every week. This number had consolidated to four by publication of the February/March 1988 newsletter, which issue noted plainly the times and locations of the prayer vigils. Although the numbers of participants were small, there was very much the hope that others might join them, or might begin their own vigils in their own areas. The newsletter notes that it 'requires some effort to be there week after week', but that 'the effort to be there is small compared with the great graces we ask Our Lady to obtain for us'.³⁰

In addition to the active vigil work, the Association was doing all they could to strengthen the spiritual side of the work, that which they considered to gird and underpin the work as a whole: 'There have been millions of words written, there

²⁶ Instance, "Recollections," 12.

²⁷ "Prayer Vigils Outside Abortion Clinics," *ACPLA Newsletter* 1, March/April, 1987, 4.

²⁸ Instance, "Recollections," 49-50. Note that by the word 'opposition', Instance is not referring to those pro-life groups who chose not to use pictures, but rather to those groups and individuals who were in favour of abortion.

²⁹ *Ibid.*, 112.

³⁰ "Prayer Vigils Outside Abortion Clinics," 4. The newsletter listed the following times and locations of prayer vigils: Mondays at 12pm, 195 Macquarie Street, Sydney; Tuesdays at 2:00pm, PSI (Population Services International), Challis Ave, Potts Point; Friday at 10:30am, Preterm, 50 Cooper Street, Surry Hills; and Saturday at 2:00pm, 80 Wentworth Road, Homebush.

have been countless meetings, rallies and seminars; but there is no doubt that one thing is sadly missing and that is PRAYER. Perhaps this is the reason why we are not winning the battle in our fight against abortion.’³¹ Accordingly, the May/June 1987 newsletter advertises an event organised by the Association comprising recitation of the Rosary, procession of the statue of Mary Help of Christians through the streets, Benediction and an Act of Consecration to the Immaculate Heart of Mary. The words of consecration are included: ‘Mary, Help of Christians, Patroness of Australia, we place the pro-life cause under your patronage. We pray that, through your intercession, there will be co-operation and unity of purpose among all who seek to uphold the sanctity of human life. Obtain from your Son His grace and blessing upon our work. Amen.’³² In the following edition, an article entitled ‘Clergy respond to the need for a Catholic voice to promote prayer and defend the Church’s teaching on prolife matters’ states that ‘since our last newsletter was posted, 2 Bishops and 14 priests have joined as members of the Australian Catholics Prolife Association’.³³ The article included a letter from one who identified himself as ‘an old chaplain in a home for the sick and the aged’, in which the writer acknowledged the importance of the method engaged with by the Association: ‘Our Lord once said “This kind of devil is only driven out by prayer and fasting”. He also said, “Without Me you can do nothing.” It has always surprised me that various Right to Life groups never seem to mention prayer which is essential to any worthwhile movement.’³⁴ The sentiment contained in the letter appears to be such as to indicate that earlier pro-life efforts had been rather more secular than religious, thereby compromising the battle in respect of the spiritual dimension, which dimension necessitated a specifically religious opposition to abortion. Furthermore, this religious opposition represented that which was integral to the identity formation of the Association.

Among the many, many examples of the Association’s efforts to encourage its members in prayer and personal holiness is the publication in the June/July 1988 edition of a letter from Sister Lucia, eldest of the three seers of Our Lady of Fatima, written to her nephew Fr Jose Valinho in 1979. The reason, states Sister Lucia, that so many ‘are allowing themselves to be dominated by the diabolical wave that is

³¹ “Prayer: Our Greatest Weapon,” *ACPLA Newsletter* 2, May/June, 1987, 2. Emphasis in original.

³² “Mary, Help of Christians,” *ACPLA Newsletter* 2, May/June, 1987, 3.

³³ Bede McDougall, “Clergy Respond to a Need for a Catholic Voice to Promote Prayer and Defend the Church’s Teaching on Prolife Matters,” *ACPLA Newsletter* 3, July/August, 1987, 6.

³⁴ *Ibid.*

enveloping the world ... is that they have abandoned prayer.’ Her recommendation in this respect is that her reader may ‘get close to the Tabernacle and pray. In fervent prayer you will receive the light, strength and grace that you need to sustain you, and to share with others.’³⁵ Sister Lucia quotes from the Gospel of Saint Matthew in which is written: ‘You are the salt of the earth but if salt loses its strength it is good for nothing but to be thrown out’.³⁶ Such ideas connected closely with those pertaining to the Association’s vision of itself in relation to the world: salt works to preserve, and the Association’s faithfulness to the Magisterium was deemed vital to ensure that their saltiness was maintained, such that their work within society would preserve that which was good. It is this thinking which defines more and more the identity of the Association, which identity – in the world in which they are making inroads – is decidedly oppositional in nature.

By April 1988, the newsletter reports that the concept of prayer vigil work had taken root elsewhere in the country. A paragraph appears on page three congratulating ‘Merle Ross and other pro-lifers in Rockhampton for their continuing prayerful opposition to the abortion clinic operating in their area. Thanks to the leadership of Bishop Wallace and the priests of the diocese, regular devotions are being organised in the churches to pray for the closure of the clinic.’³⁷ Merle Ross was at the time the Association’s Rockhampton contact, and later became their Rockhampton co-ordinator.³⁸ In August, connections with varying parishes and communities continue—both near and far. Thanks are offered to Father Bray of Merrylands and Father Purcell of Broadway ‘for the use of their parish halls and their assurance of help in the future’; notice is given of a prayer vigil to be held in the parish of Mount Druitt; and Sister Shalinee of the Sisters of Notre Dame in India, ‘the daughter of one of our loyal members’, assures the Association ‘of her continued prayers for the unborn, the frail and the handicapped everywhere’.³⁹

On Macquarie Street, Gail Instance and her small group continued to pray outside of Dr Neville Marinko’s ‘Contraceptive Services’:

³⁵ Sr Lucia dos Santos, “A Letter from Sister Lucia to a Priest,” *ACPLA Newsletter* 8, June/July, 1988, 8.

³⁶ Matthew 5:13.

³⁷ Untitled, *ACPLA Newsletter* 7, April/May, 1988, 3.

³⁸ Email from Gail Instance to the author, correspondence, February 27, 2015.

³⁹ Untitled, *ACPLA Newsletter* 9, August/September, 1988, 10.

And then one day out of the blue, after we'd been doing it for a while, Josephine Cudmore from Right to Life Australia rang me up one day, and she said, 'Can we come and join you? Would you have us?' And I said, 'Of course we'll have you!' So, Josephine came, and I think she brought Brother Dominic. I think that day she brought Brother Dominic Levac, the Franciscan Conventual. I'm pretty sure he was there that day with her. There were a few people. It was a bigger group than we'd had normally anyway. There would have been about a dozen of us that day. And it was great. And all we did, we'd hold a piece of cardboard with 'Pray the Rosary to end abortion'. I don't remember who painted this thing; Michael [Instance] probably did. Rosary beads and 'Pray the Rosary'. I've got a picture of us standing there with Therese Graham and Terry Hitchings, Lee's mother, and me, and Pat Jones. Anyway, there we were. And then Therese Graham started coming. Veronica Altham would come now and then when she could. And we did that for years.⁴⁰

This support represented a significant boost for the Association, not only in terms of numbers and morale, but also in respect of its relationship with Right to Life New South Wales. While relations between the two groups had been primarily peaceable – 'A couple of people were very angry with us for getting out of Right to Life, but by and large, because we weren't taking their territory, so to speak, they left us alone' – this desire by some of the members of Right to Life New South Wales to participate in the work of the Association was a confirmation of the value of the latter's methods.⁴¹ According to Josephine Cudmore, 'It's the prayer. It's the prayer that does it.'⁴²

In December 1988 the editorial notes that, 'A few pro-lifers were standing outside a Sydney abortion clinic the other day saying the rosary as usual, while the lunch hour crowd rushed by, when they were delighted to hear a cheerful voice say, "Good on you, boys and girls! Keep it up!"' The editor continues: 'Of course, if unborn babies could speak, they'd say the same, "Keep it up. You can't stop yet!"'⁴³ Despite the recent swell in numbers, the following edition states that the Association are 'desperately seeking more people to help with prayer vigils outside hospitals and abortion clinics':

⁴⁰ Instance, "Recollections," 13.

⁴¹ Ibid., 50.

⁴² Josephine Cudmore, "Interview Transcript," interview with the author, November 7, 2012, Sydney, NSW.

⁴³ Editor, "Editorial," *ACPLA Newsletter* 11, December/January, 1988, 2.

These vigils offer public reparation for the public acceptance of abortion. Rosaries are said quietly, and, because we are praying, we do not engage in argument at these times. If questioned by passers by, a brief explanation is given. Sometimes, someone joins us for a decade or two. Others turn their backs on us, while many simply pretend to ignore us.

If you could help, but are hesitant, please push yourself over to the phone and call us before you think of a zillion reasons not to.⁴⁴

This plea gives further insight into the manner in which the members of the Association conducted themselves outside of a given abortion facility in these early days, which conduct shows a continuity with the focus of the Association as a whole, that is, in respect of a fervent focus on prayer; and a continuity, too, with the manner in which their method would develop in later years.

But though the group was small, it was consistent. Lee Kendrick recalls that, ‘[W]e used to pray outside an abortion clinic in Macquarie Street. When I say ‘we’, it was a very small group of people. And we would be there for a few hours during the day. I would come for maybe an hour. I would leave some of my children with my mother, and I would come one week, and then the following week, she would come. So we took turns.’⁴⁵ Instance recalls: ‘And we did that for years. Even after I got into the office in ’94, and I was in the office on Mondays, still people did it—for years and years. And then they used to go when Preterm opened up on Pymont Bridge Road, they all transferred down to Pymont Bridge. And they went down there too for years and years.’⁴⁶



‘[S]omewhere in the late ’80s,’ recalls Instance, ‘Right to Life Australia got into the rescue business’.⁴⁷ Operation Rescue – ‘more of a movement than an organisation’ – was founded in America in 1986 to engage in peaceful civil disobedience by means of obstructing entrances to abortion facilities ‘to prevent the killing of innocent

⁴⁴ Editor, “Editorial,” *ACPLA Newsletter* 12, February/March, 1989, 2.

⁴⁵ Kendrick, “Interview Transcript.”

⁴⁶ Instance, “Recollections,” 13.

⁴⁷ *Ibid.*, 50.

children'.⁴⁸ Although Margaret Tighe's organisation was based in Victoria, its domain was the country as a whole, and in 1989 she organised a rescue in Sydney.⁴⁹ Instance recalls: 'Right to Life New South Wales wasn't involved. They didn't go in for this. And we were ACPLA, and we believed and still believe that anything that is moral, any action that can be taken that is *morally* okay, should be done. We only draw the line at something that is immoral. So, when we heard that there was to be a rescue in Sydney, we quite happily joined in.'⁵⁰

In preparation for this, Mary O'Neill, a pro-life activist from New Zealand, came to Sydney to instruct participants and to explain how the operation would work.⁵¹ Some people were to block the entrance to the abortion facility and so would risk arrest; others were to form the prayer support group and so would stand where there was no danger of arrest. In advance of the rescue, a press release was sent by RTL Australia informing the media of their intentions, but did not identify the targeted abortion facility, the details of which were to be kept secret until the last moment. Recalls Instance: 'Nobody knew except the organisers and that didn't include us. We were simply going along. The organisers alone knew where it was going to be.'⁵²

The rescue participants gathered in a park; Instance recalls that it was 'around Glebe somewhere ... And of course the media was there, sniffing around trying to find out where it was going to be. We weren't told until we all got in our cars, and then Mary O'Neill or someone from Right to Life came around and handed the driver a piece of paper with the address of where the thing was going to be. So, all the media people could do was to follow us. They didn't know until we got there to spread the word which one we were going to.'⁵³ When they arrived at the targeted abortion facility – Mediguide, at 237 Longueville Road, Lane Cove – Instance recalls

⁴⁸ Operation Rescue, "History," accessed March 3, 2015, <http://www.operationrescue.org/about-us/history/>. There is evidence of earlier rescue-type activity as far back as 1970, when "a Catholic student group sat-in at a Planned Parenthood center in Dallas, Texas. *They prayed the Rosary* for hours until police evicted them." [Emphasis in original] Dan Engler, "Rescue as Reparation," *ACPLA Newsletter* 20, July, 1990, 10.

⁴⁹ These rescues, as part of the Australian rescue movement, were recognised and applauded by the pro-life movement internationally, as Kathryn Slattery notes. Following a rescue in Montreal, Canada, Pro-Life Action League's Joseph Scheidler "complimented the Canadian activists, likening them to 'AUSSI[sic] activists like Fr. Ahern,' and Margaret Tighe, who had pioneered nonviolent direct action protests at abortion clinics in Australia." Slattery, "Building a "World Coalition for Life"" , 197.

⁵⁰ Instance, "Recollections," 51.

⁵¹ Mary O'Neill is later listed as the Operation Rescue contact person for New South Wales. "Operation Rescue Appeal," *ACPLA Newsletter* 19, June, 1990, 12.

⁵² Instance, "Recollections," 51.

⁵³ *Ibid.*

that they found it to be closed: ‘And we discovered later that most abortion clinics around Sydney were shut that day, because each one of them thought that we were going to their place. Nobody knew where we were going. So they were shut. So we considered that a win. No arrests. Absolutely peace and quiet, and the place was shut.’ The participants stood outside of the facility for a period, ‘an hour or so’, and then went off to celebrate: ‘because we’d shut the place, which was the object of the exercise, to shut the damn doors’.⁵⁴

The second abortion facility targeted for a rescue was Preterm, then located at 50 Cooper Street, Surry Hills. For this operation Margaret Tighe had brought out from the United States Bishop Austin Vaughan, auxiliary bishop of New York and a pro-life activist who had been arrested and imprisoned for rescue activity.⁵⁵ Because one of his conditions of entry into Australia was that he would not break any Australian law, he participated in this rescue as part of the prayer support group. Nonetheless, the presence of the bishop represented strong hierarchical support for the action. Gail Instance recalls:

All I remember is that the police came. They were open, and there were a whole lot of people in front of the door. And the police came and they said to those who were [blocking] the door, the sergeant said, stand aside and let the police in. So, the pro-lifers stepped aside to let the police in and as the police went in they brought in, grabbed a couple of girls who had been trying to get in. They pulled them in with them. And Bishop Vaughan said to the police, to the sergeant, you have just lied—in front of your men, and in front of us. Well, I don’t know whether this policeman felt guilty or whether he thought he was a bit smart for doing that, but they got the girls in. And Preterm issued instructions to the police there were to be no arrests. Because one of the things that Margaret Tighe wanted to do was confiscate their records, which would be evidence in a court case. So Preterm knew that. They weren’t going to hand over their records to anybody.⁵⁶

Margaret Tighe’s version of the story differs from that told by Instance, notably in respect of arrests made and the ensuing court case that was heard:

⁵⁴ Instance, “Recollections,” 52.

⁵⁵ Cardinal John J. O’Connor, “More, Fisher...and Vaughan,” *ACPLA Newsletter*, February/March, 1989, 12.

⁵⁶ Instance, “Recollections,” 53.

Oh, we stood in front of the opening to Preterm. Not the Preterm place they have now. It was a smaller place. And a few of us, about five of us—there was a photo of us standing holding our placard in front of the entrance. The police came and took us away in the paddy wagon.⁵⁷ And took us to—would it be Darlington Police Station? Could it be? Near Kings Cross, it was. We were fingerprinted and locked up. And then we had to go to court subsequently and, oh, we got off. I can't even remember now. Did they let us off that afternoon?⁵⁸

The third rescue was held on 2 December 1989 outside of Dr Geoffrey Brodie's Australian Birth Control Services at 11a Howard Street, Randwick. Instance recalls that 'it was just like a normal house in a suburb, and that's where he did his abortions'.⁵⁹ This rescue attracted more than 70 participants, and resulted in nine arrests:⁶⁰

We turned up and those of us who weren't going to get arrested were just standing on the footpath away from the gate. Those who were prepared to risk being arrested were standing in front of the gate. Now, a few of us, only three or four, went around the back of the place because there was a back entrance, a laneway at the back. And a few people went round there just to make sure that there was no action around the back, that he didn't send people around there.

A security guard – 'a muscle', as Instance called him – had been brought in by Dr Brodie: 'and the muscle man picked up not me, not Martin Shanahan, but a little handicapped gentleman who had difficulty walking. Very small man. He picked him up, and threw him on his back on the road. The man had to be taken off to the hospital.' Instance continues:

This security guard then barged through the gate, 'cause we weren't blocking – well, we couldn't, there weren't enough of us. He barged through the gate, he went out the front. We went around the front after this, and he had got a hose and he put the hose full blast on the backs of the people that were across the gate. Because the gate was just a single gateway, but it was wrought iron.

⁵⁷ A paddy wagon is a colloquial term for a police van.

⁵⁸ Tighe, "Interview Transcript."

⁵⁹ Instance, "Recollections," 54.

⁶⁰ "Operation Rescue Appeal," 12. Gail Instance recalls the number arrested as being ten. Instance, "Recollections," 53.

At that stage, I believe—Oh, first of all he was punching them in the back, through the gate. Punching them. And at that stage they certainly were holding on to each other, because every now and then they'd sort of be pushed forward, because he was punching them in the back. Then he went and got the hose and he put the hose full blast on them. Hosed the damn lot of them including poor little Sister de Lourdes, whose superior then wouldn't let her come anymore, for a long time. She got drenched. She wasn't even blocking the gate but she got drenched. And he actually put the hose at one stage up to Brother Dominic's ear. Well, Brother Dominic's a good strong lad. He broke the end of the hose, the nozzle off the hose, which lost a lot of its force.⁶¹

Margaret Tighe likewise recalls the incident with the hose, though a little differently:

And it was a very hot day, and we were standing in front of [the abortion facility]. It was a Saturday morning and out came the guy with the *strong* hose. And I remember he put it up to the ear of one of the protesters. It so happened he was ... a Franciscan brother. And he was— No, he put it up to the ear of this guy from Newcastle. Can't remember his name, now. Oh. He was, lectured at the university in Newcastle. Mitchell. I think his name was Mitchell. And right up to his ear! He could have burst his eardrum. And Brother Dominic reached up and grabbed it and deflected it and that.

Anyway. So, we were arrested that day and taken to Maroubra Police Station. We weren't doing anything. We were just standing in front of it. And we had to go back: Castlereagh Street Magistrates Court, subsequently, and we were all acquitted on the grounds that Geoffrey Brodie couldn't identify us as saying, she's the woman that I saw at the front of my place. She's the woman. And there were several of us. Some very respectable women, too, from Sydney.⁶²

The back page of the June 1990 edition of the newsletter contained a story *cum* appeal entitled 'Operation Rescue Appeal' which read as follows: 'Nine rescuers were arrested for alleged obstruction. Their case was heard in Sydney's Castlereagh Street Court from May 15 – May 17, 1990. This unusually long hearing time for what were relatively minor charges underscored the sensitivity of the case. The charges against all nine defendants were dismissed.' The commentary continued with an appeal for funds: 'Operation Rescue engaged excellent Lawyers because good lawyers are needed to enable us to present the case for the unborn as effectively as possible – and good lawyers must be paid an appropriate fee. Our legal costs could

⁶¹ Instance, "Recollections," 53-54.

⁶² Tighe, "Interview Transcript."

reach \$10,000.’⁶³ Ultimately, it would be the high cost to pro-life activists that would see the end of such operations, both in Australia and abroad. Joseph Cudmore recalls that ‘many of them lost homes, because of the court cases, right. And that’s why [rescue] foundered, because people had families.’⁶⁴

For the Association, however, there was another, more immediate, reason as to why they did not pursue rescue any further. Instance recalls that the police had told those who remained after the arrests were made that they ‘weren’t to just stand around—we didn’t know then what we know now: they can’t tell you to do those things, you know’:

We weren’t going to block the door any more because the people who had risked getting arrested were arrested and taken away so the rest of us, we simply walked up and down the footpath saying the rosary. And, when it was all over, we went down to the local park and Margaret wasn’t happy with us, because we’d had rosary beads in our hands, and she’d said, if the media turns up to these things, then all the attention goes on religion, and it becomes a big religious issue, and it’s not a religious issue. This is a human rights issue and we just want to keep to just this single issue. Abortion is what we want to talk about, not religion ... That was one occasion where we couldn’t quite cooperate as we wanted to, because we were supposed not to say our rosaries out loud. If we wanted to pray, keep the rosary beads hidden, just say it to yourself so nobody knew you were praying.⁶⁵

For the Association, to engage in the ‘spiritual battle’ and not use the ‘spiritual weapons’ offered to them was no less than absurd.⁶⁶ That such a policy would be enforced marked the end of the Association’s participation in the rescue movement although, as illustrated by their publishing of Right to Life Australia’s appeal for funds, they maintained good relations with those involved:

And it doesn’t matter how much we say, well, you need the grace of God to do this; *and*, as soon as they find out that you’re a Catholic anyway it becomes a religious issue—whether you want it or not you’re going to get it. And straight away there’s going to be questions about contraception and questions about this and that, because the media

⁶³ “Operation Rescue Appeal,” 12. The address given to which to send donations for this appeal is that of Right to Life Australia. A separate paragraph written from the point of view of the Association encourages its members to generously support this cause.

⁶⁴ Cudmore, “Interview Transcript.”

⁶⁵ Instance, “Recollections,” 55.

⁶⁶ *Ibid.*, 32.

knows *exactly* who the enemy is here. And it's the Catholic Church. So, you're going to get it anyway. And besides that, the effect of somebody with Rosary beads approaching somebody to offer help, even if you don't persuade that woman that day, or save her baby's life, somewhere down the track she's going to remember that it was somebody with Rosary beads that came to help her.⁶⁷

The approach used by the members of the Association in their vigil work was becoming more and more refined as they continued to pray the Rosary on the streets, and as they did so, the Association's identity as Catholic became more defined. It was a meeting between Gail Instance and Monsignor Philip Reilly that further refined their prayerful, peaceful model. Monsignor Reilly's own experience as a pro-life activist had begun with political lobbying in the 1960s and had moved on to civil disobedience: 'for the first 21 years we'd tried everything':⁶⁸

And he withheld taxes and did all those sorts of things. So it was well into, it was the late 1980s where he said, we're missing something. They're coming along and arresting *us*. There's this great injustice going on. And we're doing all we think we can—to the point of being arrested and giving up our freedom. And he said it hit him one day. I know what we forgot: God!⁶⁹

Skowronska notes that Monsignor Reilly 'came to the conclusion that the battle focus was misplaced', and that he prayed fervently that God would show him the way:

From this cry of anguish came the inspiration of praying outside the abortion clinics. He felt impelled to go where these deaths were taking place right at the killing fields, at the abortion mills, like taking the chance of going up to Calvary to see what was really going on. He realised that politics and the media had been tried and heroically tried. The goal, he realised anew, determined the instrument which had to be used. So, Mons Reilly went, as he puts it, straight to the top. If this was a *spiritual battle* first and foremost, then the means of addressing it had to be primarily *spiritual*. Rallies and politics were

⁶⁷ Instance, "Interview Transcript."

⁶⁸ Monsignor Philip Reilly in Damir Govorcin, "Crusade to Halt Culture of Death," *The Catholic Weekly*, August 3, 2008, <http://www.catholicweekly.com.au/article.php?classID=3&subclassID=9&articleID=4755&class=Features&subclass=A>.

⁶⁹ Paul Hanrahan, "Interview Transcript," interview with the author, August 21, September 4, November 14, 2013, Sydney, NSW.

still needed but the fundamental focus had to be different. Rallies alone cannot change people's hearts. Spiritual battles have to be fought by spiritual means.⁷⁰

Accordingly, in 1989, Monsignor Reilly 'set about on his quest to change the tenor of the pro-life task' and so founded the Helpers of God's Precious Infants, 'a group of people committed to maintaining a loving and prayerful presence outside of the abortion mills, where God's children are put to death.'⁷¹ Monsignor Reilly notes that '[t]he methodology of the Helpers is centred on prayer and being 'Christ like'... We go there in prayer for the conversion of heart and the salvation of souls.'⁷² The Helpers state that '[w]e unite ourselves with these victims in solidarity with their pain, as they are put to death at this modern day Calvary. We pray in reparation for the injustice being performed on their tiny bodies. Just as Mary and John lovingly stood and prayed beneath Jesus' Cross as he died, we wish to remain with these children in the hour that they [are] crucified.'⁷³ The importance of the work of the Helpers, the gap in the movement that they fill, is noted in a quote on the Helpers' website by Joan Andrews, a long-time American pro-life activist prominent for her dedication to and imprisonment for the cause:

These little ones dying today are intricately connected with the sufferings and death of Our Savior. There is a bond here that must not be overlooked. All the political action, educating, donation of funds, demonstrations, alternative work, important and necessary as these are, do not make up for an absence at the death scene. Thus, let me beg you to view your presence at the killing center in your area as the place where God wants you to be. Grab your Rosary, pick up your Bible, bring your devotionals, and go out to the Calvary not far from you – where Christ is being crucified today in your midst.⁷⁴

The work of the Helpers of God's Precious Infants was, in fact, very like the vigils that the Association had begun in 1986, three years prior to the establishment of the Helpers—and very like the vigils that McDougall had organised even earlier than that. Notes Instance: 'I told him that when he was up here! This is what Bede

⁷⁰ Skowronska, *Roadside Contemplatives*, 15.

⁷¹ *Ibid.*, 16. Helpers of God's Precious Infants, "Our Mission," accessed March 12, 2015, <http://www.helpersbrooklynny.org/mission2.htm>.

⁷² Reilly in Govorcin, "Crusade to Halt Culture of Death."

⁷³ Helpers of God's Precious Infants, "Our Mission." See also Skowronska, *Roadside Contemplatives*, 125. For more on the spirituality of the Helpers, see especially chapters 3 and 4.

⁷⁴ Helpers of God's Precious Infants, "Our Mission."

McDougall did.’⁷⁵ Indeed, Skowronska recounts that in the early 1970s, her mother ‘who was a very devout sort of person’, returned home one day and told her that she had been praying outside a house:

And I thought this was pretty weird, and I said, ‘Why have you gone to pray outside somebody’s house. I mean, they might get upset to see somebody there.’ She said, ‘Because terrible things are happening in that house.’ And she said, I think, the word ‘abortion’. And I was just numb. It was beyond my capacity to grasp. I thought, where on earth has my mother heard this? I mean, it couldn’t, could this be true? But I remember it struck a chord, like a little fear: could this possibly be true? But then I thought, ah well. And then she did, she went alone a few times and prayed outside this house.⁷⁶

Like the Association, Monsignor Reilly encouraged the working towards holiness by those participating in the prayer outside of abortion facilities; they must develop ‘the right spiritual disposition’, without which their work is worthless. According to Monsignor Reilly, the Helpers, writes Skowronska, ‘must strive for holiness of heart and try to have the mindset of those who stood under the Cross with Jesus at Calvary’, a condition which she notes ‘is no small feat’.⁷⁷

Again, it struck those involved as significant that the Helpers claimed as their foundation day the same feast as that after which the Association had had their first meeting: the Feast of Our Lady of the Rosary.⁷⁸ Instance notes that ‘Bede always stood outside these places and would say the Litany of the Precious Blood.’⁷⁹ And of course that’s Monsignor’s monastery, the Precious Blood monastery. So it all ties together. I used to say to people Our Lady’s knitting – or weaving – and she’s pulling in all these threads and joining us all together so we all meet each other.’⁸⁰

⁷⁵ Instance, “Recollections,” 12.

⁷⁶ Skowronska, “Interview Transcript.”

⁷⁷ Skowronska, *Roadside Contemplatives*, 18.

⁷⁸ *Ibid.*, 16. Helpers of God’s Precious Infants, “Newsletter”. accessed March 9, 2015, <http://www.helpersbrooklynny.org/news8.htm>.

⁷⁹ “A litany is a well-known and much appreciated form of responsive petition, used in public liturgical services, and in private devotions, for common necessities of the Church, or in calamities — to implore God’s aid or to appease His just wrath.” Francis Mershman, *New Advent Catholic Encyclopedia*, accessed February 6, 2016, <http://www.newadvent.org/cathen/09286a.htm>. The Litany of the Precious Blood was drawn up by the Sacred Congregation of Rites, and approved and promulgated by Pope John XXIII in 1960. John XXIII, *On Promoting Devotion to the Most Precious Blood of Our Lord Jesus Christ*. Apostolic Letter, Vatican Website, June 30, 1960, https://w2.vatican.va/content/john-xxiii/la/apost_letters/1960/documents/hf_j-xxiii_apl_19600630_indeaprimis.html.

⁸⁰ Instance, “Recollections,” 12.

In 1995, desiring to learn further from the founder of the Helpers, the Association brought out Monsignor Reilly from the United States to Sydney. With his experience on the streets came insight and clarity of thinking, such that he was able to articulate the role of those keeping vigil at the abortion facility. Paul Hanrahan relates that:

Monsignor Reilly brought an approach and a view, if you like, of what we're about, why we do what we do. There might be people who had ... an internal understanding ... but to actually intellectualise it and put it to words, and put a structure to it that people could understand and you could teach people, it's unique.⁸¹

Gail Instance also recalls that:

[W]ell, he just had more finesse. He had worked through some of the problems we were facing, so he taught us a lot of things. He sat in the office one day when he first came, and just talked to us, and told us what he does, how he organises things, and he was the one who introduced us to the idea of having the bigger monthly [vigil], and begin with Mass, process down to the abortion mill, pray there, process back to the church for Benediction, and then everyone can go home. And ... he said you always notify the police and tell them exactly what you're doing. Because you're not breaking any laws. And you want to clear it with them, you inform them. He said that if the abortion mill proprietors object to you and call the police, the police already know you're there. So it's no surprise to the police. He said, Give them a chance to be pro-life. You know, the Rescue movement tended to put the police on the opposite side. Because Rescue was breaking a law by blocking an entrance to something, he said the police see us as law-breakers, so even the pro-life ones were forced to take people away and arrest them. So he said give them a chance to be pro-life. Don't break the law. You know, go peacefully, prayerfully.⁸²

The place to which the pro-life participants were going was, of course, to the exterior of the abortion facility, a fact with which many would take issue. A member of another pro-life group considers praying outside abortion facilities 'the worst way to try and save the lives of unborn babies' for 'a whole string of reasons', which reasons are ones commonly given:

⁸¹ Hanrahan, "Interview Transcript."

⁸² Instance, "Recollections," 113.

Firstly, we don't pray outside hotels where people might have too much to drink. We don't pray outside casinos where people might gamble too much. We don't pray outside the home of two people who are living together who are not married. We don't pray outside men's gallery places. We don't do it with any other example of the breaking of the Ten Commandments. We single out that one, and that, I believe that's not—it's dramatic, but it's not the way to win spiritual victory, which is, it's all about spiritual victory. Because we believe that prayer works from anywhere. I can pray for the souls in Purgatory without going to Purgatory myself; I don't have to go there to get them out of Purgatory. I can pray for our Holy Father the Pope. I don't have to go to Rome to pray for him; I can pray for him here. So prayer is going to be the main way we save the lives of unborn babies, so we'd be agreed on that right across the [board].⁸³

The point of view expressed by the Helpers and the Association came from a different angle, which angle had an accent on being *seen* to be in opposition to that which is occurring within the abortion facility. Prayer becomes more than a petition; it becomes a witness to a world said to be in denial. To reveal is both to oppose and to be identified *as* that opposition: 'You say abortion kills a baby, but if nobody is at the place where the babies are being killed and mothers are being exploited, then the whole country is in a state of denial. If you have people at the places you can educate and people will start listening. When you go to legislate it makes sense. But if nobody is at the site one consequence is nobody takes it seriously.'⁸⁴ Hanrahan recalls that 'Cardinal [Francis] George in Chicago said once years ago when asked why he would go and pray at these places: the Church has always accompanied the dying with prayer. What a beautiful line. You see? And that's right. So what the Helpers is all about, is accompanying the dying with prayer. Is being a light on the hill. Right? The light shining in the darkness. Calling people to Christ.'⁸⁵

Wanda Skowronska adds:

I was very struck by what Monsignor Reilly said on the subject. He said that you have to go and put a spotlight on where the evil is. And he said, you put a spotlight on the

⁸³ Pro-life participant, "Interview Transcript." This pro-life participant gives another reason for considering praying outside an abortion to be "the worst way to try and save the lives of unborn babies," one not commonly heard: "But what I say with our pro-life group is that to pray outside the abortion clinic, all that does is give – the prayer's still good because it's still prayer – but praying outside the abortion clinic is giving free publicity to where the abortion clinic is. A lot of people don't know where the abortion clinics are. So, we're advertising, giving free publicity to the abortion clinic by praying outside it."

⁸⁴ Reilly in Govorcin, "Crusade to Halt Culture of Death."

⁸⁵ Hanrahan, "Interview Transcript."

darkness. And he made this comment, that when the light comes to the darkness, he says, the darkness has to go. ... A lot of people think, oh, you aren't changing the world, you aren't doing a lot. Well, no. The Helpers there are shining the spotlight on what the world would prefer not to see. They're placing their hope in God. They're trusting God in a sense. Like, I like to often think the standing on the pavement and the stones, they're on the stones that are calling out to heaven, asking for this horror to stop. And they're also not political. And this is the big mistake that is made, that people keep saying, that the Helpers are a protest movement, because so many other pro-life movements are. How many times does one have to explain, no, it is not a protest. That's why I ended up writing the book, because after a hundred times of being questioned, I got very frustrated, and I thought, I have to just write it down, you know, for once and for all. And you see that people don't take the interior life seriously much when you're on the street. So, by the very virtue of the fact that the Helpers stand there, it's not only that they're shining light on the darkness of the abortion clinic, but they're reminders of the fact that the human person has a soul. And so when people walk by, some may feel very uncomfortable because, maybe through one reason and another, they've forgotten that they've got a soul, or they've suppressed it. And so it may cause pain. It may be an uncomfortable reminder. It may cause anger and grief in some women who've had an abortion. But there is certainly a place for a silent, prayerful presence. And there are counsellors who invite a change if the person is open to it.⁸⁶

This recognition of the soul and of the interior life very much informed Monsignor Reilly's engagement with those approaching the facility, and encouraged the Association likewise to begin to offer assistance to – to 'counsel' – those who would enter the establishment: 'Because up until then we weren't really talking to people. Unless someone particularly stopped and spoke to us, in which case one of us would engage in conversation with someone. But when Monsignor came and explained what he was doing in the United States, we started adopting some of his methods.'⁸⁷ In continuity with his concepts pertaining to shining the light, Monsignor encouraged counsellors to 'bring God into it'. Gail Instance:

Because he said that's the one thing they don't want to let themselves think about. They've got to keep God right out of the picture, because if they think about that, that's— So he said you need to ask them do you believe in God. If they'll stop to talk at all, do you believe in God. And he said, get the mind onto spiritual things as soon as you can. Which is why now—well, he always has had Rosary beads available. For anyone

⁸⁶ Skowronska, "Interview Transcript." Skowronska is referencing her book *Roadside Contemplatives*.

⁸⁷ Instance, "Recollections," 112.

who would stop and talk, he would offer them Rosary beads. Which is what we're doing now, and we've always had miraculous medals, too. If someone is willing, even a passer-by, if they're willing to accept a little miraculous medal, pray for the girls who are in here.⁸⁸

Further counselling assistance was offered by Monsignor Reilly's associate, Sister Dorothy Rothar CSJ. Gail Instance recalls:

Monsignor said to us after he came out the first time, I'll send Sister Dorothy out. She's my best sidewalk counsellor. So Sister came out, and I asked her, what is it that you say when you first approach someone. Well, of course, she's a nun, and she would say, I'm a sister and I'm here, you know, in what way can I help you. Something like that. She said, everybody will have something different to say. And that's what we've found. If there was a magic formula that everybody could use, then we'd all use it. But there's no magic formula. Everybody's got a different approach.⁸⁹

Paul Hanrahan recounts:

Monsignor used to call [Sister Dorothy Rothar] the greatest sidewalk counsellor in the world. And she seemed to have 360 degree vision, 'cause she could see everything going on. She was very good at noticing people approaching, that they were coming, whether they would pull up in a car, whether they were walking there up the road—she'd see it, and was onto it. She'd see anybody that *wasn't* paying attention or was distracted in some way they oughtn't be, or was talking, not praying—those things as well, and was quick to point that out. She was very good.⁹⁰

And I remember watching Monsignor at Randwick, at one of Brodie's abortion mills, approaching people to hand them information and to talk to them. And one couple, the guy grabbed the stuff out of his hands and threw it over his shoulder. And afterwards, I said to Monsignor, that was fantastic, Monsignor. Now I know I'm doing everything right. [*laughs*] It was, there's no magic involved. It's just being there and being prayerful and humble and, you know, going with the mind of Christ at Calvary.⁹¹

Within Monsignor Reilly's concept of the operation of the Helpers of God's Precious Infants were ideas pertaining to communion, such that those counselling and those

⁸⁸ Instance, "Recollections," 117.

⁸⁹ Ibid.

⁹⁰ Hanrahan, "Interview Transcript."

⁹¹ Ibid.

praying were very much working together: ‘[T]here is no point ... in trying to counsel *without* people praying simultaneously’.⁹² In a talk given in Sydney in 1996, Monsignor Reilly recounted a story to demonstrate this, which story is recalled here by Wanda Skowronska:

On one occasion a lady, who was supposed to come and pray while [Monsignor Reilly] did the counselling, was late. He tried nevertheless to speak to a girl heading for the clinic. The girl stopped for a few seconds but determinedly went into the clinic, more or less ignoring him. Mons stood alone on the sidewalk but saw the lady (a grandmother) who was supposed to pray that day in the distance approaching him. As soon as the elderly ‘prayer warrior’ arrived and began to pray near Mons Reilly, in a dramatic, visible turnaround, the girl who had entered the abortion clinic a few minutes before came bursting out of the clinic door saying “I don’t know why but I just can’t go through with this” and came to talk to Reilly who directed her to a pregnancy help centre.”⁹³

Paul Hanrahan notes that, ‘If you’ve only got two or three of you and you’re counselling, you should counsel. But you should pray while you do. So we don’t stand next to each other and talk. If you stand with somebody, you’ll talk. If you stand on your own, you can talk to yourself, or to God. That’s a quote from Monsignor Reilly. [*laughs*] Much more efficient if we talk to God.’⁹⁴

All of this is in direct opposition not only to those who are in favour of abortion but also to many who are against it yet who wish to express their condemnation via means other than religious, for example, by purely political, educational or philosophical means. Hanrahan discusses this in respect of Right to Life New South Wales:

[T]hey insisted we had to have a secular approach to this, that the biological and the scientific argument was enough. That people would get it. It didn’t have to involve the Church; it was purely a secular thing.

It was clearly wrong. [*chuckles*] I tell people now, look, forty years down the track from those claims being made originally, and the horror of abortion only gets worse, and all the other evils that are following it, is proof that approach doesn’t work. And if you understand the horror of abortion to be what it is – it is a Satanic attack on humanity –

⁹² Skowronska, *Roadside Contemplatives*, 104.

⁹³ *Ibid.*

⁹⁴ Hanrahan, “Interview Transcript.”

then not to involve Jesus Christ is just purely ridiculous. You will lose. [laughs] They've lost. And so the most effective pro-lifer I've ever run into is Monsignor Reilly. As an activist. The most effective educator was Father Paul Marx. In both their cases, contraception was a key issue. And their approach was more religiously inspired. It's not about religion. We don't get our Rosary beads and force them onto people and jam our religious views down people's throat. That's just an idiotic caricature of what we're about. But it's our religious views that motivate us and inspire us to do what we do, and it's our faith that keeps us going. 'Cause without it, we've failed. We won't keep going. We won't be able to do it. Otherwise, we sink back to their level. So, to confront evil in its purest form requires you to be in a state of grace, and to be prayerful. And to conform your mind to Christ. That is, he allowed them to crucify him before he'd condemn them. And he never did. Father, forgive them. They know not what they do. So, it's not forcing your will on someone. It's putting your will to the test that takes the grace of Jesus Christ to do. And that's what makes the difference. And they're the differences in the organisations. The scientific arguments, the philosophical arguments, the political arguments—all those things we share in common. But we come from a base that's much firmer. And that's pretty much what the difference is.⁹⁵

Further, too, to the 'shining-the-light' principle was the use of the pictures that Monsignor Reilly recommended. As mentioned earlier, the Association did not use pictures – of any nature, whether of aborted babies or of devotional images – when they first began praying on the street. Instance recalls: 'Perhaps in those days, we were still following the Right to Life line. It took us a while to un-think a lot of that stuff. Because you get conditioned. When you're in one organisation you get used to the way they do things. And they weren't keen on abortion pictures. ... Don't show the pictures and don't bring religion into it. And they were pretty well rules set up by the opposition. And it took us a while to realise that.'⁹⁶ Paul Hanrahan states:

Oh, people don't like them. So, if you're hostile to us, they'll kick them, knock them down, abuse us—all those things happen. Tell us they're disgusting. No, what's disgusting is *that's* going on in there, in that building. And we're [supposedly] disgusting for being there portraying what they're doing. Somehow okay what they're doing, but don't dare tell us about it. It's ridiculous really, isn't it? Schizophrenic. And others who are more sympathetic to our position either can see the importance of it, or can't. And the arguments against them usually revolve around women who have had

⁹⁵ Ibid.

⁹⁶ Instance, "Recollections," 49-50.

abortions are going to be confronted by this and it's pushing them away. I think that's completely wrong.⁹⁷

Due in large part to the arguments presented by Monsignor Reilly and Sister Dorothy Rothar, the mindset of the Association in respect of the showing of pictures was beginning to shift.⁹⁸ Paul Hanrahan, at this stage a relatively new participant in the pro-life apostolate, had not yet arrived at the same position. He recalls: 'I didn't think that was right. I [thought] it was too confronting, and that you need to be able to warn people if they go to look at something like that, not just to have it in their face.'⁹⁹ 'Gail did want to have them, and Joe and Josephine [Cudmore] wanted to have them, but I'd said to them, if you put those pictures there, I'm not coming.'¹⁰⁰ Ultimately, however, he was persuaded – as Instance and others had been before him – by the arguments presented by Monsignor Reilly and Sister Rothar:

And Monsignor and Sister had convinced us, oh, no, no. These pictures make a difference because they need to see it, you know. Like showing pictures of the death camps in Nazi Germany to people. They need to be aware of what went on. In our case it needs to be shown to people what *is* going on and the horror of abortion. I don't know why Gail – and you'd have to ask her – Josephine didn't do it anyway. But they didn't want to lose me from that vigil at that time. So they must have seen more in me than I realised I had, perhaps. I don't know ... And interestingly, a lot of people tell me subsequently we shouldn't have them. And I've got as good a story as anyone to tell why we should. I've seen them, I've seen turnarounds because of those pictures. Like Monsignor has, so.

...

I think it's—because when you've had an abortion, you are going to react in one of two ways. You're going to be grief-stricken subsequent to it and have to deal with that post-traumatic stress immediately. Or you suppress the memory and you bury it and you try and get on with your life. But the effect still remains. And I've seen that in my own life with friends as teenagers who went off and had abortions, and how it changed them. I didn't realise until I got involved what was happening. And that women, elderly women, will wake up in, having nightmares forty years after about the abortion, and having dreams of babies and crying babies and all these things. If we awaken that, it's a good thing, because unless they repent of that terrible sin, they risk seriously their eternity.

⁹⁷ Hanrahan, "Interview Transcript."

⁹⁸ Instance, "Recollections," 50. The group began using pictures in 1997, when Sister Dorothy Rothar came out from the United States. Instance, "Recollections," 59.

⁹⁹ Hanrahan, "Interview Transcript."

¹⁰⁰ Ibid.

And I've had so many women who've had abortions come to me on the street and say, I agree with you. It's a terrible thing. I wished I'd never done it. I've spoken to too many post-aborted women down on the street where the posters are, telling me good on you and I agree, to think [that not showing the images is] a logical argument. It's just not. As much as it might traumatise them, as much as it might bring back the trauma rather than cause the trauma, I think that's a good thing. That needs to happen for them to get on the road to healing and recovery and repentance. So, I think those arguments are poor arguments and not well thought through. And I've seen other people come out of the abortion clinic saying, we've changed our mind. People that had not even spoken to us when they went in. And some of them have told me the pictures made the difference. So I know babies have actually been saved and lives have been kept whole because of those pictures. It's a bit hard to argue against them under all those circumstances. And I get the confronting nature of them, and I struggle with that for myself. So I understand why people are like that, so.¹⁰¹

The effect of Monsignor Reilly upon the Association was of great significance. Hanrahan states that Monsignor Reilly 'became our spiritual father as well for me, because he was another outstanding priest in lots of ways. His holiness just is obvious to anyone that meets him'.¹⁰² He notes further that 'I've been blessed to run across his path at the end of the day. And everyone that's heard him and knows him gets that. Gail Instance and all the others, of course, so. Gail's the one that's responsible, you know, for bringing him out. So, finding out about Monsignor Reilly and getting him out here and getting us on the track. The pro-life movement in Australia owes plenty to Gail Instance. That's for sure.'¹⁰³

Instance herself was likewise affected, and she and other members of the Association began to consider formalising the relationship:

And then we had to decide, were we going to call ourselves then the Helpers of God's Precious Infants, and we wanted it that it was obviously a separate organisation from [the Association]. So, when we would be asked if police came, if they were called at any time, or people going by wanted to know who we were, we would say quite honestly, well, we're a group of volunteers, Helpers of God's Precious Infants. And it's founded by an American priest, we brought him out here, we introduced it here, but that was his organisation, and it's now in many parts of the world and we all operate under that

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

name, the Helpers of God's Precious Infants. There's no membership fees, there's no office, there's no anything: it's all voluntary.¹⁰⁴

The vigil work outside of abortion facilities undertaken by the members of the Association and their friends, then, was re-envisioned as the Helpers of God's Precious Infants, becoming a part of 'the biggest pro-life organisation in the world', which organisation in 2007 numbered 'around 25,000' participants.¹⁰⁵ Hanrahan refers to the Helpers as 'a grass roots apostolate that is at the heart of everything we do'.¹⁰⁶

By this stage, regular prayer and counselling vigils were being held outside of Geoffrey Brodie's Australian Birth Control Services, located at 135 Salisbury Road, Camperdown.¹⁰⁷ Hanrahan recalls that 'Gail wanted to move from Preterm at the time down there at [Pyrmont] Bridge Road to Geoffrey Brodie in Salisbury Road at Camperdown, because he was President of the Abortion Providers [Federation of Australia]. He had three abortion mills in Sydney at the time.'¹⁰⁸ Following these vigils, participants would repair to St Benedict's, Broadway, for Mass celebrated by Jesuit priest Father Peter Little.¹⁰⁹ In keeping with the Helpers' structure, Instance recalls: 'we then set about trying to find some parish nearby, near Camperdown, where we could go to Mass *first*, as Monsignor Reilly did, and then process down to the abortion mill. Well, we tried several parishes around the neighbourhood, and either they didn't have a convenient Mass time, or they really didn't want us.'¹¹⁰ This situation would become all too common, and would serve further to confirm the increasing sense of an oppositional identity which contributed to the formation of the Association. Paul Hanrahan recalls:

¹⁰⁴ Instance, "Recollections," 112.

¹⁰⁵ Hanrahan, "Interview Transcript." Reilly in Govorcic, "Crusade to Halt Culture of Death." Both Instance and Hanrahan put the date of this re-envisioning at 1995: Gail Instance, telephone conversation with author, March 3, 2016; Hanrahan, "Interview Transcript."

¹⁰⁶ Hanrahan, "Interview Transcript."

¹⁰⁷ "And, so, from the end of '94 we started doing these vigils at Brodie's, at Salisbury Road, Camperdown." Instance, "Recollections," 4.

¹⁰⁸ Hanrahan, "Interview Transcript."

¹⁰⁹ Father Peter Little was a "retired former teacher, who led pilgrimages to Rome and the Holy Land. He had a room at St Peter's, Surry Hills where he taught and prepared the pilgrims. He later moved, with the Servants of Mary and HLI, to St Benedict's Broadway where he continued to conduct Bible Study courses on Friday evenings, as well as teach prospective pilgrims. He lived at North Sydney at the Jesuit House there until his death [in 1999]. There was a chapel in the building we used at St Benedict's, where we would attend Mass, say the Angelus and Rosary. Fr Little offered Mass there for us after our monthly vigils." Instance, email message to author, correspondence, March 2, 2016.

¹¹⁰ Instance, "Recollections," 114.

Several parishes around the neighbourhood didn't want us to have Mass ... And most of them said, no, no, no. But Annandale parish had, as its then Administrator, Father Julian Porteous. And he said, yes, and made us most welcome. And so my association with him began back then in 1995. And he was a big help, and allowed us to use the parish facilities, and we'd say the Mass before our vigils ... and we still had the third Saturday vigil as a big event, and he would always say that Mass and, you know, welcome us back to the parish hall and use the facilities and all that, so.¹¹¹

Gail Instance recalls:

When we asked if we could have exposition following the Mass for those who wanted to stay in the church and pray, especially the elderly or the frail or anyone who just hadn't yet brought themselves to be able to stand in the street, he was more than happy to give us exposition and say the Benediction for us at the end.¹¹² And then we used to give him a little donation to use the little room down under the church for our morning tea. So we did that, that was our lovely home, and then he was made bishop. So we've had a long working relationship, good friendly relationship with Father Porteous, now Bishop Porteous.¹¹³

The Helpers were by now receiving support and advice in respect of the law and of their rights to stand on the footpath and conduct peaceful, prayerful vigils. Hanrahan recalls that Sydney barrister Paul Brazier 'particularly was a big help in that. He would say to me, here's what the law is. He'd go through the laws that apply, especially the Summary Offences Act and the so-called Move On Legislation here in New South Wales—which applies pretty much, every state's got a similar thing. And then he'd say, here's what the police will tell you, and here's what you say back. Right? Here's what you do.'¹¹⁴

When the Helpers first began to display the pictures on the footpath, the police arrived in three paddy wagons and told the Helpers to remove them. Gail

¹¹¹ Hanrahan, "Interview Transcript." Father Julian Porteous was named as Auxiliary Bishop of Sydney in July 2003, and as Archbishop of Hobart in September 2013. At the time of writing, Archbishop Porteous is the subject of a discrimination complaint in respect of his dissemination of the Australian Catholic Bishops Conference's statement on the Church's teaching on marriage.

¹¹² "Exposition is a manner of honouring the Holy Eucharist, by exposing It, with proper solemnity, to the view of the faithful in order that they may pay their devotions before It." Herbert Thurston, *New Advent Catholic Encyclopedia*, accessed February 7, 2016, <http://www.newadvent.org/cathen/05713a.htm>.

¹¹³ Instance, "Recollections," 114.

¹¹⁴ Hanrahan, "Interview Transcript."

Instance recalls: ‘that’s when Paul did the Brazier line’. ‘[W]e held our ground and we said, no. We’re perfectly within our rights to stand here. This is a public place. We’re not breaking any law. And if you arrest us, we will take a civil action against *you* for false arrest. Personally. And we did that. We were both shaking in our boots ... So they kind of went away and had a huddle and a talk and went.’¹¹⁵ Paul Hanrahan recalls that ‘about half an hour later, Gail says to me, have you noticed something, Paul? And I said, no. What? I was just relieved. She says, you and me are still here, the posters are still here, and the police are gone. [*laughs*] I said, great, isn’t it!’¹¹⁶ Gail Instance: ‘See that’s the argument against rescue. We’re still there.’¹¹⁷

Brazier’s advice in respect of their legal rights led him to suggest that the Helpers film themselves whilst on the street, in order to provide evidence for any false accusations made against them. This advice was heeded after an incident involving Hanrahan and Brian Clowes, a visiting pro-life speaker whom the Association had brought out from America in 1997. Instance recalls:

And Brian Clowes was a Green Beret in America, you know, almost like SAS. Tough. He was staying at Paul [Hanrahan]’s place and they arrived at Geoffrey Brodie’s [abortion facility] at Camperdown one morning before everybody else got there. And some big guy came out of the clinic and Brian took his picture. Brian had a camera and he was recording stuff. Ah, the fellow had a go at Paul, that’s right. He started abusing Paul, so Brian just stood there and took a picture of him. Well, this fellow got Brian in a headlock and rammed him up against the building, and of course Brian took it. Being a Green Beret or whatever he was he probably could have handled this fellow, but he didn’t. He didn’t fight back. And it was after that that Paul [Brazier] said, I’ve been telling you people, you need a camera. You need to get somebody videoing.

We didn’t have a video at that stage. We didn’t have money to buy one, and we didn’t have anybody who could do it. And of course all the arguments we went through: well, if somebody’s in the street holding a video camera, they’re going to get attacked; it’s got to be somewhere that is on the quiet so it isn’t painfully obvious that we’re videoing. Because we weren’t videoing for any kind of police records [in order to report that] this person’s just had an abortion and here she is on the video: it was for *our* protection. Just so that if we were accused of something we hadn’t done, well, you know, we’ve got

¹¹⁵ Instance, “Recollections,” 59.

¹¹⁶ Hanrahan, “Interview Transcript.”

¹¹⁷ Instance, “Recollections,” 60.

evidence ... The camera has saved us a few times. It's been good, and in fact the police are perfectly happy that we've got it.¹¹⁸



A few years prior to this, in 1989, Instance read for the first time a book by Father Paul Marx, an American priest and the founder of Human Life International (HLI): 'and it was just *extraordinary* reading. And I remember giving it to Bede and saying we've got to get in touch with this priest. He's miles ahead of us.'¹¹⁹ McDougall wrote to Father Marx and, the following year, the Association began to receive Father Marx's newsletters.

Father Paul Marx, ordained in 1947 a priest of the Benedictine Order, had begun pro-life work in 1959, 'back when death engineers were just starting to impose pro-abortion propaganda on America', but puts the commencement of his pro-life work proper at 1963.¹²⁰ He had spent close to the first twenty years of his priestly life in academia, teaching at St John's University in Collegeville, Minnesota. Instance notes that a turning point came for him when he attended a Symposium on Implementation of Therapeutic Abortion in 1971:

Having obtained a doctorate in family sociology, he registered for the Symposium as Dr Paul Marx and, with written permission, recorded the entire proceedings! Being a marvellous communicator, he didn't keep what he heard to himself, but exposed the whole Symposium the same year in his best selling book, *The Death Peddlers*, which sold 147,000 English language copies alone. The following year, 1972, he founded the first of his organizations, Human Life Center, at St John's University in Minnesota where he was teaching.¹²¹

Thus began the work that would ultimately earn Father Marx the name of 'Apostle of Life' from His Holiness, Pope John Paul II, and that of 'Public Enemy No. 1' from

¹¹⁸ Instance, "Recollections," 61-62. Dr Brian Clowes was named Human Life International's Director of Research in 1994. "Staff," Human Life International, <http://www.hli.org/about-us/staff/>.

¹¹⁹ Instance, "Recollections," 29.

¹²⁰ Father Paul Marx, 1920-2010. "'Apostle of Life': Fr. Paul Marx O.S.B.," *ACPLA Newsletter*, August/September, 1992, inclusion. Instance reiterated this in a conversation with the researcher, referring to Fr Marx as having written letters from the late 1950s. Paul Marx, *Faithful for Life* (Front Royal: Human Life International, 1997), 115.

¹²¹ Gail Instance, "'Take Me Home': A Tribute to Fr Paul Marx." Family Life International, accessed March 24, 2015, <http://www.fli.org.au/about/history/>. Fr Marx notes that the Human Life Centre was conceived in 1970 and formally organised in 1971. Marx, *Faithful for Life*, 115.

International Planned Parenthood Fund.¹²² Father Marx made the connection between the contraceptive mentality and the abortive mentality, and detailed the importance for pro-lifers of engaging with ‘the total approach’ – ‘from go to whoa: from sex ed and contraception and sterilisation, abortion, euthanasia, IVF, homosexuality’, or, more specifically, ‘homosexual acts’ – rather than the ‘single issue approach’.¹²³ Instance notes that, in addition to this, ‘he would include [promotion of] the good things: chastity, fidelity in marriage, chastity in youth, NFP for married couples. The whole package was connected.’¹²⁴ Such a concept reflects the ‘seamless garment’ approach which was accepted by most parties in the Church, and which makes the case for ‘a consistent ethic of life’. As such, it ‘stands for the protection of the right to life and the promotion of the rights which enhance life from womb to tomb’; and, in doing so, ‘manifests the positive potential of the Catholic moral and social tradition’. Furthermore, ‘a consistent ethic identifies both the protection of life and its promotion as moral questions. It argues for a continuum of life which must be sustained in the face of diverse and distinct threats.’¹²⁵ For Father Marx, and the Association following him, to speak of a ‘total approach’ for the pro-life movement towards issues of sexuality, is to speak of an organic continuity between eugenics, contraception, abortion, euthanasia; and though, at first sight, the relationship between these and homosexual acts may not be apparent, it is so in respect of the fact that homosexual acts are not open to life.

Father Peter West notes that ‘[i]n an era of widespread dissent, Fr. Marx’s defense of Church teaching did not make him popular even among his fellow Benedictine brothers and some bishops’.¹²⁶ Gail Instance recounts the story:

¹²² Human Life International, “HLI Founder: Father Paul Marx, O.S.B.,” accessed March 24, 2015, <http://www.hli.org/about-us/our-mission/hli-founder-father-paul-marx-o-s-b/>; “‘Apostle of Life’: Fr. Paul Marx O.S.B.,” inclusion. Cuneo notes that “in its promotional literature, HLI boasts that its attacks against “anti-family and anti-life” policies throughout the world have caused Planned Parenthood to label it “Public Enemy No. 1.” Cuneo, *The Smoke of Satan*, 63.

¹²³ Elsewhere, Instance delineates this more particularly, using the term ‘homosexual acts’ rather than ‘homosexuality.’ Instance, “Recollections,” 23, 66; Instance, “Interview Transcript.”

¹²⁴ Instance, “Recollections,” 31.

¹²⁵ Joseph Cardinal Bernardin, “A Consistent Ethic of Life: Continuing the Dialogue,” (The William Wade Lecture Series, St Louis University, USA, 11 March 1984). <http://www.priestsforlife.org/magisterium/bernardinwade.html>.

¹²⁶ Father Peter West worked from 1998 with Priests for Life – a Roman Catholic organisation focussed on activating priests, and in turn the wider Church community, to engage in pro-life work – and did so until he joined HLI as Vice President for Mission in 2011: Human Life International, accessed February 11, 2016, <http://www.hli.org/authors/fr-peter-west/>. Father Peter West, “Black Madonna Visits Grave of HLI Founder,” HLI, July 15, 2014, <http://www.hli.org/2014/07/black-madonna-visits-grave-hli-founder/>. For a more detailed account, see chapter six and Appendix E of Fr Marx’s autobiography *Faithful for Life*.

Anyway, in an effort to get rid of him – because he was embarrassing some of them with his outspoken support of *Humanae Vitae* and the promotion of it – those who totally disagreed and wanted to see the Church change its teachings and, you know, get with it, some of them cooked up a plot to get rid of him. They spoke to his good supporters, his friends who were on his board [that is, of HLI], and they said to him, look, Father is a workaholic; we all know that. So, we want him to take a holiday and he won't take the holiday. We need your help to make sure he takes a holiday. So, I'll tell you what we're going to do. We're going to lock his office and give him a bit of money, and give him a car and say you're on forced leave for a holiday. And they all agreed. Of course! Father needs a holiday! So he was locked out. Father, you're not going in there. You need a holiday. Off you go and enjoy yourself. No mailing list. No nothing. Locked him out.¹²⁷

Father West states that '[u]nder obedience, Fr. Marx was forced to dissolve the Human Life Center' but that 'he was permitted to move to the Washington, DC area'.¹²⁸ 'He had a few friends in Washington', recounts Instance. 'And he had to start again. Start from scratch. That's when he founded Human Life International in 1981'.¹²⁹ She notes that '[i]f Father Marx had simply opposed abortion, he probably would have had a relatively peaceful, untroubled life. But it was because he did so much more than that, that he faced persecution and difficulties to the end'.¹³⁰

The organisation notes that HLI was 'the world's first and largest international pro-life organization'.¹³¹ In 1989, Father Marx founded Population Research Institute, an organisation which aimed to 'monitor and report on international population control programs'.¹³² Over the ensuing years, Father Marx wrote many books and educational materials, and visited over a hundred countries, promoting the pro-life cause and establishing HLI branches across the world.¹³³

¹²⁷ Instance, "Recollections," 74.

¹²⁸ West, "Black Madonna Visits Grave of HLI Founder."

¹²⁹ Instance, "Recollections," 75. Fr Marx references 1980 as the year of HLI's commencement, and 1981 as the year of its incorporation: Marx, *Faithful for Life*, 128. West notes that this incorporation took place on the Feast of the Holy Innocents, December 28, 1981: West, "Black Madonna Visits Grave of HLI Founder."

¹³⁰ Instance, "Take Me Home."

¹³¹ Human Life International, "HLI Founder: Father Paul Marx, O.S.B."

¹³² Steve Mosher in Dave Morrison, "Steven W. Mosher to Head PRI," September 1, 1995.

<http://pop.org/content/steven-w-mosher-to-head-pri-1087>.

¹³³ Fr Shenan J. Boquet in HLI Staff, "Paying Tribute to Fr. Paul Marx, O.S.B., on Anniversary," March 20, 2015, <http://www.hli.org/2015/03/paying-tribute-to-fr-paul-marx-hli/>. For details of Fr Marx's international approach, see his autobiography *Faithful for Life*, especially chapters four, eight and nine; and Slattery, "Building a "World Coalition for Life.""

Once the Association had made contact with Father Marx, and had been placed on his mailing list, one of the early pieces of correspondence that they received from him was an appeal for funds for pro-life work in Ireland:

Well, we're all very friendly with the Irish Catholics, because thanks to them and the Benedictines this country's got Catholic parishes and dioceses and our faith's here. So Bede said, okay: we'll raise money in Australia and send it to Father Marx for his battle in Ireland. Well, we raised the grand sum of about fifteen hundred dollars, which is pittance. But, we sent it off to Father Marx. Well, he shot back a letter so fast; he also didn't let the grass grow under his feet. Will you be a branch of HLI?¹³⁴

As they had only been established as ACPLA for three years, the Association considered that it was too soon for a name change—‘it had taken us that long to even get on the map, on the very edge of the map’.¹³⁵ But they agreed to distribute HLI materials. ‘And then he sent us a big box of literature and things, stuff—that was his *forte*: to equip pro-life groups with resources ... And we understood for the first time I think the *international* dimension of all this. That we were fighting our little fight here, but this was international.’¹³⁶

In 1991, the year of HLI's tenth anniversary, Bede McDougall attended the HLI conference in Houston.¹³⁷ The following year, the Association and the Endeavour Forum jointly brought Father Marx out to Australia in an event that was supported by a number of organisations.¹³⁸ Instance notes that ‘he told us then that he *had* been to Australia before’.¹³⁹ This was on a visit hosted by RTLNSW:

¹³⁴ Instance, “Recollections,” 29.

¹³⁵ *Ibid.*

¹³⁶ *Ibid.*

¹³⁷ Fr Paul Marx, “It’s HLI’s Tenth Birthday!,” *ACPLA Newsletter*, April, 1991, 8.

¹³⁸ Endeavour Forum “is a Christian, pro-life, pro-family Australian Non-Government Organisation (NGO) which has special consultative status with the Economic & Social Council (ECOSOC) of the United Nations.” The organisation was founded in order “to counter feminism, to defend the right to life of the unborn, and to support marriage and the natural family.” Endeavour Forum, “Welcome to Endeavour Forum Inc.,” accessed February 11, 2016, <http://www.endeavourforum.org.au/>. The groups listed are as follows: ACPLA; Champion Fellowship of Australia; Catholics United for the Faith; Doctors for Life; Endeavour Forum; Families of Australia Foundation; Festival of Light; Foundation Genesis; John XXIII Co-Operative; Knights of the Southern Cross; Lawyers for Life; Life Lobby; Pharmacists Who Respect Human Life; Pro-Life Victoria; Right to Life Association (ACT); Right to Life Association (NSW); Right to Life Australia; Servants of Mary Help of Christians; Tradition Family Property: Father Marx in Australia Advertising Brochure, ACPLA.

¹³⁹ Instance, “Recollections,” 31.

Kath Harrigan [of RTLNSW] took him all around the place and put him on a plane, sent him home again. They weren't interested in what he had to say. Or didn't appear to be, because they didn't take any notice of what he had to say, because that would have been after he wrote or at the time he wrote *The Death Peddlers*, with the whole mess. And I didn't even hear of him. And here I was, would have been on the mailing list; I wasn't aware that he was ever in the country, or that he ever gave any talks anywhere. I had not heard of him till I got this book in the late '80s. So, I don't know what they did with him.¹⁴⁰

As a public speaker, he 'wasn't easy to understand because he mumbled'.¹⁴¹ Nonetheless, Instance notes that what he relayed in his talks was 'great information':

And he [said], I'll take you round the world. And of course he would. He'd go from country to country, all around, give you the fertility rate and all the figures and the most memorable part of his talk was if you put a fence around Europe, United States, Australia and didn't let anybody in, after a time there'd be nobody left. And that's frightening. And then of course he did say things like the Muslims will have babies for Allah [but] people aren't having babies for God. They're not having babies for the state. So, you know, we're declining because of sex ed, sterilisation, contraception, abortion.

It was a good talk. Anyway, that was Father Marx's tour, and I had really wanted all the pro-life groups—I thought, when they hear this fellow, surely we can all get together. It was another reason I wanted them all there. Listen to this fellow. He's miles ahead of all of us. Can't we form some kind of umbrella group under HLI with HLI as the—not me, but the organisation would be under Father Marx's umbrella. ... I thought surely we can— Even if they wouldn't change their name, at least if we were all on the same page and we were all fighting the same fights. But that didn't happen.¹⁴²

The connections made by Father Marx, the ideas he expounded – both in his talks and in his writings – broadened greatly the thinking of those within the Association. To be pro-life took on a greater and greater meaning. The Association's purpose, then, its struggle, was enlarging, becoming wider.

At the conclusion of his visit, Father Marx again asked the Association if they would become a branch of HLI, an invitation which this time they accepted. The following year, 1993, Father Marx sent out Michelle LaPalm, HLI's representative

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

for the Pacific region, to assist them in the process of setting up as a branch.¹⁴³ Part of this process involved the establishing of an office. Instance recalls: ‘So we ended up in two adjoining rooms at St Benedict’s, [Broadway,] like old classrooms, that used to be the kindergarten rooms. And Father [Terence Purcell] said he would let us have that for \$60 a week ... And it would go up each month by ten dollars until it got to a hundred, and then it stayed at a hundred for quite a long time, which was a very reasonable rent.’¹⁴⁴ The move was announced in the October/November newsletter – by now renamed *Life-Lines* – and the Association had moved into their new premises by the publication of the February/March 1994 edition.¹⁴⁵

By this time, Bern Sadler had stepped forward to assist the newly established office: ‘he was the only one amongst us who had some computer skills. It was old-fashioned computer skills, but skills we didn’t have, Bede and I didn’t have.’¹⁴⁶ In addition to working on the newsletter and running the office, Sadler undertook the bulk of the work of the incorporation process, which process was concluded in July 1994. Instance recalls: ‘So from then on our newsletter just became Human Life International Australia. And we were part of the HLI family worldwide. Although each branch was quite autonomous.’¹⁴⁷

At Easter of 1994, Instance attended the HLI conference in Irvine, California, a conference which she describes as ‘amazing’:

We heard speakers from all over the world, the best that were available. Father [Marx] had through all his travels and his contacts with people all around the place, he made it his mission – he was certainly a missionary. He travelled, I can’t even remember how many countries he visited and more than once, often. If there wasn’t any pro-life group already in some of these countries, he would round up people, you know, be pointed to people who might be interested and get something up off the ground and provide them with all the resources they needed: the leaflets and the flyers and the DVDs. If there was already an operating pro-life group, he would somehow make a connection, so that we all knew each other.¹⁴⁸

¹⁴³ Bede McDougall, “Challenges of the Future,” *Life-Lines* 7, no. 6 (1994): 2.

¹⁴⁴ Instance, “Recollections,” 64. Instance notes that “[t]his was at the beginning of 1994.”

¹⁴⁵ Bede McDougall, “Calling Mercy on Men,” *Life-Lines* 7 no. 5 (1993) 2; Gail Instance, “News from the States: New South Wales,” *Life-Lines* 7, no. 7 (1994) 4. The name *Life-Lines* was first used for Volume 7, no. 3, 1993.

¹⁴⁶ Instance, “Recollections,” 64. Bern Sadler notes that he began working with the Association “just prior to Father Marx coming out” Sadler, “Interview Transcript.”

¹⁴⁷ *Ibid.* Note that the newsletter was still entitled *Life-Lines*, but under the banner now of HLI rather than of ACPLA.

¹⁴⁸ Instance, “Recollections,” 65.

Further comments by Instance pertaining to her attendance at the HLI conference underline internal oppositional aspects of the nature of the identity of the group, delineated in this respect by those who subscribed to the ‘total approach’ and those who did not:¹⁴⁹

Now, the only pro-life groups that were not easy to work with all the time were those who did not take what Father Marx identified as the ‘total approach’. That sort of separated HLI and other affiliated organisations, like ours, [from some unaffiliated organisations] because we were trying to spread around what the Church said on these issues, that we covered all the issues. We weren’t just a single issue, abortion or euthanasia, and didn’t look at anything else. Which many of the other pro-life groups focus on. When it comes to classroom sex education, co-habitation, contraception, IVF, homosexual acts, all sorts of things like that that are all associated. Euthanasia, of course.

Father addressed all those issues, and he would publish what the Church taught about those issues. All of them. Because they’re interconnected. The more you look into the world from that point of view, the more you find the connections.¹⁵⁰

Following the conference, Instance joined the other HLI branch leaders for a visit to the headquarters in Gaithersburg, Maryland. Instance recalls: ‘So we were billeted over there in Gaithersburg for a few days, in which time we got to see the workings of HLI. So we were free to speak to the staff and take notes and write reports on the conference for our own countries. And send them back home for newsletters and things. It was quite extraordinary.’¹⁵¹

Instance credits Father Marx with pointing the Association to books and information that greatly enlarged their understanding of the pro-life movement and surrounding issues. ‘Our eyes were opened to a whole world of resources, which assisted us enormously. Being part of that international pro-life family was a source of strength and encouragement, because we knew that our counterparts in other

¹⁴⁹ Cerulo notes that Michael Piore “writes of identity-based movements as isolated, cohesive “communities of meaning.” Because such groups are narrowly focused and formed relative to distinctions, Piore argues that they find themselves incapable of cross-boundary exchange.” Cerulo, “Identity Construction,” 394.

¹⁵⁰ Instance, “Recollections,” 65.

¹⁵¹ Ibid.

countries were fighting the same fight we were fighting.’¹⁵² Making available these resources, then, became an important component of the educative work of the Association. This was in line with their Constitution which stated that one of their objectives was to ‘disseminate accurate information’ in support of and defending ‘the biological fact that human beings are living persons from the time of fertilisation until natural death’; and in support, too, of the ‘right to life of the elderly and the mentally and physically disabled from fertilisation until natural death’.¹⁵³

It was this focus on things educative together with the importance placed on understanding the inter-connectedness of the issues that led Wanda Skowronska to become involved with the Association. Her first encounter with them followed a visit to Brian Burgess’s Blue Army bookshop, which bookshop was located in the same building as the Association’s office:

I had a few books, and then I thought, well, I’ll go. And there was a corridor, and you went down a few stairs and to go out you had to go here. But to the right, down a corridor, there was a room. And there were all these people in it, and there were desks, and I just said, ‘What’s that?’ And somebody nearby just said, ‘Oh, that’s Human Life International.’ And I said, ‘Who are they?’ And they said, ‘Oh, they’re pro-life,’ or something like that. And I said, ‘Oh.’ And they said, ‘Why don’t you go down and say hello.’ And I thought, okay. No harm in that. So I went down and Gail was there, I remember – she would have been there then – John Gresser and I think Jane Gresser. And there were other people in the office as well. There would have been five or six people. And I thought, I wonder what they’re doing. Just this overwhelming curiosity. You know, what on earth are they doing here? And they just started to talk about this issue and that issue. And what struck me from the outset was the professionalism with which they were dealing with an issue.

...

[I]t was a bit like the Agora, you know, having a discussion of philosophy on one point or another, or some theological point. You can appreciate, how rare is that, that you could go in, and then there’d be this kind of a homely, friendly atmosphere. ‘Oh, have a cup of tea, and sit down. Now, have you read this encyclical?’ I mean, that’s something I just had not experienced. Not on any level. Mind you ... maybe I wasn’t looking or aware of it because I didn’t search for it enough. But when I found it, access to

¹⁵² Ibid.

¹⁵³ ACPLA Constitution, n.d.

educational materials—and, see, it led to materials beyond what was in that library, you know.¹⁵⁴

Though autonomous, the Association was nonetheless directly affected by changes within HLI headquarters. Such changes began to make themselves known in 1997 when the Association received a fax from President Father Matthew Habiger advising them that two members of the board in America had been dismissed. In light of his earlier experience of enforced dissolution of the Human Life Center, Father Marx had kept close to him those whom he considered trustworthy: ‘he made very sure that he had a very small board, of only five members. Trusted people who he knew would not be changing the system and suddenly be swamped with new members who would overturn and start opposing *Humanae Vitae*. That was his main concern. That it stayed faithful to what the Church, the official Church was teaching, and not just what some theologian thought.’¹⁵⁵ It was of much significance for the Association, then, to receive information pertaining to the dismissal of the two board members, trusted colleagues of Father Marx, Robert Lalonde and Michelle LaPalm. Additionally, the Association was informed that the dismissed board members were not to be contacted. Since the branches all had close relationships with Lalonde and LaPalm, Instance recalls: ‘We immediately got on the phone and rang them up, to find out, you know, what’s happening’.¹⁵⁶ The understanding in the HLI Australia office was that damaging rumours had been spread about the two: ‘We were told that there were discrepancies in the books. So, there was a massive audit ordered. And these two were escorted off the premises as if they were criminals.’¹⁵⁷ The *Arlington Catholic Herald* cited ‘fiscal mismanagement’ and noted that ‘Lalonde and LaPalm disputed the charge’ and that they subsequently commenced legal proceedings against HLI for defamation of character.¹⁵⁸ Instance recalls: ‘Now the audit went ahead. Massive audit. What the president was hoping to find were discrepancies, and of course there weren’t any.’¹⁵⁹ Furthermore, ‘[t]here was nothing anyone’ –

¹⁵⁴ Skowronska, “Interview Transcript.”

¹⁵⁵ Instance, “Recollections,” 75.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid., 75-76.

¹⁵⁸ Michael F. Flach, “Sad Development,” *Arlington Catholic Herald*, n.d., accessed April 9, 2015, <http://catholicherald.com/stories/Editors-Desk-Sad-Development,6300>. Note: stories referenced from the *Arlington Catholic Herald* website are all dated 1/1/99. It is clear that this date does not correspond to that upon which these stories first were published, and hence ‘n.d.’ (no date) is given here.

¹⁵⁹ Instance, “Recollections,” 75-76.

including Father Paul Marx – ‘could do while the audit was going on. By the time the audit was completed and no discrepancies were found, Bob and Michelle were out of the organisation.’¹⁶⁰

In the interim, Father Richard Welch had succeeded Father Habiger as president. With the sacking of Lalonde and LaPalm, and with Father Marx at that time out of the country, Father Welch, Instance recalls, now had control of the board. ‘And then of course this particular president greatly expanded the board to about thirteen’.¹⁶¹

Now [the changes in presidency] otherwise would not have affected us. A president can come and a president can go. We can still [operate], you know. We love Father Marx, just like many past presidents, you know, founding presidents, you still have great respect for them, you love them, you keep in touch with them, et cetera, et cetera. But unless there’s a serious policy change, you carry on with the new president. And we had up until then. But this was different. So we began to think, you know, what’s going to happen.¹⁶²

In August 1999, American Catholic media reported on the resignation and retirement of Father Paul Marx. The *Catholic Herald* reported that ‘Father Marx’s decision to retire, effective immediately, was conveyed on August 15 to HLI Chairman Father Matthew Habiger, O.S.B., and HLI President Father Richard Welch, C.S.S.R., by Father Marx’s religious superior, Abbot Timothy Kelly, O.S.B., of St. John’s Abbey in Collegeville, Minn.’, and that it was for health reasons.¹⁶³ HLI claimed that ‘Father Marx has reported on his medical condition during the past year in several issues of HLI’s monthly newsletter, Special Reports’, and that ‘he has a home at St John’s, where he began his religious life 57 years before’.¹⁶⁴

Shortly thereafter, the *Herald* published a story by editor Michael F. Flach entitled ‘Sad Development’, in which it was stated that although the announcement of Father Marx’s retirement ‘appeared to be a mutual parting of the ways between Father Marx, his abbey in Minnesota, and HLI officials Father Richard Welch and

¹⁶⁰ Gail Instance, conversation with author, September 14, 2015.

¹⁶¹ Instance, “Recollections,” 75.

¹⁶² *Ibid.*, 80.

¹⁶³ “HLI Founder Father Marx Retires,” *Arlington Catholic Herald*, n.d.
<http://catholicherald.com/stories/HLI-Founder-Father-Paul-Marx-Retires,5234>.

¹⁶⁴ “HLI Founder Father Paul Marx Retires: Health Reasons Cited,” *PR NewsWire*, August 16, 1999,
<http://www.prnewswire.com/news-releases/hli-founder-father-paul-marx-retires-74027792.html>.

Father Matthew Habiger ... [a]pparently, we did not hear the whole story'.¹⁶⁵ Flach went on to cite the September 2 edition of *The Wanderer* 'which detailed the "forced" exit of Father Marx from the pro-life organization he founded in 1981'. "It's just not true that I retired," Father Marx told *The Wanderer*. "We've had evidence for a long time that Father Welch (who was appointed HLI president in 1997) was plotting a coup, and I'm afraid he's succeeded."¹⁶⁶ HLI responded to the *Wanderer* report via PR NewsWire with a story entitled 'HLI Demands *Wanderer* Retract False Charges and Apologize', in which it was stated that HLI President Father Richard Welch had 'urged *Wanderer* Editor and Publisher Al Matt, Jr., to "retract the false charges it has published and apologize to HLI staff and supporters and to its own readers"¹⁶⁷. The *Catholic Herald* noted that 'Father Welch said he was surprised that Father Marx insists he never retired from HLI. "He most certainly did retire," he said. "I can't imagine why he would say that. There were eight witnesses."¹⁶⁸ Further, Father Welch stated that "Fr. Marx groomed me as his successor and as a voting Board member he twice supported my election as president. I've never wanted any breach and I continue to seek reconciliation with Fr. Marx by telephone and letter. To the extent that his health permits, there is still a vital role for him to play at HLI."¹⁶⁹

In Sydney, the Association – that is, HLI Australia – were watching this with growing consternation: 'we were very concerned at this stage that Father was sick and he was no longer there. I wrote to him, and I said, Father you always said that you found it easier to work than to pray. Well, I said, now God's given you time to pray. That's when I got the letter back by return post: I didn't resign. I was pushed. It happened to him again. You know, he's too effective.'¹⁷⁰ Furthermore, this change in situation had grave financial repercussions: 'And the donors in America just fled in droves. Their support went plunging when it was discovered that Father Marx hadn't been recalled because of health, that he was kicked out. The donors all pulled out.'¹⁷¹

¹⁶⁵ Flach, "Sad Development."

¹⁶⁶ "Sad Development," *Arlington Catholic Herald*, n.d., <http://catholicherald.com/stories/Editors-Desk-Sad-Development,6300>.

¹⁶⁷ "HLI Demands *Wanderer* Retract False Charges and Apologize," PR News Wire, January 3, 2000, <http://www.prnewswire.com/news-releases/hli-demands-wanderer-retract-false-charges-and-apologize-71921672.html>.

¹⁶⁸ Flach, "Sad Development."

¹⁶⁹ "HLI Demands *Wanderer* Retract False Charges and Apologize."

¹⁷⁰ Instance, "Recollections," 78.

¹⁷¹ *Ibid.*, 80.

Instance notes that while the Association as the Australian branch of HLI were not dependent upon headquarters for money, this was not necessarily the case for other branches. She refers in particular to ‘some of the east European branches that didn’t have a penny’ and ‘parts of Africa’; ‘[e]ven the Philippines was getting assistance from America’.¹⁷² Instance recalls additionally that ‘Population Research Institute that had been founded by Father Marx, they were told, you’ve got to raise your own funds and find another office’.¹⁷³

With Father Marx out of the picture, ‘Father Welch had a free hand’.¹⁷⁴ ‘Well, he was hiring and firing everybody ... [and was] sacking people who’d been there for years’.¹⁷⁵ Father Welch began to restructure the board both nationally and internationally, bringing in people who were unknown to the Association, and exerting a level of control which was foreign to the organisation as a whole. Gail Instance recalls that:

he’d taken out, well, like patents – I can’t think of the word they used in America – on all our branch logos, and all our property, and somebody that worked in the place said to us, he wants you to give him lists of every single bit that you have: the size of your office, the rents you’re paying, your mailing lists, your— He wanted *total* control. Now Father Marx hadn’t operated like that. We were given control of our own organisations. Our link with HLI was not a control thing. It was a resource for us. We could go there for information. We had access to all his newsletters, all his resources. We were put in touch with our own counterparts all around the world. The meetings that we had, we weren’t told what to do: we listened to speakers from all around the world and we listened to the problems that other people were having in their own countries. We learned some strategies and— But we were autonomous. Well, all of a sudden, that was going to be taken away from us. We would be reporting – yes, sir! – to this new president. So there were problems.¹⁷⁶

Prior to this, Father Welch had published his autobiography in which he had spoken candidly about his struggles with ambition, which ambition, he wrote, ‘was not motivated by money or material possessions’, but ‘by the notion of getting power

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Instance, conversation with author, September 14, 2015

¹⁷⁵ Instance, “Recollections,” 76-77.

¹⁷⁶ Instance, “Recollections,” 76-77. There was one proviso to the autonomy granted to the HLI branches, and that was that they must not teach error: Instance, conversation with author, September 14, 2015.

and authority'.¹⁷⁷ He described himself as becoming a 'monster' in respect of his growing inability to engage with the human aspects of his work as a priest in Puerto Rico: 'I spent my whole day in my air-conditioned office on the third floor overlooking the plaza and running the world from there, running my little kingdom'; and as a 'bureaucratic monster' in respect of his engagement with administration: 'I just plowed straight through all of the cultural barriers and implemented everything I wanted to implement. No one was going to get in my way.'¹⁷⁸ He struggled then with panic attacks for which, in time, he sought help, such that he was ultimately able to write: 'But for a priest, and for Christians in general this obsessive ambition can be even more damaging because you lose touch with what is most essential ... and that is your relationship with God'.¹⁷⁹

All those in the office of the Association had earlier read Father Welch's autobiography, but it was brought to mind again during this period of difficulty within the HLI administration. Instance recalls: 'And somebody said one day, who's got his book? Didn't he do this before? So we all reached for the book, and then we find it in this chapter, he described it. It was all happening again.'¹⁸⁰ Paul Hanrahan recalls:

There was a meeting held in [Aylseford,] London of HLI directors, executive directors, from around the world, or representatives of branches. And Paul Brazier went for us, as an advocate for us. And Father Richard Welch had written his book about his time I think in Puerto Rico, and about some events that had happened there, and how he seems to suffer from a bit of a manic personality and wanted to completely control things. He'd made admissions in his book which Paul had got a hold of the book and read, and found these things and, at this meeting, had brought them up. And had alluded to the fact that it was very similar to what was happening now.¹⁸¹

Instance recalls that 'within half an hour this president had resigned and gone off almost in tears'.¹⁸² 'We had known from the book that he had in the past suffered from debilitating panic attacks and psychological difficulties. Having resigned as

¹⁷⁷ Richard Welch, *Blood of the Martyrs: The Journey of a Catholic Priest to the Rescue Movement* (Gaithersburg, MD: Human Life International, 1994), 49.

¹⁷⁸ *Ibid.*, 50, 53.

¹⁷⁹ *Ibid.*, 53.

¹⁸⁰ Instance, "Recollections," 76-77.

¹⁸¹ Hanrahan, "Interview Transcript." Fr Richard Welch's candid confession and reflection can be found in chapter three of his autobiography: Welch, *Blood of the Martyrs*.

¹⁸² Instance, "Recollections," 81.

president he would have been able to recuperate and to get the treatment that he needed.’¹⁸³

Father Thomas Euteneuer was subsequently elected to the position of President of Human Life International—‘and he did his level best’.¹⁸⁴ But things had shifted and fractured. Colleen Bayer, Instance’s ‘counterpart in New Zealand’, pulled her branch from the international organisation: ‘They went it alone’, now under the new name of Family Life International.¹⁸⁵

In Sydney, the Association was assessing its own position: ‘Because things looked as though they were just grinding to a halt’.¹⁸⁶ They recognised that Father Euteneuer ‘was working very hard to rebuild and get back the donors, to assure them that everything was going to go on as it had under Father Marx. And he did pretty well restore a lot of the previous support. They gave him a chance.’¹⁸⁷ Nonetheless, it was suggested to the Association that they follow New Zealand’s lead and ‘just pull out’:

And so I was having talks, I was on the phone quite often to my counterpart in New Zealand, and the man in England, and the fellow from South Africa who had been sacked because he was being funded and they could no longer fund him. So he had to go to London and work in, you know, do emergency room work weekends to support those that were dependent upon him back in South Africa. And he’s not young. He was by that time seventy, and had to work like a slave and then go home back to South Africa for six months and look after [pro-life] affairs over there. A nightmare.

[A]nd we used to talk about it: is it possible to regroup, to perhaps start again with some of the branches who weren’t dependent for funds. We knew the other people, some of the European branches that were well and truly funding themselves. New Zealand rang me up one day and [Collen Bayer] said, we’re having a meeting, she said. She mentioned a couple of people from other branches were already there in New Zealand, and she said, would you like to come over.

And we approached Steve Mosher, who was president then of PRI and he’d been got rid of out of the main [HLI] building because he was told to go get yourself another office

¹⁸³ Instance, conversation with author, September 14, 2015.

¹⁸⁴ Father Thomas Euteneuer became president of HLI in December of 2000: John Willke et al., *Abortion and the Pro-Life Movement*, 516. Instance, “Recollections,” 81.

¹⁸⁵ Instance, “Recollections,” 82.

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

and raise your own funds, et cetera. So he had to start again. And he was willing to be the new president if we set up a new organisation.¹⁸⁸

In 2004, then, the groups from New Zealand, England, Australia and South Africa regrouped as Family Life International. Instance notes: ‘It was already the name for the New Zealand branch when Colleen had founded hers the year before we started in Sydney. She couldn’t use the name Human Life International ... so she had to have Family Life International. And Father Marx at the time had said to her [that] if he had his time over he would have called the whole organisation Family Life International.’¹⁸⁹ The American response to this was less than enthusiastic. At the beginning of June 2004, Instance wrote via both email and post to Father Euteneuer saying that HLI Australia was withdrawing from Human Life International and regrouping as Family Life International ‘out of necessity’:

We, here in Australia, have often felt very isolated and have wondered for how much longer our organization could survive. In fact, we had decided at the beginning of this year that we would probably have to close down by June and put all our efforts into the Helpers and pro-life counselling. This regrouping as Family Life International has given us hope and renewed enthusiasm to continue the fight.¹⁹⁰

‘So I said it’s not your fault, because you didn’t cause any of this, but, you know, that’s the way it’s happened and we hope we can still work together with HLI branches that remain HLI. And he wasn’t happy of course.’¹⁹¹ Euteneuer’s reply to Instance was speedy and succinct, and consisted of a single verse from the Gospel of St Matthew: “Be quick about what you are to do”, words spoken by Jesus to Judas when the latter is set on betraying him.¹⁹²

The intention of those branches that had broken away from HLI was that they would somehow work together as the new organisation, but ‘difficulties arose, and it never quite happened. We stayed in contact with each other for, well, for years, but,

¹⁸⁸ Instance, “Recollections,” 82. “[I]t was Fr Euteneuer who finally told Steve Mosher that Population Research Institute (PRI) would have to find a new office and raise its own funds. HLI was still struggling for funds themselves at that stage and the parting was not exactly amicable. A similar thing happened to Catholic Family and Human Rights Institute (C-Fam) which also had to fend for itself. Fortunately, both organisations have since gone from strength to strength.” Instance, email message to author, September 15, 2015.

¹⁸⁹ *Ibid.*, 83.

¹⁹⁰ Gail Instance to Father Tom Euteneuer, correspondence, June 1, 2004.

¹⁹¹ Instance, “Recollections,” 83.

¹⁹² Matthew 26:50.

yes, we didn't ever quite—even though we've got the same name and were doing the same sort of work ... there is a *loose* network going. But not as firm as we had originally intended it. That all has to be done.¹⁹³ Instance notes that

Whenever I hear anything, any praises sung about HLI, well good! They're doing the same work, they're saying the same stuff we're saying. But we've just, you know, severed connections, so. Hopefully, somebody at a future date, somebody that hasn't been affected by this ... Maybe whoever follows Paul [Hanrahan], that won't have all this baggage, won't have all this history, then a fresh page can be started.¹⁹⁴

Thus, from an interdenominational movement that did not highlight religion, there was a move to a specifically Catholic approach that did. Accompanying this were differences of opinion as to the tactics that a pro-life organisation should employ. This in turn led to a growing affiliation with the international character of the pro-life movement. But that, too, came to an end, and the movement, though loosely affiliated with groups which shared the same name overseas, was no longer institutionally bound to these groups. Two trends are discernible: the formation of an identity which becomes specifically religious and Catholic; and that, at the same time, becomes more consciously aware of itself as being located within a global movement.

The tensions in operation within the pro-life movement plainly played a significant role in the development of the Association's character and identity, which identity we have seen became more and more oppositional, most notably in respect of those within the pro-life movement. The following chapter demonstrates a continuance of this oppositional identity within the movement, but in respect of larger, more political engagements.

¹⁹³ Instance, "Recollections," 83-84.

¹⁹⁴ *Ibid.*, 85.

‘Don’t Vote for Abortion’: the politics of Catholic identity

We knew they had a policy for abortion. But we were also under this conscience clause. It muddied the waters. And nobody questioned the Labor party policy, up until this time.¹

‘In 1996, prior to the 1996 election, we were sitting in the office one day down at St Benedict’s and Bede McDougall was determined to make abortion an election issue. Well, that was nothing new because pro-life groups in this country have been trying to make abortion an election issue since the year dot. It never happened.’² What began for the Association as an idea to ‘make abortion an election issue’ became a concerted movement away from a political party that had traditionally attracted the Catholic vote, that is, from the Australian Labor Party (ALP). This chapter will show the Association’s efforts in this regard, and will show how, in its highlighting of pro-life issues, the Association both signalled and performed the role of active agent of a social and political change in Catholic identity, most noticeably expressed in party allegiance.

In 1996, the Australian Labor Party had been in power since 1983, under the leadership first of Bob Hawke and then, from 1991, of Paul Keating. But with the nation going to the polls on 2 March, there was a possibility for change, and the Association wanted to do all they could to ensure that change actually did take place.

Although there was a tradition of Catholic support for the ALP, the Association had difficulties with the party stemming from what had occurred in the 1950s regarding the Labor Split over perceived Communist influences within the

¹ Instance, “Recollections,” 102.

² *Ibid.*, 98.

party.³ These difficulties were furthered by events which occurred in 1971 when, at the ALP National Conference, ‘a motion was put to the delegates ... that the matter of abortion law reform should be a matter for the individual conscience’.⁴ ‘This’, writes Instance, ‘was, in fact, the first reference to abortion in ALP policy and it was introduced as a ‘conscience’ clause.’ She goes on to say that ‘No one, it seems, noticed the sea change’.⁵

The nature of the conscience vote in Australia is to permit members of a party the freedom ‘to vote in the way their consciences dictate or guide them, and not according to any party platform’.⁶ ‘Conscience or free voting’, John Warhurst states, ‘usually involves the most divisive issues of the day—and produces some of the most interesting parliamentary politics’:

Freed of party discipline, parliamentarians reveal so much more of their own personal values and thinking about contentious issue. This often occurs in the lengthy parliamentary debates typical of free voting. Many parliamentarians praise the conscience voting process. This is somewhat strange, even hypocritical, given that members routinely vote in the parliament as their party requires. Nevertheless, references to the very high-quality and thoughtfulness of conscience debates are common. Some members insist that parliament plays a valuable role when liberated

³ For information on this period, see Robert Murray, *The Split: Australian Labor in the Fifties* (Melbourne: Cheshire Publishing, 1970); Ross Fitzgerald et al., *The Pope’s Battalions: Santamaria, Catholicism and the Labor Split* (St Lucia: University of Queensland Press, 2003); chapter six of Gerard Henderson, *Mr. Santamaria and the Bishops* (Manly, NSW: St Patrick’s College, 1982). Though the Split could be styled, with due qualification, a Catholic affair, the idea of Labor as a Catholic stronghold remained. It became increasingly compromised, however, with the Whitlam years and the turn in Labor to a socially progressive platform. And it was abortion that signalled this change more so than anything else. Perhaps for this reason it was the pro-life movement that first felt the seriousness of the growing separation of the Catholic Church and Labor.

⁴ Instance recalls that this conference was held in 1971: Instance, “Recollections,” 100. John Percy likewise cites this date when he writes that “[t]he 1971 federal conference had passed a conscience vote on abortion.” Percy, *A History of the Democratic Socialist Party and Resistance: volume 1* (Chippendale, NSW: Resistance Books, 2005), 255. Helen Pringle states that “[t]he Australian Labor Party has allowed a conscience vote to its members on questions of abortion and the unborn since the early 1970s,” and that “the decision ... that abortion should be a conscience issue” was made at the ALP national conference in 1973. Pringle, “The Greatest Heights of Parliament? Conscience Votes and the Quality of Parliamentary Debate,” *Australian Parliamentary Review* 23, no. 1 (Autumn 2008): 198. Pringle cites as her source for this date Ian Frykberg, “Four Leaders Help Defeat Abortion Move,” *Sydney Morning Herald*, May 5, 2005, 9. Gail Instance, “ALP Conscience Vote is the Pro-Abortion Trojan Horse,” *Life-Lines* 10, no. 1 (August 1996): 1.

⁵ Instance, “ALP Conscience Vote is the Pro-Abortion Trojan Horse,” 1.

⁶ Helen Pringle and Kate Gleeson, “Thank God for the Conscience Vote,” *newmatilda.com*, April 4, 2011. newmatilda.com/2011/04/04/thank-god-conscience-vote.

from executive control. Others stress the extra individual research that legislators undertake when freed of the constraints of party policy.⁷

Unlike with other issues, where voting against party policy results in expulsion, on the issue of abortion the conscience clause allows members to ‘cross the floor’ and cast their vote with the Opposition without expulsion. Gail Instance recalls that

it was agreed by the delegates that members of the Labor Party would be free to pursue abortion law reform if they so wished, but no decision was to be binding on the party. And, apparently there was no opposition to that. Those who opposed abortion were silent because it didn’t affect them, they weren’t asked to do anything. And those who were for abortion had an open hand. They could do what they liked to promote abortion law reform. But it just wasn’t a party thing, wasn’t political, wasn’t going to be their policy. It wasn’t binding on anybody.⁸

After twenty-three years of a Liberal government, Labor gained power in 1972 under the leadership of Gough Whitlam, ‘who made no secret of his support for abortion’.⁹ ‘He swept in’, states Instance, ‘and one of the first things he did was start funding International Planned Parenthood. And Family Planning Associations here in Australia. And then he, two years later in 1974, he – as an executive decision – put abortion on the [Medibank] schedule.’¹⁰

Instance notes that ‘a couple of other things were done by Labor party members in those days’, citing specifically the disbanding of the Abortion Squad, a unit within the NSW police force.¹¹ George Petersen, ALP member of New South Wales State Parliament from 1968-1988, had worked fervently towards the legalising

⁷ John Warhurst, “Conscience Voting in the Australian Federal Parliament,” *Australian Journal of Politics and History* 54, no. 4 (2008): 580-81.

⁸ Instance, “Recollections,” 98.

⁹ Instance, “ALP Conscience Vote is the Pro-Abortion Trojan Horse,” 1.

¹⁰ Instance, “Recollections,” 99. Margaret Fitzherbert notes that “[i]n 1974 the Commonwealth had commenced funding medical abortions, but on the basis of an administrative decision, made without reference to the parliament.” Fitzherbert, *So Many Firsts: Liberal Women From Enid Lyons to the Turnbull Era* (Annandale, NSW: The Federation Press, 2009), 111. See also K.A. Petersen, “The Public Funding of Abortion Services: Comparative Developments in the United States and Australia,” *The International and Comparative Law Quarterly* 33, no. 1 (January 1984): 172; Baird, “The Incompetent, Barbarous Old Lady Round the Corner,” 8; Jenny Morgan, “Abortion Law Reform: The Importance of Democratic Change,” *UNSW Law Journal* 35, no. 1 (2012): 143.

¹¹ Instance, “Recollections,” 99. Ian Mylchreest notes that “[a] squad of thirty police was maintained to investigate abortionists.” Mylchreest, ““Sound Law and Undoubtedly Good Policy”: Roe v. Wade in Comparative Perspective,” in *Politics of Abortion and Birth Control in Historical Perspective*, ed. Donald T. Critchlow (University Park: Pennsylvania State University Press, 1996), 64.

of abortion. Upon Petersen's death in 2000, his parliamentary colleagues memorialised him by means of speeches within the Legislative Assembly. Parliamentary Secretary and Member for Wollongong Colin Markham recalled that '[i]n 1969 George campaigned for legalised abortion. I often heard him say, "While ever abortions are going on, women have the right to choose the best way of having those abortions performed. Why should working class girls be forced to go to backyard butchers when women and girls of the wealthy go to specialists, even if they have to go off shore?"'¹² Member for Gosford Chris Hartcher likewise recounted that '[a]s far back as the late 1960s, George Petersen believed in abortion law reform. There is still debate in some States and countries about the legality of such issues. However, it is important to consider how many women are alive today because they did not have to go to backyard abortionists. They were able to have safe abortions because of George's actions, which he convinced others to support.'¹³

Labor Party member, left-wing activist and second-hand bookseller Bob Gould published a pamphlet entitled *The Life and Times of George Peterson*, in which he states that he 'first met George at conferences of the dissident communist magazine *Outlook*, where he and I tended to represent the "left opposition", so to speak'. He goes on to recall Petersen's role in the changing status of abortion within politics and the wider society, and focuses particularly on 1969:

his long-standing campaign for abortion law reform resulted, effectively, in the legalisation of abortion in NSW. He personally moved a private member's bill for abortion law reform, which failed. He supported several other private member's bills, which also failed. He kept raising the question of abortion law reform in the parliament, deliberately embarrassing the civilised amongst his Labor colleagues and among the Liberals and Nationals, with a view to getting a result. As this parliamentary pressure built up, a legal case against an abortion clinic was decided in the courts and Judge Levine gave a decision in this case, which effectively legalised abortion, if conducted after proper counselling by a qualified medical practitioner. The Levine decision took place while one of George's private members bills on the question was before the parliament.

¹² Colin Markham, Death of Wilfred George Petersen, a Former Member of the Legislative Assembly, NSW, *Hansard*, 4 April 2000, 66.

¹³ Chris Hartcher, Death of Wilfred George Petersen, a Former Member of the Legislative Assembly, NSW, *Hansard*, 4 April 2000, 69.

Jim Staples revealed at the 1988 launch of George's book the inside story of what happened.¹⁴ The most senior administrators of the NSW police approached George and others involved and offered a deal. If George's private member's bill was dropped, there would be no more prosecutions, the Abortion Squad would be abolished, and the Levine decision would stand as the status quo, in practice legalising abortion. George and the others concerned made the necessary deal with the coppers, and abortion has been legal, for practical purposes in NSW, ever since. Subsequently a private member's bill, on this occasion moved by Neville Wran himself, made the broad outlines of the Levine decision the law of NSW. There is no question that George Petersen was the parliamentarian primarily responsible for the de facto legalisation of abortion in NSW.¹⁵

Gail Instance recounts the story this way:

[A] couple of backbenchers did a deal with the then Liberal New South Wales state police minister. They had been accusing the state Liberal government of corruption, and these two Labor men – one was a backbencher, one was a judge – they spoke to the Liberal police minister and agreed that they would stop pointing the finger at police corruption *if* this minister disbanded the Abortion Squad. And it was agreed. Police were being paid off by legal abortionists to keep quiet about it, and of course there was the Abortion Squad. And every now and again they would raid one of these illegal places. They weren't free-standing abortuaries like we've got now. But they would have been done in their rooms or, you know, somewhere. And they were known to the police. And every now and again there'd be a raid on a clinic. There'd be money change hands I presume. This was all done back in the early seventies, so Right to Life had only just begun to get itself organised. And the Abortion Squads were disbanded. So no more raids on clinics. So the abortionists had a free hand. And that was a Liberal decision, an agreement, so that these two would not be able to dig up any more dirt on police.¹⁶

¹⁴ Jim Staples legally represented the owners of the abortion clinic that was the focus of the 1971 Levine ruling: Mylchreest, "Sound Law," 64. He was a deputy president of the Australian Conciliation and Arbitration Commission whose "tendency to be a 'maverick' and to express his opinions in colourful and unorthodox language" is considered by Justice Kirby to be the reason for his failure to be appointed to the Australian Industrial Relations Commission, which Commission took the place of the abolished Australian Conciliation and Arbitration Commission: Michael Kirby, in *The Australian Judiciary*, Enid Campbell and H. P. Lee (Cambridge: Cambridge University Press, 2001), 148.

¹⁵ Bob Gould, *The Life and Times of George Peterson*, privately published, 1983, accessed February 22, 2013, <https://www.marxists.org/archive/gould/2000/georgepetersen.htm>.

¹⁶ Instance, "Recollections," 99. Duncan McNabb gives his account of the proceedings, noting that "[i]n an effort to remove Petersen's abortion bill from the debate, some very strange bedfellows gathered. Petersen, key police, a few politicians and representatives of the Clerk of the Peace (the ancestor of the Director of Public Prosecutions) put their heads together and came up with a compromise. The bill would go away, Levine's decision would be left as an untouchable precedent, there would be no further prosecutions, and the Abortion Squad would be abolished. By 1974, Medibank was paying benefits for the procedure." McNabb, *The Dodger: Inside the World of Roger Rogerson* (Sydney, NSW: Pan Macmillan, 2006), 47.

Sam Everingham notes that, in 1973, ‘a small group from the Humanist Society, the Council for Civil Liberties and the Australia Party came together to discuss a project of great significance for women in New South Wales’: the establishment of a ‘low cost, no-profit clinic for women requiring terminations’. Under the direction of Dr Ian Edwards of the Humanist Society and his brother Brian, financial assistance was sought from supporters via donations and interest-free loans; and, by February 1974, part of the top floor of a warehouse in Camperdown was chosen as the premises for the new venture. The space was fitted out at the expense of the landlord with the condition that rent for three years be guaranteed, which guarantee was secured by Australia Party founder Gordon Barton.¹⁷

On 24 June 1974, the first ‘apparently legitimate’ free-standing abortion facility, Preterm, was established in Sydney, opening its doors at 176 Parramatta Road, Camperdown.¹⁸ Instance wrote in 2008 that when she ‘discovered the address of that first abortuary [she] nearly fell over. That’s our address.’¹⁹ Though the building in which Preterm had operated was completely destroyed by fire on 19 April 1975, and the facility itself had long since relocated, the address was the same as that from which the Association would later operate. ‘Some would say it’s a coincidence but we know that nothing happens by chance. We were meant to be here, saving lives and praying in reparation for abortion on the very spot the killing and maiming took place.’²⁰

According to *The Sydney Morning Herald*, Preterm was ‘[s]upported and bankrolled by media magnate Clyde Packer, Australia Party founder Gordon Barton and barrister Geoffrey Keighley’.²¹ It is noted in *Hansard* that it ‘was set up

¹⁷ Sam Everingham, *Gordon Barton: Australia’s Maverick Entrepreneur* (Crows Nest: Allen & Unwin, 2009), 235-236.

¹⁸ Instance, “Recollections,” 99. Malcom Brown refers to Preterm as “Sydney’s first legal abortion clinic.” Brown, “Long-serving on Front Line for Women’s Rights,” *Sydney Morning Herald*, February 16, 2015. Jane E. Hodgson and Renée E. Ward note that: “[p]atterned after the Preterm Institute (United States of America model), the Preterm Sydney Clinic became the first free-standing clinic of its kind in Australia.” Hodgson and Ward, “Provision and Organisation of Abortion and Sterilization Services in the United States,” in *Abortion and Sterilization: Medical and Social Aspects*, ed. Jane E. Hodgson (London: Academic Press, 1981), 522. Harriet Alexander states that Preterm was “the first legal abortion clinic to operate in NSW.” Alexander, “Protesters Claim Victory in Closing of Clinic,” *The Sydney Morning Herald*, September 4, 2015, 14.

¹⁹ Gail Instance, “How Many Deaths,” *Life-Lines* (April-May, 2008): 15.

²⁰ *Ibid.*

²¹ Alexander, “Protesters Claim Victory in Closing of Clinic.”

following an application to the Registrar of Companies in the Australian Capital Territory lodged on 28th May, 1974'.²² According to Instance,

the federal attorney general, Lionel Murphy, Labor, did the paperwork and registered it from Canberra, even though it was established here in New South Wales. Abortion has not been removed from the statute books in New South Wales. The 1900 Crimes Act still applies, although it's not enforced, and given the policy then in the party that they could pursue abortion law reform, they did it with vengeance. Lionel Murphy by registering Preterm in Canberra, he's the top law man in the country. Which attorney general is going to take him on? None of them.²³

Everingham writes that:

To incorporate the clinic as a non-profit organisation, Barton's solicitors at Allen Allen & Hemsley were brought in. The project would require the approval of the New South Wales attorney-general. Given attorney-general Kenneth McCaw was known to be hostile to abortion, the group decided instead to incorporate the clinic in the ACT. Bureaucratic obstacles remained. In the end it took a personal appeal to federal attorney-general Lionel Murphy, who promptly signed the necessary documents.²⁴

Abortion, then, from 1974, 'has the appearance of legality'.²⁵ In the decade that followed, Labor made certain changes in policy, each of which represented for the Association and others a significant corruption of morality. Laws prohibiting the advertising of contraceptives were removed, classroom sex education was promoted, and women were given the right to all forms of fertility control. 'No qualifications at all', says Instance. 'All forms of fertility control. By this time many people already would have known that the Pill and the IUD were abortifacients. At least at that time people thought *some* of the pills were abortifacient. Certainly the IUD and I don't

²² Elaine Nile, 'Procurement of Miscarriage Limitation Bill', NSW Legislative Council and Legislative Assembly, *Hansard*, September 12, 1991, 1098. See this source also for the names of directors listed in the application, and for the names of those on the medical advisory council. Accessed July 13, 2015, [http://www.parliament.nsw.gov.au/prod/parlment/hanstrans.nsf/V3ByKey/LC19910912/\\$File/501LC011.pdf](http://www.parliament.nsw.gov.au/prod/parlment/hanstrans.nsf/V3ByKey/LC19910912/$File/501LC011.pdf).

²³ Instance, "Recollections," 99.

²⁴ Everingham, *Gordon Barton*, 237.

²⁵ Instance, "Recollections," 100.

think RU 486 had quite reached the level where it was one of the listed ones. Not quite yet.’²⁶

In 1984, Senator Susan Ryan, a Catholic – ‘it’s strange how they always get the Catholics to do these things, but that’s the way they operate’ – added two words to this particular policy: the words ‘and abortion’.²⁷ ‘That policy’, states the Association’s newsletter some years later, ‘adopted at the 1984 National Conference, and reaffirmed and published in the national handbooks of the ALP under the Women’s platform to this day states: *As women are major users of health, community and support services, Labor will - (a) support the rights of women to determine their own reproductive lives, particularly the right to choose appropriate fertility control and abortion*’.²⁸ Though abortion is a state matter, it should be noted that ALP national conference resolutions are binding on state parties.

A ‘bit of a scuffle’ ensued; the addition to the policy was debated hotly. Pro-life members were unhappy with the addition, while other members were arguing that now was the opportunity to eradicate the conscience clause entirely.²⁹ ALP National Secretary Bob McMullan argued strongly in favour of retaining the clause:

I do say, and I reiterate, that I believe that in that strategy the retention of the conscience vote is critical, not simply because it is part of the process of keeping the party together, which can get us into government to be able to take those initiatives—get enough people into the parliament to vote for the legislation—but because if we are talking about seriously developing a strategy to bring about change instead of just carrying resolutions at conferences, we need to not only have the policy in the platform; we have got to have the situation where the preconditions are set for the parliamentary parties, for the Labor governments, and in some instances the Labor oppositions to be encouraged to be prepared to be anxious in some instances to introduce and support the legislation, because if we have it on the books without the conscience vote we are going to have a situation where parliamentary parties around Australia are going to be very reluctant to take the legislative initiative that is on the books, because we will have premiers, we will have leaders of the opposition, we will have ministers who would find themselves in a

²⁶ Instance, “Recollections,” 100.

²⁷ Ibid.

²⁸ Gail Instance to Supporters, correspondence, October 7, 1997. [Emphasis in original].

²⁹ Instance, “Recollections,” 101. Helen Pringle, “The Greatest Heights of Parliament?” 199.

very invidious position, to put it mildly, by the initiative that was taken, and we all know—we have seen for 10 years what that means. It means nothing happens.³⁰

Gail Instance noted that McMullan ‘could see very well that if this was a policy, then all the members of the Labor party are bound by policy’:

They may not cross the floor. They get expelled if they cross the floor and vote with the opposition on any bill that is policy. If they’re allowed a conscience vote, then they can use it, but once something becomes Labor party policy, there’s no getting away from it. You have to vote according to policy. You can’t campaign against it, you can’t run to get a seat in the parliament against a policy. So, the normal thing to do would be to get rid of the conscience clause. But Bob McMullan, and other smarter people like Bob Hawke and Gough Whitlam, could see the damage that that would do if you took the conscience clause away, you’d be forcing the Catholic bishops to say something. And you’d be forcing practising Catholics out of the party. And the voters would pull out.³¹

John Warhurst notes likewise that ‘parties allow conscience votes largely because of a desire to avoid damaging splits. They recognize that some issues invoke deeply held, often religious beliefs that cross party lines and have the potential to fracture party discipline’. Quoting the argument of Dean Jaensch, he writes: ‘A conscience vote, then, is not a case of a party offering freedom for its members—it is a case of parties protecting themselves’; and that ‘Jaensch adds that Labor attempts, as at the 1984 federal conference, to impose a pro-choice party policy on abortion saw senior party members, often committed Catholics, threaten to leave the party should such a motion be carried’.³²

‘So, they did a very smart thing, contradictory thing’, says Gail Instance, ‘and they agreed to [keep the conscience vote]. And of course the pro-lifers in the party were delighted. Ah, we’ve got our conscience clause; we can stay in the party.’³³ But the issue of abortion was not going away, and Labor was not about to change its aim:

Bob McMullan argued: we still want abortion law reform, but we’re going to do it differently. We’re going to do it by means of the conscience clause. We’ll keep the

³⁰ Bob McMullan, in *Life-Lines* 10, no. 1 (Aug/Sept 1996): 4. *Life-Lines* cites as source: Australian Labor Party 36th Biennial National Conference, Canberra, July 1984. Transcription by Spark and Cannon Pty Ltd Adelaide, Melbourne, Sydney, Perth, 723-725.

³¹ Instance, “Recollections,” 101.

³² Warhurst, “Conscience Voting in the Australian Federal Parliament,” 582.

³³ Instance, “Recollections,” 101.

conscience clause, that'll keep the party together, and it'll give us time to get more people elected to the party that will pursue abortion law reform. And pro-lifers, the ones that were left, agreed—because they had their conscience clause and they could stay in the party and it didn't matter that the party was wicked to the core, it was their party and they wanted to stay there. And the bishops were silent.³⁴

The Australian Catholic bishops did in fact express their concern. Under the presidency of Francis Rush, Archbishop of Brisbane, they wrote to Prime Minister Hawke conveying their 'disappointment' over the decision. They questioned, too, 'the logic of making abortion by choice Party policy at the same time as insisting that it is a question on which each member will decide according to conscience.' The letter noted that, '[w]hether intended or not, it constitutes pressure on the conscience of members who disagree'.³⁵ This letter followed a statement four years earlier in which the bishops referred to pregnancy as 'a marvel of biology', and sexual intimacy between a man and a woman as 'co-operating directly with God the Creator'. The statement spoke, too, of the 'sour and negative philosophy [that] is trying to propagate the attitude that pregnancy is simply a nuisance, and parenthood nothing but a burden'. Though the bishops stated that, ultimately, the philosophy will fail, they also said that, 'in the short term, this negative philosophy is exerting considerable effort to create a pro-abortion mentality in our society'. Further, the statement spoke to the defencelessness of unborn children, and stated that the 'directly intended killing of any innocent human being whatsoever is always wrong', and that 'nothing can ever justify it'.³⁶

For the Association, the statements that made a difference were those that were proclaimed from the pulpit. Gail Instance recalls:

I know one bishop who is now dead, Bishop Maine, who was the chaplain to the armed forces, military chaplain. He told me on one occasion that he had personally told Kim Beazley who was leader of the party some years later, that as long as that policy was in force he would not be voting for the Labor party. And I think I said to the bishop at the time, if you said that from the pulpit, it would have made a difference. Privately, Kim

³⁴ Instance, "Recollections," 101.

³⁵ Francis Rush, Archbishop of Brisbane, in Kerr, *Statements Since Vatican II*, 101.

³⁶ Kerr, *Statements Since Vatican II*, 96-100.

Beazley couldn't care less who the bishop voted for, as long as he didn't tell anybody else.³⁷

In 1996 and with political change a possibility, the Association considered the angle they might take in order to make abortion an election issue. Instance recalls: 'Well, everything that Bede suggested that the Labor Party did that was pretty crook, we could come up with things that the Liberal Party did that were just as bad. So, there didn't seem to be any defining thing. Except the policy. We all knew that the Labor Party had a pro-abortion policy. So, Bede wrote to the Labor Party and asked for their policy'.³⁸

The reply they received came from National Secretary Gary Gray, who wrote that 'the Labor Party's policy on both issues [of abortion and euthanasia] is that they should be a matter for the consciences of individual members'.³⁹ The Association then sent their researcher to Canberra to go through the past handbooks of the ALP National Conferences and to find the actual wording of the abortion policy. 'We knew they had a policy for abortion', Instance says. 'But we were also under this conscience clause. It muddied the waters. And nobody questioned the Labor party policy, up until this time.'⁴⁰ The researcher returned with information that tracked 'the progress of all the evils that finally led up to: crunch, we've got the numbers. Now we're going to have abortion.'⁴¹ Instance writes: 'There is no doubt about it. The "conscience vote" is the modern day "Trojan Horse" used by abortion supporters to carry their platform into the Labor Party'.⁴²

The Association thus began their campaign against the Labor Party's abortion policy in advance of the 2 March 1996 election. They made the decision to place advertisements in various newspapers – a move which 'set the cat among the pigeons' – aiming originally at diocesan papers: Sydney's *The Catholic Weekly*; Perth's *The Record*; and Brisbane's *The Catholic Leader*.⁴³ The thinking was that '[i]f we can get the Catholic vote rolled back, that will make a bit of a dent'.⁴⁴ They worded an advertisement which was faxed to Father Matthew Habiger, President of

³⁷ Instance, "Recollections," 101-102.

³⁸ *Ibid.*, 98.

³⁹ Instance, "ALP Conscience Vote is the Pro-Abortion Trojan Horse," 1.

⁴⁰ Instance, "Recollections," 102.

⁴¹ *Ibid.*

⁴² Instance, "ALP Conscience Vote is the Pro-Abortion Trojan Horse," 1.

⁴³ Gail Instance, "Placing Ads Proves Problematic," *Life-Lines* 10, no. 1 (August 1996): 6.

⁴⁴ Instance, "Recollections," 102.

HLI in the United States, and approved. Instance later noted that, ‘[l]est it be thought otherwise, this moral support was the full extent of US involvement’; and that ‘[n]o financial assistance was offered, received or requested’.⁴⁵ She personally delivered the A4-sized advertisement to the offices of *The Catholic Weekly*, where both the advertisement and the accompanying cheque were accepted and a receipt issued. The same advertisement was mailed, accompanied by payment, to both *The Record* in Perth and *The Catholic Leader* in Brisbane.

The content of the advertisement was as follows:

CATHOLICS
(AND ALL PEOPLE OF GOOD WILL)
THINK BEFORE YOU VOTE!

On March 2nd, you will be required to exercise your conscience when voting in the Federal Election. You are morally obliged to properly **inform your conscience**. That obligation is a most serious one when it comes to **issues of life and death**.

It is an infallible teaching of the Catholic Church (cf. Pope John Paul II’s Encyclical Letter in 1995, *Evangelium Vitae*) that the unspeakable crime of direct abortion “*always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being.*” (EV, 62) Therefore, those who participate in such conduct are, objectively, guilty of serious sin. “[A] *person who actually procures an abortion incurs automatic (latae sententiae) excommunication [from the Church]*’. *The excommunication affects all those who commit this crime with knowledge of the penalty attached, and thus includes those accomplices without whose help the crime would not have been committed.*” (EV, 62)

THE AUSTRALIAN LABOR PARTY is the ONLY major party that has, as part of its platform, an **official** policy to kill innocent people – **ABORTION ON DEMAND**.

Other major parties may have some candidates that privately support this killing of the innocent and, on the other hand, have other candidates who oppose such a great evil - **BUT** their parties do not actually advocate this abomination as Government policy.

Every ALP candidate without exception pledges to support the whole platform of the party and it is not to the point that a small minority of them (popularly known as the

⁴⁵ Instance, “Placing Ads Proves Problematic,” 6.

“Catholic Right”) are technically permitted in limited circumstances to exercise a conscience vote.

The real point is that in Australian politics we have a **strict party system** so that when we vote for a candidate representing a major party **it is first and foremost a vote for the party and its platform**. The successful candidate’s guaranteed support for his party is what gains that party a majority in Parliament and, therefore, Government and the power to implement its declared platform of policies.

If we **vote ALP** at the coming election we **vote for abortion on demand** as it is one of the declared policies of that party. That policy supports laws being passed to overturn existing anti-abortion legislation. To vote ALP is inevitably to defy the teaching of the Catholic Church and Pope John Paul II who has said, *“In the case of an intrinsically unjust law, such as a law permitting abortion ..., it is ... never licit to obey it, or to ‘take part in a propaganda campaign in favour of such a law, or vote for it.’”* (EV, 73)

Human Life International Australia considers that to vote for the ALP, while its present policy to kill young children in the womb exists, is to co-operate in intrinsic evil. All people of good will should examine their consciences and vote accordingly.

This situation is hardly different from that in Italy in past decades when the Popes warned Catholics (and others of good will) not to vote for the Italian Communist Party because a number of its declared policies were absolutely inconsistent with the Church’s teachings and God’s laws – even if that party may have had some practical policies that were capable of support. To vote for that party, the Popes said, would be seriously sinful.

Human Life International Australia urges traditional Labor voters to **vote against the ALP this time**. Afterwards, phone, fax or write to them and tell them why. This is the only way to force them to drop their killing policy. Show them they will lose your support at the ballot box until their ‘*Culture of Death*’ policy is reversed.

No party deserves to be in Government that advocates the killing of innocent children!

DON’T VOTE FOR ABORTION – DON’T VOTE FOR THE ALP
HUMAN LIFE INTERNATIONAL
AUSTRALIA INC

Written & authorised by Bede McDougall,

Shortly thereafter, the Association discovered from a friend that the ALP had been informed of the advertisement, and that National Secretary Gary Gray had responded by writing to various Catholic media outlets. Gray's letter described the content of the advertisement as 'false and misleading', and went on to state that '[a]s has always been the case, every member of the Australian Labor Party is entitled to a conscience vote in any Party forum or in any Parliament throughout the country on the issue of abortion and a number of other issues ... I am sure you would know of many Labor members who have exercised a conscience vote on abortion and other issues and who have later risen to great heights in the Labor Party.' Additionally, the letter requested the cooperation of the recipient 'in ensuring that advertisements printed during this important campaign fairly and accurately represent the Labor Party's position in all matters'. Gray concluded the letter by stating that 'the most recent exercise of the conscience vote took place late in 1995 in the ACT Assembly on the issue of euthanasia'.⁴⁷

Gray's letter spurred on the Association to further action: 'we got our backs up then. We thought, we're going to have to do more than this'.⁴⁸ They decided to 'go for broke', and so broadened their campaign to include advertisements in two city dailies – *The Sydney Morning Herald*, a broadsheet; and *The Daily Telegraph*, a tabloid – and two local newspapers: it '[c]ost us a fortune. But we were determined to do it'.⁴⁹ The local papers were selected according to the local electorate in which they were distributed: 'the Blue Mountains, held by Maggie Deahm ALP, representing the feminist, pro-abortion Left'; and 'Lowe, held by Mary Easson ALP, representing the Catholic, pro-life Right'.⁵⁰ The Association reasoned that, for the pro-life movement, the ALP abortion policy meant that there was no difference practically speaking between the two: '[t]he election of one or both would advance the abortion push'.⁵¹

⁴⁶ FLI Staff, "Catholics (and all people of good will) think before you vote," Advertisement, *Life-Lines* (Aug/Sept 1996): 7. The address given is that of the Association's first premises, which now houses the University of Notre Dame, Australia, the institution through which the present thesis is being undertaken.

⁴⁷ Gary Gray, Letter to Editors, Catholic Media, in *Life-Lines* 10, no. 1 (August 1996): 6.

⁴⁸ Instance, "Recollections," 104.

⁴⁹ Ibid.

⁵⁰ Instance, "Placing Ads Proves Problematic," 6.

⁵¹ Ibid.

One week later, on the eve of printing, the Association received a tip off that *The Catholic Weekly* in Sydney had decided not to run the advertisement, and that they were going to wait until after election before refunding the payment with an apology note. Upon receipt of this information, the Association contacted their legal representative at the time, Penrith-based Michael Baker. Gail Instance recalls:

So, Michael got on to the lawyers at *The Catholic Weekly*, and he was arguing with them about keeping this in ... I'll never forget this day either because, I think, Bern Sadler and I were in the office, in our office in Abercrombie Street, and Michael was on the phone saying he's been talking to the lawyers from *The Catholic Weekly* and we *could*, if we want to force them to run this ad, then we're going to have to hold up the printing to get the matter settled. We're going to have to get a court order, stop the thing going to the printers until this matter is settled. And of course then we would be up for the costs of the delay getting the thing done and getting it out to all the parishes. Because it normally arrives in parishes by Wednesday, and this was Monday. And it was due to go to the printer that night. So, in order to stop it going to the printer without our ad, get a court order and the paper couldn't be printed, it wouldn't have been printed then until the matter was settled, either we lose or we win, but either way we'd be up – probably – for costs. And Bern and I had to make this [decision]. What are we going to do? Michael's on the phone: what do you want me to do? What do you want me to do? Do you want me to go and get this court order? And I remember wanting to disappear and just go to live somewhere else. [laughs] Bern was saying we can't afford court costs. If we're up for any big damages and things, you know, the cost of delaying this paper, we can't afford it. And I remember saying to him, look, this is the first time *anybody* has got this far. That this evil thing has been uncovered. If we don't do this now, we will never do it. We've got this far. If we back off now out of fear— So I said to Michael, get the court order, and I got in the car and I went to Penrith, to his chambers, because I would have had to sign things, terrified: what have I done? What have I done? [laughs]

Anyway, by the time I got to Penrith: good news. The lawyers had backed down because they could see we were serious, and they'd already accepted our ad and our money. So they must have been in a weak position. So, the lawyers had agreed that they would run the ad if we just took away the bold print! [laughs] Take the bold out of it, not the words. Just don't make it bold. And what did they want us to remove? 'Think before you vote!' [laughs] So that just became type, not bold type. Catholics, you know, don't vote for abortion, don't vote [for the ALP] – but the wording was exactly the same. We won. And it went in *The Catholic Weekly*.⁵²

⁵² Instance, "Recollections," 103.

Discussion was had, too, with the lawyers from *The Record*: the editor was requesting that the advertisement include the names of other political parties who also had a pro-abortion policy. Recalls Instance: ‘the Archbishop wasn’t too happy with *just*, you know, hammering the Labor party because others did have the policy’.⁵³ The Association had no objection to the posited change as it made no impact upon the sense or the potency of the advertisement: ‘So we changed the ad to say [that] while minor parties such as the Democrats and the Greens have a pro-abortion policy, the ALP is the only *major* party that can form government that has this policy. And they were happy with that.’⁵⁴

Brisbane’s *The Catholic Leader* did not publish the advertisement, but rather chose to withdraw it without notification. The Association was informed of the situation and had their cheque returned only after the paper had gone to press. In place of the Association’s advertisement was an advertisement for the Labor party: ‘A big ad. Same size as ours, on page three, which is a right-hand page. Which is what people look at as they’re going through a paper: the right-hand page. That’s where we wanted our ad. Page three, right hand’.⁵⁵ ‘We knew we had to go public in Brisbane’, they wrote, and so they sent the advertisement to Brisbane’s *The Courier-Mail*, a tabloid daily.⁵⁶ It was printed prominently on page seven of the paper the Wednesday before the election.

In Sydney, the legal advisor at *The Sydney Morning Herald* contacted the Association, and informed them that the advertisement was defamatory. Further engagement revealed that the reason for this was to be found in the Association’s description of unborn babies as human beings—‘We’re still trying to figure that one out’.⁵⁷ After negotiation, the advertisement was published on page five in the 29 February edition of the paper. *The Daily Telegraph* likewise published the advertisement on this date, though not on the right-hand page as had been requested, for which the Association was subsequently granted a refund.

⁵³ Instance, “Recollections,” 102.

⁵⁴ Ibid.

⁵⁵ Ibid., 103.

⁵⁶ Instance, “Placing Ads Proves Problematic,” 6.

⁵⁷ Ibid.

A few days later, the Labor party was ‘done like a dinner’ at the polls.⁵⁸ After thirteen years in power, they lost government to the Liberal-National Coalition. Instance recounts that, shortly after the election, Federal Director and Campaign Director of the Liberal Party Andrew Robb appeared on the television: ‘And he had all the figures. And he actually said in the breakdown of the figures for the first time that they were aware, the Catholic vote for the Liberal Party went from, I think, thirty-one percent up to fifty-two percent, or something like that. Just the Catholic vote ... I mean, the Labor Party was going to lose anyway in that election. But we figured we had a hand in it. So that was good’.⁵⁹

In his speech to the National Press Club on 13 March 1996, Andrew Robb referenced the Catholic vote when he spoke about the 600,000 voters who had left the Labor Party for the Liberals:

This shift has significantly broadened the Coalition’s voting base within middle Australia. And this movement overwhelmingly comes from workers and their families – Howard’s “battlers”. For example, Labor’s vote among blue collar workers fell from nearly 50% in 1993 to 39% in 1996. The Coalition blue collar vote jumped 5 points to 47.5%, a lead of 8 1/2 points. Labor’s vote among Catholics followed a very similar pattern with the Coalition turning an 8 point deficit in 1993 into a 10 point lead in 1996, 47% to 37%.⁶⁰

Innes Willox reported for *The Age* newspaper in Melbourne that the ‘coalition also had a 10-point lead among Catholic voters – another traditional Labor stronghold’.⁶¹ John Warhurst wrote that ‘[a]fter John Howard’s first victory in 1996 one of the Liberal Party’s first claims was that the government’s higher vote had reversed a number of its historic electoral weaknesses, including a weakness among Catholics,

⁵⁸ Instance, “Recollections,” 104.

⁵⁹ Ibid.

⁶⁰ Andrew Robb, “Address to the National Press Club,” March 13, 1996. <http://australianpolitics.com/1996/03/13/andrew-robb-the-1996-federal-election.html>. Also at Andrew Robb, “Lessons From the 1996 [election] Campaign,” *The Sydney Papers* 8, no. 2 (Autumn 1996): 107. See also Gary Johns, “Whither Labor,” *Backgrounders* 9, no. 2 (June 1997): 6. For a detailed examination of the voting patterns at the 1996 election, see David Charnock, “Spatial Variations, Contextual and Social Structural Influences on Voting for the ALP at the 1996 Federal Election: Conclusions from Multilevel Analyses,” *Australian Journal of Political Science* 32, no. 2 (July 1997): 237-254. For a study of the ‘blue collar’ vote in Queensland, see Singleton et al., “Did the 1996 Federal Election See a Blue-Collar Revolt against Labor? A Queensland Case-study,” *Australian Journal of Political Science* 33, no. 1 (March 1998): 117-130.

⁶¹ Innes Willox, “Libs Claim Win a Mandate for all Campaign Pledges,” *The Age*, March 14, 1996, 7.

by then Australia's largest Christian denomination. Andrew Robb claimed that 'a 9% deficit among Catholics was turned into an 11% lead'.⁶²

While there is no analysis to indicate the level of influence exerted upon Catholic voters by the Association's advertisements, the campaign had attracted attention. Instance recalls: 'We were told by one Labor member who is still in the Parliament that for the first time to his knowledge the policy was actually discussed after our ads began. But that was as far as it went, because they still have a vast majority of members in the Labor Party [who] are pro-abortion'.⁶³

The advertisements, additionally, attracted unwanted attention: the Association 'got the Electoral Commission breathing down [their] necks', requesting the names of those who had contributed to the funding of the advertisements.⁶⁴

Because we'd obviously spent a bit of money on ads. Beyond a certain amount, you've got to notify the Commission so that, for example, if the Liberal Party was running anti-ALP ads, it'd have to be declared that it was the Liberal Party. They can't sort of do it underhand. So they wanted the names of the people who had contributed to this ad. Well, [legal advisor] Paul Brazier was back in town by this time. He spoke to them and he said, as our lawyer, he said, we would have had to hand over our mailing list. This was general funds; it came out of [general funds]. So, that was it.⁶⁵

Instance notes that McDougall received 'terrible' phone calls, such that he was obliged to change his home telephone number: 'He made it a silent number because he had been in the Labor Party for years before this abortion policy. And a lot of his family members were Labor Supporters. And a lot of our supporters were Labor supporters'.⁶⁶

The impact of the advertisements on the Association's membership appeared to be minimal. While some members 'just quietly disappeared', those 'who were really angry and got on the phone and wanted to blast us' would ultimately listen to the argument. Instance recalls that '[w]hen we had the opportunity to explain exactly why we did this, and the arguments behind it, I think we converted a lot of people ...

⁶² John Warhurst, "Religion and Politics in the Howard Decade," *Australian Journal of Political Science* 43, no. 1 (2007): 21. See also Warhurst *et al*, "Howard's Agenda," in *Howard's Agenda: the 1998 Australian election*, ed. Marion Simms and John Warhurst (St Lucia: University of Queensland Press, 2000), 170.

⁶³ Instance, "Recollections," 107.

⁶⁴ *Ibid.*, 105.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

I know that there were a couple who just said get me off your mailing list. But they wrote to us. They didn't ring us so I could talk to them. They just want to, get me off, you don't have to tell me how to vote; I know how to vote.⁶⁷ For Instance and others in the Association, the sense was that a positive political shift had been made in respect of the Catholic vote:

I think the word has got around to quite a lot of Catholics that you really can't vote for the Labor Party. I don't know that it has been commented on since, like Andrew Robb did. But there are more and more people understanding the nature of that policy. Because initially you think well I should be able to vote for my man here because I know he's a Mass-going Catholic, he's a member of the Labor Party but he will have a conscience vote so he won't vote for abortion. So, perhaps I could vote for him because he's a good man. And we need good men in Parliament. And that is an argument we've had to address. And it's not difficult to address it. Because even though he can, when he gets a chance, vote against an abortion bill, he is bound by party policy on all other issues. And these days, Labor is involved in a lot of other moral issues. For example, IVF. For example, prostitution, homosexuality. And they have policies about these things.⁶⁸

Warhurst and Merrill write that '[t]here can be no doubt that pressure against abortion law reform has largely (but not solely) either emanated from or drawn sustenance from the Catholic Church'; and that '[t]he Catholic Church has intervened in the abortion issue both directly through the public statements of its spokesmen, generally bishops, and indirectly through participation by Catholics in 'pro-life' groups'.⁶⁹ The authors can be seen to be treating the Church's involvement in this political issue as if it were speaking as a unified voice, whereas we have seen that this is not quite the case. Indeed, not only did the issue indicate a change in the Catholic political culture, but it also served to highlight the increasingly oppositional identity of the Association within the Church. Warhurst and Merrill reference, too, the 1980 statement of the Conference of Australian Catholic Bishops which declared: 'We therefore applaud those groups, who are using their rights as citizens of a

⁶⁷ Instance, "Recollections," 105.

⁶⁸ Ibid., 108. For information pertaining to the ALP's policy on prostitution, see Katrina Gorjanicyn, "Sexuality and Work: Contrasting Prostitution Policies in Victoria and Queensland," in *Politics of Sexuality: Identity, Gender, Citizenship*, ed. Carver, T. and V. Mottier (Abingdon: Routledge, 1998), 180-189.

⁶⁹ Warhurst and Merrill, "The Abortion Issue in Australia," 130-131.

democracy to organise political support for this great cause.’⁷⁰ Gail Instance recounts:

We continue to go opposing that Labor Party policy. Our thinking behind trying to stop people voting Labor is because we looked, we had a good hard look at what it would take to have that policy overturned. Now, given that it is policy, a person could not expect to be pre-selected for the Labor Party in any seat on a pro-life ticket. You could still at this stage seek pre-selection on the grounds that you were opposed to euthanasia. Or any other issue that is not Labor policy. You can’t go into a pre-selection battle in your local branch, local ALP branch, on a pro-life ticket, saying, I intend getting into Parliament to change that policy. You would not get pre-selection in your branch. And if you did get pre-selection, it would be because you didn’t make that known. And anyone else who got pre-selection before the same election, you would have to have a majority of pro-lifers going for pre-selection for the Labor Party and not letting anybody know that you were pro-life. And then you would not only have to get pre-selection, but then you’d have to win the election. You’d have to then become elected to the Parliament. And furthermore, you would then have to be selected, the majority of you would have to then be selected to go as delegates to go to the ALP National Conference, in order to have the numbers to overturn that policy. Now, what chance is there of that? That in any given year, a sufficient number of pro-lifers secretly won pre-selection, won the election, and then got selected as delegates. Not much chance.

...

I would like to say that it’s only around the corner that we’re going to get rid of the policy. But there’s no sign of that yet. The numbers are still too small against it. However. It’s a battle.⁷¹

What we have seen is that the Association, in its highlighting of pro-life issues, both signals and indeed is an active agent of a social and political change in Catholic identity, most noticeably expressed in party allegiance. We have seen too that the Church was not a unified voice in respect of pro-life issues, and that Catholic relations with the ALP can be observed in the reluctance of Catholic papers to run the Association’s advertisement, while secular papers were happy to take the money and run the advertisement. The Association’s political convictions in respect of abortion would only galvanise; the next episode in their history would place them in

⁷⁰ Text of a *statement on the right to life issue*, released by the Conference of Australian Catholic Bishops, in Warhurst and Merrill, “The Abortion Issue in Australia,” 131. [Emphasis in Warhurst and Merrill.] Also in Kerr, *Statements Since Vatican II*, 98.

⁷¹ Instance, “Recollections,” 107, 109.

a position even more at odds with those presumed to be fighting the same political battle.

The Osborne Bill: how one piece of legislation split the pro-life movement

[T]here was this huge and acrimonious meltdown between the pro-life forces where, you know, I would sort of see the fundamentalist – not a great term – but the fundamentalist pro-lifers were saying, you must legislate to remove all abortion, anything else is unacceptable. And we were saying, we're trying to wind this back little by little. And there was just not a meeting of the minds. And it was angry and it was ugly.¹

In 1996, a child in Perth, Western Australia, opened the door of the family's fridge to find a baby in a jar. The child's mother, a Maori woman, had had an abortion and wished to return to New Zealand with the remains so that she might bury them in sacred land and in accordance with tradition.² The child's teacher, hearing of the 'baby in the fridge', contacted the police.³ When the police found the remains of the aborted baby, they reported the incident to John McKechnie QC, the State's Director of Public Prosecutions.⁴

It was this incident that set in motion a series of events which resulted in the change in abortion laws in Western Australia, making them the most liberal abortion

¹ Vicki Dunne, "Interview Transcript," interview with the author, May 31, 2013, Canberra, ACT.

² Melinda Tankard Reist notes that "[i]n Maori culture, a baby's umbilical cord and other material associated with the birth should be buried in sacred land." Reist, "From Farthest 'Out Back': The Baby in the Fridge," *The Human Life Review* (Spring 1998): 60. Jasmina Brankovich refers to the "woman's wish to be given the dead fetus after the abortion in order to prepare a culturally suitable burial." Brankovich, "Constructing a Feminist Morality in the Western Australian Abortion Debate, 1998," *Journal of Australian Studies* 25, no. 67 (2001). Special Issue: Fresh Cuts: New Talents 2001, 87.

³ Tankard Reist, "From Farthest 'Out Back,'" 60. Brankovich, "Constructing a Feminist Morality," 87.

⁴ Tankard Reist, "From Farthest 'Out Back,'" 60.

laws in the country at the time.⁵ The chain of events did not stop in Perth, however, but stretched a long arm to pro-lifers on the other side of the country. It would bring about what some were proud to announce as ‘the first pro-life legislation concerning abortion in this country’, but which others condemned as ‘intrinsically evil’.⁶ Ultimately, it would be considered to have ‘[divided] the pro-life movement in this country like nothing else ever has’.⁷ This chapter looks at issues for the pro-life movement in Australia in respect of legislation and the interpretation of Catholic Church teaching, and looks too at how these issues split the pro-life movement and, in turn, contributed to the increasingly distinct identity of the Association. The discussion begins with an overview of the 1996 legislation introduced in Western Australia (WA), before engaging with that introduced in the Australian Capital Territory (ACT) and with the responses ensuing from it, which responses included debates over the interpretation of Church documents. This event in the history of the Association represents a bringing together of theory and practice such that the identity of the Association was influenced in respect of the manner in which their identity was forming within the Church.

Upon discovery of the baby in the fridge, the police considered charging the woman. Their sights then fell upon the counsellor at the abortion facility who had granted permission for the woman to take home the remains of her aborted baby. But it was the doctors – Victor Chan and his anaesthetist Hoh Lee Peng – who were eventually charged under section 199 of the Western Australian Criminal Code. As such, they were the first doctors to be so charged.⁸

Abortion in Western Australia was, at the time, legal only when a woman’s life was at risk, a point made by McKechnie in an ABC radio interview given at the time

⁵ Cica, *Abortion Law in Australia*, 2; Bebe Loff and Stephen Cordner, “Western Australia Passes Liberal Abortion Law,” *The Lancet* 351 (June 6, 1998): 1714. Margaret Kirkby argues that the new laws were not as liberal as the media claimed: Kirkby, “Western Australia’s New Abortion Laws: Restrictive and Reinforcing the Power of the Medical Profession and the State Over Women’s Bodies and Lives,” *Australian Feminist Studies* 13, no. 28 (1998): 305-312. In 2008, the liberalisation of Victoria’s abortion laws outpaced those of other states: Jane Lee, “Abortion laws ‘among the worst in the world’” *The Age*, February 12, 2014, <http://www.theage.com.au/victoria/abortion-laws-among-worst-in-the-world-20140212-32ife.html>.

⁶ Warwick Neville, “Realpolitik: Theology & the Culture of Death: Abortion, Politics and Law in the Australian Capital Territory,” *Bioethics Research Notes* 10, no. 4 (December 1998): 2. Gail Instance, “ACT Bill Divides Pro-Lifers,” *Life-Lines* 12, no. 2 (Oct/Nov 1998): 1.

⁷ Instance, “ACT Bill Divides Pro-Lifers,” 1.

⁸ The name of Dr Hoh Lee Peng is sometimes recorded as Dr Hoh Peng Lee.

that the charges were laid.⁹ The laws in the Western Australian Criminal Code meant the following:

Section 199: A medical practitioner could only procure or attempt to procure an abortion if a woman's life were in danger otherwise he/she was liable to a fourteen year jail sentence;

Section 200: A woman could only procure or attempt to procure an abortion if her life were in danger or she would be liable to a seven-year jail sentence;

Section 201: Anyone assisting to procure or attempt to procure an abortion would be liable to a two-year jail sentence;

Section 259: A person would not be criminally responsible for performing in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or upon an unborn child for the preservation of the mother's life.¹⁰

According to Dr Henry Cohen – then clinical director at King Edward Memorial Hospital and with an opinion favourable to abortion law reform – this meant that only about 1% of abortions were legal.¹¹ The law, plainly, was not enforced. Many women, it was thought, assumed that there was no legal issue regarding abortion because of its ease of availability in the State at the time. ‘Young women’, writes Australian Labor Party (ALP) opposition politician Cheryl Davenport, MLC, ‘didn’t know abortion was illegal’.¹²

With the spotlight suddenly turned upon Doctors Chan and Lee, however, ‘passionate debate’ ensued.¹³ Doctors were advised to cancel their abortion lists, and the Australian Nursing Federation (ANF) counselled their members to eschew assisting at abortions.¹⁴ The number of abortions committed during this period dropped. Davenport, concerned at reports of two women who attempted to self-abort, and desiring ‘to restore the [Western Australian] situation to what it was prior to the

⁹ Tankard Reist, “From Farthest “Out Back,” 60.

¹⁰ Cheryl Davenport, “Achieving Abortion Law Reform in Western Australia,” *Australian Feminist Studies* 13, no. 28 (1998): 299.

¹¹ Harry Cohen, in Shannon Buckley and Angela Luvera, “Doctors Charged for Performing Abortion,” *Green Left Weekly*, February 18, 1998. www.greenleft.org.au/node/18405.

¹² Davenport, “Achieving Abortion Law Reform,” 300.

¹³ Buckley and Luvera, “Doctors Charged for Performing Abortion.”

¹⁴ Kylie Stephen, “Changes to Western Australia’s Abortion Law in 1998,” Prochoice Forum, accessed January 31, 2013, <http://www.prochoiceforum.org.uk/al5.php>.

charges being laid’, announced that she would be introducing a Private Member’s Bill into the Legislative Council. At that time, she writes, two private abortion facilities were servicing the state, which accounted for approximately 85% of first trimester abortions procured in Western Australia. Davenport notes that ‘[w]ith half of the regular service under a cloud because the doctors of one clinic had been charged there was no choice but to respond legislatively’.¹⁵ On 10 March she introduced a Repeal Bill which ‘sought to remove all of Sections 199-201 of the Criminal Code and to delete all references to those sections of the Criminal Code from the Evidence Act.’ Additionally, she writes, ‘Section 259 was amended to repeal the reference to abortion’.¹⁶ To put it another way, as ALP Member for Girrawheen Ted Cunningham did, the Davenport Bill meant the following:

This approach does not restrict any abortion procedures, because abortion would be removed from the code. Unborn babies could be killed by any means at any stage of their development. This Bill would grant the mother the sole right of life and death over that child, a power not given to others in our society. Unborn babies would be open to indiscriminate killing. Abortionists would no longer face imprisonment but would enjoy legal protection to kill babies at will. In short, what is now illegal will be done legally ... We should not kid ourselves: We are talking about abortion on demand.¹⁷

Melinda Tankard Reist notes that Attorney-General Peter Foss had assisted in the drafting of this bill.¹⁸ It was, in fact, one of two bills of this nature with which he was involved at the time. The other, referred to as the Foss Bill and sometimes as the Government Bill, was prepared by Foss for the Legislative Assembly with Cabinet and Party room approval. Its ‘Four Point Plan’ ultimately provided for abortion on demand up to twenty weeks. Abortion would be legal for a woman ‘if her pregnancy is causing serious danger to her physical or mental health; if serious danger to her physical or mental health will result if the miscarriage is not procured; if she will suffer personal, family, social or economic consequences if the miscarriage is not

¹⁵ Davenport, “Achieving Abortion Law Reform in Western Australia,” 300.

¹⁶ *Ibid.*

¹⁷ Ted Cunningham, Criminal Code Amendment Bill – Second Reading, WA Legislative Assembly, *Hansard*, March 17, 1998, 668.

¹⁸ Tankard Reist, “From Farthest “Out Back,” 6. Also John Kobelke, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1723.

procured; or if she gives informed consent'.¹⁹ Informed consent 'is defined as consent given by the woman after she has received counselling about the consequences of an induced miscarriage'.²⁰ However, unlike the Davenport Bill which aimed to remove the provision of abortion from the Criminal Code and to attach it to the WA Health Act, the Foss Bill kept abortion within the Criminal Code. As Paul Omodei, Independent Member for Warren-Blackwood, points out, 'the real difference between the two Bills is that the Foss Bill, or what could be termed the Criminal Code Bill, was predicated on the premise that abortion is unlawful except in certain cases, while under the Davenport Bill, abortion is lawful except in certain cases'.²¹ As far as the Association and other pro-lifers were to understand it, both pieces of legislation were designed to make abortion more widely available in Western Australia.

'The Foss Bill was a disaster', Bill McNee, Member for Moore, stated during the Second Reading of the Davenport Bill in the Lower House. 'I remind members that Professor John Finnis of University College, Oxford, determined that it was the worst legislation in the world bar the Chinese [one child] legislation. [The Davenport Bill] can only be worse'.²² McNee further referred to the Davenport Bill as 'the killer's Bill', stating that, 'The butcher shop Bill will be open'.²³ Paul Omodei remarked: 'If we go to the extreme of the Davenport Bill, we will make Western Australia the abortion capital of the world; people would be able to say that it is open slather on abortions in Western Australia'.²⁴

There were issues not only with the content of the Bills, but with the manner in which they had been drafted, as Iain MacLean, Liberal Member for Wanneroo, noted during the Bill's Second Reading:

I cannot emphasise enough that both Bills were drafted in haste. They both contain an inordinate number of amendments. There are so many amendments that the final Bills do not represent the initial Bills that entered this Parliament. There were so many amendments that nobody knew to which amendments they were talking. That was

¹⁹ Bebe Loff and Stephen Cordner, "Abortion Bills Introduced to Western Australian Parliament," *The Lancet* 351, no. 21 (March 1998): 892.

²⁰ *Ibid.*

²¹ Paul Omodei, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1747.

²² Bill McNee, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1746.

²³ McNee, *Hansard*, 1746.

²⁴ Omodei, *Hansard*, 1747.

proved last week with the confusion that reigned over one of the amendments. No-one was quite sure to which part of it we were talking because there were three parts to an amendment. They had been amended so many times no-one knew which one we were on. We had amendments sitting here with "a", "b" and "c" written on them so that we would know to which part we were talking. How can we as a responsible House of Parliament pass legislation that has been amended so many times that members do not know what they are talking about?²⁵

Tankard Reist writes that, when it came to the vote, Peter Foss ‘showed where his heart really lay’ when he ‘defected’ from the government approved legislation in order to vote for the Davenport Bill.²⁶ Davenport herself notes that Foss’s public support of her legislation ‘made it clear to the Leader of the Government in the Legislative Council, Norman Moore, that [her] Bill would succeed’, and notes, too, that ‘by then it was also clear the Government Bill would succeed in the Assembly’.²⁷

In fact, both Bills did pass in both Houses and with a majority.²⁸ The Foss Bill, though, was withdrawn when the President of the Legislative Council deemed it in breach of Standing Orders to have two different pieces of legislation on the one subject under discussion at the one sitting of parliament.²⁹ Tankard Reist writes of the suspicion that this was part of a strategy to ensure that the Davenport Bill would win the day: ‘It has since been revealed that Foss and Davenport knew of the impending charges months in advance and were well prepared with their respective bills when the charges were finally laid. The pro-life MPs, on the other hand, were caught completely unaware and had little time to prepare amendments’.³⁰ Indeed, Ted Cunningham, Member for Girrawheen, states in regard to Attorney-General Foss:

He has now either abandoned this Bill or has in mind for all of us here the greatest political sting that has ever taken place in this Parliament. It is not surprising that this has happened. We know that the Attorney General used the privilege of his office to

²⁵ Iain MacLean, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1751.

²⁶ Tankard Reist, “From Farthest “Out Back,” 63.

²⁷ Davenport, “Achieving Abortion Law Reform in Western Australia,” 301.

²⁸ Diana Warnock, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1762.

²⁹ Tankard Reist, “From Farthest “Out Back,” 63.

³⁰ *Ibid.* Also, John Kobelke, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1988, 1724.

obtain vital information about the impending prosecution of two abortion doctors. The public knows that; we know that. The Attorney General did not tell his Premier, but within 30 minutes he leaked that information to a member of the Labor Party, whose personal crusade for abortion on demand was extremely well known.³¹



Across the other side of the country, the Association was watching all of this with growing apprehension. In an article published in the April/May 1998 issue of the Association's bi-monthly newsletter, *Life-Lines*, Gail Instance makes plain the organisation's response to the Bills: 'Both bills', she writes, 'spell death, disease, and trauma for preborn babies and their mothers. The only cause that will be advanced is that of radical feminism which has been responsible for more deaths and personal tragedies this century than all other 'revolutions' put together'.³² She sums up the article unequivocally: 'Both the Davenport and the Foss Bills, with or without amendments, must be rejected by civilised people'.³³

Tankard Reist reports that, after the state's elected representatives were able to 'ram through abortion on demand' in only a week, during which time usual parliamentary measures were not observed – 'the bills', she writes, 'were not referred to a Committee for proper examination, as happens with bills of far less importance' – 'pro-life Members of Parliament openly wept in the chamber, as did their black-arm-band-wearing supporters in the public gallery'.³⁴

In its final form, the Davenport Bill repealed Sections 199, 200, 201 and 259. A new Section 199 was created which stated that:

- (1) It is unlawful to perform an abortion unless –
 - (a) the abortion is performed by a medical practitioner in good faith and with reasonable care and skill; and
 - (b) the performance of the abortion is justified under Section 334 of the Health Act 1911.
- (2) A person who unlawfully performs an abortion is guilty of an offence—penalty \$50,000.

³¹ Ted Cunningham, Acts Amendment (Abortion) Bill – Second Reading, WA Legislative Assembly, *Hansard*, April 8, 1998, 1717.

³² Gail Instance, "Conscience: A Licence to Kill?" *Life-Lines* 11, no. 5 (April/May 1998): 1.

³³ *Ibid.*

³⁴ Tankard Reist, "From Farthest "Out Back," 62.

- (3) Subject to Section 259, if a person who is not a medical practitioner performs an abortion that person is guilty of a crime and is liable to imprisonment for 5 years.
- (4) In this section—‘medical practitioner’ has the same meaning as it has in the Health Act 1911;
- (5) A reference in this section to performing an abortion includes a reference to—
 - (a) attempting to perform an abortion; and
 - (b) doing any act with intent to procure an abortion, whether or not the woman concerned is pregnant.³⁵

On 26 May 1998, the *Acts Amendment (Abortion) Act 1998* was assented to and came into operation. Though stricken by the final outcome, the Association was not necessarily surprised. Gail Instance recalls that they had been concerned that the pro-life politicians were not receiving appropriate advice, and that they were being encouraged to take the ‘half a loaf is better than no loaf at all’ approach: ‘the ring leader of this pro-life group went into the Parliament with that attitude. And with his opening remarks he said that he hadn’t come into the Parliament to oppose in its entirety this bill, but he would offer a, sort of a compromise bill. Which is fatal, because you might as well just put down all of your weapons and say, we give up and we’ll just get the crumbs’.³⁶

The politician to whom Instance refers is Independent Member for South Perth, Philip Pental. His opening remarks during the Second Reading of the Foss Bill are as follows:

From the outset I make it clear that I am a believer of the notion that half a loaf is better than no loaf at all. Although I strenuously oppose abortion and believe that it is inherently bad for society, I am aware the view is not shared by everyone. In the light of that, I will outline later in my speech an alternative to defeating this Bill in its entirety. I say that particularly to people who share my view that to defeat a proposal that could be said to represent half a loaf in favour of contemplating the open slather approach of the Davenport Bill makes no sense to me politically, morally or ethically.³⁷

These words were of profound importance for the Association, and its response to these words was of profound importance to the understanding of an issue over which

³⁵ Kirkby, “Western Australia’s New Abortion Laws,” 306-307.

³⁶ Instance, “Recollections,” 86.

³⁷ Philip Pental, Criminal Code Amendment Bill – Second Reading, WA Legislative Assembly, *Hansard*, March 17, 1998, 668.

pro-lifers had long wrestled. For the Association, the enormity of this issue rendered virtually immaterial the vigorous pro-life speech that Pandal went on to make, rendered virtually immaterial, too, his declaration regarding his ‘personal, unequivocal opposition to the practice of abortion’. For here was a man who, in pronouncing his ‘half a loaf’ approach, had, as it were, lain down his weapons. For the Association, this was perceived to be the case because of the issue known by its shorthand as *EV 73*.



On 25 March 1995, Pope John Paul II promulgated the encyclical entitled *Evangelium Vitae* [EV], the Gospel of Life. It is an encyclical which Catholic pro-lifers hold dear for its celebration of the sacredness of life, and for its deep encouragement of their efforts towards bringing about an end to abortion. Within its pages, though, there exists a section that has been a point of concern to a number of people, not least to members of the Association. The section is referred to as *EV 73* or, more precisely, *EV 73.2,3*, and is as follows:

In the case of an intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to "take part in a propaganda campaign in favour of such a law, or vote for it".

A particular problem of conscience can arise in cases where a legislative vote would be decisive for the passage of a more restrictive law, aimed at limiting the number of authorized abortions, in place of a more permissive law already passed or ready to be voted on. Such cases are not infrequent. It is a fact that while in some parts of the world there continue to be campaigns to introduce laws favouring abortion, often supported by powerful international organizations, in other nations – particularly those which have already experienced the bitter fruits of such permissive legislation – there are growing signs of a rethinking in this matter. In a case like the one just mentioned, when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not

in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.³⁸

John Finnis speaks to some degree to the history of this section of the encyclical, drawing attention to the fact that the reference to voting in 73.2 is by way of a quotation. This quotation, he writes, ‘is from the Declaration on Procured Abortion made by the Congregation for the Doctrine of the Faith (CDF) in November 1974’. *Evangelium Vitae*, he says, ‘is deliberately recalling what the Holy See taught in 1974’ in order to then ‘pass judgment on a matter that for two decades had been causing disputes among Catholics (and other pro-life people), had been left unsettled by the 1974 Declaration, and had occasioned statements by and on behalf of bishops, episcopal conferences, and officials of the Holy See itself’.³⁹

The problem for the Association, however, was that, far from clarifying the CDF’s 1974 teaching, *EV 73* itself, they felt, needed clarification. The Association found itself attempting anew to understand and interpret the intended meaning, with particular reference to the situation in Western Australia. Gail Instance states:

Now many pro-lifers around the world have taken [*EV 73*] to mean that if abortion is already legal in a country, say up to 28 weeks, or 24 weeks, that it would be legitimate for a politician to support legislation that legalised abortion up to 20 weeks. And that is the question that has not yet quite been answered. Because an attempt was made in England to do just that years ago by a good, good people, well-intentioned. However, it means that you are in fact legalising still abortions up to whatever, 20 weeks, 24 weeks, whatever the limit would be. And in many cases abortion legislation usually, even if it excludes all other abortions, usually will consider it quite ordinary, and usual, to include abortions for rape and incest.

Now, can a pro-life politician, or can any politician, support the killing of an innocent person, for any reason? Because that’s, anyway, that’s the problem that we had. And when we read this politician’s first, his opening remarks that he obviously wasn’t there to defeat the bill, or even *try* to defeat the bill – they probably had done the numbers and realised that the numbers were against them, that the bill was going to pass, the best they could hope for was to water it down somewhat. But, that’s the question: can that be

³⁸ John Paul II, *Evangelium Vitae*, Encyclical Letter, Vatican Website, March 25, 1995.
http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html.

³⁹ John Finnis, “Restricting Legalised Abortion is Not Intrinsically Unjust,” in *Cooperation, Complicity & Conscience: Problems in Healthcare, Science, Law and Public Policy*, ed. Helen Watt, (London: The Linacre Centre, 2005), 212.

legitimised? The moral principle, do good and avoid evil, or the reverse, you know, the other side of it is don't do evil that good will come of it.⁴⁰

The stance taken by the Association was further underlined for them when they discovered that, prior to the committee of doctors being established whose role it would be to determine the legitimacy of any given abortion of over twenty weeks put before them, pro-lifers had 'documented seven, at least seven occasions where abortions over twenty weeks were committed'. Instance states that the government's response to this had been to declare that it 'was the intention of the law', and that 'these doctors have done this in good faith'. Instance continues: 'It was just a dreadful, dreadful thing. Which shows that abortionists have no regard for the law whatsoever. So to try and play with them and compromise your principles for them is an absolute waste of time. It's a little bit like Chamberlain and his appeasement policies for Hitler. You just, you're giving in. It does not work. It does not succeed, it just makes everything worse.'⁴¹

The Association's critical argument was presented very concisely by Instance at the time in the Association's newsletter. She wrote:

At a public talk in Perth, Mr Pental referred to paragraph 73 of *Evangelium Vitae* to back up his argument that it is morally licit to vote for a bill which aims at 'limiting the harm' done by a more liberal law.

Where there is an existing law allowing abortion, the Pope declares that it is certainly morally licit for someone, whose personal objection to abortion is well known, to vote for legislation aimed at reducing the harm done by such a law. *This law does not apply in West Australia where there is no such existing law.*⁴²

The Association sent Paul Brazier to Perth to meet with some of the pro-life politicians:

They'd refused to see him. They'd absolutely refused to see him. So he went to the Archbishop, and he also spoke to other pro-lifers, and it *was* found that had they really done their numbers in West Australia, and had the Archbishop threatened any politician who voted *for* abortion in any shape or form, that he could no longer consider himself to

⁴⁰ Instance, "Recollections," 87.

⁴¹ Instance, "Recollections," 88.

⁴² Instance, "Conscience: A Licence to Kill?" 1. My emphasis.

be a Catholic, they would have had the numbers. There were enough people in the Parliament at that time. They would have managed to stop that bill, but none of that happened.⁴³

‘The pro-choice movement’, noted Kylie Stephen, ‘saw it as an ‘historic’ win for women of Australia, and for the pro-choice movement of Australia, as it was the first time they had gone on the offensive in any state and been successful.’⁴⁴ Though it was not the full repeal that many had hoped for, it was, in the first instance at least, recognised it as an opportunity for celebration.

For pro-lifers, the outcome of the Western Australian debate acted as a spur. In Canberra, a young politician by the name of Paul Osborne was considering what he could do to limit the number of abortions in ACT. This ‘pro-life, big family, good Catholic man’ had previously been a police detective in Newtown, Sydney, and had played professional rugby league for ten years.⁴⁵ He entered politics in 1995 as the Independent Member for Brindabella where he held the balance of power for two terms. Osborne notes that Canberra is a very liberal jurisdiction: ‘it’s got liberal drug laws, prostitution laws, obviously the X-rated industry is down there’. He recalls being ‘quite popular because I played footy’, and yet ‘quite conservative on those things’.⁴⁶ His constituency, he says, ‘didn’t quite know how to take me’.⁴⁷

Although abortion was illegal in Canberra at the time, the law was not enforced, a fact which caused pro-lifers deep consternation. Gail Instance recalls that ‘pro-lifers in the ACT day after day were witnessing women going in for abortions into the only abortion mill in the ACT at the time, run by the Family Planning Association ... Because you could get an abortion any time you liked in the ACT, and no one was ever charged’.⁴⁸ The situation, according to Osborne, was ‘a free-for-all’.⁴⁹ Warwick Neville noted that:

Although there has never been a prosecution [i]n relation to abortion in the ACT, and therefore no decided case in this jurisdiction, the principles of precedent suggest that, in

⁴³ Instance, “Recollections,” 88. Also, Instance, “Conscience: A Licence to Kill?”, *Life-Lines* 11, no. 5 (April/May 1998): 1.

⁴⁴ Stephen, “Changes to Western Australia’s Abortion Law in 1998.”

⁴⁵ Instance, “Recollections,” 90.

⁴⁶ Paul Osborne, “Interview Transcript,” interview with the author, April 11, 2014, Sydney, NSW.

⁴⁷ *Ibid.*

⁴⁸ Instance, “Recollections,” 89.

⁴⁹ Osborne, “Interview Transcript.”

the event of a prosecution, an ACT court would inevitably follow the Menhennitt ruling, as courts in other Australian jurisdictions have done as a matter of course since 1969. In the absence of any ruling to the contrary from an appellate court, the accepted legal regime on abortion, according to custom and precedent more so than principle – prevails.⁵⁰

In the period leading up to the 1998 elections, Osborne, like any other member of parliament, received forms from numerous lobby groups requesting that he clarify his position on certain issues:

And Right to Life, their standard question is—I honestly don't understand the logic, you know. Like, I'm a lot older now, and you have time to think about these things. But the question they asked on this survey was, do you support it staying in the Crimes Act, abortion staying in the Crimes Act? Most people say yes, [but] the Menhennitt ruling means that it's basically legal anyway. You know, so. It's in the Crimes Act, who cares, you know. You can have an abortion; anybody can have an abortion. It's, you know, a nonsense. So it's very easy for politicians to say, of course. Because it's not going to affect people's access.⁵¹

Osborne was re-elected as the member for Brindabella in the ACT on 21 February 1998, just two months before Western Australia's *Acts Amendment Abortion Act 1998* came into effect. In this climate, he began to consider what could be done to restrict the number of abortions in the ACT, and so asked the question: 'can we tighten it up; can we do something'. He recalls: 'From my perspective I thought it would be nice to actually take a stand on something, because abortion legislation's slowly been eroded, you know. So it would be nice to actually send it back the other way'. He says that he was 'a little naïve, too, about the level of angst it would cause in the community'.⁵²

Paul Osborne was not the only politician considering the status of abortion in the ACT at the time. Leslie Cannold notes that, on 21 May 1998, and '[i]nspired by events in WA, Wayne Berry circulates letter to assembly members inquiring about their position on a bill to repeal the provisions of the Crimes Act which relate to abortion. The letter includes a copy of the proposed decriminalisation bill and a

⁵⁰ Neville, "Realpolitik," 1.

⁵¹ Osborne, "Interview Transcript."

⁵² *Ibid.*, 4.

speech Berry made in 1994 when he had last introduced the bill'. She notes, too, that 'Independent anti-choice MP Paul Osborne responds to Berry's move in a piece in the *Canberra Times* in which he claims that he "had not sought to divide the community by forcing his views on others." However, with Berry having thrown "the first punch", he was now "considering [his] options"⁵³.

Osborne began, then, to gather about him people to assist in this process. His relationship with Right to Life ACT by this time was a good one, and so it was with members of this organisation, together with members of parliament, that ideas began to develop. He aligned himself closely with the ecclesiastical hierarchy, naming in particular Archbishop Frank Carroll and Bishop Pat Power. 'I wanted to make sure that I wasn't going to be excommunicated for whatever I did', he says. 'There was a lot of input from a lot of different Catholic people at that high level to make sure that whatever I tabled would be okay'.⁵⁴ He welcomed the support of Dr Warwick Neville, research fellow at the Australian Catholic Bishop's Conference, and had meetings, too, with Gary Humphries, Deputy Chief Minister of the ACT and 'a very strongly pro-life member of parliament'.⁵⁵ Vicki Dunne had been working for Gary Humphries since 1996, and recalls this period:

[Gary Humphries] and Paul had been having discussions about Paul's view, Paul Osborne's view about the sort of abortion law reform that he wanted to institute. And he came to Gary as a sort of intermediary because on the—the board numbers on the Legislative Assembly, he didn't have the numbers to get through what he wanted to do. So he wanted to bargain. And he was bargaining with the government of the day on a whole range of issues to do with quite different, in a different plane altogether, to do with deregulation and privatisation of utilities: water, electricity utilities. And the government of the day had a particular plan that they were trying to put into place to change the corporate structure of government-owned utilities. Essentially what Paul wanted to do was to say, I'll support you on this if you'll support me on my bill. Because there were a couple of members of the government who were openly pro-choice who eventually voted for a version of Paul's bill.⁵⁶

⁵³ Leslie Cannold, *The Australian Pro-Choice Movement and the Struggle for Legal Clarity, Liberal Laws and Liberal Access*, November 2000, 22.

<http://cannold.com/static/files/assets/6674fbe1/johannesburg-report-2000-11.pdf>

⁵⁴ Osborne, "Interview Transcript." Osborne mentions by name then ACT Right to Life President Nicola Pantos, and Melinda Tankard Reist.

⁵⁵ Dunne, "Interview Transcript."

⁵⁶ *Ibid.*

Osborne rejects this: ‘I didn’t do any deal on it. I didn’t have to’; and states that he ‘had the numbers’.⁵⁷ Leslie Cannold writes that Wayne Berry ‘hints at the government’s need to pander to Osborne because his vote is needed for the upcoming sale of the public utility ACTEW’.⁵⁸ Any thought of the sale of utilities that Paul Osborne may have entertained, according to one source, had been discarded upon liaison with the Australia Institute: ‘Osborne said the Australia Institute – a left-wing think-tank – had instilled enough doubt about the sale to convince him. While a sale would bring short-term Budget benefits, he was concerned about the profit motive of private owners and maintaining quality controls five or 10 years down the track.’⁵⁹

During this period of research and consultation, a meeting was held at the Australian Bishops’ Conference Secretariat in Canberra.⁶⁰ This meeting, Instance recalls, was a coming together of pro-life organisations to work on an approach that would avoid in the eastern states what had happened in the west. ‘So we took that to mean, we don’t want the law legalised here, in the eastern states, and we don’t want any of this compromise going on. That’s what *we* thought’.⁶¹ She later posited a more recent theory, that it was rather an attempt on the part of ACT pro-lifers to get the Association on side and supportive of their plans to introduce legislation, knowing how the Association had responded to legislative changes in the west.⁶² Paul Brazier went this time to Canberra to represent the Association.

⁵⁷ Osborne, “Interview Transcript.

⁵⁸ Cannold, *The Australian Pro-Choice Movement and the Struggle for Legal Clarity, Liberal Laws and Liberal Access*, 24.

⁵⁹ “Independent Pulls Plug on ACTEW Sale in Canberra,” *EWN Publishing*, accessed July 31, 2015, http://www.erisk.net/erisk7/article/297910/independent_pulls_plug_on_actew_sale_in_canberra/. Labor politician Jon Stanhope notes that “[i]n the context of the debate in which this Assembly and the community are engaged in relation to the proposed sale of ACTEW, Mr Osborne in particular has indicated a very strong view that his concerns about the ACT’s unfunded superannuation liability do impinge on his ability or willingness to make a decision about the wisdom of the Government’s proposal to sell ACTEW.” Jon Stanhope, Territory Superannuation Commitments – Proposed Select Committee, *Hansard*, ACT, November 19, 1998, 2669.

⁶⁰ This meeting occurred May 15, 1998: Anthony Fisher, “On the Duties of a Catholic Politician With Respect to Abortion Law Reform, With Particular Reference to *Evangelium Vitae* §73: Revised Version of Paper Given to the Meeting of Pro-Life Groups and Others Conducted by the Australian Catholic Bishops Conference, Canberra, 15 May 1998’ <http://www.priestsforlife.org/articles/imperflefisher.html>. Jack Waterford refers to “a meeting of pro-life groups in Canberra on May 5,” present at which were both Paul Osborne and Paul Brazier: Waterford, “Church Splits on ACT Bill,” *The Canberra Times*, September 5, 1998, 1-2. Leslie Cannold states that “Osborne attends a meeting with ACT anti-choice forces” to discuss legislative possibilities on May 30, 1998: *The Australian Pro-Choice Movement and the Struggle for Legal Clarity, Liberal Laws and Liberal Access*, 24.

⁶¹ Instance, “Recollections,” 88.

⁶² Gail Instance, conversation with author, April 16, 2015.

In the afternoon of the day of the meeting, Instance received a telephone call from Brazier in which she recalls him saying: ‘Come and take the knives out of my back, because the whole day has been an attack on [the Association]’:

So when he got back to Sydney, he explained what had happened. There were representatives there from other pro-life groups, mainline pro-life groups, and they had all agreed that what the pro-life politicians had done in Perth was [acceptable]. Okay, we shouldn’t have been critical of it, and it just seemed to be rather a disaster of a day.

So we didn’t hear any more after that. Paul [Brazier] came back and—Paul is a very strong – was, he’s dead now, may he rest in peace – but he was a very strong person, and he was very good and persuasive in his arguments, which is why I asked him to go. ... He was a fast thinker, and very clever, and a good strategist. However, if people did not agree with him, they really fell out with him. So. This is obviously what happened.⁶³

At the meeting, it was suggested that legislation be introduced to limit the number of abortions committed. If new legislation made abortion illegal after twelve weeks gestation and introduced a series of measures aimed at ensuring the full and informed consent of the woman, the result would be fewer abortions. However, as far as Brazier and the organisation he represented was concerned, such legislation created another result: that abortions up to twelve weeks gestation would in fact be made legal where currently they were illegal. Gail Instance recalls:

[N]ow, this was pointed out to us by Paul Brazier, the lawyer. He said when a bill is put before Parliament, the wording of the bill is very precise. So if you wanted to restrict abortion to twenty-four weeks, you would have to make it abundantly clear that abortion up to twenty-four weeks was perfectly legitimate. So you are in fact, even though your intention is to restrict it, you are still throwing [out] all those babies and endorsing something that is quite evil. He said the Pope can’t mean that kind of thing is legitimate.⁶⁴

Vicki Dunne notes that the discussion was ‘a philosophical argument that’s gone on for ages’; Brazier, she felt, ‘seemed to be taking the view that you couldn’t legislate in this space because if you legislated in this space, you were actually condoning

⁶³ Instance, “Recollections,” 89.

⁶⁴ Instance, “Interview Transcript.”

what was currently going on. Which is a reasonable enough argument except—and they kept quoting *Evangelium Vitae* to us and saying, you can't do this'.⁶⁵

In fact, both those for and against introducing legislation were engaging with *Evangelium Vitae*, and both were interpreting it differently. Present also at the meeting in May 1998 was Rev. Dr Anthony Fisher OP, Episcopal Vicar for Health Care for the Archdiocese of Melbourne, who presented a paper entitled 'On the duties of a Catholic politician with respect to abortion law reform, with particular reference to *Evangelium Vitae* §73'.⁶⁶ Archbishop Fisher recalls that:

There was a lot of division of opinion amongst pro-lifers about whether you could vote for a bill that improved the practical situation, by excluding some abortion in a situation where effectively there was a free-for-all. Or whether by doing so you were implicitly admitting that some abortion was okay, permitting it and therefore voting for something that is wrong in itself. I've published on this; and John Finnis, who's I think the leading authority on such matters, has published on this; and Cardinal Bertone, who's now the Secretary of State, published on this; and others: all essentially taking the position, following *Evangelium Vitae*, that if you can incrementally make the position better, you should try to do so. If you could do it all in one swoop, great. But if that's not the political reality and your political reality is, for instance, abortion on demand right up to birth, for any reason or no reason, if you can bring in *some* restrictions, make it illegal after twenty weeks, or illegal for sex-selections, or illegal without some counselling first, or requiring a cooling off period of forty-eight hours, or you're requiring abortions to be in a hospital, this is better than the status quo.⁶⁷

Reverend The Hon. Fred Nile MLC, who himself drafted a number of bills in NSW pertaining to pro-life issues, notes that, 'There were two views in the pro-life movement, at least two':

One was, we can – and I gather this is closer to the Catholic hierarchy position – [implement] incremental changes that try to reduce the number of abortions on one side. The other one was an absolute flat opposition to abortion and no compromise, so even a

⁶⁵ Dunne, "Interview Transcript."

⁶⁶ Rev Dr Anthony Fisher OP was appointed Auxiliary Bishop of Sydney in 2003, and Bishop of Parramatta in 2010. He was installed as the Archbishop of Sydney on 12 November 2014. Archbishop Fisher OP intends that his statements are accorded the significance not of an archbishop, but of a participant in the pro-life movement, as such was his state of life at the time of these events. Anthony Fisher, "On the Duties of a Catholic Politician with Respect to Abortion Law Reform, with Particular Reference to *Evangelium Vitae* §73," accessed February 18, 2013, priestsforlife.org/articles/imperflefisher.html.

⁶⁷ Anthony Fisher, "Interview Transcript," interview with the author, October 11, 2013, Sydney, NSW.

bill that stopped half the abortions would be a compromise because the other half still goes on. And that was the tension I sense when you start trying to negotiate a bill.⁶⁸

Paul Osborne recalls:

Well ... my attitude was probably the same then [as it is now], in that, if you can do something to save one, to get one person to make a different choice, I think it's worth it, you know. But these people in particular are so hard core that it's like if any word of legislation is deemed to be lessening that statute in the Crimes Act, they go feral. Doesn't matter that you can convince a thousand women to take a different choice, you know, if you dare jeopardise that issue in the Crimes Act they'll fight against it, which to me is so bloody stupid, it's ridiculous, you know.⁶⁹

For the Association, the issue was in respect of the appropriateness or otherwise of introduction of legislation by pro-lifers. It was one thing to attempt to limit access to abortion when it was already legal, though such an approach carried its own concerns; it was another thing to introduce legislation to limit access to abortion, which legislation would, as a primary action, legalise abortion up to a certain number of weeks. Warwick Neville, in answering to such concerns, writes:

The Encyclical is silent as to the introduction of legislation. However, a Symposium under the auspices of the Pontifical Council for the Interpretation of Legislative Texts, the Pontifical Council for the Family, and the Pontifical Academy for Life in 1995, *Evangelium vitae e Diritto*, (Roma: Liberia Editrice Vaticana, 1997) suggest that a wide interpretation ought to be given to the final paragraph of *Evangelium Vitae*, 73.⁷⁰

Gail Instance recalls:

They were well-intentioned, and they applied their interpretation of *Evangelium Vitae* 73. In their minds, abortion was as good as legal. Because you could get an abortion any time you liked in the ACT, and no one was ever charged. Therefore, their argument was, if you legalise it to twelve weeks, then the law will be enforced. All of a sudden and out

⁶⁸ Fred Nile, "Interview Transcript", interview with the author, December 13, 2012, Sydney, NSW. Rev. The Hon. Fred Nile is the longest-serving member of Parliament in New South Wales, first joining the Legislative Council in 1981. For details of his life and career, see Fred Nile, *Fred Nile: An Autobiography* (Sydney, NSW: Strand Publishing, 2001).

⁶⁹ Osborne, "Interview Transcript."

⁷⁰ Neville, "Realpolitik," 5.

of the blue the law will be enforced, which has never been enforced before. I don't understand how anyone could come to that conclusion.⁷¹

After the May meeting, the Association heard nothing more from the pro-lifers in Canberra. They assumed that any further concept of political activity had been abandoned. But this was not the case. Paul Osborne was continuing to seek advice and input from various bodies, both in Canberra and across the country. He recalls that 'we drafted some legislation, different models and different people got involved. I wasn't heavily involved in it, in the final bill, other than obviously my staff were. I was the most popular politician in Canberra, you know, so I thought, oh, this will be easy. And then I dropped it [*laughter*] in the parliament.'⁷²

'[T]he date is indelibly imprinted on my memory, 26th August in 1998', Instance says of the day the Association received word that a pro-life member of the Legislative Assembly had introduced legislation entitled the Health Regulation (Abortions) Bill 1998.⁷³ 'Well, that came as a bolt out of the blue to us. Obviously, talks *had* proceeded', she recalls. 'We had been excluded from further talks because obviously it was well known that we would not have agreed to this'.⁷⁴

At this stage, Osborne was little known to the Association. Dunne recalls that Osborne 'was not in a sense part of the pro-life movement; he was just a good man who wanted to do good'. She states that 'he wasn't instilled in the politics of the pro-life movement. So when he introduced this bill, it was hugely controversial on the pro-choice side, but I don't think he expected the blowback he got from the pro-life side'.⁷⁵

The day after the introduction of the Bill, Instance telephoned to find out from other pro-life organisations their thoughts on the matter. In doing so, she discovered that members of the Association were not the only ones to have been taken by surprise: 'everybody', she says, 'claimed that they really didn't know anything about it, and that it was news to them'.⁷⁶ Upon reflection, Instance recalled that Paul

⁷¹ Instance, "Recollections," 89.

⁷² Osborne, "Interview Transcript." Osborne's popularity was due greatly to having been part of the Canberra Raiders rugby league team in 1994, the year in which they won the Grand Final: Osborne, "Interview Transcript."

⁷³ Instance, "Recollections," 89.

⁷⁴ Ibid.

⁷⁵ Dunne, "Interview Transcript."

⁷⁶ Instance, "Recollections," 90.

Brazier had mentioned the presence of Osborne at the Canberra meeting ‘and Paul wondered why’:

Because all the other people that were there were members, well-known members of pro-life groups around various parts of the country. And this one fellow was not known to be a member of any of these groups, at least played an active role. He may have been a supporting member, but not one that was known to everybody.

Well, he was the one who introduced the bill. Now, we don’t believe for one moment that he wrote the thing. But he would have been advised to do so. And it would have had to pass various eyes. Obviously the Right to Life in the ACT had seen it because they put a press release in support of it.⁷⁷

The initial Bill presented by Osborne comprised two parts. The first ‘prohibited abortions after the first trimester and severely limited those which could be performed legally in the first twelve weeks of pregnancy. The second part of the Bill concerned the provision of certain kinds of information to women contemplating abortion, a mandatory cooling-off period, the provision of public reports from any “health facility” which performed abortions, and some other matters’.⁷⁸

The Bill was presented to the Legislative Assembly by Paul Osborne himself in the following way:

Mr Speaker, the Bill defines two criteria under which a woman may have an abortion - a medical emergency or grave psychiatric risk. The definition of grave psychiatric risk draws on Menhennitt’s and Levine’s judgments which allowed abortion if a woman faced “serious danger to her physical or mental health”. In the case of a medical emergency an abortion is allowed at any time during the pregnancy. In the case of grave psychiatric risk an abortion is allowed during the first 12 weeks of the pregnancy - the first trimester stage. And according to the only study available on abortion, 96 per cent of women who had abortions in New South Wales in 1991 had them in the first trimester.

The Bill requires a second opinion before an abortion can go ahead and requires the facility performing the abortion to inform the woman of the name of the medical practitioner; the probable gestational age of the foetus at the time of the abortion; any medical risks associated with the type of procedure to be used; the possible detrimental

⁷⁷ Instance, “Recollections,” 90.

⁷⁸ Neville, “Realpolitik,” 4.

psychological effects of abortion; agencies operating in the Territory which provide pregnancy assistance or which make arrangements for the adoption of children. The Bill ensures that consent must be given in writing, that minors have parental consent and that there be a delay of 72 hours between the woman being given the information and undergoing the abortion. That is what we have called a cooling-off period, Mr Speaker. It also includes a privacy provision and makes it an offence under the Crimes Act to identify a woman on whom an abortion has been performed.

Finally, Mr Speaker, the Bill requires that any facility performing abortions in the ACT must produce an annual report setting out the number of abortions performed at the facility during the year; the reasons for the abortions; the ages of the women concerned; the gestational ages of the foetuses at the time of the abortion; and the number of women who had previously had an abortion performed at the facility. Mr Speaker, this Bill sets out to formally establish and limit, in law, what Menhennitt and Levine believed existed - a lawful abortion. It sets out to properly regulate what is an intrusive and traumatic procedure. And above all, Mr Speaker, it sets out to ensure that choice is informed. I commend this Bill to the Assembly.⁷⁹

Upon presentation of the bill – which bill encompassed almost everything usually proposed by pro-life legislation aiming to restrict abortion – criticism of it was intense, and battle lines quickly drawn. In the article entitled ‘ACT abortion defence campaign gears up’, Lara Pullin reports that, a week after the bill had been tabled in Parliament, ‘one of Canberra’s biggest rallies in years was held’, with claims of 3,000 protestors in attendance. According to the article, placards were carried bearing such captions as ‘Osborne—withdraw the bill’, and ‘Osborne—ex-footballer, ex-cop—soon to be ex-politician’. The rally, notes Pullin, ‘was called by the pro-choice MLA’s [sic] and women’s health providers’, and the speakers included ‘doctors, the Family Planning Association (FPA), academics and pro-choice politicians’.⁸⁰ Dr Clare Willington, GP and part-time medical assessor at the Reproductive Healthcare Clinic, Canberra’s only abortion facility, is reported to have told protestors ‘that Osborne’s comment that women give consent to abortion because they are not counselled about alternatives is an insult to the intelligence of women and doctors’. She stated that in her eighteen years of assessing women who were ‘seeking terminations’ since the establishment of the abortion facility in 1992,

⁷⁹ Paul Osborne, Health Regulation (Abortions) Bill, ACT Legislative Assembly, *Hansard*, August 26, 1998, 1335.

⁸⁰ Lara Pullin, “ACT Abortion Defence Campaign Gears Up,” *Green Left Weekly*, September 9, 1998, www.greenleft.org.au/node/16843.

‘she did not recall one case where full and informed consent had not been given.’ Mention is made of a group called ACT Pro-Choice which ‘aims to defeat the Osborne bill, then continue to campaign for the removal of all abortion laws from the criminal code’.⁸¹

President of ACT Right to Life Nicola Pantos, in a speech delivered to the RTLACT Annual General Meeting, refers to an article published in the *Canberra Times* on 28 August 1998 in which it was reported that ACT Minister for Health, Michael Moore MLA – to whom Vicki Dunne refers as being ‘very avowedly pro-choice’ – together with David Ellwood, Professor of Obstetrics and Gynaecology at Canberra Hospital, criticised the bill ‘because it would have the effect of reducing the number of unborn children with a disability who could be aborted’, despite the fact that the law at the time did not ‘specifically allow for abortions on the grounds of a detected disability’.⁸²

‘Politicians should stay out of the consulting room’, Dr Sandra MacKenzie, president of the Australian Medical Association (AMA), is quoted in *The Sydney Morning Herald* as saying. ‘This is not what clinical medicine is about. It is absolutely improper.’⁸³ In response to the proposed information to be provided in an effort towards the achievement of informed consent, part of which was the pamphlet described in the bill as containing ‘pictures or drawings and descriptions of the anatomical and physiological characteristics for a foetus at intervals of 2 weeks from conception to full term’, Dr Stan Doumani, president of the ACT Division of General Practice, is reported as saying, ‘This is just trying to lay a guilt trip on these ladies, let’s face it’.⁸⁴ The article goes on to report that McKenzie – referred to also as the executive director of Family Planning – said that ‘the move was designed to stop women having abortions’.⁸⁵

⁸¹ Ibid.

⁸² Dunne, “Interview Transcript.” Nicola Pantos, Speech delivered to the RTLACT Annual General Meeting, October 20, 1998, ACT Right to Life, <http://www.actrighttolife.org/abortion/our-work-in-relation-to-abortion/health-regulation-maternal-health-information-act-1998-the-osborne-act/osborne-bill-passed-by-the-assembly>.

⁸³ Jackie Dent, “Abortion Seekers Must View Photos,” *The Sydney Morning Herald*, September 4, 1999, 3.

⁸⁴ Health Regulation (Abortions) Bill 1998, ACT Legislative Assembly (Austl.), 4, accessed March 18, 2016, http://www.legislation.act.gov.au/b/db_13523/19980826-15404/pdf/db_13523.pdf. Dent, “Abortion Seekers Must View Photos,” 3.

⁸⁵ Dent, “Abortion Seekers Must View Photos,” 3.

In Parliament, too, Paul Osborne’s bill met with resistance, including from among those whom he had counted as his supporters. Vicki Dunne recalls the impact the bill had within the Legislative Assembly:

Well, in a town where there had been an abortion clinic running for a number of years, and there were some fairly ardently pro-abortion members of the Legislative Assembly, this just exploded. And I don’t think Paul understood what he was doing and the impact it was having. He was extraordinarily well-intentioned, and he wanted a great outcome, but he actually bit off more than he could chew.⁸⁶

Dunne recalls that the ACT had, at the time, a minority Liberal government, and notes the position each of the four Liberal ministers held concerning abortion: Chief Minister Kate Carnell, she says, was ‘avowedly pro-choice’; Deputy Chief Minister Gary Humphries was ‘a very strongly pro-life member of parliament’; Brendan Smyth she calls a ‘very strong pro-life member’; and Bill Stefaniak she refers to as ‘not a real conviction politician but he was instinctively a pro-life member’.⁸⁷ Independent member of the ministry Michael Moore, Dunne recalls, ‘was very avowedly pro-choice’, and ‘was very anti the bill that was introduced by Paul Osborne’.⁸⁸ Additionally, Dunne informs us, Paul Osborne had asked his running mate from the previous election, Dave Rugendyke, to support him on this bill. ‘And I don’t know whether there was miscommunication or what’, says Dunne, ‘but when this guy saw this bill he went ballistic as well ... So it wasn’t a propitious start’.⁸⁹

Paul Osborne recalls:

A lot of people, when they say that they’re pro-life, they’re not really once the blow torch is applied. When three thousand women in overalls and short hair have got placards outside your building, you tend to, you know, your spine tends to go a little jelly-like. There’s certainly some politicians, especially in the Labor side, that had told me that life begins at conception, but when their seat was jeopardised— So. And Brazier didn’t help. He put out a press release which basically lost me— which gave those people an excuse.⁹⁰

⁸⁶ Dunne, “Interview Transcript.”

⁸⁷ *Ibid.*, 2, 16.

⁸⁸ *Ibid.*, 2.

⁸⁹ *Ibid.*

⁹⁰ Osborne, “Interview Transcript.”

Indeed, the Association had not been sitting idle; according to Dunne, they ‘went into meltdown’.⁹¹ With news of the bill, they began their campaign against the legislation via letter writing, meetings and articles. Brazier headed again to Canberra. ‘There were meetings here’, Dunne recalls. ‘He came to see Paul Osborne, he came to see Gary Humphries. In my view, he didn’t cover himself with glory’.⁹² ‘The fight broke out between us and them’, Instance recounts, ‘and people were writing letters to all the politicians, you know, supporting the bill, or not’.⁹³ Her thinking was very much, ‘well, if the legalisation of abortion is now being done by a pro-life group, how are we ever going to oppose it in the future if we’re doing it ourselves?’ In an effort to distance the Association from such actions, she, with the assistance of Brazier, worded a press release:

And in order to have a press release picked up by the media, it’s got to be a fairly strongly worded thing. Now, with hindsight, I probably went too far. And I would probably have done it slightly differently now, but at the time the only excuse, if it’s an excuse, is that it was such a shock to us that we felt, we’ve got to stop this. Somehow this has got to be stopped. So I actually used the term, when I described the man who had introduced the bill, as a ‘so-called Catholic’. Now I should not have done that. I realise that. It took me a while when the thing settled down [to realise that] it was unkind to call him that, because he is a good Catholic, a good Catholic man. But at the time this had to be stopped, and I went too far.⁹⁴

On Saturday 5 September 1998, *The Canberra Times* published on page one excerpts from the Association’s press release as part of the article entitled ‘Church splits on ACT Bill’. The article quotes Instance as stating that she is ‘appalled that Paul Osborne, as a man claiming to be a committed Catholic and friend of the unborn, is prepared to compromise his stated principles, effectively delivering to ACT women the right to legal abortion’.⁹⁵ On page 30 of the same edition of *The Canberra Times*, in an article entitled ‘Osborne should put abortion Bill in the sin bin’, Brazier writes that ‘Paul Osborne is attempting to unite current practice with the law. To do this he is prepared to compromise his stated principles and permit abortion in fairly wide

⁹¹ Dunne, “Interview Transcript.”

⁹² Dunne, “Interview Transcript.”

⁹³ Instance, “Interview Transcript.”

⁹⁴ Instance, “Recollections,” 90.

⁹⁵ Instance in Waterford, “Church splits on ACT Bill,” 1.

circumstances’.⁹⁶ Brazier references an article from two days earlier by *The Canberra Times* editor Jack Waterford in which the latter asks ‘if a Catholic can support a Bill which “has the morally grave effect of permitting some [abortions] in some circumstances”’.⁹⁷ Brazier writes:

Some say yes, including Osborne and a minority of pro-life groups. They say they rely on Pope John Paul II’s recent encyclical [*Evangelium Vitae*] in which he says, “when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official ... could licitly support the harm done by such a law”.

Their assertion is wrong. It relies on a selective reading of the encyclical. ...

What the Pope and Catholic moral principles allow is for elected officials in some circumstances to cooperate in the evil acts of other legislators if placed in a dilemma in that their legislative vote would be decisive for the passage of a more restrictive law introduced by others. In this case, if their vote will be decisive they are faced with the “problem of conscience” that to vote against the more restrictive law (which is still intrinsically evil) will ensure the continuance of a greater incidence of abortion, but to vote for that law will result in fewer abortions. Here the legislator may vote, reluctantly and without desiring or approving of the law, to “limit the harm done”. As the Pope says, this is not illicit cooperation. It is an exceptional but justifiable material cooperation in the evil act of others.⁹⁸

Paul Osborne recalls:

Because I was obviously the focus of the attention on it all, and I was the one copping it. You know, I was being stopped in shopping centres. You know, I was the one that was being hammered and, you know, papers and rallies and, you know, things were going home, and things coming in my office. It was quite vicious, really. Then to have somebody who, an organisation who I think numbered like three, or something – you know, it was Paul Brazier, Gail and someone else – to put out a press release and then try and undermine what we were doing, to me was just, you know. It was just—at the time, because, you know, you would think that the Catholic community, or the Christian community would rally. And given we spent a lot of time in drafting it, you know, and I took advice from people with a greater knowledge than me upon it. And, you know, they were happy with what I drafted, but HLI [the Association] weren’t. So they turned the

⁹⁶ Paul Brazier, “Osborne Should Put Abortion Bill in the Sin Bin,” *The Canberra Times*, September 5, 1998, 30.

⁹⁷ Jack Waterford, “Osborne Coup May Backfire,” *The Canberra Times*, September 3, 1998, 9.

⁹⁸ Brazier, “Osborne Should Put Abortion Bill in the Sin Bin,” 30.

tables, you know, sent out a press release which really was all the excuse that the media needed: you know, you can't even please the Catholic community, so why is this idiot doing it. So, you know. It was quite a devious attempt on their part, I think, to undermine it. Just dumb.⁹⁹

The Association's response to the Osborne Bill was communicated to their members in the lead article of the Association's *Life-Lines* newsletter entitled 'ACT bill divides pro-lifers'. Instance outlines the Association's opposition to the bills: 'Essentially', she writes, 'the bill would allow abortions to be committed lawfully in the ACT at any time in the pregnancy 'if the woman is subject to grave medical risk' and up to twelve weeks gestation 'if the woman is subject to grave psychiatric risk''. The report goes on to say that, at the time of writing, '[the Association] alone has issued a public statement condemning the bill as intrinsically evil. We know that other pro-life/pro-family groups oppose it and that the bill is dividing pro-lifers in the various branches of the Right to Life Federation'. Further, she writes that '[while] some people have criticised us for making a public fuss, we are concerned that, if no pro-life voice was raised against the bill, an accusation could and would be made by pro-aborts that even pro-lifers in this country, including Catholic bishops, support some legalised abortions'.¹⁰⁰

As already mentioned, the Association drew support for their argument from *Evangelium Vitae*, and Instance quotes paragraph 73.3 of the encyclical in the article:

when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.¹⁰¹

Instance states that 'supporters of the bill are claiming that it satisfies criteria set out by Pope John Paul': 'They argue that since Sections 42, 43 & 44 of the Crimes Act outlawing abortion in the ACT are not being enforced, abortion is de-facto legal there. In Mr Osborne's words, 'this bill sets out to formally establish – and limit – in

⁹⁹ Osborne, "Interview Transcript."

¹⁰⁰ Instance, "ACT Bill Divides Pro-Lifers," *Life-Lines* 12, no. 2 (Oct/Nov 1998): 1.

¹⁰¹ John Paul II in Instance, "ACT Bill Divides Pro-Lifers," 1.

law what Menhennitt and Levine believed existed, a “lawful” abortion’. She goes on to say that

[t]here is no such thing as a ‘lawful’ abortion. Any law which permits the killing of innocent babies is no law at all. HLI will continue to oppose the bill.

First we do not accept that *Evangelium Vitae* paragraph 73 endorses the Osborne bill. We believe that a wrong interpretation has been applied. The Church has always taught that it is not licit to do evil that good may come of it. We may not kill some in order to save others. We understand that the Pope had quite a different intention in mind when he talked about ‘limiting harm’ and a ‘decisive’ vote for a more restrictive law. We do not believe that he turned moral theology on its head and now would permit a legislator to propose the evil himself in order to do good.

Second, this bill would legalise what is currently illegal, ie make the situation worse.¹⁰²

Instance moves the article towards its close by noting that ‘[r]ecent figures from New Zealand reveal that, despite restrictions in their legislation, the number of abortions there has increased 70% during the past ten years’. She notes also that, in South Australia, ‘official statistics show that over 97% of abortions are committed for ‘specified psychiatric disorders’’, but that a study undertaken by Chan and McColl found that this included such grounds as ‘enough children’, ‘discontinued relationship’ and ‘emotionally unprepared for parenthood’’. The article ends with the statement, ‘The Osborne bill will divide the pro-life movement in this country like nothing else ever has’.¹⁰³

‘There was a lot of controversy’, recalls Vicki Dunne.¹⁰⁴ ‘[T]here was this huge and acrimonious meltdown between the pro-life forces where, you know, I would sort of see the fundamentalist – not a great term – but the fundamentalist pro-lifers were saying, you must legislate to remove all abortion, anything else is unacceptable. And we were saying, we’re trying to wind this back little by little. And there was just not a meeting of the minds. And it was angry and it was ugly.’¹⁰⁵

The Canberra Times journalist Jack Waterford noted that the Osborne Bill was ‘a strategy not without risks’:

¹⁰² Instance, “ACT Bill Divides Pro-Lifers,” 1.

¹⁰³ Ibid.

¹⁰⁴ Dunne, “Interview Transcript.”

¹⁰⁵ Ibid., 5.

That legislators fear a vociferous anti-abortion minority rather than a recently fairly quiescent pro-choice majority might be natural enough. It might be remembered, however, that an upsurge in the women's movement 30 years ago had liberalised abortion as one of its key objectives. As some members of that movement complain, much of the modern women's movement has come to take for granted gains made in that period.

A frontal assault, as through the Osborne Bill, could hardly be more calculated to get them organised again, with an almost inevitable consequence, if they organised well enough, that the result of the Osborne initiative is a less, not a more, restrictive abortion law.¹⁰⁶

The progress of the bill, indeed, did not go as Osborne and others had hoped that it might. He recalls:

[I]t was pretty clear from within 48 hours that the legislation as tabled wasn't going to work. So Warwick [Neville] and I, you know, quietly—I wouldn't want to say secretly, but strategically worked on Plan B, which was the actual legislation which was tabled which was passed. Because there was no way in the world that we were going to get the legislation as it was tabled through the parliament. For all sorts of reasons. Brazier was a big part of it and Gail Instance was another one. HLI [the Association] had given the wavering Catholic pro-life politicians the excuse they needed not to support it, even though I had, you know, correspondence from the Catholic bishops to say it adheres to the Pope's blah blah blah. But they're obviously a lot wiser than the scholars of the Catholic Bishops' Conference.¹⁰⁷

Vicki Dunne recalls:

[I]t became very clear that we could get *something* through but we couldn't get through what Paul had proposed. And it became also clear that we couldn't get it through at sort of first and second reading phase and then amend it, because what was there on the table was too unpalatable for some of the people who were eventually going to support an outcome. And so it was agreed that Paul would introduce a new cut down bill, and at the same time withdraw the other bill from the notice paper. And we did a lot of work. And

¹⁰⁶ Waterford, "Osborne coup may backfire," 9.

¹⁰⁷ Osborne, "Interview Transcript."

a lot of the drafting was done – of the second bill – was done in Gary Humphries’s office by Gary Humphries and I, though it was actually Paul Osborne’s bill.¹⁰⁸

Warwick Neville writes:

While most parties were focussing exclusively on the first part of the Bill, further refinement of the important provisions concerning information and other matters was taking place. The political assessment was that the only likely legislative option which had any serious prospect of being passed concerned the provision of information. The strategy devised was to keep attention on the more dramatic sections of the Bill. Those sections would be dropped without notice, only at the very last minute, thereby assuaging nervous politicians who could, in such circumstances, vote for less problematic provisions of the Bill. As it happened this is exactly what transpired.¹⁰⁹

‘So I just withdrew it’, recalls Osborne, ‘stood up, withdrew it, tabled my new one, had the numbers and it passed. Pro-choice politicians supported it. So it just had images, booklet and three day cooling off, from memory.’¹¹⁰

With the withdrawal of the first bill and the introduction of the second – the Health Regulation (Maternal Health Information) Act 1998 – there was a sense within parliament that its members were relieved. Osborne recalls that ‘[e]ven people who were supporting me were, you know. Gary Humphries was the Attorney General at the time, former senator, was unbelievably solid. Terrific, you know. A wonderful human being, and supported me and was great. And even he was sort of phew, you know.’¹¹¹

Warwick Neville writes that ‘after a debate spanning more than 26 hours, the Legislative Assembly of the Australian Capital Territory (“the ACT”) passed legislation, pertaining to abortion, which must be described as significant’: ‘It is the first pro-life legislation concerning abortion in this country’.¹¹² Osborne recalls that ‘it was done on a day. So we were happy. It was over. It was probably the end of my political career down there, but we got a result’.¹¹³

The new Act contained the following provisions:

¹⁰⁸ Dunne, “Interview Transcript.”

¹⁰⁹ Neville, “Realpolitik,” 4.

¹¹⁰ Osborne, “Interview Transcript.”

¹¹¹ Ibid.

¹¹² Neville, “Realpolitik,” 1-2.

¹¹³ Osborne, “Interview Transcript.”

(a) although those provisions of the Crimes Act which relate to abortion are never enforced, there are express provisions which prevent the Act having any effect on those sections of the Crimes Act which relate to abortion; (b) information pertaining to the risks of abortion (e.g. the possible link between abortion and breast cancer) must be provided, and the information must contain photographs of the unborn at regular stages of gestation; (c) the information must be determined by an independent panel comprising obstetricians and paediatricians from the two public hospitals in Canberra (one of which is Catholic); (d) there is a mandatory cooling-off period of 72 hours between a woman presenting for an abortion and the performance of it; and (e) any health care facility which performs abortions must provide quarterly reports to the Parliament concerning the number of abortions (and other matters). Provisions relating to independent counselling and parental consent were voted down by the Assembly.¹¹⁴

Archbishop Fisher notes that, in respect of this and similar Acts, the ‘pro-life movement around the world’s been very creative in thinking of things that would slow people down’:

We know any little obstacle you put in the way, any slowing people down and giving them more time to think, means some women will change their mind, and you’ll save some babies. There’ll still be the awful situation of what we have now: eighty thousand in Australia surgically aborted and who knows how many thousands chemically aborted. But if you can save some of them, it’s a very good goal for a politician.¹¹⁵

One of these ‘little obstacles’ was presented by way of an illustrated booklet for distribution to those women considering abortion. Dunne recalls that ‘the booklet that was eventually approved, was eventually devised by the expert committee’, and that they ‘actually tried to have in the legislation that it should have pictures that depicted the phase of development. It said that it had to have a narrative about the phases of development, things like this, but they squibbed it, they really did squib it, and there was very little content on that.’¹¹⁶ Instance recalls that ‘it had in it only three tiny little black and white pictures of the unborn baby. Really very mild little pictures.’¹¹⁷ Further to this was the question of the distribution of the booklets:

¹¹⁴ Neville, “Realpolitik,” 4.

¹¹⁵ Fisher, “Interview Transcript.”

¹¹⁶ Dunne, “Interview Transcript.”

¹¹⁷ Instance, “Recollections,” 92. Cannold notes that this booklet was entitled “Considering an Abortion? What are your options? What are your risks?”, that it contained medical information, and

Well, there was only one crowd in the ACT actually committing abortion. It was the Family Planning Association ... And of course the Family Planning Association who don't respect any law, they made a public statement: we refuse to show women this booklet. We think that's condescension to women as if women haven't got enough sense to be able to make their own minds up without government interference. So they weren't going to obey this law anyway. That's the norm. That's what they've been doing since they were founded.¹¹⁸

Those in favour of the Act, however, remained positive about its outcomes. Vicki Dunne recalls:

The quarterly reported statistics show a significant drop off in the number of abortions that were performed in the ACT in that period. Off the top of my head, about—from the beginning to the end we believe that there were twelve hundred fewer abortions performed than would have been without any change to the legislation. Now, I don't kid myself that some of those people went to Sydney. But some of those people didn't have an abortion because of the provisions in the legislation, and I think that that is very significant...¹¹⁹

The Association was not convinced; they continued to be deeply concerned about the nature of the Act generally and the fact of its apparent acceptance within the ecclesial hierarchy. Gail Instance recalls:

There was such a fight going on in the country about this bill that we were in contact with the Archbishops, particularly at this time with Archbishop Pell in Melbourne. And we were told later on privately, that the Archbishops around the country had had a meeting about this bill. And they were divided. And it was finally decided that they would leave the matter in the hands of the Archbishop of Canberra-Goulburn, Archbishop Carroll, to resolve the matter and put out a statement.

Now, no other Archbishop around the country made any statement about it at all. We were constantly asked what does Archbishop Pell say about it. And this question mainly came from people around the country who were attached to the ACT Right to Life in

that, "in line with the panel's unanimous view that the presentation of fetal pictures is "irrelevant" and in some cases could be "counterproductive", it did not include images of the developing foetus: Cannold, *The Australian Pro-Choice Movement and the Struggle for Legal Clarity, Liberal Laws and Liberal Access*, 24.

¹¹⁸ Instance, "Recollections," 92.

¹¹⁹ Dunne, "Interview Transcript."

some way, and who wanted to be able to support them, but they must have had a few doubts because of the things that we were arguing about. And if Archbishop Pell had made a public statement to say no he didn't agree with the bill, then I'm quite sure these good people would not have pursued the matter. Because we know, even though it was never said publicly, but we *know* that Cardinal, Archbishop Pell at the time agreed with us: that this was not a good bill. That pro-lifers shouldn't be legalising abortion where it hadn't been legal before. Even though it wasn't enforced. It would be like suddenly here in Sydney we put forward a bill to legalise abortion here in New South Wales.¹²⁰

However. Archbishop Carroll finally put out a statement in November of that year. So the bill went in late August. September, October. November he made a statement. And the statement was like a two bob bet each way. Because on the one hand he gave credit to those who were trying to do something, that they were good people, and at one level the fact that the law wasn't being enforced it could be argued that this bill was more restrictive because at the moment there was no restriction. Because on the other hand the law was still on the statute books, so those who were saying that this bill wasn't more restrictive, well they, you know. So he really wanted to please everybody, and I don't think pleased anybody.¹²¹

Anthony Fisher recalls:

And it was a terrible tragedy that some of the pro-life movement attacked the pro-life politicians, accused them of going soft on abortion, on admitting some abortions, of saving some babies at the expense of the lives of other babies. I think their goals were very clear and appropriate goals. They wanted to save *all* babies and if they couldn't, they'd save the ones they could. They wanted to save all women from abortion and if they couldn't, they'd save the ones they could. And I think their efforts were very good willed. There'll be differences of opinion in these matters of prudence as to what you should go for, what's achievable, what deals you can make with people who are not a hundred per cent with you but might agree to a certain amount. That is the art of politics and others looking in from the outside often don't know all of what's going on. But there will be different opinions on how far you can go with making these deals, what you should go for. But to impugn these pro-life politicians, their reputations, to say they're not truly pro-life, I think was disastrous, because we've had almost no one try since. The

¹²⁰ Cardinal Pell's office provided the following response to an invitation to comment on this claim: "Because the Osborne Bill raised a considerable moral dilemma, as well as strong feelings for and against within the pro-life movement, Cardinal Pell was careful not to speak publicly on this matter, leaving this to others who were better qualified, such as (then) Fr Anthony Fisher OP. He does not recall any occasion on which he spoke about his own reflections and views on the bill with any members of different pro-life groups involved in the debate at the time." Cardinal Pell's Office, email message to author, March 16, 2016.

¹²¹ Instance, "Recollections," 91-92.

sense politicians were left with was that you can't even rely on your own side to support you if you take a pro-life position and that was disastrous.¹²²

Gail Instance notes that:

It's a pity his name's attached to it. It's a pity it wasn't just the abortion bill. But having his name attached to it has really—it's not fair to him. He was a footballer. He used to play with St George, apparently. So I think he didn't word this bill. He was led to believe it was the right thing to do. He did it in good faith. He took the ball and ran with it. And his name will be forever associated with it. Which is sad. It shouldn't have.¹²³

Paul Osborne states:

My views have evolved on a lot of things, but I believe very much that when God's in something, there's a peace there, you know. I think it's in Philippians, it just says just lift it all up to God and God will give you peace that surpasses all understanding. So, in the midst of turmoil, you'll be peaceful. And my office was peaceful.¹²⁴

Gail Instance remarks that *EV 73* 'still does need further clarification. Obviously. So. We're not quite settled yet, but it certainly puts a question mark over the kind of restrictive legislation, *more* restrictive [legislation, that is permissible]. And of course that you don't give scandal. Well, I consider the Osborne bill was to be scandalous. It gave me scandal, anyway'.¹²⁵



On 27 March 1999, when the people of New South Wales went to the polls, one of the parties contesting for a seat in the Upper House was the Australian Family Alliance (AFA), an offshoot of B. A. Santamaria's Australian Family Association. Lawyer Damien Tudehope was the first of the five AFA candidates listed on the ballot paper, which ballot paper, Instance recalls, 'that year was like a tablecloth'.¹²⁶

¹²² Fisher, "Interview Transcript."

¹²³ Instance, "Recollections," 105.

¹²⁴ Osborne, "Interview Transcript."

¹²⁵ Instance, "Recollections," 107.

¹²⁶ *Ibid.*, 94. "For more than 4 million New South Wales voters, the 1999 ballot paper for the Legislative Council was fairly challenging. The table-cloth sized voting paper, possibly the world's

She recalls, too, that ‘[a]t the time, you only needed to have a couple of hundred names on a list, of membership, to establish a political party. That was changed subsequently ... It’s a lot harder now to establish a political party. But at that particular election here in New South Wales, there were a huge number of small political parties, all vying for one of the twenty-two seats in the Upper House in New South Wales.’¹²⁷

While the Association was pleased that attempts were being made by ‘good pro-life men’ to attain such a seat, they were concerned that, should an AFA candidate be successful, there might be an attempt to introduce legislation not dissimilar to that which had passed the year before in Canberra.¹²⁸ Instance broached the subject with Tudehope, who assured her that such a thing would not happen—but the Association wanted it in writing:

Well, I let Paul Brazier draft the thing. And he went for the jugular. And me not being a lawyer didn’t argue with him. Because he also had as part of this that neither I nor anyone else in our party will support legislation or introduce it or support legislation such as the Osborne legislation. But there was also a little section in there that said: I understand that that legislation is intrinsically evil.¹²⁹

The AFA, however, were unwilling to sign the document, but reiterated their verbal assurances. The Association persisted: ‘I argued with one of them: this isn’t just an agreement between you and me. This is between your political party that you represent, if it gets elected, and all our supporters. So if you and I get hit by a truck tomorrow, that agreement will still stand, because it’s, you know, been from your party to our group’.¹³⁰

The argument continued – ‘We talked about this and talked about it until we all went black in the face’ – but the document remained unsigned. Brazier redrafted

largest, demonstrated that interest in running for political office was alive and well in New South Wales.” 2000 – To the Millennium, accessed August 8, 2014,

<http://www.parliament.nsw.gov.au/prod/web/common.nsf/key/HistoryMillennium>.

¹²⁷ Instance, “Recollections,” 93. In total, there were eighty parties contesting for 21 seats, and 264 candidates: Antony Green, *New South Wales Elections 1999: background paper no. 4/99*, NSW Parliamentary Library Research Service, August 1999, 46-47, accessed August 18, 2015.

<http://www.parliament.nsw.gov.au/prod/parlament/publications.nsf/key/ResearchBp199904>.

¹²⁸ Instance, “Recollections,” 93. Both male and female members of the AFA were running as candidates in this election. Their names, in the order in which they appeared on the ballot form, are as follows: Damien Tudehope; Mary-Louise Fowler; Marc Florio; Colleen Keppie; and Dennis Patterson: Green, *New South Wales Elections 1999*, 50.

¹²⁹ Instance, “Interview Transcript.”

¹³⁰ Instance, “Recollections,” 93.

in an effort to make the document more palatable; the phrase ‘intrinsic evil’ remained.¹³¹ When it became fully and finally apparent that Tudehope was not going to sign the document, Instance telephoned Brazier. ‘I said: he’s definitely not going to sign this thing ... Paul said, do you think we might have been a bit hard on him. It was too late!’¹³² Instance then wrote a letter to the Association’s membership informing them of the situation and advising that they had withdrawn their support for the AFA.

The very next Saturday, the people of New South Wales went to the polls. The optional preferential proportional representation method of voting utilised was such that, in order to gain a seat, a party or candidate needed to receive a quota of the total number of formal votes. Any surplus votes received would then be distributed to the party or candidate indicated on the ballot paper as being the voter’s second preference, and those candidates with the lowest number of votes would be excluded. This count, distribution and exclusion would continue until each of the seats was filled:

Well, the AFA got knocked out fairly early in the piece. They were something like a thousand votes fewer than the next party. So that party held on for another count and the AFA got knocked out. And then we got the blame for that. That we cost them the thousand votes. That our supporters, having got my letter, that would account for [the AFA being knocked out]. They *would* have stayed in, they *could* have won the election, they *could* have won an extra seat in parliament, and Gail Instance stopped them. And it didn’t make any difference to say, listen, you had Buckley’s chance of getting a seat, getting one of those seats. And you may have got knocked out, maybe our thousand votes *did* make a difference there, but would you have got any further? What about the next count, or the one after that? There were *numerous* political parties. They were coming out of nowhere. Tiny little groups that just had their couple of hundred people on the list. The ballot paper that year was like a tablecloth. But we got the blame.¹³³

And in fact Fred Nile [of the Christian Democrats Party] had already been in parliament twenty years or something: he got the last seat. That’s how close it was to *him* not even getting a seat. So, *most* of those others didn’t get seats. This was the *first* attempt that the

¹³¹ Ibid.

¹³² Instance, “Interview Transcript.”

¹³³ Instance, “Recollections,” 94. “[T]he AFA stayed in to, I don’t know, five or six ballots. They were still in. And they missed out; they were short of a thousand votes.” Instance, “Interview Transcript.”

Alliance had made to get into parliament, and they [only] had support from, generally speaking, the [Australian] Family Association.¹³⁴

Within a short time, Instance had heard from a supporter that members of the AFA were ‘going all around the country badmouthing [the Association]. Especially you’.¹³⁵ Additionally, she was sent a copy of an article outlining the manner in which her actions had allegedly prevented Damien Tudehope from winning a seat. At the suggestion of the supporter who had first informed her of the situation and who felt that it was important that it wasn’t ‘taken as gospel truth that ... you did the dirty on them’, she saw the importance of answering these claims:

So I wrote an article, front page article, and explained blow by blow, which again was another mistake. This was such a terrible time, really ... We’re all supposed to be on the same side, and yet we’ve got these *big* divisions. So I wrote the article and in it explained the conversations that I’d had leading up to when I finally wrote this letter, that I couldn’t get any sense out of anybody, that it was all just a big mess.¹³⁶

So I wrote an article and that was my downfall. Because I wrote the article in the newsletter. If I had done it as just a letter to our followers, perhaps I would have got away with it. But putting it in a newsletter, the Cardinal [then Archbishop] read it. And that was when he wrote me the letter saying he was going to pull out ... Because Big Mouth’s got a big mouth and she said too much.¹³⁷

The Cardinal here mentioned was then Archbishop of Melbourne, George Pell, who within a few short years would become Cardinal Archbishop of Sydney.¹³⁸ Prior to this incident, Archbishop Pell had been asked by the head of HLI in America, Father Richard Welch – ‘without any reference to us at all’ – to become one of the Association’s advisors: ‘So he went on the letterhead. Well, he wrote to me and he asked to be removed from the letterhead because, he said, in view of what you’ve written in this newsletter ... So. We lost the Archbishop’s support’.¹³⁹

In more recent times, Instance has apologised to Tudehope. In a conversation with the researcher – reference to which Instance was happy to go on the record –

¹³⁴ Instance, “Interview Transcript.”

¹³⁵ Ibid.

¹³⁶ Instance, “Recollections,” 94.

¹³⁷ Instance, “Interview Transcript.”

¹³⁸ See Tess Livingstone, *George Pell: Defender of the Faith Down Under* (San Francisco: Ignatius Press, 2004).

¹³⁹ Instance, “Recollections,” 94-95.

Instance reiterated that they had asked too much of Tudehope; by requesting that he sign a document stating that the Osborne Bill was ‘intrinsically evil’, he would have been saying that his advisors, ecclesial and otherwise, themselves were intrinsically evil: ‘And that would have been too much for him to choke on.’¹⁴⁰ Tudehope accepted Instance’s apology.¹⁴¹



In 2002, the legislative situation in the ACT in respect of abortion changed again. Instance recalls: ‘Wayne Berry, who was the chief minister, succeeded in what he wanted to do anyway, and he had the whole law wiped from the statute books. There is *no* law against abortion in the ACT. No law at all. So, it’s open slather.’¹⁴² Writing in 2005, Catharine Munro drew a connection between the Osborne Bill and Berry’s decriminalisation of abortion:

Just over two years ago, efforts to restrict terminations in Canberra through legislation backfired. A bill was overturned that had been introduced requiring women to wait 72 hours before they terminated their pregnancy and to view pictures of the foetus. Instead, the ACT became the first jurisdiction in Australia where abortions were decriminalised. The episode showed how damaging efforts to restrict abortions can be ... [Tony] Abbott could take a lesson from Paul Osborne, the independent in the ACT Assembly who introduced the restrictive bill in 1998. He lost his seat in the 2001 election and by the time the bill came up for debate the following year pro-choice MLAs had the numbers to alter the bill so much that it achieved the opposite effect to that which was intended.¹⁴³

Vicki Dunne’s response to the idea that the Osborne Bill could have paved the way for Berry’s complete decriminalisation is as follows:

Look, I think that it’s a possible outcome. [Wayne Berry] was the great pro-abortion warrior. And, you know, he was charming and compelling and affecting ... And, you know, you know exactly where you stand with him and you know exactly what he stands for. And he would have taken *any* opportunity to extend abortion law reform in Australia. And he took opportunities; he helped people in other states. I don’t think that

¹⁴⁰ Instance, “Interview Transcript.”

¹⁴¹ Gail Instance, conversation with author, April 16, 2015.

¹⁴² Instance, “Recollections,” 92-93.

¹⁴³ Catharine Munro, “A High Price for Life,” *The Sun Herald*, February 13, 2005, 64.

Paul Osborne's raising of the issue emboldened Wayne Berry to respond; Wayne would have done it anyhow.¹⁴⁴

On June 10, 2013, I wrote to Wayne Berry asking him if he thought that the Osborne Bill had paved the way for the 2002 decriminalisation. I addressed the letter to his daughter, Yvette Berry MLA, as he had retired from politics and I did not know how else to reach him. I received an emailed reply from Ms Berry's secretary confirming receipt of the letter and that Ms Berry would be happy to pass it on to her father. As at the time of writing, I have received no reply from Wayne Berry.



Distinctions in tactics both express and confirm distinctions in identity, and this especially so within the camp. The particular internal identities gain definition by what they oppose in those who now come to be perceived as antagonists rather than as colleagues. We have seen that even though internecine party politics can appear trivial to outsiders, they are anything but, for the tactics that are accepted will inevitably shape the identity of a group and the direction it will take. As such, the relatively short history of the Association – and, indeed, the broader pro-life movement – is informed by an increasing oppositional identity. Perhaps this is inevitable, for it could be said that the movement is still forming in respect of the manner in which it applies theory to practice.

But it was not only politics or the bringing together of theory and practice that influenced the way in which the identity of the Association was forming within the Church. There were issues of a more theological (sacramental) nature, issues which, while seeming irrelevant to outsiders, were in fact crucial to this formation process; and were crucial, too, both to the manner in which the Association viewed themselves, and to the manner in which the Association was viewed by others in the Church. The following chapter will show how these issues were, in fact, continuous with the earlier decision to be a specifically *Catholic* pro-life group.

¹⁴⁴ Dunne, "Interview Transcript."

The Third Rite, Rome and the salt of the earth

Back in the '90s, the orthodox Catholics and the pro-life movement were pretty much, felt like we were under siege, and with very little support, from the hierarchy especially.¹

For the Association and many Catholics like them, the 1980s and 1990s represented something of the high-water mark of those currents that flowed out of the debates over *Humanae Vitae* discussed in Chapter Two. Indeed, so strong was the feeling that the Church in Sydney was drifting away from orthodoxy that many of them felt that they were the remnant, the faithful few, clinging to the apostolic teachings while others were abandoning them. This chapter tells the story of those who considered incorrect the use during Lent and Advent of the Third Rite of Reconciliation, notable among whom were members of the Association, and who contributed to information which is thought – by both camps – to have been engaged with by Pope John Paul II in the preparation of the document entitled the *Statement of Conclusions* in which, among other things, he called for the cessation of the incorrect use of this Rite. The bulk of the material heretofore available in respect of the *Statement of Conclusions* expresses dissatisfaction with the document and with the manner in which information was collected and provided to Rome. As such, this chapter represents the filling of a large gap in scholarship in that it is one of the very few works, and as far as I am aware the only scholarly work, to represent this period in Australian ecclesial history from the perspective of those involved in the collection of information.

For those in the Association, there was in the lead-up to this period an increasing sense that they were at odds with so many others in the Church, both lay

¹ Hanrahan, “Interview Transcript.”

and clerical. Michael Cuneo, speaking specifically to the American Catholic Church but in a manner that many would consider applicable to Australia, notes that ‘as the mainstream church, with its bishops and priests, its nuns and theologians, has fallen more and more under the spell of the dominant secular culture, in their view, the task of preserving (or retrieving) ultimate Catholic authority has been entrusted almost entirely to small bands of the stalwart faithful’.² In Sydney, Paul Hanrahan was one of those watching this shift within the Church:

There was an air of rebellion in Sydney from the left, if you like. I don’t like using terms, left, right and all those things, because, really, there’s Catholic and not. And some things might admit of discussion and opinions, but doctrine and revelation don’t; and there are some things the Church teaches and holds and Catholics are bound to believe it, accept it. And they just don’t. The number of things, events that we went to, where there were liberal nuns and priests pushing for women’s ordination, all these things—publicly. And expressing disgust with the Church and the hierarchy and all these things. It was just terrible. So. And we’d go: we’d have debates and arguments, at the end disrupt the meetings and things. But it didn’t—we felt under siege. We were on our own. And only a very few people, only a very small group of people in Sydney seemed to care.³

Hanrahan’s background was such as to instil in him the importance of working towards a return to orthodoxy.⁴ Having grown up in a Catholic family as one of seven living siblings, he went through the Catholic school system during the sixties and seventies, completing in 1973.⁵ As noted by Cardinal Gagnon, ‘the 1960’s [sic]

² Cuneo, *The Smoke of Satan*, 179.

³ Hanrahan, “Interview Transcript.” The experience described here by Paul Hanrahan is not unique; see R. Michael McGrade, *Death of a Catholic Parish: The Benalla Experiment*, (Benalla, VIC: Roderick Michael Pead, 1991). Michael S. Rose engages with like issues in America: Rose, *Goodbye, Good Men: How Liberals Brought Corruption into the Catholic Church* (Washington, DC: Regnery Publishing, 2002); and *Ugly as Sin: Why They Changed Our Churches From Sacred Places to Meeting Spaces and How We Can Change Them Back Again* (Manchester, NH: Sophia Institute Press, 2001). Cuneo’s *The Smoke of Satan* details the groups that emerged as a result of the shifts within the Catholic Church. It is generally agreed that orthodoxy suffered in Sydney during this period, but that the installation in 2001 of George Pell as Archbishop heralded a significant change. See Livingstone, *George Pell: Defender of the Faith Down Under*.

⁴ Bern Sadler references such: “In 1976, I read an article, must have been in a magazine that I picked up in an office, which said something along the lines that these days employers have no problems with employing Catholics, I think it was. Because Catholics fitted in quite okay with the general population. And I thought, uh oh, there’s a problem here. If you’re a Catholic, you *don’t* fit in with the general population, like it or not. And that sparked my interest in the relationship between the faith and what’s going on in the society around me. To that point I hadn’t been so interested in that. But this was an alarm bell.” Sadler, “Interview Transcript.”

⁵ It is not uncommon that an interviewee, when asked about their background or their coming to the pro-life movement, will reference the experience of their mother in respect of pregnancies and/or the pro-life movement. Hanrahan states: “I’m one of seven living siblings. One stillborn as well, so it’s

was marked by the challenge to all authority in the established order, not only of Church and State but also that of parents. There was a cult that all claim to authority must be repudiated and treated with public disrespect.’⁶ Paul Hanrahan recalls that ‘basically we were in the age of the revolt, and, like many, didn’t learn a lot, and questioned everything, and got involved with the wrong people’.⁷ At around the age of twenty, Hanrahan left the practice of the faith.

In 1985 he married Chris Howell, and their first child, a son, was born four years later. In September of that year, Hanrahan’s mother died:

And she’d been sick, had breast cancer from the year before. And I’d started going to Mass, and revisiting my faith and wanting to find out a lot more about it. So. After Mum died, I got more serious again, and I realised I didn’t know it very well. And maybe part of it was just pride, because I didn’t like losing arguments. I wanted to learn my faith a bit better. And my friends who weren’t Catholic and were often anti-Catholic were very critical of the existence of God and of the Catholic Church, and all these things. Even though when I wasn’t practising my faith, I’d defend the existence of God and I’d defend the Catholic Church against their attacks, I didn’t know enough to be able to do it very well.⁸

Thus began an interest in apologetics: Hanrahan names Scott Hahn and Gerry Matatics as among those from whom he learnt much.⁹ ‘I’d go over their audio tapes and study them and look things up and write it down and commit it to memory.’¹⁰ When in January 1994, Matatics visited Sydney on a speaking tour, Hanrahan attended the talk at the Riverwood parish in Sydney, to which parish Gail Instance belonged:

And a fateful night, that night, that I went along to this. They were actually taking signatures up at this talk for a big pro-life rally they were going to hold, not till May, but they were collecting signatures and names and they were planning to follow it up. And

really eight. And a second one, who was second to last, who was a second trimester miscarriage, actually, which is because of a car accident with my mum. So, there’d have been, there’s really nine of us, but seven living.” Hanrahan, “Interview Transcript.”

⁶ Edouard Cardinal Gagnon, “International Conference,” *ACPLA Newsletter Newsletter* 11 (December/January 1988): 4-5.

⁷ Hanrahan, “Interview Transcript.”

⁸ *Ibid.*, 1.

⁹ Hanrahan communicated some reserve in respect of Gerry Matatics: “Gerry was very strong. If you’re not a Catholic, you’ve had it, right? Bit too strong, actually.” Hanrahan, “Interview Transcript.”

¹⁰ Hanrahan, “Interview Transcript.”

of course Gerry Matatics encouraged everybody to put their names down. And I did. My dad, my uncle, my sister—they all did too ... I didn't think any more about it, but Gail Instance and Joe and Josephine Cudmore were there, and they were collecting the petitions and all that.¹¹

A few months later, Hanrahan received a letter reminding him of his commitment to attend the rally. The rally was to commence in Victoria Park then process to Preterm abortion facility which was, at that time, located at 300 Pymont Bridge Road, Camperdown:

And I'm thinking, why did I do that? I don't want to do that! But I put my name down. I said, I've got to do it. So did my dad and uncle and sister as well all came along. And it was not terribly like what we have now. There were, they had a lot of signs that, you know, Stop Abortion and Abortion is Illegal, and things like that. Like stop signs that you'd see on a street sign, you know. They did have prayers, but it was, it was—I remember there was a lot of yelling. And a couple of notorious pro-lifers ... were around the place and they were doing their bit. And they had a couple of people then trying to talk to people going in [to the abortion facility] ... I'm pretty sure one was Gail. And the police came and there were arguments and it was all this went on.¹²

Hanrahan recalls that there were around two hundred people present at this gathering, which processed then to St Joseph's Catholic Church in Missenden Road, Camperdown, for a concluding Mass. A meeting shortly thereafter at the home of Joseph and Josephine Cudmore saw Hanrahan quickly signed up as a member of the committee. His work as a pro-life activist had begun:

I can't think [of] anything that stood out that made me want to go back [and join the group], except I think I got the sense of the great injustice of abortion. And it was at that time we had three young kids. Luke was just born in the January. And I guess that's the Irish in me, it's just the zeal. You know, like, to get involved and to do something, do something about it. I don't know. I never analysed it that well. But I know I got moved to [join], and next thing you know I was basically organising it. [*laughs*] ... And I think Joe and Josephine were quite happy to hand it over to me to organise it and run it.¹³

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

Later in the interview, Hanrahan recalls another reason that he believes could have led to his involvement in the pro-life movement in general, and in the Association in particular:

A lady who'd been a family friend and knew my mum well, back in '94, about the time I got involved in these things, said to me, 'Your mother said to me, when she was dying, that if my suffering does nothing but bring Paul back to the Church, it will be worth it.' And when I found that out— maybe it's all those things that made me so keen to do something, you know, and to learn my faith.¹⁴

For members of the Association, such a testimony is an example of the way in which religious conversion sometimes informed participants' involvement in the organisation. In this case, Hanrahan's story connects directly with the teaching of the Church in respect of the value in suffering and the salvific power of prayer. That he had not only returned to the practice of the faith but had aligned himself with a movement that sat on the fringe of both society and, at times, the Church, highlighted for members of the Association the rightness of the means by which they had elected to work towards their goal of ending abortion and maintaining the 'saltiness' of the faithful. Their identity, more and more, was consolidating.

The vigil became a monthly event, and would conclude with Mass in the chapel at the Marion Centre on Broadway, in a building that is now part of the main campus of The University of Notre Dame Australia. It was here that Hanrahan met Father Peter Paul Little: 'And the first time I heard him give a homily, I was astounded. I said to my uncle, how come I haven't heard about this bloke before, right? It was fantastic how he just put it all together.'¹⁵ Hanrahan asked Father Little if the latter would conduct a regular Friday night bible study, and it was in this context that Hanrahan began to learn more and more of his faith. He recalls: 'I learnt a lot from him. Father Peter Joseph says he's the greatest theologian we've had in this country, so that's not faint praise coming from Father Joseph. So. And I just love Father Little. Chris would say to our friends when they were trying to organise a

¹⁴ Ibid.

¹⁵ Ibid.

night out, she said, don't make it Friday night: Paul won't come. He's just going to bible study.'¹⁶

Wanda Skowronska joined this same study group, and describes the scene:

He had all these pictures around the wall and you really felt as if you were entering, I don't know, Rome under the persecuting Emperors or something, and you knew that this was like an oasis, a catacomb, or somewhere where you were going to do something. And Father Little had a bit of a sense of humour. He'd play the March of the Green Berets at the beginning of bible study. And I used to think, ah well, it's a little bit eccentric [*laughs*] but then, then I thought, no, he's trying to say, 'You've got to be like the Green Berets: they're really top, skilled, competent fighters'. He saw society in these terms, that there was a war. Not that he was training anybody to be aggressive. No, no, no, no. But he was saying there is a war on and you have to be strong in your faith if you're going to survive it.¹⁷

A great love for the Church and for her teachings began to develop in Hanrahan, along with a growing sense of the importance of adherence to these teachings for the conservation of a just and moral society.¹⁸ It was adherence to these teachings, too, and engagement with the Church's practices, that Hanrahan felt were vital to the reversal of the climate of ecclesiastical secularisation. When, then, the Association was approached by Paul Brazier in his capacity of founder of the Australian Catholic Advocacy Centre – 'It was during 1998, I suspect, or '97 even' – to assist in the work that aimed to bring to Rome's attention liturgical abuses within a number of Australian parishes, Hanrahan did not hesitate to become involved.¹⁹



In his book *Death of a Catholic Parish: the Benalla Experiment*, R. Michael McGrade recounts the story of the stripping of St Joseph's church, 'the jewel of the

¹⁶ Ibid. Hanrahan recalls Fr Little's passing: "Father Peter Little died in 1999. Father Peter Paul Little died on the Feast of Peter and Paul, so. I tell people that if he's not in heaven, I've had it. It says a *lot*. It's a sign from heaven, I think, what a great priest we just lost, so. I was blessed to have his input into my life for that long. And my family's, too." Hanrahan, "Interview Transcript."

¹⁷ Skowronska, "Interview Transcript."

¹⁸ Bern Sadler states that "Catholic doctrines are not restricted to Catholics. It's helpful for everybody." Sadler, "Interview Transcript."

¹⁹ Hanrahan, "Interview Transcript."

Sandhurst diocese'.²⁰ From its 'uncomplicated grandeur', the church was transformed into a 'super-deluxe parish hall', against the wishes of the majority of the congregation and despite their efforts to negotiate with the Team Ministry – that is, with the three priests who served the parish – and with the local bishop. 'Such injustice', writes McGrade, 'underscores the fact that the *rights* of the Australian laity under Canon Law are an elaborate sham. It also demonstrates the pressing need for the establishment of an Australian arm of the St. Joseph Foundation, a non-profit American organisation formed to assist the burgeoning number of Catholics who believe their canonical rights to true teaching, true liturgy and true religious formation are not being respected.'²¹

In San Antonio, Texas, the St Joseph Foundation had been operating since 1982, initially as Fidelity Forum, with its primary focus being 'to conduct forums throughout the United States and Canada in an attempt to ameliorate the liturgical irregularities, doctrinal confusion and abusive governance that became commonplace following the Second Vatican Council'. With the introduction of the new Code of Canon Law in 1983, 'the rights of the faithful it defined included the right to true teaching, worship according to the lawful norms and proper governance'. The Forum focussed then on informing the faithful and assisting them to protect these rights and, in order to facilitate this process, Fidelity Forum made its transformation to St Joseph Foundation on 1 November 1984.²²

Meanwhile, Sydney barrister Paul Brazier was undergoing his own transformation. In his early days as a member of Right to Life NSW, 'he saw the value in separating abortion from a Catholic thing and having it as a human rights thing, far more than what Right to Life wanted to do at that time'.²³ Determined to avoid accusations by the secular press that the abortion issue was merely 'the old Catholics against the new young things', he was instrumental in attracting young Catholics to the cause by means of protests and rallies, and emphasised the importance of presenting a face that was not religious.²⁴ Georgina Brazier recalls that members of Right to Life 'couldn't understand why my husband would say, oh, let's

²⁰ McGrade, *Death of a Catholic Parish*, 10.

²¹ *Ibid.*, 83.

²² The St Joseph Foundation, accessed January 14, 2015, <https://stjosephcanonlaw.com/>. This organisation sees itself as being on the orthodox and conservative side, and opposed to liberalising trends around liturgy and doctrine.

²³ Georgina Brazier, "Interview Transcript," interview with the author, December 8, 2014, Springwood, NSW.

²⁴ *Ibid.*

not have our branch meeting in the St Joseph parish hall; let's have it in the local community centre or something like that'.²⁵ Over the years, however, 'he realised it was just, you know, flogging a dead horse, really':

the Catholics [who] make up a quarter of our society were just totally wishy-washy and, well, you're not getting any proper leadership ... [They needed to be] reminded of their Catholic basis and what the Catholic faith is and *that* rested squarely with the bishops. So my husband came to see that unless we had good bishops, we couldn't even get the Catholic part of society fully on board. And it was just a losing battle, then, with the rest of the society. So that's why he came right around and saw the whole thing as being very much a Church problem and why what was happening with the bishops, and also filtering out what was happening with Catholic schools, ended up being so important and that's why the St Joseph's Foundation came about, because he was getting so many parents ringing up and saying, oh, do you know what's happening in my school and do you know what happened in my parish and, you know. And he realised more and more and more that this had to be fixed first before it had any hope of going out and, you know, evangelising or fixing up those who weren't Catholic.²⁶

Accordingly, the Australian Catholics Advocacy Centre – as the action arm of the St Joseph's Foundation, modelled on the US organisation of the same name – was established by Paul Brazier in 1993, as he notes, 'to assist members of the Catholic church, whether they be lay people or clergy, to make their needs and their concerns known to the sacred pastors of the church and also on those occasions when people's rights within the church have been violated, to be able to vindicate those before the proper ecclesiastical forum'.²⁷ He notes further that

[t]he words I've used in fact come from the Code of Canon Law which was promulgated in 1983 by John Paul II. I mean we're not a group, an organisation with members, this is a service organisation very similar I suppose in some ways to a legal aid group in civil society. We have expertise, which we offer both legal, particularly in the sense of Canon Law, and we have consultants, theologians, Canon lawyers and others who assist us in complicated matters to help people. What we want to do though of course first is try to mediate people's problems. They come to us, they think they've got a problem, we work

²⁵ Brazier, "Interview Transcript."

²⁶ Ibid.

²⁷ Michael Baker, "Interview," interview through correspondence with author, 14, 19 November, 2014, Goulburn, NSW. Paul Brazier in John Cleary, "Who Spies on the Spies When the Spies are Spying on Us?" *Religion Report*, ABC Radio, 1999.
<http://www.catholica.com.au/forum/index.php?id=1138>.

[out] if they really do have a problem. If they do, we try and help them mediate that first with perhaps their priest or the local bishop and if that breaks down well[,] then it may well be that we need to take a more formal approach to help them vindicate their rights.²⁸

This method to which Brazier refers of mediating first with the priest or local bishop before taking things to a higher authority is known as the principle of subsidiarity. Its scriptural basis can be found in the Gospel of St Matthew 18:15-20, and it was systematised in respect of social teaching by Pope Leo XIII in his 1891 encyclical, *Rerum Novarum*. The principle of subsidiarity takes as its base the innate dignity of every human person. As such, it commends that human matters should be engaged with at the societal level nearest to those concerned:

God has not willed to reserve to himself all exercise of power. He entrusts to every creature the functions it is capable of performing, according to the capacities of its own nature. This mode of governance ought to be followed in social life. The way God acts in governing the world, which bears witness to such great regard for human freedom, should inspire the wisdom of those who govern human freedom, should inspire the wisdom of those who govern human communities. They should behave as ministers of divine providence.²⁹

In his 1999 radio interview with John Cleary, Brazier discusses the principle of subsidiarity and states that the Australian Catholics Advocacy Centre aimed to assist ‘always in a way which respects the dignity and the authority of the local bishop’.³⁰

The Australian Catholics Advocacy Centre takes people’s concerns and needs, and deals with them in the way that the church requires. That is, it respects the principle of subsidiarity, that is, if you can deal with a thing at the lowest level, then you should do that. And that’s a matter of justice and charity. And so if there’s a problem with a priest, then you deal with it at that area. If the thing’s closed off at that level, then you take it to the local bishop. It is possible then, if one feels as though the matter’s not being dealt with fairly[,] justly, equitably, in accordance with the church law, at the episcopal level here, then it’s the right of any Catholic then to use the procedures of the church’s law to take the matter further to the relevant congregations in Rome, for instance, who started life, many of those congregations started life as quasi-judicial bodies that helped

²⁸ Paul Brazier in John Cleary, “Who Spies on the Spies?”

²⁹ *Catechism of the Catholic Church*, second edition (2004), n. 1884.

³⁰ Paul Brazier in John Cleary, “Who Spies on the Spies?”

determine disputes and problems in the universal church. And so that is an ordinary sort of process. I think the problem in the past has been that people didn't really know how to go about that, and to go about it in a proper and just way. They didn't have the legal skills, they didn't have the ecclesiastical know-how, and what we've tried to do [at the Australian Catholics Advocacy Centre] is fill that gap, that vacuum, and provide people with the resources to do that. But always in a way which respects the dignity and the authority of the local bishop, and those people who they're making perhaps a complaint about or some issue.³¹

In this instance, the principle of subsidiarity had come to bear for Brazier in respect of the issue of the manner in which the Sacrament of Penance was being conducted within certain dioceses. It had come to his attention that illicit (and, he reported, sometimes invalid) forms of the sacrament were in use within certain dioceses.³² Gail Instance recalls:

I personally was down in a city church one day, and there were people all waiting to go to Confession. And it was one of those Inner City parishes where there were Confessions pretty well all day. And when the Mass began, the priest came out of the Confessional, and he said to everybody still waiting that now that Mass was started, he had to, he had to go. He wasn't going to keep hearing Confessions. Which is strange, because other times you could keep going to Confession. But anyway this day he came out, and he announced that, no, he couldn't hear any more confessions and so he would just give us a General Absolution. Which he did. And then one old lady said to him, Father, does that mean we still have to go to Confession. No, no, no. Your sins are forgiven. This wasn't an advertised General Absolution but that's what he gave us, and no, no, we didn't have to go to Confession.³³

For those concerned with the right practice of the Sacrament of Penance – as were members of the Association and others – the Code of Canon Law is of much significance. This outlines the conditions for the use of confession, that is, the Sacrament of Penance. In the first instance, Canon 960 states that ‘Individual and integral confession and absolution constitute the only ordinary means by which a member of the faithful conscious of grave sin is reconciled with God and the Church. Only physical or moral impossibility excuses from confession of this type; in such a

³¹ Paul Brazier in John Cleary, “Who Spies on the Spies?”

³² Ibid.

³³ Instance, “Interview Transcript.”

case reconciliation can be obtained by other means'.³⁴ This encompasses, then, the Rite for Reconciliation of Individual Penitents – or the First Rite – in which the sacrament is undertaken involving only the priest and the penitent. Likewise does it encompass the Rite for Reconciliation of Several Penitents with Individual Confession and Absolution – or the Second Rite – whereby a number of penitents gather together in a church to participate as a community in the earlier aspects of the service, that is, in the Introductory Rites and the Liturgy of the Word. The sacrament itself, however, is undertaken individually.

Canon 961 §1 speaks specifically to the use of Rite for Reconciliation of Penitents with General Confession and Absolution—the Third Rite:

Absolution cannot be imparted in a general manner to many penitents at once without previous individual confession unless:

1/ danger of death is imminent and there is insufficient time for the priest or priests to hear the confessions of the individual penitents;

2/ there is grave necessity, that is, when in view of the number of penitents, there are not enough confessors available to hear the confessions of individuals properly within a suitable period of time in such a way that the penitents are forced to be deprived for a long while of sacramental grace or holy communion through no fault of their own. Sufficient necessity is not considered to exist when confessors cannot be present due only to the large number of penitents such as can occur on some great feast or pilgrimage.³⁵

The Second Vatican Council, Father Ian B. Waters notes, did not make reference to General Absolution, stating that it advised only that '[t]he rite and formulas of Penance are to be revised so that they more clearly express both the nature and effect of the sacrament'.³⁶ This revision began in 1966, with Pastoral norms presented in 1972 and the rite itself published in Latin in 1973, and in English in Australia in 1975.

³⁴ Libreria Editrice Vaticana, "The Sacrament of Penance," *Code of Canon Law*, Washington, DC: Canon Law Society of America, 1983, c. 960, http://www.vatican.va/archive/ENG1104/___P3F.HTM.

³⁵ Libreria Editrice Vaticana, "The Sacrament of Penance," c. 961 §1.

³⁶ Ian B. Waters, "General Absolution – Where Are We At?" *The Australian Catholic Record* 85, no. 2 (April 2008): 133.

Gleeson notes that the 1973 Introduction to the *Rite of Penance* states that ‘General absolution is not lawful, *when confessors are available*, for the sole reason of the large number of penitents, as may be on the occasion of some major feast or pilgrimage’.³⁷ He draws attention to the tension between this and the 1983 *Code of Canon Law*, which states that, ‘A sufficient necessity [for use of general absolution] is not ... considered to *exist when confessors cannot be available* merely because of a great gathering of penitents, such as can occur on some major feast day or pilgrimage’.³⁸ He notes further that

[t]he *Code* thus takes a more restrictive approach than did the Sacred Congregation for Worship when it first introduced the rite in 1973. For the *Code* the key issue is how long a penitent will have to wait before receiving absolution. For the Sacred Congregation in 1973 the key issue was whether there were sufficient priests available on an occasion for the sacrament to be celebrated ‘properly’.³⁹

Presumably, this ‘more restrictive approach’ was rendered necessary due to certain interpretations of the 1973 rite. When, on August 30, 1975, the Australian Bishops made their response to the rite, they stated that each of the three rites ‘presents more clearly a certain aspect of the mystery of divine pardon and all three should be regarded as complementary’.⁴⁰ The Bishops referenced ‘general confession and absolution’ as being a rite which could be celebrated in ‘certain circumstances’, an example of which circumstance was ‘when a large number of penitents could not within an appropriate time make a proper individual confession and thus would be deprived of sacramental grace or Holy Communion’.⁴¹ They noted further that

[t]he Conference agrees that this could happen when there is a large gathering of people who wish to receive the sacrament and there are insufficient confessors available to hear their confessions properly (rite) within an appropriate time (*intra congrum tempus*). The occasion of the gathering might be a feast, pilgrimage, conference, etc. It need not be regarded as only a rare occurrence. It is understood that all who take part in such a

³⁷ Introduction to the *Rite of Penance* (s. 31) in Gerald Gleeson, “The Future of the ‘Third Rite’ of Reconciliation,” *The Australian Catholic Record* 77, no. 1 (January 2000): 23. Emphasis added by Gleeson.

³⁸ Canon 961 §1.2 in Gleeson, “The Future of the ‘Third Rite’ of Reconciliation,” 23. Emphasis added by Gleeson.

³⁹ Gleeson, “The Future of the ‘Third Rite’ of Reconciliation,” 23.

⁴⁰ Kerr, *Statements Since Vatican II*, 32.

⁴¹ *Ibid.*, 32.

celebration will be made aware of the demands of personal conversion and the need and value of individual confession.⁴²

Absent in the Bishops' statement is reference to the limitation pertaining to the penitent being deprived of sacramental grace or Holy Communion 'through no fault of their own'. The 1972 norms state that 'This can happen especially in mission lands but in places also and within groups where it is clear that this need exists'.⁴³ What was not clear – and this was of particular importance to members of the Association and others – was whether large groups of penitents living in cities and towns where individual confession was available the year round satisfied the requirements of the 1972 norms. Paul Hanrahan recalls that, at the time the Centre approached the Association for assistance in gaining evidence of such, general absolutions were 'being done around Sydney, in fact around a lot of places around the world, and around Australia certainly. But in Sydney it was known to be going on in a lot of parishes, especially during Lent and Advent when there are community reconciliations where they might get two or three priests, but they have a lot of people and they'll have a liturgical ceremony and they'll only give a general absolution'.⁴⁴ Gail Instance likewise recalls:

So in many places, priests and bishops who were turning a blind eye to it, bishops would simply have a whole big lot of people in the Church ... there'd be a few prayers said. And then he'd give them a General Absolution. And then no one had to go to [individual] Confession. Or in other places, they might have been told, just confess one or two sins. Because ... thousands of people would go to these things because it was easy. It was like, as one woman said to me, and she was serious, it's like a Claytons Confession.⁴⁵ It's going to Confession but you really don't go to Confession. ... So people were delighted to go to these things, because it was easy. You all went along, and you didn't have to face any *mea culpa* and get down on your knees and confess the things you had done that were wrong. So. And the priests were just willy-nilly giving Absolution.⁴⁶

⁴² Ibid., 32-33.

⁴³ Sacred Congregation for the Doctrine of the Faith, *Pastoral norms for the administration of general sacramental absolution*, Vatican Website, July 16, 1972, §3.

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19720616_sacramentum-paenitentiae_en.html.

⁴⁴ Hanrahan, "Interview Transcript."

⁴⁵ The 1970s and '80s advertising campaign identified the non-alcoholic, whiskey look-alike beverage Claytons as "the drink you have when you're not having a drink."

⁴⁶ Instance, "Interview Transcript."

Sydney priest Father Peter Joseph points out that ‘integral confession rules out what some people call “Rite of Reconciliation 2.5” where you are told to come up and tell one sin to Father. You have to tell all your mortal sins; otherwise it is a sacrilegious confession.’⁴⁷ Writing in 1968 words that the Association might have considered appropriate for their own period, Scottish theologian William Barclay noted that ‘[y]ou do not change the rules simply because many people are breaking them – and yet that is precisely what at the present time the Church appears to be doing. It appears to be steadily adjusting itself more and more to the world, and to becoming more and more permissive to those who no longer wish to keep the rules’.⁴⁸



Barrister Michael Baker first met Paul Brazier when they were involved with Right to Life in the early 1970s. It was some years after Brazier had left the organisation that the two men met again. In the early 1990s, Baker was practising at the Bar in Parramatta and Penrith, while Brazier was completing legal studies and serving as Associate to Judge Collins, the resident Judge of the District Court in Penrith. When, upon completion of his studies and admission to the Bar, Brazier established the St Joseph Foundation and the Australian Catholics Advocacy Centre, Baker ‘assisted him for two or three years’ from their barristers’ chambers in Penrith:

During the time Paul and I worked together, he addressed the abuses occurring every Lent and Advent throughout the country where priests, with the tacit consent of their bishops, were conducting illicit ceremonies which imitated certain of the features of the Third Rite of the Sacrament of Penance (usually referred to as ‘Third Rite Reconciliation’). These ceremonies fell outside the pre-conditions for a right celebration of that exceptional Rite, chiefly in the failure to meet the requirement of urgent need due to circumstances in the nature of a catastrophe. Moreover, they contradicted the Vatican’s explicit embargo on the use of the Rite during Lent and Advent merely to address a greater demand than usual for confessions. Moreover, its priest practitioners ignored the Rite’s mandatory requirement that the penitent who had received the benefit

⁴⁷ Peter Joseph, “Extending General Absolution: Why Such a Move is Out of the Question,” *AD2000* 12, no. 3 (April 1999): 10.

⁴⁸ William Barclay in John Tucker, “A Matter of Life and Death: New Zealand Baptists and Abortion Law Reform, 1960-1990,” *Colloquium* 43, no. 2 (2011): 202.

of such urgent absolution should, at the earliest possible opportunity, submit himself and his sins to a priest in individual integral confession.⁴⁹

Paul Brazier recognised that any action that was to be taken needed to be ‘just, charitable, in accordance with Church discipline and Canon Law and the principle of subsidiarity, and accurate’, in order to attain legal viability. It was essential, noted Hanrahan, that any evidence gathered be correctly documented: ‘you couldn’t just go and say this is being done: then it’d be hearsay. You need to document it; it needs to be in the form of a statutory declaration, so it needs to be witnessed by a JP or a lawyer, et cetera’.⁵⁰ Brazier, then, devised a form, A5 in size, which could be unobtrusively taken in to a church service and completed. The use of this method was such that ‘the persons who give information and evidence [to] our centre are the very persons who’ve made the complaints in the first place’.⁵¹

As mentioned, the Association was approached by Brazier for assistance in this undertaking: ‘He turned to us looking for numbers. That was basically what we were providing. Solid Catholics who were faithful to the Church, faithful to the Sacraments, and we had names and we had contacts that we could ask, would you be interested, would you be prepared to help out with this.’⁵² Instance highlights that ‘it wasn’t done in the name of HLI. We provided a lot of the manpower because we totally agreed with what he was doing, and he was one of our advisors, one of our legal advisors. So we were concerned with all kinds of abuse in the Church. So, if somebody tried to do something about it, you know, yes. Let’s do it.’⁵³ It was for the Association an opportunity to further work as ‘salt of the earth’; and in the performing of this work, the Association’s identity was undergoing further formation – which formation was increasingly oppositional – in that it was, one could say, a fuller expression of that which we have already seen developing in their short history.

⁴⁹ Baker, “Interview.”

⁵⁰ Paul Brazier, prelude to John Cleary, “Who Spies on the Spies When the Spies Are Spying on Us?” *Religion Report*, ABC Radio, 1999. <http://wdtprs.com/blog/2008/10/brisbane-priest-of-invalid-baptisms-clashes-with-man-with-phone/>. Full transcript of program also available at <http://www.catholica.com.au/forum/index.php?id=1138>. Hanrahan, “Interview Transcript.”

⁵¹ Brazier in Cleary, “Who Spies on the Spies?”

⁵² Instance, “Interview Transcript.”

⁵³ *Ibid.*, 47.

The data collection began and was undertaken methodically, with volunteers attending parishes in pairs. Later, in an interview on ABC Radio, Paul Brazier explained the process to broadcaster John Cleary:

What they do is they attend in good faith and we receive from those persons information when and where they find that, indeed, although they've attended in good faith, the priest himself has not acted properly. He's in fact celebrated the sacrament illicitly and sometimes invalidly, and they will record what's happened, and by that I mean on a short note. In fact, we make it easier for them if we can anticipate the sorts of disobedience that go on, by giving them a form that they can check quite easily without having any great theological or liturgical knowledge.⁵⁴

Georgina Brazier recalls:

So people were given a piece of paper, a check sheet, and it was very easy to fill it out as you were going, just observe what was happening. It was [undertaken] very unobtrusively and it meant people could very accurately make a stat dec afterwards about what they saw.⁵⁵ And it had to be that tight evidence because normally in a dispute between a parishioner and a parish priest, the parish priest would probably be the more believable in the eyes of the bishop. So people had to be very accurate about what they'd seen, and very certain about what they'd seen, because otherwise, you know, they're spreading false rumours about people. Okay? So this had to be not casual or hearsay or 'I think I saw this' or 'maybe'. So people had to be very certain about what they saw and very certain that they were able to swear a stat dec saying, yes, for sure I saw this.⁵⁶

Paul Hanrahan recalls:

I did a couple of those places. I did several, actually. A couple with video cameras. Video cameras weren't then as they can be now in phones and all those sorts of things. Bit more bulky ... People maybe gave you a sideways look, but didn't think about it. There was a lot of reaction to some people in some places. It wasn't just done in Sydney; it was done in other places in the country: in Melbourne, in Queensland, in different

⁵⁴ Brazier in Cleary, "Who Spies on the Spies?"

⁵⁵ A 'stat dec', or statutory declaration, is a written statement that allows a person to declare something to be true'. It is a recognised legal document certified by an authority, and its intentional falsifying carries heavy penalties. Australian Government, "Statutory Declarations," accessed January 23, 2015,

<http://www.ag.gov.au/publications/pages/statutorydeclarations.aspx>. Michael Gilchrist notes that "[a]ppealing to the Holy See has become a last resort, and anyone aware of how slowly the wheels turn there would realise that only watertight, well documented evidence has the slightest hope of drawing any response." Gilchrist, *Lost! Australia's Catholics Today*, 128.

⁵⁶ Brazier, "Interview Transcript."

places. And there was a very hostile reaction in some places. Some people were physically attacked by the priests and by other members of the congregation. I don't even know how they knew that that's what they were there doing. They must have been filling the form out in front of everybody. I don't know. But it did happen. Whereas I'm there with a video camera and I didn't, I'm almost disappointed: I didn't get attacked at all. [*laughs*]⁵⁷

Paul Brazier noted that the information was gleaned in an unobtrusive manner:

They do not do it in a way in which they disturb people. In fact, [of] the hundreds and hundreds of people who have done this right throughout Australia, I know of only two cases where it appears the priest has even noticed, and one priest was silly enough to make a great big fuss about it and cause a performance, and in fact disturb his own ceremony, and I think the reason why it happened was not that he saw what the person was doing, but somehow recognised the person and anticipated they would be there.⁵⁸

Gail Instance recalls that 'the [services] that we went to were the ones that either blatantly advertised a Third Rite, or ones that we thought could have been: the wording wasn't quite clear. So those were the ones we went to'.⁵⁹

Now, a couple that I went to, the first ones ... the church was packed, people up in the choir, everywhere, packed. The priest simply announced that it was through his priestly hands that he would give [absolution], it was by touching us with his hands that he would forgive our sins. So all these good people who firmly believe that this was okay, droves of them, row after row all went up and they just stood in front of the priest and he just put his hands on their head, and then they wandered off, firmly believing they'd had all their sins forgiven. They hadn't confessed a single one.

Another one that I went to, people had to pick up a little rock. And that was a symbol of their sins. So you had to process up, and you put the rock in a little basket or something, or somewhere up around the sanctuary, and that was like getting rid of your sins. Others that I heard of were, people were only told, yes, individual [confession] ... [and] sometimes there'd be five or six priests from neighbouring parishes all come together. And they would be seated, quite openly, one or two up on the sanctuary, apart from each other, and a couple in, you know, up the back, and wherever. And people would just go up and just tell one sin. They were just told, just, you know, confess one sin. Or two.

⁵⁷ Hanrahan, "Interview Transcript."

⁵⁸ Brazier in Cleary, "Who Spies on the Spies."

⁵⁹ Instance, "Interview Transcript."

And sometimes there was none of that at all. Just the priest gave us a General Absolution.⁶⁰

Once the information was gathered, the process of collating began.⁶¹ Instance recalls that

Paul [Brazier] had the job of transferring all the information on each sheet and making a statement out of that. And then we all had to come together at different times and read the statement, check it against the form we'd filled in, to make sure that it was accurate, that this is, yes, this is what we saw, this is what happened. And then we signed the Statutory Declaration in the presence of a JP. So, it was a *massive* undertaking. And it wasn't just one diocese. He did this in several dioceses.⁶²

The following Christmas – ‘when the next big one was supposed to happen’ – there was a follow-up campaign.⁶³ Michael Baker recalls that ‘Paul [Brazier] went to great trouble to alert the Australian bishops to the abuses occurring in their dioceses but was generally ignored’.⁶⁴ Instance notes that ‘in those dioceses where nothing had changed, despite all the information that was given to the bishop back at Easter, and nothing was changed, you’ve still got *all* these aberrations going on around the diocese, then it went to Rome’.⁶⁵

Prior to this, Paul Brazier had ‘visited Rome in 1995 or 1996 and made contact with the then head of the Congregation for the Doctrine of the Faith, Cardinal Ratzinger, with whom he seems to have formed a lasting relationship’.⁶⁶ In respect of the abuses of the Third Rite, Gail Instance recalls that

Paul took [the collated information] personally to Rome. I was with him one year when he had *huge* dossiers to present to Rome ... He had *some* contacts in Rome who I suspect managed to get him into where it had to go, put it into their hands. So, and he succeeded. Because it was shortly after that our bishops were all in Rome for their *ad*

⁶⁰ Instance, “Interview Transcript.”

⁶¹ Michael Baker notes that the gathering of information occurred “in about 1997.” Baker, “Interview Transcript,” 2.

⁶² Instance, “Interview Transcript.”

⁶³ *Ibid.*, 44.

⁶⁴ Baker, “Interview Transcript.”

⁶⁵ Instance, “Interview Transcript.”

⁶⁶ Baker, “Interview Transcript.”

limina visit. And that was when the Pope, John Paul II, told our bishops to cease and desist, that this *had* to stop.⁶⁷

Here it is important to keep in mind that the Association and fellow travellers had what they felt was a direct input into what followed, and that this won them few friends among the Australian clergy. It is for this reason that it could be said that these events and controversies signal something of the high-water mark of the Association's oppositional identity.

During November and December of 1998, the Australian bishops participated in three meetings in Rome. Given the 'confusion, hurt and anger' that had occurred 'for many' as a result of 'conflicting reports about these meetings', the nature of these meetings was described in a letter from the Australian Bishops to the Catholic people of Australia in April of the following year.⁶⁸ The first of these meetings, the letter explained, was the Synod of Bishops for Oceania which was held over a period of three weeks (22 November – 12 December 1998), and at which the Australian bishops spoke 'about matters close to their hearts and the interests of their people'.⁶⁹ Chris McGillion notes that this meeting had been 'planned for years and was public knowledge', that 'Pope John Paul II had called in turn on the bishops of Europe, the Americas, Asia and Africa to gather for discussions in Rome that would prepare the Church for the new millennium', and that the gathering of bishops from Australia was the last of such meetings.⁷⁰ He notes that

[a]lthough the agenda for the meeting had been prepared in advance by Vatican officials, the free-wheeling discussions and presentations that the synod process allowed provided an opportunity for the leadership to exchange their concerns with the Pope and Vatican officials, to identify with the hopes and frustrations of ordinary Catholics back home, and to explore in a frank manner how their Church might respond to its changing circumstances.⁷¹

⁶⁷ Instance, "Interview Transcript."

⁶⁸ Presumably, this was necessary also because the correct names of these meetings were not used consistently, creating confusion about which one was which. This continues to be the case today: ACBC, "Letter From the Australian Bishops to the Catholic People of Australia," April 16, 1999, <http://www.catholicculture.org/culture/library/view.cfm?recnum=974>.

⁶⁹ William Martin Morris, *Benedict, Me and the Cardinals Three: The Story of the Dismissal of Bishop Bill Morris by Pope Benedict XVI* (Hindmarsh, SA: ATF Press, 2014), 13. ACBC, "Letter From the Australian Bishops to the Catholic People of Australia."

⁷⁰ Chris McGillion, ed., *A Long Way From Rome: Why the Australian Catholic Church is in Crisis* (Crows Nest, NSW: Allen & Unwin, 2003), 2.

⁷¹ *Ibid.*

A report in *AD2000* – a Catholic magazine that was both pro-life and sympathetic to the views and work of the Association – notes that among the more outspoken members of the Synod were Auxiliary Bishop of Canberra and Goulburn Pat Power who ‘urged greater Church tolerance for divorced Catholics who remarried without annulments and for more “solidarity” on the part of the Church with divorced and remarried couples, priests who have left the priesthood, homosexuals and women’; and Auxiliary Bishop Peter Ingham of Sydney who ‘criticised what he called “unnecessary” Vatican delays in approving [inclusive] liturgical translations and complained of the impact of “zealots making their voices heard through the Church’s authority structures”’.⁷² Additionally, there were ‘a number of calls for a stronger role for women, more participation by Catholics in decision-making and ministries and greater space for local innovations and expressions beyond the “Western cultural model”’.⁷³ The report noted also that Archbishop George Pell of Melbourne stated that ‘Catholics had “no right to abandon or reject essential elements of the apostolic tradition” and warned that relaxing the Church’s norms would not increase its growth’.⁷⁴ ‘Compassion cannot be exercised at the cost of objective truth’, Bishop Geoffrey Mayne, the ordinary for the Australian Defence Forces, was reported as saying. ‘We must strive to correct erroneous consciences, especially in those who call themselves ‘Catholic’’.⁷⁵

The second meeting – sometimes called the *ad limina* visit – was a five-yearly gathering between the Pope, the diocesan bishops of Australia and various Vatican officials. ‘For the convenience of the Australian bishops, this year’s visit was held at the same time as the Synod.’⁷⁶ As part of the *ad limina* visit, a third meeting – sometimes called the interdicasterial meeting – was held prior to the Synod (17-20 November 1998): ‘the heads of six of the Vatican Congregations expressed the wish to meet with a representative group of the Australian bishops to discuss certain matters concerning the pastoral situation of the Church in Australia’.⁷⁷ In the documentation that emerged from this meeting, we read that the meeting ‘between

⁷² “John Paul II Throws Down the Gauntlet to Australia’s Bishops,” *AD2000* 12, no. 1 (February 1999): 3.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ ACBC, “Letter From the Australian Bishops to the Catholic people of Australia.”

⁷⁷ Morris, *Benedict, Me and the Cardinals Three*, 18. ACBC, “Letter From the Australian Bishops to the Catholic People of Australia.”

some of the Dicasteries of the Roman Curia and a significant representation of archbishops and bishops from Australia' had been organised 'at the wish of the Holy Father'.⁷⁸ McGillion notes that news of this meeting had been imparted at the Australian Catholic Bishops' Conference by its president, Cardinal Edward Clancy, in April of that year, and that it was not to be made public.⁷⁹

Fifteen Australian bishops met with twelve representatives of the Vatican over a period of four days in the week before the Synod began. From these discussions a Statement of Conclusions was drawn up and signed by Vatican and Australian representatives. In presenting the document to all the Australian bishops during the last days of the Synod Cardinal Joseph Ratzinger described it as "a fair representation of the dialogue that took place during the interdicasterial meeting regarding some of the doctrinal and pastoral issues challenging the Church in Australia".⁸⁰

Michael Gilchrist writes that the future Pope Benedict XVI's 'knowledge of the state of the Church in Australia as Prefect of the Congregation of the Doctrine of the Faith for over 20 years would be unrivalled'.⁸¹

It was from this meeting that the document known as the *Statement of Conclusions* was promulgated, distributed in the first instance three weeks after proceedings to those Australian bishops then in Rome.⁸² It would shortly fuel numerous media reports and be the subject of television news and documentary items, radio programs and even a public meeting at the Sydney Town Hall. ABC's *Four Corners* presenter Andrew Fowler would refer to it as 'a stinging rebuke'.⁸³



In February 1999, *AD2000* published a report on the *Statement of Conclusions* in which it noted that the document 'briefly acknowledged at the outset that there were

⁷⁸ Cardinal Joseph Ratzinger et al., *Statement of Conclusions*, §1, Vatican Website, December 14, 1998, http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20000630_di_chiarazione-vescovi-australiani%20_it.html.

⁷⁹ McGillion, *A Long Way From Rome*, 5.

⁸⁰ ACBC, "Letter From the Australian Bishops to the Catholic People of Australia." McGillion's figures differ slightly: "In all, 13 of the 38 Australian bishops who were in Rome for the Synod of Oceania were party to the dialogue." McGillion, *A Long Way From Rome*, 5.

⁸¹ Gilchrist, *Lost! Australia's Catholics Today*, 120.

⁸² McGillion, *A Long Way From Rome*, 5.

⁸³ Andrew Fowler and Rebecca Latham, "The Vatican's Verdict," *Four Corners*, aired March 8, 1999, ABC TV. Television broadcast transcript. <http://www.abc.net.au/4corners/stories/s20286.htm>.

some positive aspects to the Church of Australia, including the increasing proportion of Catholics in the population’, but that ‘this was dwarfed by what followed—a long list of problems to be tackled, encompassing major areas of Church life’.⁸⁴ One of the areas addressed was that of the Sacrament of Penance, about which the *Statement* made the following remarks:

Individual confession and absolution remains the “sole ordinary means by which one of the faithful who is conscious of grave sin is reconciled with God and with the Church” (canon 960; cf. *Rituale Romanum, Ordo Paenitentiae*, n. 31; canon 960; *Catechism of the Catholic Church* 1484). Energetic efforts are to be made to avoid any risk that this traditional practice of the sacrament of Penance fall into disuse.

The communal celebration of Penance with individual confessions and absolution should be encouraged especially in Advent and Lent, but it cannot be allowed to prevent regular, ready access to the traditional form for all who desire it. Unfortunately, communal celebrations have not infrequently occasioned an illegitimate use of general absolution. This illegitimate use, like other abuses in the administration of the sacrament of Penance, is to be eliminated.

The teaching of the Church is reflected in precise terms in the requirements of the *Code of Canon Law* (cf. esp. canons 959-964). In particular it is clear that “A sufficient necessity is not ... considered to exist when confessors cannot be available merely because of a great gathering of penitents, such as can occur on some major feastday or pilgrimage” (canon 961 §1).

The bishops will exercise renewed vigilance on these matters for the future, aware that departures from the authentic tradition do great wrong to the Church and to individual Catholics.’⁸⁵

The document was signed by six Roman Curia officials, the first signatory being Joseph Cardinal Ratzinger for the Congregation for the Doctrine of the Faith; and six Australian bishops, the first signatory being Edward Cardinal Clancy, President of the Australian Catholic Bishops Conference.⁸⁶

⁸⁴ “John Paul II Throws Down the Gauntlet,” 3.

⁸⁵ Ratzinger et al., *Statement of Conclusions*, §47.

⁸⁶ The Roman Curia officials: Joseph Cardinal Ratzinger, Congregation for the Doctrine of the Faith; Jorge Cardinal Medina Estévez, Congregation for Divine Worship and the Discipline of the Sacraments; Lucas Cardinal Moreira Neves, Congregation for Bishops; Darío Cardinal Castrillón Hoyos, Congregation for Clergy; Eduardo Cardinal Martínez Somalo, Congregation for Institutes of

The response by the Australian Bishops to the *Statement* was varied. On 8 March 1999, as part of the media activity that surrounded the event, the Australian Broadcasting Corporation aired an episode of its programme *Four Corners* looking at ‘the crisis in the Catholic Church—how the Vatican turned against the Church in Australia and why’.⁸⁷ It was entitled ‘The Vatican’s Verdict’ and included interviews with a number of bishops, including Auxiliary Bishop of Canberra and Goulburn, Pat Power:

One of the things that I feel is unfortunate about it, the Statement of Conclusions, is that it will give a lot of ammunition to people that have got a very negative view of the life of the Church here in Australia. And I’m talking here about some of the lay groups, and I’d suggest that they probably supplied Rome with a lot of negative information that gave Rome some quite ungranted, ungrounded fears about what the life of the Church here in Australia is all about.⁸⁸

Archbishop John Bathersby, upon reading the document, ‘was surprised’: ‘I felt sad, disappointed, I felt somewhat depressed’. He continues by stating that ‘[a]fter looking at the document you say yes, terrible disappointment there. But ultimately ... I prayed. I prayed about the document and because I did carry hurt and pain, and then said no, well this is coming from the leader of the Church. I have to take it seriously.’⁸⁹ Archbishop of Melbourne George Pell remarked that the *Statement* was ‘a recognition that we have the capacity to improve our situation. As a result of that Statement of Conclusions, for the foreseeable future the Church in Australia will never be the same again’.⁹⁰

The *Statement* was defended by Bishop Manning of Parramatta in his diocesan paper:

Consecrated Life and for Societies of Apostolic Life; Pio Cardinal Laghi, Congregation for Catholic Education. The Australian bishops: Edward Cardinal Clancy, President of the Australian Catholic Bishops Conference; Most Reverend Barry Hickey, Chairman of the Committee for Liturgy; Most Reverend Brian Heenan, Chairman of the Committee for Clergy and Religious; Most Reverend Michael Putney, Chairman of the Committee for Doctrine and Morals; Most Reverend James Foley, Chairman of the Committee for Education; Most Reverend Edmund Collins, Chairman of the Committee for Evangelization and Missions. For a full list of participants, see http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20000630_dichiarazione-vescovi-australiani%20_It.html.

⁸⁷ Fowler and Latham, “The Vatican’s Verdict.”

⁸⁸ Bishop Pat Power in Fowler and Latham, “The Vatican’s Verdict.”

⁸⁹ Archbishop John Bathersby in Fowler and Latham, “The Vatican’s Verdict.”

⁹⁰ Archbishop George Pell in Fowler and Latham, “The Vatican’s Verdict.”

Since returning from Rome, I have heard people challenge the Statement's claim that there is a crisis of faith in Australia and that the Roman Curia has misread the situation. Let's be quite clear about this: the Statement of Conclusions has the approval of the Australian bishops. The document belongs as much to them, as it does to members of the Roman Curia. The Australian bishops, having signed it, are now doing their best to respond to, and help the discussion about it.⁹¹

Gilchrist notes that a number of dioceses – including the Perth, Melbourne and Parramatta dioceses – published the complete *Statement* in their newspapers.⁹²

In respect particularly of general absolution, Gail Instance recalls that 'most of [the bishops] then fell into line and corrected the abuse', although, 'unfortunately, there were a couple of bishops who publicly dissented from that'.⁹³ The Vatican Congregation for Divine Worship and Discipline of the Sacraments issued a further statement on 19 March 1999, in order to eradicate 'any remaining doubt or confusion regarding this matter'. It stated that 'in spite of repeated clarifications given by the Holy See ... there has been an increasing demand for the indiscriminate use of 'general absolution''.⁹⁴ Nonetheless, there were still areas in which dissent, or at least the intention of dissent, remained. Gilchrist notes that in June, Adelaide's Archbishop Leonard Faulkner stated in a radio interview that he would continue to allow general absolutions within his diocese.

He had earlier issued a set of Pastoral Guidelines for the Celebration of the Sacrament of Penance which seemed at first to indicate Adelaide's commitment to adhere to Church teaching. But in his subsequent radio interview, the archbishop offered a series of "soft" interpretations of "grave necessity" that effectively negated the Pastoral Guidelines. For example, he suggested that if people found the Third Rite "helpful," if there was a "real need," if individual confession would be a "burden," or if there were some "psychological" difficulty in getting to confession, approval would be forthcoming.⁹⁵

⁹¹ Michael Gilchrist, "Negotiating a Crisis," *Catholic World News*, November 23, 2001, <http://www.catholicculture.org/news/features/index.cfm?recnum=20767>. See also Gilchrist's *Lost! Australia's Catholics Today*, 131.

⁹² Gilchrist, *Lost! Australia's Catholics Today*, 131.

⁹³ Instance, "Interview Transcript."

⁹⁴ Vatican Congregation for Divine Worship and Discipline of the Sacraments in Michael Gilchrist, "General Absolution Again," *Catholic World News*, October 25, 2001.

<http://www.catholicculture.org/news/features/index.cfm?recnum=20715>.

⁹⁵ Gilchrist, "General Absolution Again."

In October of that year, a circular emanated from the Archbishop's office addressed to priests of the Adelaide diocese, together with a 'Statement of Clarification' pertaining to his Pastoral Guidelines. Gilchrist notes that this statement was issued not on the Archbishop's own letterhead, but on that of the Vatican Congregation for Divine Worship and Discipline of the Sacraments, as though to indicate to his priests that it was not under his own initiative that he was acting, but under directives from above. The statement, signed by Archbishop Faulkner 'could not have been more explicit'.⁹⁶

It first repeats that priests are to provide "regular scheduled opportunities for confession ... in all parish churches," adding that communal celebrations incorporating opportunities for individual confession could be encouraged at "key moments of the Church's year." The practice of asking penitents to name "just one sin or to name a representative sin" (as has occurred during the communal Second Rite of Reconciliation) was to be "eliminated."⁹⁷

The *AD2000* article 'Adelaide's Pastoral Guidelines on Confession' draws attention to paragraph seven which, it states, is of 'particular significance':

With reference to the stipulation of canon 961 §1, 2 that for 'general absolution' to be justified, one of the conditions to be met is that otherwise the penitent would be deprived of sacramental grace or Holy Communion for a lengthy period of time ('diu' in Latin). Until such time as the Holy See shall decide otherwise, in the Archdiocese of Adelaide that period of time is to be considered as one that exceeds 30 days. At the present time such a circumstance is never realised in this Archdiocese.⁹⁸

The message sent to Australian priests, Gilchrist notes, is a clear one. Yet, within two years, *AD2000* publishes another report pertaining to, if not dissent proper, then intention to dissent from the Statement of Conclusions:

By now the Vatican surely has noted that while most dioceses moved quickly to end the practice of general absolution after the release of the Statement of Conclusions and the accompanying papal admonition, a number of dioceses—notably Adelaide and Ballarat—allowed the practice to continue. The same might have happened in

⁹⁶ Ibid.

⁹⁷ Ibid. See also Gilchrist's *Lost! Australia's Catholics Today*, 126.

⁹⁸ Archbishop Leonard Faulkner in author unknown, "Adelaide's Pastoral Guidelines on Confession," *AD2000* 12, no. 10 (November 1999): 4.

Rockhampton, had not a letter from Bishop Brian Heenan to his priests on Third Rite celebrations found its way to Rome. Bishop Heenan had essentially given his priests the green light to continue using the Third Rite. But when the Vatican responded forcefully to his letter within 48 hours of having received it, the bishop decided to cancel Third Rite celebrations at the last moment.⁹⁹

Meanwhile, in the diocese of Toowoomba, Bishop William Morris had asked his Diocesan Liturgical Commission ‘to look at the needs of our diocese in the light of the liturgical and canon law norms laid down by the Church for the celebration of the Communal Rite with General Absolution’. The Commission ‘found that within Catholicism there had always been a number of explicit ways, other than sacramental penance, in which we could open our lives to the healing and reconciling presence of God’ and that, as pastors, it was ‘our responsibility ... to help the people of God to discover, understand, and celebrate in a variety of ways the many paths to forgiveness’.¹⁰⁰ Further, he notes that

[t]he Diocesan Liturgical Commission came to the conclusion that the Communal Rite with general absolution, as described in the ritual, might be celebrated in parishes where genuine needs existed, in keeping with canonical and liturgical norms. The diocesan bishop should normally be consulted prior to the celebration of this rite, since the law grants him the competence to judge whether the conditions required for general absolution are met. The bishop would remain open to hear of those special cases where moral, pastoral and other reasons would make the celebration of General Absolution a necessary and rightful option. The Commission also concluded that confessors might act in cases of serious necessity without the prior permission of the bishop.¹⁰¹

Bishop Morris notes that ‘the First Rite of Reconciliation was always considered the ordinary and primary rite; communal rites (with individual and general absolution) were always the exception to meet the pastoral needs of the communities and were governed by Canon 961’.¹⁰² On 30 December 1999, he received a letter from the Apostolic Nuncio, Archbishop Francesco Canalini, ‘stating that he had been informed that the sacrament of penance was administered according to the Third Rite

⁹⁹ Gilchrist, “Negotiating a Crisis”. See also Gilchrist, *Lost! Australia’s Catholics Today*, 127-8.

¹⁰⁰ Morris, *Benedict, Me and the Cardinals Three*, 24.

¹⁰¹ *Ibid.*, 29.

¹⁰² *Ibid.*, 33.

in St Patrick's Cathedral on 20 December 1999'.¹⁰³ In the footnote to this, Morris states that '[The Third Rite] is the popular way of speaking of the Communal Rite with general absolution. The Third Rite is a specific rite of its own which was never celebrated in the diocese.' The issue for the Nuncio remained: he questioned whether the guidelines Morris had issued for the celebration of a communal rite 'presented too broad an interpretation', and that 'the Toowoomba guidelines should reflect more accurately the response of the Congregation for Divine Worship and the Discipline of the Sacraments given in its letter of 19 March 1999'.¹⁰⁴ Morris responded that the diocese's guidelines 'fell within the strict (but not restrictive) interpretation of the Church's laws and norms'. After further correspondence and a personal meeting with the Nuncio on 27 June 2001 – during which meeting Morris found Archbishop Canali 'open but quite focussed on a restrictive interpretation of the law' – Morris concluded that the Nuncio 'had no real appreciation of the moral and physical difficulties under which people struggled to receive the sacrament. There was no depth of understanding of the devastating effects that clerical sexual abuse was having on the lives of families and communities throughout Australia, and he did not see it as moral grounds for the celebration of the Communal Rite with general absolution'.¹⁰⁵ Morris's refusal to comply with Vatican requirements in respect of this issue was one of the contributing factors that led to his 'early retirement'.¹⁰⁶

By now, it was apparent that information had made its way to Rome via lay avenues. Morris writes that, 'As history has shown, the Australian bishops were ambushed', and that the 'so-called fraternal exchange of views and proposals [that was the interdicasterial meeting] was really a witch-hunt':

There had been for some time correspondence between a number of disaffected Catholic bodies who were not happy with the direction the Church was taking in Australia. It was believed that members from these conservative bodies had obtained meetings with a number of Roman Dicasteries expressing their opinions and giving a lop-sided view of the Australian Church and misrepresenting the view of the vast majority of the Catholic population in Australia.¹⁰⁷

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid., 34.

¹⁰⁶ Ibid., 191.

¹⁰⁷ Ibid., 18-19.

In paragraph eleven of their letter to the Catholic people of Australia, the Bishops wrote that '[s]ome groups have initiated a deliberate and intrusive surveillance of clergy and liturgical celebrations'.¹⁰⁸ Elsewhere, 'surveillance' was reframed as 'spying', and the campaign participants referred to as 'sneaks', 'spies' and 'dobbers'. Examples of this can be seen in John Cleary's ABC radio program, which was entitled 'Who Spies on the Spies when the Spies are Spying on Us?', and in *The Tablet* where an article by Clifford Longley is entitled 'Licence for Vatican sneaks'.¹⁰⁹ That 'Rome is encouraging and rewarding disgruntled Catholics for their disloyalty to their own bishops', Longley decries as 'a charter for sneaks'.¹¹⁰ The *National Catholic Reporter* quotes Father Peter Robinson from the parish of St Martin of Tours in the Melbourne suburb of Rosanna as referring to the campaign participants as 'bastards' and 'spies and dobbers'; and Chris McGillion in the Jesuit publication *The Way* refers to their activities as 'badgering bishops'.¹¹¹ Paul Hanrahan recalls:

We were accused of being spies and all those things. Spies actually go into the enemy camp and gain information from the enemy. Well, going into a Catholic parish is hardly, you would think, going into the enemy camp. It shouldn't be. And Catholics are entitled to go into any Catholic parish, to any public event, which these things are. So comments like that are just ridiculous, really, and off the cuff and not thought through probably would be the thing. But there was plenty of criticism from the more liberal members of the Church's hierarchy and the clergy, but there was a lot of support for it amongst the more conservatives.¹¹²

¹⁰⁸ ACBC, "Letter From the Australian Bishops to the Catholic People of Australia."

¹⁰⁹ Cleary, "Who Spies on the Spies". Clifford Longley, "Licence for Vatican Sneaks," *The Tablet*, August 28, 1999, 2.

¹¹⁰ Longley, "Licence for Vatican sneaks," 2.

¹¹¹ "Ecclesial Watchdogs Snapping in Australia," *National Catholic Reporter*, 1999.

http://www.natcath.org/NCR_Online/archives2/1999b/052199/052199d.htm. Gary Lockwood, President of the Australian Society for the Studies of Labour History, Adelaide Branch, likewise referenced those who "would go into churches-spy on and tape the sermons of liberal minded priests-record the orthodoxy of services being held and report their findings to the Papal Nuncio and sometimes direct to Rome." Lockwood, "Labor in SA: An Historical Perspective: A Speech Delivered at a Meeting of the Florey Sub-Branch of the ALP, 21/2/11," *Crikey*, April 21, 2011. <http://blogs.crikey.com.au/thestump/2011/04/21/labor-in-sa/>. Chris McGillion, "Sign of the Times Down Under," *The Way* 40, no. 2 (2000): 157.

¹¹² Hanrahan, "Interview Transcript."

Gail Instance recalls that:

[T]here were various nuns and priests who called us ‘spies’. And even within our own ranks there were people who would have nothing to do with this, because they saw it as an abuse: going into a church in order to get evidence for something that was going on that was wrong. They saw that as an abuse. And we didn’t see it that way. We saw: the abuse is going on and it has to be documented.

The idea that they were involved in spying was considered by Paul Brazier as ‘nonsense’: ‘they’re Catholics who have a right to attend the public ceremony taking place’.¹¹³ He notes too that

the people who go there are going in good faith, they’re not spying, they’re attending public ceremonies open to all people, and when they find though that the priest has let them down, they make a careful note. Now it’s been suggested that this somehow is secret police work, that it’s spying. It couldn’t be further from the truth. Think of it this way, John: if people are to make an allegation that a priest has done something wrong, and let’s be clear about it, to interfere with the sacraments, to celebrate them illicitly and even sometimes to simulate the sacraments by celebrating them in such a way that they appear to be celebrated, and they’re not being celebrated at all, that’s a very serious allegation, and it would ill behove somebody to make an inaccurate report of that. And so as anyone who’s responsible ought to, they make a contemporaneous note so they can be just and fair in the report they make, which will be eventually supplied to their bishop in the form of a statutory declaration made under oath. Now if people are going to make statements under oath, they need to be perfectly accurate about what they’re saying.¹¹⁴

Further, and to the consternation of members of the Association and others, the method used to gather information was referred to as ‘un-Australian’ and ‘unchristian’. In an article entitled ‘Tactics Unacceptable to Most Australians’, Andrew Murray SM remarked:

The practices thus described are un-Australian because they directly undermine our democratic and liberal way of doing things. Fundamental freedoms of speech, assembly and action are at the heart of Australian life, and difficulties and conflicts are worked out in the context of these freedoms. In the Church, differences between pastoral judgement and the letter of the liturgical law can also be resolved in the context of freedom and

¹¹³ Brazier in Fowler and Latham, “The Vatican’s Verdict.”

¹¹⁴ Brazier in Cleary, “Who Spies on the Spies?”

discussion. The practices under consideration, however, work on fear and uncertainty, so that while, ironically, their use depends on the freedoms our society offers, their exercise destroys those very same freedoms.

The practices are also unchristian, because again they undermine what it is to be a church. The Church is a communion, and this communion is expressed most strongly in the Eucharist but also in other liturgical celebrations. For people to attend liturgical gatherings for reasons so at odds with the very nature of those gatherings is to disrupt communion and, indeed, to put themselves outside communion.¹¹⁵

Archbishop of Melbourne George Pell presented an alternative view in respect of criticism of those involved in the gathering of information:

Lay people in the church have canonical rights. They might be irritating, you might consider a number of the things they do as unwise, and certainly a lot of people in the Melbourne parishes and certainly a number of the priests, felt affronted by some of the recent activities of this group. But like every group in the church, they are one group amongst many. I've certainly got no ambition to impose any narrow unnecessary orthodoxy on the whole church. I recognise we're a great church and not a sect, but I think with these people, who often feel a bit disenfranchised or alienated, the correct approach is to try to dialogue in charity and with clarity, and see just what we can establish in common. As we used to say, it's not quite cricket, it's not quite the Australian way of doing things, but if a person is engaging in a public activity like I am, people have a right to know what I'm doing and what I'm saying. And as I said to a number of Catholics who were complaining, I said, 'Those Catholic Advocacy people have as much right to criticise you as you have a right to criticise me.'¹¹⁶

Nonetheless, what was difficult for members of the Association and others was that criticism of Brazier and those who assisted him continued, regardless of the fact that the Pope had called for the very same thing to which Brazier and others had been working: that is, for an elimination of the illegitimate use in the administration of the sacrament of Penance, and for the bishops to 'exercise renewed vigilance on these matters for the future, aware that departures from the authentic tradition do great wrong to the Church and to individual Catholics'.¹¹⁷ Michael Baker notes that

¹¹⁵ Andrew Murray SM, *Thinking Things Through: Essays in Philosophy and Christian Faith* (Adelaide, SA: ATF Theology, 2012), 118. The author notes that the essays contained in this collection were first published in *The Catholic Weekly* during the 1990s and early 2000s.

¹¹⁶ Archbishop George Pell in John Cleary, "Who Spies on the Spies?"

¹¹⁷ Ratzinger et al., *Statement of Conclusions*, §45.

Brazier himself was ‘generally unconcerned over criticism’, and that he defended the truths expounded by the Church ‘on innumerable occasions and was never found to be in error by ecclesial authority’.¹¹⁸ Brazier ‘expressed himself as ‘hurt’, however, by Archbishop Pell’s comment over his contribution to the Statement of Conclusions, that Paul acted in a manner ‘un-Australian’’. Baker writes that he had ‘felt this was more a personal issue: Paul had done a great deal for the Cardinal unofficially and he felt that Pell had betrayed Paul’s trust in him in order to show his support for his fellow bishops.’¹¹⁹ He notes elsewhere that while Brazier was ‘[q]uick to give offence, he was equally quick in feeling offence, or what he perceived to be offence, in others and more often than not where no offence had been given’.¹²⁰

For those supporting Paul Brazier, such criticisms were baffling: ‘to call it un-Australian, we’re still wondering, we’re still trying to think: well, how else could it have been done that was fair to everybody. And gave everybody a chance to correct the situation – the bishops anyway – to correct the errors without any public fuss at all. It would never have got to Rome if the bishops concerned had done their job.’¹²¹

Plainly, tensions existed between the Association and certain areas of ecclesial hierarchy. It is not surprising, then, that these tensions may have rendered members of the Association ‘a bit disenfranchised or alienated’, particularly in light of Rome’s positive response.¹²² Perhaps more so than at any other time, the Association’s identity was made clear to all.

On 22 April 1999, Catalyst for Renewal – an organisation dedicated to seeking the renewal of the Catholic Church by means of conversation – organised a panel of speakers to discuss the *Statement of Conclusions* in an event which filled the Sydney Town Hall: Gail Instance recalls that it was a ‘massive crowd’.¹²³

It was all complaining about the Pope interfering and changing this [General Absolution service] that was wonderful, [that] gets people all these chances to have their sins forgiven ... They didn’t like it at all. It was a vicious attack on the Church this night, and

¹¹⁸ Baker, “Interview.”

¹¹⁹ Ibid.

¹²⁰ Michael Baker, “Paul Brazier,” *Super Flumina*, accessed May 21, 2013, http://www.superflumina.org/brazier_tribute.html.

¹²¹ Instance, “Interview Transcript.”

¹²² Archbishop George Pell in John Cleary, “Who Spies on the Spies?”

¹²³ Catalyst for Renewal, “Home,” accessed April 15, 2015, <http://www.catalyst-for-renewal.com.au/>. Instance, “Interview Transcript.”

I suspect most of the people sitting down there with the grey hair, they were nuns in mufti. Because a lot of those trendy nuns weren't happy.¹²⁴

Forum participants included: Mrs Marea Donovan, President of Catalyst for Renewal; Bishop Brian Heenan of Rockhampton; Sister Annette Cunliffe RSC, President of the Conference of Leaders of Religious Institutes; Robert Fitzgerald, Community Services Commissioner for NSW; Father Michael Whelan SM, Executive Director of Catalyst for Renewal; and Bishop Geoffrey Robinson, Auxiliary Bishop of Sydney. Geraldine Doogue, presenter of the ABC religious television program *Compass*, introduced the speakers.¹²⁵ Gilchrist notes that, 'Significantly, the front two rows of seats in the Sydney Town Hall were reserved for personnel of the Catholic Education Office.'¹²⁶

'If the crowd was expecting a close examination of the document,' writes Frank Mobbs, 'then it should have been terribly disappointed':

The *Statement* contains an analysis of the condition of the Church in Australia, plus a series of recommendations, mostly addressed to bishops, priests, and members of religious orders. Neither the analysis of the condition of the Church nor the recommendations for remedying its defects was discussed, other than incidentally. Not a single one of the *Statement's* recommendations was evaluated to see if it were one the Church should follow.¹²⁷

Mobbs presents a critical appraisal of the meeting. In the first instance, he notes that Marea Donovan began by remarking that the *Statement of Conclusions* contained 'some offensive statements', but that she did not indicate what they were. As the first speaker of the evening, Bishop Heenan explained the preparation process of the *Statement*, and said that it reflected 'tensions between the universal Church and the local church'. The audience were 'left to guess where the tensions lay'. Sister Annette Cunliffe was 'disappointed with the *Statement*', and cited as an example paragraph 44 which opens as follows: 'Many bishops in Australia and elsewhere have noted a decline in the sense of sin, stemming from the deeper reality of a crisis

¹²⁴ Instance, "Interview Transcript."

¹²⁵ Gilchrist, *Lost! Australia's Catholics Today*, 129.

¹²⁶ Gilchrist, "Negotiating a Crisis."

¹²⁷ Frank Mobbs, "Sydney Public Forum on 'Statement of Conclusions' a Non-Event," *AD2000* 12, no. 5 (June 1999): 5.

of faith, and having grave repercussions for the sacrament of Penance'.¹²⁸ Sister Cunliffe argued that this was not the case given that the faithful were utilising the First and Second Rites of Reconciliation. Mobbs indicated that he did not consider this a cogent argument: 'One would have thought that the scarcity of penitents, using *any* of the Rites, was proof enough of the diminishing sense of sin.'¹²⁹

Concluding his account, Mobbs stated: 'At the end of the evening, I struggled to account for the prolonged periods of applause. Perhaps the majority were marching to a drum I could not hear. Was it a call to arms to defend the gallant little Australian Church against the encroachments of Rome?'¹³⁰ Instance recalls that those participating in the forum 'were furious with the Pope for having done this! Oh, they were *so* angry ... And, Bishop Robinson was still a bishop in those days. He hadn't retired. And he would have been hauled over the coals in Rome too so he wasn't happy about that *at all*.'¹³¹

Though Mobbs does not refer specifically to mention being made of those who participated in the data collection, Instance recalls that Brazier, present at the meeting that night, 'could feel the hatred':

They hated us to some extent, but not to the extent they hated Paul. They just saw us as—keep us out of the diocese. They didn't want anything to do with us. Paul was a bigger, they saw as a bigger threat. Because he had access to high places. And we were just a mob of lay people who, you know, didn't have any clout in the Diocese. All we could do was reach the people who were willing to listen. But he was, Paul was the threat.¹³²

Georgina Brazier recalls that, in a Queensland parish, the priest had displayed a 'Wanted' poster featuring the face of Paul Brazier.¹³³ *The Tablet* includes a letter from Father Joe Duffy who writes that, in an effort to approach 'these darkest hours' with 'a gentle touch of humour', he had promised his parishioners a 'spycatcher's reward'. He writes that '[a]t our church, we reward anybody in the congregation who detects a spy with a delicious chocolate-coated Mars bar. These tempting treats are

¹²⁸ Ratzinger et al., *Statement of Conclusions*, §44.

¹²⁹ Mobbs, "Sydney Public Forum" 5.

¹³⁰ Ibid.

¹³¹ Instance, "Interview Transcript."

¹³² Ibid., 48.

¹³³ Georgina Brazier notes that her "memory is that that was in Maroochydore." Brazier, "Interview Transcript."

always on the organ console, waiting to be claimed by parish spycatchers'.¹³⁴ Humorous or otherwise, the Brazier family were, nonetheless, concerned 'that things might escalate':

[IV: What do you mean by that?]

GB: Like, you know, there might be some physical retaliation, you know?

[IV: Were you concerned in your home about your family and so forth?]

GB: I was always concerned about my children's safety. I was always very sure I knew exactly where they were always. And it was round that time—there was one time I was out shopping, one of my daughters, Madeleine, was only four and she got separated from me and I was so frightened. But she'd just walked off. It was fine; we found her a while later. But nothing ever actually did happen, but we were always careful, 'cause some people were very, very angry.¹³⁵

In an age when there was tremendous discussion in respect of the role of the laity in the Church, and particularly in respect of creating a space in which the voice of the laity might be heard and responded to, this episode in Sydney's recent ecclesial history is seen by many in the movement as exemplifying a successful outworking of such an intention. Georgina Brazier remarks: 'You know, Rome was always sort of [remote] for Australians; it's mysterious and way over there. And yet there was enough groundswell, enough stuff, that a change happened, you know.'¹³⁶ Yet, at the same time, she notes that 'there were a lot of priests and bishops who felt threatened by that, [that] lay people could effect a change'.¹³⁷

[I]t was a case of where there were a whole lot of other issues. It was seen that the lay people should be making change, like for example getting women priests or something like that. So they're caught in a catch 22 here ... we want this sort of [voice of the lay person]—we don't want this strict sort of hierarchical line of authority, we want the lay people coming in and demanding things happen and then they happen. Well, here is a case where it did, but it wasn't an issue that they wanted, you know.¹³⁸

¹³⁴ Joe Duffy, "Spycatcher's Reward," *The Tablet* 253, no. 8302 (October 2, 1999): 14.

¹³⁵ Brazier, "Interview Transcript."

¹³⁶ *Ibid.*, 20.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*, 20.

Philippa Martyr writes that ‘the techniques used to silence those who complained about sexual abuse were identical to those used to silence those who complained about liturgical and doctrinal abuse’. Furthermore, she writes that ‘[a]ngry, disenfranchised and ostracised Catholics have organised themselves and fought back, producing public relations disasters which could have been avoided by prompt, just and appropriate action when the complaints were first made. The Church authorities who failed to deal with these problems have only themselves to blame for these outcomes.’¹³⁹

This episode in Sydney’s recent ecclesial history is further illustrative of the internal oppositional identity formation of the Association. It represented something of the high-water mark of those currents that flowed out of the debates over *Humanae Vitae* discussed in Chapter Two, and further positioned the Association on the margins of things ecclesial. Plainly, it was not simply a matter that the Association’s identity was forming in opposition to those who favoured abortion, that is, to those outside the Church. As with the Osborne Bill, the Association’s engagement was such that their identity, more and more, was forming – or had formed – in respect of tensions *within* the Church. In the Conclusion we will see how, with the passing of time and with a change in ecclesial hierarchy, certain activities of the Association have become more and more an accepted part of the Catholic Church in Sydney, such that a new question emerges: what happens when that which was on the margins becomes part of the mainstream?

¹³⁹ Philippa Martyr, “Reaping the Whirlwind: Vatican II, Child Abuse and the Catholic Church in Australia,” *Quadrant* (December 2012).
<https://quadrant.org.au/magazine/2012/12/reaping-the-whirlwind/>.

Conclusion

We are on the verge of a new moment in the abortion debate.¹

Charles Camosy, in his recent book *Beyond the Abortion Wars*, observes how in America the resolute distinctions between pro-life and pro-choice may not be as resolute as the mainstream media likes to portray. Among other things, Camosy notes how an increasing number of young people are now expressing pro-life views, and that this, alongside the rise of the Hispanic vote (which, though traditionally for the Democrats, tends to be conservative with respect to the question of abortion), means that in the near future those who occupy positions of power will be more pro-life than those who occupy such positions at the present time.² As such, Camosy calls for a new approach, a less polarising approach, on the part of those who advocate the pro-life position. Though his statistics concerning America may not be comprehensively applicable to an Australian situation, there are certainly similarities, namely in respect of the increasing interest in pro-life matters on the part of Sydney's young people—something to which we will return shortly.³ As interesting as Camosy's work is, it does not discuss polarising issues *within* the pro-life camp, which issues, as we have seen in the course of the present thesis, are often as important as – if not more important than – the polarising issues between pro-life and pro-choice camps. It is a dimension in current discussions on pro-life politics that is routinely overlooked or ignored and Camosy's work is no exception. It might be

¹ Charles C. Camosy, *Beyond the Abortion Wars: A Way Forward for a New Generation* (Grand Rapids, MI: Wm. B. Eerdmans, 2015), 14.

² *Ibid.*, 3-4, 36, 37.

³ On new currents in the abortion debate in Australia see Marcia Riordan, "Moving Beyond the Polarised Debate on Abortion: The Way of the Future," in *Common Ground? Seeking an Australian Consensus on Abortion and Sex Education*, ed. John Fleming and Nicholas Tonti-Filippini (Strathfield, NSW: St Pauls Publications, 2007), 198-214.

argued that it is exactly the issue of internal tensions that could put paid to Camosy's hopes for a less polarising debate.

The problem can be put like this: what Camosy may consider a wise and tactical move on the part of the pro-life movement generally – that is, of taking a less polarising approach – could well be seen by a significant percentage of the movement as the very reverse: as being instead expressive of a deadly compromise. As we have seen, it has been, more often than not, the very issue of tactics and the varying interpretations of what comprises a judicious approach that has led to the increasingly oppositional identity behind the formation of the Association.

In the American literature, the term 'abortion wars' is not uncommon, usually – if not always – denoting the battle between the pro-life and the pro-choice camps. What we have seen here in Australia, however, is that the 'abortion wars' find their battle field not only in the world outside the Church, but in the world within the Church as well.

The present thesis has attempted to trace the historical trajectory of the Association, commencing with the locating of the organisation within the continuity of the teaching of the Catholic Church and within, too, the continuity expressed in the relationship between eugenics, contraception, abortion, euthanasia, and gender ideology that for many on both the Left and the Right has come to define the project proper of modernity. With Chapter Two commencing the Australian history proper, we traced the beginning of the modern Catholic pro-life movement, and saw that it developed not just in response to 'the world', but in response to certain voices within the Church that seemed willing to compromise the teaching of the Church in respect of contraception. In Chapter Three, we saw aspects of the Sydney pro-life movement beginning to define themselves as specifically Catholic and religious, in contradistinction to those who wanted to take a more secular and 'human rights' approach. In Chapter Four, with the beginning of the Association proper, the organisation became more defined in its Catholicity by way of its plugging into the international Catholic pro-life organisation Human Life International. In Chapter Five, the Association identified what was already known or suspected: that the Labor Party was no longer a 'Catholic' party, or a predominantly Catholic party, and was less and less sympathetic to Catholic teaching on matters to do with abortion. In Chapter Six, in respect of the Osborne Bill, divisions formed over the question of political tactics and compromises. Finally, in Chapter Seven, the Association became

unofficially identified with a lay activist movement that sought to put a stop to what they viewed as being the abuse of the Sacrament of Reconciliation, a move that further alienated them from many in the Church. It is here that the high-water mark of an identity informed by an opposition to others within the camp was reached.

The conclusion, as has already been noted, is that contrary to what many might think, the Catholic pro-life movement here in Sydney – the Association in particular – has had its identity formed not solely, and perhaps not most importantly, by forces external to the Church. It may be said that this conclusion downplays the influence of external forces, forces not apparent to this researcher. This may be a valid point, one to which we will return below. However, recalling our first chapter on method, what is of great importance here is that the above thesis arises from those involved in the history of the Association itself. It thus represents what might be called the historical consciousness of those within the movement. It might be predicted that with the writing of the present thesis, the argument herein will come to be the dominant one insofar as it gains for itself what might be called an official, because scholarly, imprimatur. This, of course, is a problem confronting every history – oral or otherwise – inasmuch that it is in the recording of such that the narrative becomes fixed and possibly skewed, but skewed in an authoritative way making any error all the more difficult to dislodge. As was mentioned in the chapter on method, the only thing an historian can do, especially when they are writing the first history proper of a movement or organisation, is to make their narrative and thereby their argument plain, so that future historians might clearly know what it is that they might feel the need to critique.

There is something else we need to touch upon in reference to Camosy's argument: although we might not agree with his answer to the opportunities offered by the new cultural politics, we can still agree that here too in Australia, and in Sydney in particular, there *has* been a distinct and significant change in terms of the culture of Catholic politics. And it is this that suggests that profound changes might be on the horizon for the Association. If it is true that the Association has come to form its identity by way of opposition, then what would it look like if it is less and less in opposition to mainstream forces in the Church? That is, if its identity were no longer defined by internal ecclesiastical opposition?

It is possible that such a question is beginning to be answered. After the arrival in Sydney in 2001 of Archbishop Pell, the tone within the Archdiocese shifted

notably, even radically. Whether or not one thinks this to be good or to be bad – the soon to be Cardinal would provoke both great loyalty and great antagonism – all would agree that the landscape has changed. This change is to be observed in developments such as an increased accent on vocations matched by a rise in the number of seminarians, the hosting of World Youth Day in 2008, the opening of The University of Notre Dame Australia’s Sydney campuses, the establishment of Campion College – a Catholic liberal arts institute – in the Parramatta diocese, and the rise in popularity of the doctrinally conservative Catholic Adult Education College based in Lidcombe. Allied to these have been the establishment of the prominent pro-life initiatives 40 Days for Life and the Day of the Unborn Child (DOTUC), both of which have drawn steady numbers of participants and which have been supported by the ecclesiastical hierarchy: St Mary’s Cathedral hosts the DOTUC Mass, and bishops lead prayerful street processions for both events. The Association has been the primary organiser of both of these pro-life initiatives.⁴

Further, the shift in the landscape has, more and more, expressed itself in the number of younger people engaging in pro-life activity, which activity includes the Helpers’ vigils, though this does fluctuate. Campion College in particular has, at different times, been a source of young people seeking to participate in the prayerful presence outside of the abortion facilities. Notably, in 2012 and under the presidency of Rebecca Elias, Sydney University students ‘made history’ with the founding of LifeChoice Sydney, ‘the nation’s only official student pro-life society’.⁵

It would seem, then, that the Association no longer finds itself as much on the margins of the Church as it has in the past. So, what happens when an organisation formed largely by way of opposition to others in the Church becomes – to greater and lesser degrees – more acceptable? What happens when a group that was once very much opposed is now far more accepted? Such speculation did not emerge in the course of the oral history interviews and, therefore, is not part of the present history. As far as I can tell, this subject is not part of the consciousness of members of the Association at this time.

⁴ 40 Days for Life commenced in Sydney in 2010, though was not run in 2016 for reasons less to do with a lack of interest as a lack of time in which to organise it, coming as it did at the end of a busy period for FLI.

⁵ Catholic Communications, “Freedom of Speech Means Both Sides of Abortion Debate Need to be Heard,” *Sydney Archdiocese*, June 12, 2012, https://www.sydneycatholic.org/news/latest_news/2012/2012612_1011.shtml.

It might be argued, then, that the present thesis is located at the nexus of change, and may indeed *be an agent of that change*. As we saw in the introduction, oral history can be the means by which history is fashioned, empowering as it does the interviewees – especially those excluded by traditional histories – by means of providing them with a sense of identity and agency, such that the oral history project becomes a part of the shaping of history, becomes a means by which a people in fact *make history*.

On a meta-level, it could be said that what happens with an oral history is that the recording of it essentially fixes what otherwise might be ever changing. Indeed, in the case of the present thesis, the very fact of the writing of it and of having it possibly gain official recognition could render the subjects therein more acceptable than they might otherwise have been. In other words, this work itself could be said to represent something of a change in climate, although it ought to be stressed that this was not intention of the researcher.



In our first chapter we dealt with the eternally vexed question of method, and having traversed many of the major issues attendant upon that subject, that is in respect of the writing of an oral history, we concluded with a qualified nod to Grounded Theory. The major principle we assented to was that the theory attendant upon a study must be generated from that study itself, from the data that arises in the course of the research.

What theory, then, emerges from the data collated and studied? In reflecting on the issue of theory it is often the case that what is absent is more important than what is present, if only because in tracing what is absent we see what is present in a new light. In this respect we are brought back to the beginning, to the very issue that prompted this work: that is, to the fact that there is little if any study on the pro-life movement in academia, especially in respect of its history. As mentioned in the Introduction, the contentious and sometimes decisive role that the movement plays in contemporary politics would seem to suggest that there should in fact be multiple histories of the movement. But there are not. What, then, is the cause of such an absence? Why this blind spot?

This lack of history is especially telling in that, as was noted in the Introduction, the creation of a history is often a major step towards the empowerment of a people or a movement which was previously ignored or simply whited-out from ‘serious’ research. It is as if, in ignoring a movement, the movement is rendered devoid of a history, without which it will slip into oblivion. It will have been effectively excluded from the dominant and valorised discourse of our culture, which discourse more often than not is found within the academy.

But another absence begins to make itself known, that of histories written by those within the movement itself. Why have only such a very few histories of this nature been written? Such a question, such a point of reflection, prompts the emergence of our theory, provoking as it does yet more questions: is the lack of histories written by those in the movement itself an expression of the dominant ideology and its values? Have those within the movement, without realising it, introjected the values of the dominant culture, such that these values, in a way, become their own—even when these values have worked to their detriment, even when they have worked to render them invisible? Yet we have seen that those involved have been far from invisible, have been far from passive and docile actors. Rather, they have been active agents, setting themselves again and again in opposition to the influence of external forces upon the teachings and practice of the Church; setting themselves, too, it could be said, against modernity itself! For their pains, they have been the subject of pillorying, more so from within the Church than from outside of it. And yet, for all of this and in all of the interviews done, in all of the discussions both on and off the record, none of the respondents even faintly hinted at the need for a critical theory by which the influence of the dominant culture’s ideology might be traced out in all its structural subtleties. Such a tracing out, one might expect, would include the way in which this ideology can shape the thinking of those within the Church, those whom one might have expected to be resolutely opposed to this ideology. Such a tracing in turn would work to explain why it was that the Association was opposed by those they might have expected to be allies.

The questions that have emerged – why this absence of pro-life histories within either Catholic or secular academia? why this absence within the Catholic pro-life movement itself? why this absence of a theory of ideology arising from the movement? – can all, of course, be asked in a similar form of most excluded groups

and movements. For this reason the theory generated by the present thesis will have more than a particular reference. It can serve to highlight what is a very important issue that has arisen in the field of oral history. This is to the effect that, in giving a voice to those who previously had no voice in the dominant discourse, the next stage in the identity formation of these people is for them to develop an ideological critique that answers to their own particular history. And it might begin by asking why it is they had not wondered at *the lack* of a history of their own written by their own? These are, of course, questions that arise in what has been grouped under ‘post-colonial theory’—but what is being asked for here is something that applies to those excluded groups *within* their own cultures or nations or church.

The above should not come as a surprise, given what was noted in the introduction concerning oral history: that is, that the creation of the narrative of the history of an excluded group is itself an act of empowerment, such that a greater sense of historical agency develops. Such a sense of historical agency gives to the group an awareness of the manner in which ideology had worked to form them. Historical agency, it could be said, will always be attended by the growth of critical reflection. As noted earlier, the present thesis, it could be said, has itself become part of this very process; it is itself expressive of a theory that is even now being generated from the data consequent on this research.

In his engagement with Karl Popper’s critique of the social sciences, Jürgen Habermas tries for a rapport of sorts between the philosopher and those sciences. He acknowledges that a major component of the problem is that ‘experience leads one to suspect that in sociology there is an unexpressed relationship between the categorial framework of general theories and a guiding preunderstanding of the overall contemporary situation’.⁶ Habermas’s book is an attempt to answer to this problem as, of course, was Popper’s. Although he does not reference it, Habermas ends his book on a note that would not be out of place in *Grounded Theory*: ‘A history has a beginning and an end ... The end can only be anticipated through the experience of reflection, from a point of view specific to a given situation. For this reason, the framework of a general interpretation, however saturated it may be with prior hermeneutic experience and however much it may have been confirmed in individual

⁶ Jürgen Habermas, *On the Logic of the Social Sciences*, trans. Shierry Weber Nicholsen and Jerry A. Stark (Cambridge, UK: Polity Press, 1988), 40.

interpretations, retains a hypothetical moment.’⁷ That is, we can only end by way of reflection within, and out of, that situation in which our research has taken place. This reflection and its theoretical findings can only ever have a contingent existence insofar as it is a hypothesis, and one that is to be tested by future historians. And it is exactly here that we can see something of the most important point of this conclusion to the present thesis, and it is this: that now there *is* a history that *can* be the subject of hypotheses.

⁷ Ibid., 189.

Appendix: HREC unconditional approval letter



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29 October 2012

Ms Jocelyn Hedley
School of Arts and Sciences
The University of Notre Dame Australia
Sydney Campus

Reference Number: 012045S

Dear Jocelyn,

I am writing to you in regards to your Low Risk Application for Ethics Clearance for your proposed research, to be undertaken as a student project at The University of Notre Dame Australia. The title of the project is: "*A history of the Catholic pro-life movement in Sydney.*"

Your proposal has been reviewed by the University's Human Research Ethics Committee, and based on the information provided has been assessed as meeting all the requirements as mentioned in the *National Statement on Ethical Conduct in Human Research* (2007). I am therefore pleased to advise that ethical clearance has been granted for this proposed study.

All research projects are approved subject to standard conditions of approval. Please read the attached document for details of these conditions.

On behalf of the Human Research Ethics Committee, I wish you well with what promises to be a most interesting and valuable study.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Giles'.

Dr Natalie Giles
Executive Officer, Human Research Ethics Committee
Research Office

cc: A/Prof Steven Lovell-Jones, Supervisor, School of Arts and Sciences Sydney;
Dr John Rees, SRC Chair, School of Arts and Sciences Sydney.

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